



# Federal Register

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**Monday,  
December 13, 2004**

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**Part XV**

**Department of  
Transportation**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF TRANSPORTATION (DOT)

## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## 14 CFR Chs. I-III

## 23 CFR Chs. I-III

## 33 CFR Chs. I and IV

## 46 CFR Chs. I-III

## 48 CFR Ch. 12

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

[OST Docket 99-5129]

Department Regulatory Agenda;  
Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

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

## FOR FURTHER INFORMATION CONTACT:

*General*

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

*Specific*

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

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

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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 June 28, 2004 (69 FR 37844). The next one is scheduled for publication in the **Federal Register** in April 2005.

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>.

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 fall 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; (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

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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. We are undertaking a significant review for 2005 of where revisions, improvements, or sunsets are appropriate on DOT rules, and invite public comments as to this topic.

#### Regulatory Flexibility Act

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

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

#### Federalism

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

#### Purpose

The Department is publishing this regulatory agenda in the **Federal**

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

Issued in Washington, DC, on November 16, 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.

#### *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

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

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

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

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

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

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

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

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

BTS — Robert Monniere SW., Room 3105, 400 Seventh Street SW., Washington, DC 20590; telephone: (202) 366-5498.

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

**Appendix C - Public Rulemaking Dockets**

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

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

**Appendix D - Review Plans for Section 610 and Other Requirements**

Part I - The Plan

*General*

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866 (Regulatory Planning and Review) and section 610 of the Regulatory Flexibility Act to conduct such reviews. This will include the use of plain language techniques in new rules and 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. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews are in accordance with section 610 of the Regulatory Flexibility Act.

*Other Review Plan(s)*

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

*Changes to the Review Plan*

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may

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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 begun a 5-year analysis and review of its regulations to eliminate duplication and unnecessary requirements and to clarify rules to help small businesses comply. The agency's 5-year review plan coincides with the Department's 10-year schedule for meeting Section 610 requirements.

*FTA*

FTA will undertake an analysis and review of its regulations to eliminate duplication and unnecessary requirements, to update and clarify its rules, and to bring them into conformity with the next statutory reauthorization.

**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 Government-wide list of section 610 reviews can be located in an index at the end of the Agenda. For further information on the pending reviews, see the Agenda entries.

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

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

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

| Year | Regulations To Be Reviewed   | Analysis Year | Review Year |
|------|--|---------------|-------------|
| 8    | 49 CFR parts 17 through 28 .....   | 2005          | 2006        |
| 9    | 49 CFR parts 29 through 39 and parts 41 through 89 .....                                     | 2006          | 2007        |
| 10   | 49 CFR parts 91 through 99, 48 CFR parts 1201 through 1253, and new parts and subparts ..... | 2007          | 2008        |

**Year 3 (2000) List of rules analyzed and a summary of the results**

14 CFR part 240 — Inspection of accounts and property

- Section 610: There is no SEIOSNOSE. The rule does not have any independent impact on small entities and primarily deals with internal agency procedure.
- Plain Language: OST's plain language review of this rule indicates a need for substantial revision because of out-of-date references to the Civil Aeronautics Board, its offices, and related statutes.
- General: This rule deals with the credentials used by "special agents" and auditors, "who have authority under statute to inspect accounts and property of air carriers, foreign air carriers and ticket agents. The rule has not been substantially updated since 1975.

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

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

- Section 610: This rule applies to small entities, but does not result in a substantial economic impact because it is procedural in nature.
- Plain Language: OST's plain language review of this rule indicates no need for substantial revision. The rule was last substantially revised in 2000.
- General: This rule sets for the rules of conduct for parties and DOT officials in aviation economic and enforcement proceedings.

14 CFR part 314 — Employee protection program

- Section 610: There is no SEIOSNOSE. This rule does not apply to a significant number of small entities.
- Plain Language: DOT plans to remove this part to reflect the elimination of the underlying statutory authority for the program.
- General: This rule implements a provision of the Airline Deregulation Act of 1978 that established an employee protection program. The rule sets forth procedures for DOT to determine whether a qualifying bankruptcy or a major contraction of an air carriers has occurred as a result of the Airline Deregulation Act. Congress repealed the program effective August 7, 1998. Since then, DOT has lacked a statutory basis for action in this area.

14 CFR part 330 — Procedures for compensation of air carriers

- Section 610: This rule has had a SEIOSNOSE. Under the rule, many small air carriers received compensation for losses incurred as a result of the terrorist attacks of September 11, 2001. DOT created a small carrier set-aside to provide expedited procedures and compensation for small air carriers.
- Plain Language: OST's plain language review of this rule indicates no need for substantial revision. The rule was last revised in 2002.
- General: This rule establishes procedures to compensate air carriers for specified losses incurred as a result of the terrorist attacks of September 11, 2001.

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

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

- Section 610: There is no SEIOSNOSE. This rule does not apply to a significant number of small entities.
- Plain Language: OST's plain language review of this rule indicates no need for substantial revision. The rule was last substantially updated in 1997.
- General: This rule states DOT's responsibility to enforce air carrier and foreign air carrier compliance with specified provision of the Consumer Credit Protection Act and Regulations B and Z of the Board of Governors of the Federal Reserve System. As a result, air carriers and foreign air carriers must meet certain standards when engaging in consumer credit transactions or be subject to civil penalties.

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

- Section 610: There is no SEIOSNOSE. This rule does not apply to a significant number of small entities.
- Plain Language: OST's plain language review of this rule indicates a need for revision to eliminate some outdated references to the Civil Aeronautics Board and to clarify the rule generally. The rule was last revised in 1995.
- General: This rule regulates the extension of credit by air carriers to candidates for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election to office.

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

- 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 rule was last revised in 1986. We are currently in the process of proposing revisions to streamline certain aspects of the rule.

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

- 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 rule was last revised in 2000. If additional updates become desirable, changes will be proposed

14 CFR part 380 - Public Charters

- Section 610: No SEIOSNSE. This regulation does not have a significant impact on a substantial number of small entities.
- Plain Language: This regulation was totally revised in 1998 to simplify wording and reduce requirements for the applicants.
- General: This regulation requires Public Charter applicants to provide protection for their participant's funds and expectations.

14 CFR part 381 - Special Event Tours

- Section 610: No SEIOSNSE. This regulation does not have a significant impact on the substantial number of small entities.
- Plain Language: This regulation was revised in 1994, was written in plain language and contains no confusing or wordy language.
- General: This Part provides addition protection for participants attending sporting, social, religious, cultural or political events as Public Charters.

14 CFR part 389 - Fees and charges for special services

- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain Language: We are reviewing this section to identify wordy or confusing language and will make appropriate revisions.
- General: Since this part has not been revised for a number of years, we will be eliminating some outdated and unnecessary sections and updating others.

14 CFR part 398 - Guidelines for individual determinations of basic essential air service

- Section 610: No SEIOSNOSE. The rule does not have an economic impact on a substantial number of small communities.
- Plain language: Where confusing or wordy language is identified, we will make revisions
- General: This section has not been revised since 1995. We will update consistent with current practice and propose streamlining by eliminating some outdated and unnecessary sections.

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

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

14 CFR part 383 — Civil penalties

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

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

14 CFR part 399 — Statements of general policy

49 CFR part 1 — Organization and delegation of powers and duties

49 CFR part 3 — Official seal

49 CFR part 5— Rulemaking procedures

49 CFR part 6— Implementation of Equal Access to Justice Act in agency proceedings

49 CFR part 7— Public availability of information

49 CFR part 8— Classified information: Classification/declassification/access

49 CFR part 9— Testimony of employees of the Department and production of records in legal proceedings

49 CFR part 10— Maintenance of and access to records pertaining to individuals

49 CFR part 11— Protection of human subjects

**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

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

- 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

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

**Year 7 (Fall 2004) List of rules scheduled to be analyzed during the next year (Due to limited resources the analysis of these rules will be delayed)**

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

FEDERAL HIGHWAY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

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

**Year 6 (Fall 2003) List of Rules analyzed and summary of the results**

23 CFR part 500 — Management and Monitoring Systems

- Section 610: No SEIOSNOSE. These rules apply primarily to State transportation agencies and have no significant impact on small entities.
- Plain Language: While FHWA's plain language review of this regulation indicates no need for substantial revision, the statutory basis for this regulation has been amended and, as such, the FHWA is considering revising the regulation.

**Year 7 (Fall 2004) List of Rule(s) that will be analyzed during the next year**

- 23 CFR part 620 — Engineering
- 23 CFR part 625 — Design Standards for Highways
- 23 CFR part 626 — Pavement Policy
- 23 CFR part 627 — Value Engineering
- 23 CFR part 630 — Preconstruction Procedures
- 23 CFR part 633 — Required Contract Provisions
- 23 CFR part 635 — Construction and Maintenance
- 23 CFR part 636 — Design-Build Contracting
- 23 CFR part 637 — Construction Inspection and Approval
- 23 CFR part 640 — Certification acceptance
- 23 CFR part 645 — Utilities
- 23 CFR part 646 — Railroads
- 23 CFR part 650 — Bridges, Structures, and Hydraulics
- 23 CFR part 652 — Pedestrian and Bicycle Accommodations and Projects
- 23 CFR part 655 — Traffic Operations
- 23 CFR part 656 — Carpool and Vanpool Projects
- 23 CFR part 658 — Truck size and weight, route designations—length, width and weight limitations
- 23 CFR part 660 — Special Programs (Direct Federal)
- 23 CFR part 661 — Indian Reservation Roads
- 23 CFR part 668 — Emergency Relief Program

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23 CFR part 669 — Enforcement of Heavy Vehicle Use Tax  
Federal-Aid Highway Program

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-aid highway program.

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

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

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

**Year 6 (Fall 2004) List of rules analyzed and a summary of the results**

## 49 CFR part 372 - Subpart A — Exemptions

- Section 610: No SEIOSNOSE. These rules have no significant economic impact on a substantial number of small entities because they identify certain transportation exempt from economic regulation.
- Plain Language: This subpart is easy to read and understand; therefore, no rewrite is currently planned.
- General: This subpart contains provisions designed to reduce the economic impact on small entities.

## 49 CFR part 381 — Waivers, Exemptions and Pilot Programs

- Section 610: No SEIOSNOSE. These rules have no significant economic impact on a substantial number of small entities because they explain the requirements and procedures for submitting and handling requests for waivers and applications for exemptions and the initiation and administration of pilot programs.
- Plain Language: These rules were very clearly written.
- General: FMCSA adopted as final interim regulations in part 381 in 2004.

## 49 CFR part 386 — Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings

- Section 610: No SEIOSNOSE. These rules have no significant economic impact on a substantial number of small entities because they are procedural rules that apply in agency administrative enforcement proceedings for violations of the motor carrier safety regulations and the economic regulations.
- Plain Language: Where confusing or wordy language is identified, we will make revisions.
- General: FMCSA published a supplemental NPRM proposing revisions to part 386 in 2004.

## 49 CFR part 388 — Cooperative Agreements with States

- Section 610: No SEIOSNOSE. These regulations have no significant economic impact on a substantial number of small entities because they apply to States that are not small entities and govern how the agency enters into cooperative agreements with States.
- Plain Language: The text is clear and well organized; therefore, no rewrite is currently planned.
- General: Participation in these procedures is voluntary.

## 49 CFR part 389 — Rulemaking Procedures—Federal Motor Carrier Safety Regulations

- Section 610: No SEIOSNOSE. These regulations have no significant economic impact on a substantial number of small entities because they merely describe the agency's rulemaking procedures. Participation in these agency procedures is voluntary.
- Plain Language: The text is clear and well organized; therefore, no rewrite is currently planned.
- General: Participation in these procedures is voluntary.

**Year 7 (Fall 2005) List of rules to be analyzed during the next year**

## 49 CFR part 325 — Compliance with interstate motor carrier noise emission standards

## 49 CFR part 350 — Commercial motor carrier safety assistance program

49 CFR part 355 — Compatibility of State laws and regulations affecting interstate motor  
• carrier operations

## 49 CFR part 382 — Controlled substances and alcohol use and testing

DOT

- 49 CFR part 383 — Commercial driver’s license standards; requirements and penalties
- 49 CFR part 384 — State compliance with commercial driver’s license program
- 49 CFR part 385 — Safety Fitness Procedures
- 49 CFR part 390 — Federal motor carrier safety regulations; general
- 49 CFR part 391 — Qualifications of drivers
- 49 CFR part 392 — Driving of commercial motor vehicles
- 49 CFR part 393 — Parts and accessories necessary for safety operation
- 49 CFR part 396 — Inspection, repair, and maintenance
- 49 CFR part 397 — Transportation of hazardous materials; driving and parking rules
- 49 CFR part 398 — Transportation of migrant workers
- 49 CFR part 399 — Employee safety and health standards

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 571.111 — Rearview mirrors
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 571.112 — [Reserved]
- 49 CFR part 571.113 — Hood latch system
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 571.114 — Theft protection
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 571.115 — [Reserved]
- 49 CFR part 571.116 — Motor vehicle brake fluids
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 571.117 — Retreaded pneumatic tires
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 571.118 — Power-operated window, partition, and roof panel systems
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 571.119 — New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
  - Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.
- 49 CFR part 571.120 — Tire selection and rims for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds)
  - Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.

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**DOT**

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- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.121 — Air brake systems
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.122 — Motorcycle brake systems
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.123 — Motorcycle controls and displays
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.124 — Accelerator control systems
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.125 — Warning devices
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.126 — 571.128 — [Reserved]
- 49 CFR part 571.129 — New non-pneumatic tires for passenger cars
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is revised using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 580 — Odometer disclosure requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 581 — Bumper standards
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 582 — Insurance cost information regulation
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 583 — Automobile parts content labeling
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 585 — Advanced air bag phase-in reporting requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 586 — Side impact phase-in reporting requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 587 — Deformable barriers
- Section 610: No SEIOSNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 588 — Child restraint systems recordkeeping requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- Year 6 (Fall 2003) List of rules analyzed and a summary of the results**
- 49 CFR part 571.201 — Occupant protection in interior impact
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.202 — Head restraints

**DOT**

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.203 — Impact protection for the driver from the steering control system
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.204 — Steering control rearward displacement
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.205 — Glazing materials
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.206 — Door locks and door retention components
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.207 — Seating systems
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.208 — Occupant crash protection
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.209 — Seat belt assemblies
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.210 — Seat belt assembly anchorages
- Section 610: No SEIOSNOSE. No small entities are affected.
- Plain Language: This rule is being amended using plain language techniques. Where confusing or wordy language has been identified, we will make revisions.  
49 CFR part 571.211 — [Reserved]
- 49 CFR part 571.212 — Windshield mounting
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.

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

- 49 CFR parts 571.214 — Side impact protection
- 49 CFR parts 571.215 — [Reserved]
- 49 CFR parts 571.216 — Roof crush resistance
- 49 CFR parts 571.218 — Motorcycle helmets
- 49 CFR parts 571.219 — Windshield zone intrusion

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

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

**DOT**

**Year 6 (Fall 2004) List of Rules analyzed and a summary of the results**

49 CFR part 216 — Special Notice and Emergency Order Procedures: Railroad Track, Locomotive and Equipment

- Section 610: There is no SEIOSNOSE. The rule only applies when a railroad freight car is not in conformity with the FRA Freight Car Safety Standards; when a locomotive is not safe to operate; when railroad passenger equipment is not in conformity with the FRA Passenger Equipment Safety Standards; or when track does not comply with the requirements for the class at which it is being operated. Since the promulgation of the rule in 1976, a total of 23 Emergency Orders to remove track from service have been issued, only two of which were for small railroads. After making the necessary repairs and receiving FRA's certification of safety, these railroads resumed operations. Also, since the smaller railroads normally do not operate in speed ranges above what is established by the FRA for Class I track, small railroads rarely receive Special Notices for Repairs related to track class.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule deals with Special Notices for Repairs of railroad freight cars, locomotives, passenger equipment and track class, and provides for the issuance and review of Emergency Orders for removing dangerously substandard track from service, it provides safety and protection for railroad employees and the public.

49 CFR part 228 — Hours of Service of Railroad Employees

- Section 610: There is no SEIOSNOSE. Since small railroads may extend their employee service hours, on a limited basis, up to a total of 16 hours worked in any 24-hour period, this rule will not create any disproportionate economic burden.
- Plain Language: FRA's plain language review of this rule indicates no need for substantial revision.
- General: Since the rule prescribes reporting and record keeping requirements with respect to the hours of service of each railroad employee and establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters, it promotes the safety of railroad operations and employees.

49 CFR part 229 — Railroad Locomotive Safety Standards

- Section 610: There is a SEIOSNOSE. These are minimum Federal standards for railroad locomotive safety. The FRA will conduct a formal review to identify whether opportunities exist to reduce the burden on small railroads without compromising safety standards.
- Plain Language: FRA's plain language review of this rule indicates that there is no need for substantial revision.
- General: Since the rule prescribes minimum Federal safety standards for all locomotives except those propelled by steam power, these regulations are necessary to achieve effective and improved compliance with railroad locomotive safety standards, and to minimize casualties.

**Year 7 (Fall 2005) List of Rules that will be analyzed during the next year**

49 CFR part 223 — Safety glazing regulations

49 CFR part 233 — Signal system reporting regulations

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

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

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

49 CFR part 601 — Organization, Function, and Procedures

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

**MARITIME ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS**

| Year | Regulations To Be Reviewed         | Analysis Year | Review Year |
|------|------------------------------------|---------------|-------------|
| 1    | 46 CFR parts 201 through 207 ..... | 1998          | 1999        |
| 2    | 46 CFR parts 221 through 232 ..... | 1999          | 2000        |
| 3    | 46 CFR parts 249 through 295 ..... | 2000          | 2001        |
| 4    | 46 CFR part 298 .....              | 2001          | 2002        |
| 5    | 46 CFR parts 307 through 310 ..... | 2002          | 2003        |

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MARITIME ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

| Year | Regulations To Be Reviewed         | Analysis Year | Review Year |
|------|------------------------------------|---------------|-------------|
| 6    | 46 CFR parts 315 through 339 ..... | 2003          | 2004        |
| 7    | 46 CFR parts 340 and 347 .....     | 2004          | 2005        |
| 8    | 46 CFR parts 349 through 380 ..... | 2005          | 2006        |
| 9    | 46 CFR parts 381 through 387 ..... | 2006          | 2007        |
| 10   | 46 CFR parts 390 through 391 ..... | 2007          | 2008        |

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

46 CFR part 315 — Agency agreements and appointment of agents

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

46 CFR part 317 — Bonding of ship's personnel

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

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

- 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 changes when necessary.

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

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

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

- Section 610: No SEISNOSE. The rule does not have a significant economic impact on a substantial number of small entities.
- 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 changes when necessary.

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

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

46 CFR part 328 — Slop chests

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

46 CFR part 329 — Voyage data

- 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 changes when necessary.

46 CFR part 330 — Launch services

- 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 changes when necessary.

46 CFR part 332 — Repatriation of seamen

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

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- 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 changes when necessary.
- 46 CFR part 335 — Authority and responsibility of general agents to undertake emergency repairs in foreign ports
- 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 changes when necessary.
- 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 for the account of the National Shipping Authority under general agency agreement
- 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 changes when necessary.
- 46 CFR part 337 — General agent's responsibility in connection with foreign repair custom's entries
- 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 changes when necessary.
- 46 CFR part 338 — Procedure for accomplishment of vessel repairs under National Shipping Authority master lump sum repair contract - NSA-LUMPSUMREP
- 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 changes when necessary.
- 46 CFR part 339 — Procedure for accomplishment of ship repairs under National Shipping Authority individual minor repairs — NSA-WORKSMALREP
- Section 610: No SEISNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: Where confusing or wordy language has been identified, we will make revisions.
- General: We will continue to review these regulations and make changes when necessary.

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

- 46 CFR part 340 — Priority use and allocation of shipping services, containers and chassis, and port facilities and services for national security and national defense related operations
- 46 CFR part 345 — Restrictions upon the transfer or change in use or in terms governing utilization of port facilities
- 46 CFR part 346 — Federal port controllers
- 46 CFR part 347 — Operating contract

**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        |
| 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        |

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**Year 6 (Fall 2003) List of rules analyzed and a summary of results****Note 1: 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

- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport explosive materials in commerce. 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 explosive materials in commerce. 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 explosive materials in commerce. 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 explosive materials in commerce. 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

- Section 610: No SEIOSNOSE. The requirements apply to persons who offer for transportation or transport explosive materials in commerce. 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 explosive materials in commerce. 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.

**Note 2: Those sections of the following parts that pertain to the transportation of hazardous materials in cylinders only**

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

- Section 610: No SEIOSNOSE. While the requirements applicable to cylinders apply to a substantial number of small entities, the economic impact on those entities is not significant. The regulations incorporate by reference a number

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of industry consensus standards concerning requirements for the design, manufacture, and requalification of cylinders. Incorporation of material by reference reduces the regulatory burden on persons who offer hazardous material for transportation and persons who transport hazardous materials in commerce. Industry standards developed and adopted by consensus are accepted and followed by the industry; thus, their inclusion in the regulations assures that the industry is not forced to comply with a different set of standards to accomplish the same safety goal. Because the HMR incorporate industry standards for the manufacture and maintenance of cylinders, the incremental cost of transporting hazardous materials in cylinders under the HMR (that is, the costs resulting from compliance with HMR manufacture and maintenance requirements over and above the costs a company would incur absent the HMR) are minimal. Further, the regulations permit shippers and carriers to apply for exemptions to the regulations, which permit the use of advanced technological developments and account for unique operational circumstances.

- 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. While the requirements applicable to cylinders apply to a substantial number of small entities, the economic impact on those entities is not significant. The regulations incorporate by reference a number of industry consensus standards concerning requirements for the design, manufacture, and requalification of cylinders. Incorporation of material by reference reduces the regulatory burden on persons who offer hazardous material for transportation and persons who transport hazardous materials in commerce. Industry standards developed and adopted by consensus are accepted and followed by the industry; thus, their inclusion in the regulations assures that the industry is not forced to comply with a different set of standards to accomplish the same safety goal. Because the HMR incorporate industry standards for the manufacture and maintenance of cylinders, the incremental cost of transporting hazardous materials in cylinders under the HMR (that is, the costs resulting from compliance with HMR manufacture and maintenance requirements over and above the costs a company would incur absent the HMR) are minimal. Further, the regulations permit shippers and carriers to apply for exemptions to the regulations, which permit the use of advanced technological developments and account for unique operational circumstances.

- 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. While the requirements applicable to cylinders apply to a substantial number of small entities, the economic impact on those entities is not significant. The regulations incorporate by reference a number of industry consensus standards concerning requirements for the design, manufacture, and requalification of cylinders. Incorporation of material by reference reduces the regulatory burden on persons who offer hazardous material for transportation and persons who transport hazardous materials in commerce. Industry standards developed and adopted by consensus are accepted and followed by the industry; thus, their inclusion in the regulations assures that the industry is not forced to comply with a different set of standards to accomplish the same safety goal. Because the HMR incorporate industry standards for the manufacture and maintenance of cylinders, the incremental cost of transporting hazardous materials in cylinders under the HMR (that is, the costs resulting from compliance with HMR manufacture and maintenance requirements over and above the costs a company would incur absent the HMR) are minimal. Further, the regulations permit shippers and carriers to apply for exemptions to the regulations, which permit the use of advanced technological developments and account for unique operational circumstances.

- Plain language: As resources permit, RSPA will rewrite regulations using plain language techniques.
- General: RSPA will consider comments provided by industry.

**49 CFR part 180 - Continuing Qualification and Maintenance of Packagings**

• Section 610: No SEIOSNOSE. While the requirements applicable to cylinders apply to a substantial number of small entities, the economic impact on those entities is not significant. The regulations incorporate by reference a number of industry consensus standards concerning requirements for the design, manufacture, and requalification of cylinders. Incorporation of material by reference reduces the regulatory burden on persons who offer hazardous material for transportation and persons who transport hazardous materials in commerce. Industry standards developed and adopted by consensus are accepted and followed by the industry; thus, their inclusion in the regulations assures that the industry is not forced to comply with a different set of standards to accomplish the same safety goal. Because the HMR incorporate industry standards for the manufacture and maintenance of cylinders, the incremental cost of transporting hazardous materials in cylinders under the HMR (that is, the costs resulting from compliance with HMR manufacture and maintenance requirements over and above the costs a company would incur absent the HMR) are minimal. Further, the regulations permit shippers and carriers to apply for exemptions to the regulations, which permit the use of advanced technological developments and account for unique operational circumstances.

- 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 continuing to be analyzed**

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

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

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

49 CFR part 194 — Response plans for onshore oil pipelines

## DOT

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        |

**Year 6 (Fall 2003) List of Rules continuing to be analyzed**

14 CFR part 234 — Airline service quality performance reports

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

14 CFR part 234 — Preservation of air carrier records

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION  
SECTION 610 AND OTHER REVIEWS

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

SLSDC has completed all its reviews.

## Office of the Secretary—Prerule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2081            | +Accessibility of Passenger Vessels to Individuals with Disabilities ..... | 2105-AB87                    |

## Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2082            | +Aviation Data Requirements Review and Modernization Program .....   | 2105-AC71                    |
| 2083            | +Nondiscrimination on the Basis of Disability in Air Travel .....  | 2105-AC97                    |
| 2084            | +Review of Data Filed by Certificated or Commuter Air Carriers to Support Continuing Fitness Determinations Involving Citizenship Issues ..... | 2105-AD25                    |
| 2085            | Transportation Acquisition Regulation .....  | 2105-AD28                    |
| 2086            | +Petition of the National Air Carrier Association for Rulemaking .....   | 2105-AD38                    |
| 2087            | +Navigation of Foreign Civil Aircraft Within the United States (14 CFR Part 375) .....   | 2105-AD39                    |
| 2088            | Accommodations in Air Travel for Deaf and Hard of Hearing Individuals .....  | 2105-AD41                    |
| 2089            | Elimination of Commuter Air Carrier Registrations .....  | 2105-AD43                    |
| 2090            | +Display of Joint Operations in Carrier-Owned Computer Reservations Systems Regulations (Part 256) .....                                       | 2105-AD44                    |
| 2091            | Debarment and Suspension (Nonprocurement) Requirements .....   | 2105-AD46                    |

## Office of the Secretary—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2092            | Fees and Charges for Special Services .....  | 2105-AC47                    |
| 2093            | Americans with Disabilities Act Accessibility Standards .....                                      | 2105-AC86                    |
| 2094            | Participation by Disadvantaged Business Enterprises in Department of Transportation Programs ..... | 2105-AC91                    |

## DOT

## Office of the Secretary—Final Rule Stage (Continued)

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2095            | Procedures for Transportation Workplace Drug and Alcohol Testing Programs ..... | 2105-AD26                    |
| 2096            | Protection of Sensitive Security Information (SSI) .....                        | 2105-AD33                    |
| 2097            | Procedures for Transportation Workplace Drug and Alcohol Testing Programs ..... | 2105-AD47                    |

## Office of the Secretary—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2098            | Use of Oxygen by Air Carrier Passengers ..... | 2105-AC29                    |
| 2099            | Mentor/Protege Program .....                  | 2105-AD20                    |

## Office of the Secretary—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2100            | +Domestic Passenger Manifest Information .....  | 2105-AC62                    |
| 2101            | +Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and other Nonprofit Organizations ..... | 2105-AC83                    |
| 2102            | Over-the-Road Buses .....   | 2105-AC98                    |
| 2103            | Maintenance of and Access to Records About Individuals .....  | 2105-AD22                    |
| 2104            | Privacy Act of 1974 .....   | 2105-AD23                    |
| 2105            | Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting .....               | 2105-AD35                    |
| 2106            | Civil Penalties Under Vision 100-Century of Aviation Reauthorization Act .....  | 2105-AD40                    |
| 2107            | Passenger Baggage Liability .....   | 2105-AD42                    |

## Federal Aviation Administration—Prerule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2108            | +Certification Procedures for Products and Parts ( <b>Section 610 Review</b> ) ..... | 2120-AG93                    |

## Federal Aviation Administration—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2109            | +Licensing and Safety Requirements for Launch .....   | 2120-AG37                    |
| 2110            | Safe, Efficient Use and Preservation of the Navigable Airspace .....  | 2120-AH31                    |
| 2111            | Airworthiness Standards for Classes B and F Cargo Compartment for Transport Category Airplanes .....                                | 2120-AH47                    |
| 2112            | Airman and Medical Certificate Disqualification Based on Alcohol Violations and Refusals to Submit to Drug or Alcohol Testing ..... | 2120-AH82                    |
| 2113            | Performance and Handling Qualities Requirements for Rotorcraft .....  | 2120-AH87                    |
| 2114            | +Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations .....   | 2120-AH88                    |
| 2115            | Issuance of Standard Airworthiness Certificates for Aircraft Manufactured From Spare and Surplus Parts .....                        | 2120-AH90                    |
| 2116            | +Aging Aircraft Program (Widespread Fatigue Damage) ( <b>Reg Plan Seq No. 104</b> ) .....   | 2120-AI05                    |
| 2117            | High-Intensity Radiated Fields .....  | 2120-AI06                    |
| 2118            | Service Difficulty Reports .....  | 2120-AI08                    |
| 2119            | Airplane Performance and Handling Qualities in Icing Conditions .....   | 2120-AI14                    |
| 2120            | +Flightdeck Door Monitoring and Crew Discreet Alerting System .....   | 2120-AI16                    |
| 2121            | +Washington, DC, Metropolitan Area Special Flight Rules Area .....  | 2120-AI17                    |
| 2122            | +Enhanced Airworthiness Program for Airplane Systems (EAPAS) and SFAR 88 ( <b>Reg Plan Seq No. 105</b> ) .....                      | 2120-AI31                    |

## DOT

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2123            | +Aging Aircraft Safety—Development of TC and STC Holder Data ( <b>Reg Plan Seq No. 106</b> ) .....        | 2120-AI32                    |
| 2124            | FAA-Approved Child Restraint Systems .....  | 2120-AI36                    |
| 2125            | Second-in-Command Type Rating .....   | 2120-AI38                    |
| 2126            | Part 97 Incorporation by Reference (IBR) Revision .....   | 2120-AI39                    |
| 2127            | +Drug Enforcement Assistance .....  | 2120-AI43                    |
| 2128            | Redesignation of Mountainous Areas in Alaska .....  | 2120-AI44                    |
| 2129            | Miscellaneous Changes to Commercial Space Transportation Regulations .....                                | 2120-AI45                    |
| 2130            | Proposed Operating Limitations for Unscheduled Operations at Chicago's O'Hare International Airport ..... | 2120-AI47                    |

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Aviation Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2131            | +Retrofit of Improved Seats in Air Carrier Transport Category Airplanes .....  | 2120-AC84                    |
| 2132            | +Drug Enforcement Assistance .....   | 2120-AD16                    |
| 2133            | +Aging Aircraft Safety .....   | 2120-AE42                    |
| 2134            | Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System .....                          | 2120-AE81                    |
| 2135            | +National Air Tour Safety Standards .....  | 2120-AF07                    |
| 2136            | +Revision of Emergency Evacuation Demonstration Procedures to Improve Participant Safety .....   | 2120-AF21                    |
| 2137            | +False and Misleading Statements Regarding Aircraft Parts .....  | 2120-AG08                    |
| 2138            | +Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park .....   | 2120-AG34                    |
| 2139            | +Training in the Recognition of Hazardous Material .....   | 2120-AG75                    |
| 2140            | +Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators .....                                | 2120-AG87                    |
| 2141            | +Flight Simulation Device Qualification ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 107</b> ) .....                                | 2120-AH07                    |
| 2142            | +Transponder Continuous Operation .....  | 2120-AH67                    |
| 2143            | +Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes .....   | 2120-AH70                    |
| 2144            | +Picture Identification Requirements .....   | 2120-AH76                    |
| 2145            | Area Navigation (RNAV) and Miscellaneous Amendments .....  | 2120-AH77                    |
| 2146            | Establishment of Organization Designation Authorization (ODA) Procedures .....   | 2120-AH79                    |
| 2147            | Flightdeck Security on Foreign-Operated Airplanes .....  | 2120-AH86                    |
| 2148            | +Stage 4 Aircraft Noise Standards .....  | 2120-AH99                    |
| 2149            | +Extended Operations (ETOPS) of Multi-Engine Airplanes .....   | 2120-AI03                    |
| 2150            | +Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Controllers ..... | 2120-AI18                    |
| 2151            | Implementing the Maintenance Provisions of Bilateral Agreements .....  | 2120-AI19                    |
| 2152            | +Transport Airplane Fuel Tank Flammability Reduction ( <b>Reg Plan Seq No. 108</b> ) .....   | 2120-AI23                    |
| 2153            | Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes .....  | 2120-AI25                    |
| 2154            | Temporary Flight Restrictions in the Vicinity of Sporting Events (Sports NOTAM Rule) .....   | 2120-AI33                    |
| 2155            | Airport Noise Compatibility Planning .....   | 2120-AI37                    |
| 2156            | Pyrotechnic Signaling Devices .....  | 2120-AI42                    |

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Aviation Administration—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2157            | Part 95 Instrument Flight Rules .....                           | 2120-AA63                    |
| 2158            | Airworthiness Directives .....                                  | 2120-AA64                    |
| 2159            | Standard Instrument Approach Procedures .....                   | 2120-AA65                    |
| 2160            | +Airspace Actions .....   | 2120-AA66                    |
| 2161            | +Flight Crewmember Duty Limitations and Rest Requirements ..... | 2120-AF63                    |
| 2162            | +Child Restraint Systems .....                                  | 2120-AG43                    |

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## Federal Aviation Administration—Long-Term Actions (Continued)

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2163            | Revisions to the Industry Drug and Alcohol Testing Regulations .....                                 | 2120-AH14                    |
| 2164            | Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes .....                   | 2120-AH44                    |
| 2165            | +Ineligibility for an Airman Certificate Based on Security Grounds .....                             | 2120-AH84                    |
| 2166            | Part 158—Statutory and Administrative Changes (PFCs) .....   | 2120-AI15                    |
| 2167            | +Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Notice) ..... | 2120-AI20                    |
| 2168            | Use of Certain Portable Oxygen Concentrator Devices Onboard Air Carrier Aircraft .....               | 2120-AI30                    |
| 2169            | Safety Standards for Flight Guidance Systems .....   | 2120-AI41                    |

## Federal Aviation Administration—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2170            | Civil Penalty Assessment Procedures .....   | 2120-AE84                    |
| 2171            | +Corrosion Prevention and Control Program .....   | 2120-AE92                    |
| 2172            | Miscellaneous Cabin Safety Changes .....  | 2120-AF77                    |
| 2173            | Noise Certification Regulations for Helicopters .....   | 2120-AH10                    |
| 2174            | +Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft .....   | 2120-AH19                    |
| 2175            | Public Address System .....   | 2120-AH30                    |
| 2176            | Revisions to Various Powerplant Installation Requirements for Transport Category Airplanes .....  | 2120-AH37                    |
| 2177            | Miscellaneous Flight Requirements .....   | 2120-AH39                    |
| 2178            | Trim Systems and Protective Breathing Equipment .....   | 2120-AH40                    |
| 2179            | Powerplant Controls on Transport Category Airplanes, General .....  | 2120-AH65                    |
| 2180            | Aircraft Assembly Placard Requirements .....  | 2120-AI24                    |
| 2181            | +Prohibition Against Certain Flights By Syrian Air Carriers to the United States .....  | 2120-AI34                    |
| 2182            | FAA/JAA Harmonization: Public Address System, Trim Systems and Protective Breathing Equipment, Miscellaneous Flight Requirements, Powerplant Controls, and Powerplant Installation Requirements ..... | 2120-AI35                    |
| 2183            | Flight Limitation in the Proximity of Space Flight Operations .....   | 2120-AI40                    |
| 2184            | +Prohibition Against Certain Flights Between the United States and Libya .....  | 2120-AI46                    |

## Federal Highway Administration—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2185            | +National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Traffic Sign Retroreflectivity ..... | 2125-AE98                    |

## Federal Highway Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2186            | Highway Bridge Program .....   | 2125-AE75                    |
| 2187            | +National Bridge Inspection Standards .....  | 2125-AE86                    |
| 2188            | Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs .....                    | 2125-AE97                    |
| 2189            | Manual on Uniform Traffic Control Devices to Streets and Highways; Specific Service and General Service Signing for 24-Hour Pharmacies ..... | 2125-AF02                    |

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## Federal Highway Administration—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2190            | Procedures for the Abatement of Highway Traffic Noise and Construction Noise ..... | 2125-AF03                    |

## Federal Highway Administration—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2191            | Work Zone Safety and Mobility .....  | 2125-AE29                    |
| 2192            | Truck Size and Weight, Route Designations; Length, Width, and Weight Limitations ..... | 2125-AE99                    |

## Federal Motor Carrier Safety Administration—Prerule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2193            | Safety Fitness Procedures; Safety Ratings .....                      | 2126-AA37                    |
| 2194            | +Brokers of Household Goods Transportation by Motor Vehicle .....    | 2126-AA84                    |
| 2195            | +Electronic On-Board Recorders for Hours-of-Service Compliance ..... | 2126-AA89                    |

## Federal Motor Carrier Safety Administration—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2196            | +Commercial Learner Permits .....  | 2126-AA03                    |
| 2197            | +Qualification of Drivers; Field of Vision .....   | 2126-AA05                    |
| 2198            | +Medical Qualification Requirements as Part of the CDL Process .....   | 2126-AA10                    |
| 2199            | Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties .....                                     | 2126-AA15                    |
| 2200            | +Unified Registration System ( <b>Reg Plan Seq No. 109</b> ) .....   | 2126-AA22                    |
| 2201            | +New Entrant Safety Assurance Process .....  | 2126-AA59                    |
| 2202            | +Hours of Service of Drivers; Supporting Documents ( <b>Reg Plan Seq No. 110</b> ) .....   | 2126-AA76                    |
| 2203            | Acute and Critical Violations .....  | 2126-AA77                    |
| 2204            | Qualifications of Motor Carriers To Self-Insure Their Operations and Fees To Support the Approval and Compliance Process; Withdrawal ..... | 2126-AA82                    |
| 2205            | +Inspection, Repair and Maintenance of Intermodal Container Chassis .....  | 2126-AA86                    |
| 2206            | Cargo Securement Standards .....   | 2126-AA88                    |

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Motor Carrier Safety Administration—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2207            | +Railroad-Highway Grade Crossing Safety .....   | 2126-AA18                    |
| 2208            | +Transportation of Household Goods; Consumer Protection Regulations ( <b>Section 610 Review</b> ) ..... | 2126-AA32                    |
| 2209            | Parts and Accessories Necessary for Safe Operation; General Amendments .....                            | 2126-AA61                    |
| 2210            | +Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSS) .....                  | 2126-AA69                    |
| 2211            | +Penalties, Inspection, and Decal Display Requirements for Mexico-Domiciled Motor Carriers .....        | 2126-AA72                    |
| 2212            | +Enforcement of Operating Authority Requirements .....  | 2126-AA78                    |
| 2213            | Title VI Regulations for FMCSA Financial Assistance Recipients .....                                    | 2126-AA79                    |

## DOT

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2214            | +Commercial Driver's License Standards; Biometric Identifier .....   | 2126-AA01                    |
| 2215            | General Jurisdiction Over Freight Forwarder Service .....  | 2126-AA25                    |
| 2216            | +Application by Certain Mexico-Domiciled Motor Carriers to Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border ..... | 2126-AA34                    |
| 2217            | +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....                       | 2126-AA35                    |
| 2218            | +Certification of Safety Auditors, Safety Investigators, and Safety Inspectors .....   | 2126-AA64                    |
| 2219            | +Limitations on the Issuance of Commercial Driver Licenses With a Hazardous Materials Endorsement .....  | 2126-AA70                    |
| 2220            | +Hours of Service of Drivers—Sleeper Berth Rest Period .....   | 2126-AA85                    |

## Federal Motor Carrier Safety Administration—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2221            | +Federal Motor Carrier Safety Regulations; Hazardous Materials Safety Permits .....                           | 2126-AA07                    |
| 2222            | +Minimum Training Requirements for Entry-Level CMV Operators .....  | 2126-AA09                    |
| 2223            | Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures ..... | 2126-AA41                    |
| 2224            | Posting of Employee Protections Information .....   | 2126-AA68                    |
| 2225            | Parts and Accessories Necessary for Safe Operation; Fuel Systems .....  | 2126-AA80                    |

## National Highway Traffic Safety Administration—Prerule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2226            | Review: Redesigned Air Bags .....  | 2127-AH13                    |
| 2227            | Adaptation of Instrumented Lower Legs for Hybrid III Male and Female Adult Dummies ..... | 2127-AI39                    |
| 2228            | Adaptive Frontal Lighting .....  | 2127-AI97                    |
| 2229            | Amend Regulatory Definition of Motorcycle To Exclude Low-Speed Motorcycles .....         | 2127-AJ13                    |
| 2230            | Reduced Stopping Distance Requirements for Truck Tractors .....                          | 2127-AJ37                    |

## National Highway Traffic Safety Administration—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2231            | Rear Convex Cross-View Mirrors .....   | 2127-AG41                    |
| 2232            | +Roof Crush Resistance .....   | 2127-AG51                    |
| 2233            | +Upgrade Door Retention Performance .....  | 2127-AH34                    |
| 2234            | +Frontal Offset Protection .....   | 2127-AH73                    |
| 2235            | Improve Motorcycle Helmet Head Protection .....  | 2127-AI03                    |
| 2236            | Cargo Carrying Capacity .....  | 2127-AI50                    |
| 2237            | Convex Mirrors for Commercial Trucks .....   | 2127-AI52                    |
| 2238            | Enhanced Passenger-Side Mirror System .....  | 2127-AI53                    |
| 2239            | Horizontal Discharge Trailers .....  | 2127-AI56                    |
| 2240            | Child Restraint System Webbing Strength .....  | 2127-AI66                    |
| 2241            | GM Petition on Amending FMVSS No. 301 and FMVSS Nos. 208, 212, 219, 303, and 305 ( <b>Rulemaking Resulting From a Section 610 Review</b> ) ..... | 2127-AI76                    |
| 2242            | Incorporation of EuroSID II Dummy into 49 CFR Part 572 .....   | 2127-AI89                    |
| 2243            | Vehicles Built in Two or More Stages—Standard 201 (Petitions for Reconsideration) .....  | 2127-AI93                    |
| 2244            | Part 571.3 Definitions, Designated Seating Position .....  | 2127-AI94                    |
| 2245            | Vehicle Modifications to Accommodate People with Disabilities .....  | 2127-AJ07                    |
| 2246            | Incorporation of SID-II's Side Impact Crash Test Dummy into Part 572 .....   | 2127-AJ16                    |
| 2247            | +Tire Pressure Monitoring Systems ( <b>Reg Plan Seq No. 111</b> ) .....  | 2127-AJ23                    |
| 2248            | FMVSS 114, "Theft Protection" .....  | 2127-AJ31                    |

## DOT

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2249            | Anton's Law, Section 3 .....                            | 2127-AJ44                    |
| 2250            | Subpart T Hybrid III-10C Dummy, 10-Year-Old Child ..... | 2127-AJ49                    |

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## National Highway Traffic Safety Administration—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2251            | Seating Systems Performance .....   | 2127-AD08                    |
| 2252            | Certification Requirements of Multistage Vehicles .....   | 2127-AE27                    |
| 2253            | +Fuel Economy Standards—Rights and Responsibilities of Manufacturers in the Context of Changes in Corporate Relationships ..... | 2127-AG97                    |
| 2254            | +FMVSS: Head Restraints (Height and Distance Requirements) .....  | 2127-AH09                    |
| 2255            | Accelerator Control Systems .....   | 2127-AH71                    |
| 2256            | Vehicles With Raised Roofs .....  | 2127-AH74                    |
| 2257            | Special Purpose Vehicles ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....  | 2127-AH75                    |
| 2258            | Brake Hoses .....   | 2127-AH79                    |
| 2259            | Clarify Test Procedures for Brake Fluids .....  | 2127-AH96                    |
| 2260            | Label Placement on Rear Impact Guards .....   | 2127-AI04                    |
| 2261            | Reorganize and Harmonize Controls and Displays .....  | 2127-AI09                    |
| 2262            | Seat Belt Emergency Locking Retractor .....   | 2127-AI38                    |
| 2263            | Idle Stop Technology Used in Some Hybrid Electric Vehicles .....  | 2127-AI43                    |
| 2264            | Parking Brakes for Non-School Bus Vehicles .....  | 2127-AI47                    |
| 2265            | Retroactive Certification of Commercial Vehicles by Motor Vehicle Manufacturers; Recordkeeping and Record Retention .....       | 2127-AI59                    |
| 2266            | Record Retention of Retroactively Certified Vehicles .....  | 2127-AI60                    |
| 2267            | Allow Roll-Bar During Brake Testing .....   | 2127-AI63                    |
| 2268            | Importation of Commercial Motor Vehicles .....  | 2127-AI64                    |
| 2269            | Motorcycle Brake Controls .....   | 2127-AI67                    |
| 2270            | +Event Data Recorders .....   | 2127-AI72                    |
| 2271            | Warning Label and Additional Conspicuity Features for Low Speed Vehicles .....  | 2127-AI84                    |
| 2272            | +Federal Motor Vehicle Safety Standards, Occupant Crash Protection .....  | 2127-AI91                    |
| 2273            | CRS Registration Rulemaking, FMVSS No. 213 and Part 588 .....   | 2127-AI95                    |
| 2274            | 5th Percentile Dummy Belted Barrier Crash Test Requirements—Standard 208 .....  | 2127-AI98                    |
| 2275            | +Side Impact Protection Upgrade—FMVSS No. 214 .....   | 2127-AJ10                    |
| 2276            | Federal Motor Vehicle Safety Standards Definition of Low Speed Vehicles .....   | 2127-AJ12                    |
| 2277            | +Reforming the Automobile Fuel Economy Standards Program .....  | 2127-AJ17                    |
| 2278            | Civil Penalties (Part 578) .....  | 2127-AJ32                    |
| 2279            | List of Nonconforming Vehicles Eligible for Importation .....   | 2127-AJ35                    |
| 2280            | Response to Petitions for Reconsideration of TREAD Child Restraint Performance (FMVSS No. 213) .....                            | 2127-AJ40                    |
| 2281            | Reporting of Information and Communications about Potential Defects .....   | 2127-AJ41                    |
| 2282            | Response to Petitions for Reconsideration of the July 25, 2003, FMVSS No. 205 .....   | 2127-AJ43                    |
| 2283            | FMVSS No. 217; Bus Emergency Exits and Window Retention and Release, Response to Petitions for Reconsideration .....            | 2127-AJ47                    |
| 2284            | Defect and Noncompliance Responsibility and Reports, Defect and Noncompliance Notification .....                                | 2127-AJ48                    |

## National Highway Traffic Safety Administration—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2285            | +Review: Side Impact Protection .....                 | 2127-AF54                    |
| 2286            | Review: Antilock Brake Systems for Heavy Trucks ..... | 2127-AI14                    |
| 2287            | Review: Rear-Impact Guards for Truck Trailers .....   | 2127-AI15                    |

## DOT

## National Highway Traffic Safety Administration—Long-Term Actions (Continued)

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2288            | Procedures for Participating In and Receiving Data From the National Driver Registration Problem Driver Pointer System ..... | 2127-AI45                    |
| 2289            | Reforming the Automobile Fuel Economy Standards Program; Request for Product Plan Information .....                          | 2127-AJ26                    |
| 2290            | Defect and Non-Compliance Responsibility and Reports (Parts 573 and 577) .....   | 2127-AJ33                    |

## National Highway Traffic Safety Administration—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2291            | Radiator Safety Cap .....   | 2127-AE59                    |
| 2292            | Alternative Geometric Visibility Lamps for Cars .....   | 2127-AF75                    |
| 2293            | Power-Operated Windows: Roof Panels .....   | 2127-AF83                    |
| 2294            | Dealer Notification of Defect or Noncompliance Determination .....  | 2127-AG27                    |
| 2295            | Power Window Safety Switches .....  | 2127-AG36                    |
| 2296            | Signal Lamps Used With Light-Emitting Diodes .....  | 2127-AG88                    |
| 2297            | Registered Importers of Vehicles Not Originally Manufactured To Conform With the Federal Motor Vehicle Safety Standards .....                               | 2127-AH67                    |
| 2298            | Low-Speed Vehicle Performance Requirements .....  | 2127-AH80                    |
| 2299            | Glare From Headlamps and Other Front Mounted Lamps Federal Motor Vehicle Safety Standard No. 108; Lamps, Reflective Devices, and Associated Equipment ..... | 2127-AH81                    |
| 2300            | Stowable or Fold-Away Child Restraint Anchorages .....  | 2127-AH85                    |
| 2301            | Motorcycle Headlamp System .....  | 2127-AH92                    |
| 2302            | Motor Vehicle Safety: Disposition of Recalled Tires .....   | 2127-AI29                    |
| 2303            | Heavier Hybrid III Type 6-Year-Old-Size Test Dummy .....  | 2127-AI58                    |
| 2304            | Reimbursement Prior to Recall .....   | 2127-AJ05                    |
| 2305            | Platform Lift Systems; Petitions for Reconsideration .....  | 2127-AJ18                    |
| 2306            | Theft Data for Calendar Year 2002 .....   | 2127-AJ27                    |
| 2307            | Insurer Reporting Requirements for October 2004 .....   | 2127-AJ29                    |
| 2308            | Schedule of Fees Authorized by 49 USC 30141 .....   | 2127-AJ34                    |
| 2309            | Tire Safety Information .....   | 2127-AJ36                    |
| 2310            | Response to Petitions for Reconsideration of Child Restraint Anchorage Systems (FMVSS No. 225) .....  | 2127-AJ39                    |
| 2311            | Petitions for Reconsideration of the November 19, 2003 FMVSS No. 208 Final Rule .....   | 2127-AJ42                    |
| 2312            | Upgrading Fuel System Integrity, Response to Petitions for Reconsideration, Std. 301 .....  | 2127-AJ45                    |
| 2313            | FMVSS No. 225, "Child Restraint Anchorage Systems" .....  | 2127-AJ46                    |

## Federal Railroad Administration—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2314            | +Locomotive Crashworthiness .....  | 2130-AB23                    |
| 2315            | Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended ..... | 2130-AB57                    |

## Federal Railroad Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2316            | +Whistle Bans at Highway-Rail Grade Crossings ( <b>Reg Plan Seq No. 112</b> ) .....          | 2130-AA71                    |
| 2317            | +Standards for Development and Use of Processor-Based Signal and Train Control Systems ..... | 2130-AA94                    |
| 2318            | +Locomotive Event Recorders .....  | 2130-AB34                    |
| 2319            | Reflectorization of Rail Freight Rolling Stock .....   | 2130-AB41                    |
| 2320            | Railroad Workplace Safety .....  | 2130-AB63                    |

## DOT

## Federal Railroad Administration—Final Rule Stage (Continued)

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2321            | Inspection and Maintenance Standards for Steam Locomotives ..... | 2130-AB64                    |

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Railroad Administration—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2322            | +Occupational Noise Exposure for Railroad Operating Employees ..... | 2130-AB56                    |

## Federal Railroad Administration—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2323            | Civil Monetary Penalty Inflation Adjustment .....                     | 2130-AB61                    |
| 2324            | Adjustment of Hazardous Materials Civil Penalties for Inflation ..... | 2130-AB62                    |

## Federal Transit Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2325            | +Rail Fixed Guideway Systems: State Safety Oversight ..... | 2132-AA76                    |

## Federal Transit Administration—Long-Term Actions

| Sequence Number | Title                       | Regulation Identifier Number |
|-----------------|-----------------------------|------------------------------|
| 2326            | School Bus Operations ..... | 2132-AA67                    |

## Research and Special Programs Administration—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2327            | Gas Gathering Line Definition .....   | 2137-AB15                    |
| 2328            | +Safeguarding Food from Contamination During Transportation .....   | 2137-AC00                    |
| 2329            | Hazardous Materials: Revision of Requirements for Carriage by Aircraft .....  | 2137-AD18                    |
| 2330            | +Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft .....  | 2137-AD33                    |
| 2331            | +Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids .....                                     | 2137-AD36                    |
| 2332            | Pipeline Safety: Annual Update of Standards Incorporated by Reference .....   | 2137-AD68                    |
| 2333            | Hazardous Materials Regulations: Aluminum Cylinders — Revised Requalification and Use Criteria for the DOT 3 AL Cylinder Made of Aluminum Alloy 6351-TG ..... | 2137-AD78                    |
| 2334            | Hazardous Materials: Miscellaneous Packaging Amendments .....   | 2137-AD89                    |
| 2335            | Hazardous Materials: Requirements for UN Standard Cylinders ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....                                   | 2137-AD91                    |
| 2336            | +Hazardous Materials: Infectious Substances; Harmonization With the United Nations .....  | 2137-AD93                    |
| 2337            | Pipeline Safety: Amendments to Gas and Hazardous Liquid Pipeline Operator Personnel Qualification Program ...   | 2137-AD95                    |
| 2338            | Pipeline Safety: Criteria For Direct Assessment of Gas and Hazardous Liquid Pipelines .....   | 2137-AD97                    |

## DOT

## Research and Special Programs Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2339            | Pipeline Safety: Hazardous Liquid Gathering Pipelines and Low Stress Lines that Could Impact Unusually Sensitive Areas (USAs) and Commercial Navigable Waterways ..... | 2137-AD98                    |
| 2340            | Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards .....  | 2137-AE01                    |
| 2341            | Definition of "Offer a Hazardous Material for Transportation" and "Offeror" .....  | 2137-AE04                    |

## Research and Special Programs Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2342            | +Pipeline Safety: Response Plans for Onshore Oil Pipelines .....   | 2137-AC30                    |
| 2343            | +Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage .....   | 2137-AC68                    |
| 2344            | Pipeline Safety: Periodic Updates to Pipeline Safety Requirements (1999) .....   | 2137-AD35                    |
| 2345            | Hazardous Materials: Revision of the Requirements for Hazardous Waste Manifest .....   | 2137-AD50                    |
| 2346            | Pipeline Safety: Technical Revisions to Agency Procedures .....  | 2137-AD77                    |
| 2347            | +Hazardous Materials: Exemptions into Regulations .....  | 2137-AD84                    |
| 2348            | Hazardous Materials: Miscellaneous Amendments .....  | 2137-AD87                    |
| 2349            | Hazardous Materials: Requirements for Lighters and Lighter Refills .....   | 2137-AD88                    |
| 2350            | Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions ..... | 2137-AD92                    |
| 2351            | Pipeline Safety: Implementation of Effective Public Information Programs .....   | 2137-AD96                    |

## Research and Special Programs Administration—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2352            | +Hazardous Materials: Transportation of Lithium Batteries .....                                      | 2137-AD48                    |
| 2353            | Hazardous Materials: Security Requirements for Motor Carriers Transporting Hazardous Materials ..... | 2137-AD70                    |
| 2354            | +Hazardous Materials: Enhancing Rail Transportation Security of Toxic by Inhalation Materials .....  | 2137-AE02                    |

## Research and Special Programs Administration—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2355            | Pipeline Safety: Passage of Internal Inspection Devices .....  | 2137-AB71                    |
| 2356            | Pipeline Safety: Periodic Underwater Inspections .....   | 2137-AC54                    |
| 2357            | Hazardous Materials: Requirements for Cargo Tanks .....  | 2137-AC90                    |
| 2358            | Hazardous Materials: Revisions to Incident Reporting Requirements and Detailed Hazardous Materials Incident Report DOT Form .....  | 2137-AD21                    |
| 2359            | Hazardous Materials: Hazard Communication Requirements—Petitions for Rulemaking and Miscellaneous Amendments .....   | 2137-AD28                    |
| 2360            | +Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipeline Operators) .....  | 2137-AD54                    |
| 2361            | Pipeline Safety: Hazardous Liquid Pipeline Operator Annual Reports .....   | 2137-AD59                    |
| 2362            | Hazardous Materials: Security Requirements for Offerors and Transporters .....   | 2137-AD90                    |
| 2363            | Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions ..... | 2137-AD94                    |
| 2364            | Hazardous Materials: Editorial Corrections and Miscellaneous Clarifications .....  | 2137-AD99                    |
| 2365            | Hazardous Materials: Editorial Corrections to HMR's Haz Mat Table .....  | 2137-AE03                    |

DOT

Maritime Administration—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2366            | Application Fee for Administrative Waivers of the Coastwise Trade Laws ..... | 2133-AB50                    |
| 2367            | Maritime Education and Training - Amendments .....                           | 2133-AB63                    |
| 2368            | Launch Barge Waiver Program .....  | 2133-AB67                    |

Maritime Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2369            | +Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking ..... | 2133-AB51                    |
| 2370            | Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy Graduates .....         | 2133-AB57                    |
| 2371            | Deferment of Service Obligations of Midshipmen Recipients of Scholarships or Fellowships .....             | 2133-AB58                    |
| 2372            | Maritime Education and Training .....  | 2133-AB60                    |
| 2373            | Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates .....               | 2133-AB61                    |
| 2374            | +Maritime Security Program .....   | 2133-AB62                    |

Maritime Administration—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2375            | +Regulations To Be Followed by All Departments, Agencies and Shippers Having Responsibility To Provide a Preference for U.S.-Flag Vessels in the Shipment of Cargoes on Ocean Vessels: Vessel Types ..... | 2133-AB37                    |

Maritime Administration—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2376            | Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels .....                                    | 2133-AB49                    |
| 2377            | +Trading Restrictions on Vessels Transferred To a Foreign Registry: Amendment of List of Prohibited Countries .. | 2133-AB55                    |
| 2378            | Shipping: Technical Amendments .....   | 2133-AB59                    |
| 2379            | Electronic Options for Transmitting Certain Information Collection Responses to MARAD .....                      | 2133-AB64                    |
| 2380            | Amendments to Title XI Loan Guarantee Program .....  | 2133-AB65                    |
| 2381            | Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy Graduates. ....               | 2133-AB66                    |

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

Prerule Stage

**2081. +ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES**

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 37

**Legal Deadline:** None

**Abstract:** The Department’s Americans with Disabilities Act (ADA) final rule, published September 6, 1991, reserved

portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This rulemaking would address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. Timing of this rulemaking is dependent on action by the Architectural and Transportation Barriers Compliance Board (Access

Board) to adopt accessibility guidelines for passenger vessels. The Access Board plans to publish an ANPRM and Notice of Availability in the summer of 2004. DOT is preparing a concurrent ANPRM.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| ANPRM  | 12/00/04 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

## DOT—OST

## Prerule Stage

**Government Levels Affected:**  
Undetermined

dms.dot.gov

the Secretary, 400 Seventh Street SW.,  
Washington, DC 20590**URL For More Information:**  
dms.dot.gov**Agency Contact:** Robert C. Ashby,  
Deputy Assistant General Counsel for  
Regulation and Enforcement,  
Department of Transportation, Office ofPhone: 202 366-4723  
TDD Phone: 202 755-7687  
Email: bob.ashby@ost.dot.gov**URL For Public Comments:****RIN:** 2105-AB87**Department of Transportation (DOT)**  
**Office of the Secretary (OST)****Proposed Rule Stage****2082. +AVIATION DATA  
REQUIREMENTS REVIEW AND  
MODERNIZATION PROGRAM****Priority:** Other Significant**Legal Authority:** 49 USC 40101; 49  
USC 41101; 49 USC 41708; 49 USC  
41709; 49 USC 41301; 49 USC 41501;  
49 USC 41701**CFR Citation:** 14 CFR 241; 14 CFR 250;  
14 CFR 298; 14 CFR 374a; 14 CFR 234**Legal Deadline:** None**Abstract:** This rulemaking requested  
public comments from reporting  
carriers and aviation data users on the  
nature, scope, source, and means for  
collecting, processing, and distributing  
airline traffic, fare, and financial data.  
Specifically, it invited comments on  
whether existing airline traffic, fare,  
and financial data should be amended,  
supplemented, or replaced; whether  
selected forms and reports should be  
retained, modified, or eliminated;  
whether the Department should require  
all aviation data to be filed  
electronically; and how the aviation  
data system should be reengineered to  
enhance efficiency and to reduce costs  
for both the Department and the airline  
industry.**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 07/15/98 | 63 FR 38128 |
| ANPRM Comment<br>Period End | 09/14/98 |             |
| Reply Comment<br>Period End | 10/13/98 |             |
| NPRM                        | 12/00/04 |             |

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses,  
Governmental Jurisdictions,  
Organizations**Government Levels Affected:**  
Undetermined**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Todd Homan, 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**2083. +NONDISCRIMINATION ON THE  
BASIS OF DISABILITY IN AIR TRAVEL****Priority:** Other Significant**Legal Authority:** 14 USC 41702; 14  
USC 41705; 14 USC 41712**CFR Citation:** 14 CFR 382**Legal Deadline:** None**Abstract:** This rulemaking would add  
coverage under the Air Carrier Access  
Act to foreign air carriers and  
comprehensively update and revise 14  
CFR part 382. It would also clarify or  
propose new provisions in such areas  
as movable aisle armrests, preboarding  
announcements, and accessibility of  
carrier websites.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

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

Email: bob.ashby@ost.dot.gov

**RIN:** 2105-AC97**2084. +REVIEW OF DATA FILED BY  
CERTIFICATED OR COMMUTER AIR  
CARRIERS TO SUPPORT  
CONTINUING FITNESS  
DETERMINATIONS INVOLVING  
CITIZENSHIP ISSUES****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 401; 49 USC  
411; 49 USC 417**CFR Citation:** 14 CFR 204.5**Legal Deadline:** None**Abstract:** In response to a report by the  
Inspector General of the Department of  
Transportation, the Department is  
asking for comments on two issues  
relating to air carrier continuing fitness  
determinations involving citizenship  
issues. First, the Inspector General  
identified a list of 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. The Department is seeking  
comment on whether there are any  
other factors or criteria the Department  
routinely considers in its evaluations  
that should be added to this list.  
Second, the Department seeks  
comments on the need for a regulatory  
change to the requirements of 14 CFR  
part 204 applicable to certificated and  
commuter air carriers proposing to  
undergo a substantial change in  
operations, ownership, or management  
that may impact their U.S. citizenship  
status. The Inspector General found  
that the Department's informal process  
is not well-suited to complex,  
contentious, and controversial cases  
involving citizenship determinations  
and suggested that the Department  
allow greater transparency and public  
participation in such matters, including  
public notice when such a review is

## DOT—OST

## Proposed Rule Stage

initiated and completed, as well as public access to information filed with the Department during such reviews. There is no next stage at this point because OST is currently reviewing filed comments. The Department is considering what, if any, additional action to take in this rulemaking.

**Timetable:**

| Action                      | Date     | FR Cite |
|-----------------------------|----------|---------|
| ANPRM                       | 07/30/03 |         |
| ANPRM Comment<br>Period End | 09/29/03 |         |
| NPRM                        | 04/00/05 |         |

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

**Agency Contact:** Jennifer Thibodeau, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh St., SW, C-20, Washington, DC 20590  
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**RIN:** 2105-AD25**2085. TRANSPORTATION ACQUISITION REGULATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301**CFR Citation:** 12 CFR 1201 to 1253**Legal Deadline:** None

**Abstract:** This rule will update the Transportation Acquisition Regulation (TAR) to reflect changes to the TAR, to reflect organizational changes in the Department, to incorporate recent statutory changes and government mandates, and to accomplish editorial changes for clarification.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

**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:** 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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**RIN:** 2105-AD28**2086. +PETITION OF THE NATIONAL AIR CARRIER ASSOCIATION FOR RULEMAKING****Priority:** Other Significant**Legal Authority:** 49 USC 40101; 49 USC 40102; 49 USC 40109; 49 USC 40113; ...**CFR Citation:** 14 CFR 212**Legal Deadline:** None

**Abstract:** The Department seeks comment on a proposal to revise its rules on charter operations. This proposal arises from a petition filed by the National Air Carrier Association (NACA). NACA seeks to make changes to the definitions and standards the Department uses to determine whether to grant or deny foreign air carrier requests to conduct certain types of international charter flights in 14 CFR part 212. The Department grants NACA's petition, and proposes to make some, but not all of the changes sought by NACA. 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 so as to require updated reciprocity information as well as numbers of U.S.-homeland services vs. U.S.-non-homeland services. The Department does not anticipate adopting NACA's requests to impose a reciprocity standard that ensures substantially equivalent opportunities for U.S. carriers in the homeland of the applicant, or to accord U.S. carriers a right of first refusal over foreign carrier requests to conduct certain U.S.-originating charter operations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/04 |         |

**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:** 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**2087. +NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES (14 CFR PART 375)****Priority:** Other Significant**Legal Authority:** 49 USC 40102; 49 USC 40103; 49 USC 41703**CFR Citation:** 14 CFR 375**Legal Deadline:** None

**Abstract:** Part 375 of the Department's regulations, 14 CFR part 375 provides for the operation in the United States of foreign civil aircraft that are not engaged in common carriage. Persons or entities seeking to operate foreign civil aircraft within the United States involving the carriage of persons, property and mail for remuneration or hire must obtain a foreign aircraft permit from the Department under that part. On May 16, 2003, the National Business Aircraft Association (NBAA), a trade association that represents many business aircraft operators throughout the United States, wrote to the Department requesting a policy determination that certain types of operations that its representative companies might perform using U.S.-registered foreign civil aircraft (such as carriage of a company's own officials and guests, or aircraft time-sharing, interchange or joint ownership arrangements between companies) do not, in fact, constitute operations for remuneration or hire within the meaning of part 375. The NBAA noted that a favorable response would eliminate the need for the companies involved to secure a permit for such operations. This rulemaking would amend 14 CFR part 375 to clarify those circumstances under which companies operating U.S.-registered foreign civil aircraft are not deemed to be involved in air commerce for remuneration or hire and, therefore, are not required under part 375 to obtain a foreign aircraft permit.

## DOT—OST

## Proposed Rule Stage

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

**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

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RIN: 2105-AD39

**2088. ACCOMODATIONS 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: No

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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RIN: 2105-AD41

**2089. • ELIMINATION OF COMMUTER AIR CARRIER REGISTRATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 401, 411, 413, 415, 417, 40101, 40102, 40109; 49 USC 41113, 41101, 41103, 41301, 41504, 41702, 41708, 41712**CFR Citation:** 14 CFR 201, 203; 14 CFR 205, 215; 14 CFR 298, 380; 14 CFR 385, 389**Legal Deadline:** None

**Abstract:** The Department proposes to amend the regulations governing air taxi operators and commuter air carriers to eliminate the requirement that commuter air carriers file initial and amended registration forms. The information provided on such forms is duplicative of information that commuter air carriers are separately required to file under other regulations. Accordingly, the proposed amendment will simplify the process of applying for and maintaining commuter air carrier authority. The Department also proposes to make conforming amendments to other rules affected by the proposed amendment, as well as to make other minor administrative, editorial, clarifying, and organizational changes to rules applicable to air taxi operators and commuter air carriers.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 10/28/04 | 69 FR 62833 |
| NPRM Comment Period End | 12/13/04 |             |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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RIN: 2105-AD43

**2090. • +DISPLAY OF JOINT OPERATIONS IN CARRIER-OWNED COMPUTER RESERVATIONS SYSTEMS REGULATIONS (PART 256)****Priority:** Other Significant**Legal Authority:** 49 USC 41712**CFR Citation:** 14 CFR 256**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

**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

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RIN: 2105-AD44

**2091. • DEBARMENT AND SUSPENSION (NONPROCUREMENT) REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-355, sec 2455; 108 Stat. 3327; 31 USC 6101 note; EO

## DOT—OST

## Proposed Rule Stage

11738 (3 CFR 1973 Comp., p.799); EO 12549 (3 CFR, 1986 Comp., p. 189)

**CFR Citation:** 49 CFR 29

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/04 |         |

**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

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**RIN:** 2105-AD46

## Department of Transportation (DOT)

## Final Rule Stage

## Office of the Secretary (OST)

**2092. FEES AND CHARGES FOR SPECIAL SERVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 40101; 49 USC 46101; 31 USC 9701

**CFR Citation:** 14 CFR 389

**Legal Deadline:** None

**Abstract:** This rulemaking revises 14 CFR part 389 to bring the fees we charge to beneficiaries of certain economic, aviation-related licensing services in line with the costs incurred to provide those services. It also removes or updates obsolete provisions and organizational references included in the existing regulations.

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 01/21/99 | 64 FR 3229 |
| NPRM Comment<br>Period End | 03/22/99 |            |
| Final Action               | 12/00/04 |            |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John Miller, Analyst, Planning and Special Projects Office, Department of Transportation, Office of the Secretary, X-60, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2105-AC47

**2093. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552a

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

**Legal Deadline:** None

**Abstract:** The Department of Transportation is proposing to amend its rules implementing the Americans with Disabilities (ADA) by adopting as its standards revised accessibility guidelines proposed by the Access Board. The Access Board published an NPRM to revise and update the accessibility guidelines for the ADA and Architectural Barriers Act (ABA) in the November 16, 1999 issue of the Federal Register. This proposed rule would adopt the Access Board's revised and updated guidelines as the accessibility standards for the ADA 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 |
| NPRM Comment<br>Period End | 09/07/00 |             |
| Final Action               | 11/00/04 |             |

**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

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**RIN:** 2105-AC86

**2094. 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, sub G

**Legal Deadline:** Final, Statutory, June 30, 1993.

**Abstract:** This rulemaking would update the rule governing the DBE airport concession program. It revises and updates the Department's regulation concerning participation by airport concessionaire disadvantaged business enterprises (ACDBEs) in the concessions activities of airports receiving Federal assistance from the airport improvement program (AIP) of the Federal Aviation Administration (FAA). It makes the ACDBE concessions rule parallel in many important respects to the Department's DBE regulation or federally assisted contracts. It also addresses issues such as goal-setting, personal net worth and business size standards, and counting ACDBE participation by car rental companies.

## DOT—OST

## Final Rule Stage

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| SNPRM                    | 09/08/00 | 65 FR 54454 |
| SNPRM Comment Period End | 10/23/00 |             |
| Final Action             | 12/00/04 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AC91**2095. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 102; 49 USC 301; 49 USC 322; 49 USC 5331; 49 USC 20140; 49 USC 31306; 49 USC 45101**CFR Citation:** 49 CFR 40**Legal Deadline:** None

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

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| Interim Final Rule           | 05/25/03 | 68 FR 31624 |
| Interim Final Rule Effective | 05/28/03 |             |

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 08/26/03 |         |
| Comment Period End |          |         |
| Final Action       | 12/00/04 |         |

**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:** 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**2096. PROTECTION OF SENSITIVE SECURITY INFORMATION (SSI)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 70102 to 70106; 49 USC 114, 5103, 44901 to 44907; 49 USC 44913 to 44914, 44916 to 44918, 44935 to 44936; 49 USC 44942, 46105**CFR Citation:** 49 CFR 15; 49 CFR 1520**Legal Deadline:** None

**Abstract:** This is a nonsignificant technical amendment to the existing DOT/TSA SSI rule that would correct an unintended limitation in parties that have a need to know SSI. The amendment authorizes the sharing of vulnerability assessments and certain other SSI with covered persons who meet the need to know requirements regardless of mode of transportation.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 12/00/04 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AD33**2097. • PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 102, 301, 322, 5331, 20140, 31306, 54101**CFR Citation:** 49 CFR 40**Legal Deadline:** None

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/04 |         |

**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:** Jim L. Swart, Drug and Alcohol Policy Advisor, Department of Transportation, Office of the Secretary, Room 10403, 400 7th Street SW., Washington, DC 20590  
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**RIN:** 2105-AD47

**Department of Transportation (DOT)**  
**Office of the Secretary (OST)**
**Long-Term Actions**
**2098. USE OF OXYGEN BY AIR CARRIER PASSENGERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41705

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** The Department is considering the use of regulatory negotiation to seek consensus among air carriers, consumers, airports, equipment manufacturers, oxygen suppliers, and safety regulators concerning the use of oxygen by passengers on air carriers when individuals need special private supplies. The need for action stems from a current situation where not all carriers allow passengers to bring their own oxygen aboard. Issues involve conformance with RSPA and FAA hazardous materials rules and the question of providing oxygen during long layovers. The Department is considering whether to begin a regulatory negotiation.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** 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-AC29

**2099. 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

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

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

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**RIN:** 2105-AD20

**Department of Transportation (DOT)**  
**Office of the Secretary (OST)**
**Completed Actions**
**2100. +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 rulemaking requested information concerning operational and cost issues related to U.S. air carriers collecting basic information (e.g., 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 rulemaking responds to difficulties with notification in the aftermath of domestic aviation crashes, would implement new requirements for family assistance, and would fulfill a recommendation contained in the final report of the White House Commission on Aviation Safety and Security that urges the Department to explore immediately the costs and effects of a comprehensive passenger manifest requirement on the domestic aviation system. This rulemaking has been withdrawn because the problem that the rulemaking was designed to address no longer exists.

**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 |

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Comment Period End | 06/20/97 |             |
| Withdrawn          | 07/21/04 | 69 FR 43540 |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** 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

## DOT—OST

## Completed Actions

**2101. +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 rulemaking action implemented 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 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.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Interim Final Rule   | 03/16/00 | 65 FR 14406 |
| Final Action         | 09/30/04 | 69 FR 58354 |
| Final Rule Effective | 11/01/04 |             |

**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:** 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**2102. OVER-THE-ROAD BUSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 12101 to 12213; 49 USC 322**CFR Citation:** 49 CFR 37**Legal Deadline:** None

**Abstract:** This nonsignificant rulemaking responds to comments received from an interim final rule published in 2001 that amends the Americans with Disabilities Act regulations concerning accessibility of over-the-road buses with respect to information collection requirements by postponing until January 2001 the requirement for bus companies to submit information reporting ridership on accessible fixed route service and the acquisition of buses. In addition, the final rule allows operators to respond to requests for accessible service either by phone, fax, or email. This rulemaking is closely related to RIN 2105-AC00.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Interim Final Rule   | 02/06/01 | 66 FR 9048  |
| Other/Correction     | 02/21/01 |             |
| Interim Final Rule   | 03/08/01 |             |
| Comment Period End   |          |             |
| Interim Final Rule   | 03/08/01 |             |
| Effective            |          |             |
| Interim Final Rule   | 02/21/03 |             |
| Effective            |          |             |
| Final Rule           | 03/31/04 | 69 FR 40794 |
| Final Rule Effective | 07/07/04 |             |

**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:** Linda Lasley, Attorney, Department of Transportation, Office of the Secretary, C-50, Room 10424, 400 7th Street, SW, Washington, DC 20590

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**RIN:** 2105-AC98**2103. 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 have provided exemptions from provisions

of the Privacy Act for three Privacy Act Systems of Records to be maintained by DOT's Transportation Security Administration (TSA). Since publication of the NPRM, TSA has become a part of the Department of Homeland Security; therefore, this rulemaking is withdrawn.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 12/24/02 | 67 FR 78403 |
| NPRM Comment | 02/24/03 |             |
| Period End   |          |             |
| Withdrawn    | 09/01/04 | 69 FR 53385 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert 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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Email: bob.ross@ost.dot.gov

**RIN:** 2105-AD22**2104. 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 have added 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. Since publication of the NPRM, the Transportation Safety Administration has become a part of the Department of Homeland Security; therefore, this rulemaking is withdrawn.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 01/15/03 | 68 FR 2002  |
| NPRM         | 01/15/03 | 68 FR 2002  |
| NPRM Comment | 03/17/03 |             |
| Period End   |          |             |
| Withdrawn    | 09/01/04 | 69 FR 53385 |

## DOT—OST

## Completed Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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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Email: bob.ross@ost.dot.gov

**RIN:** 2105-AD23

**2105. • PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS: DRUG AND ALCOHOL MANAGEMENT INFORMATION SYSTEM REPORTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g), 40113, 40119, 41706, 44101, 44701 to 44702, 44705, 44709 to 44711

**CFR Citation:** 14 CFR 121 ; 49 CFR 199; 49 CFR 219; 49 CFR 382; 49 CFR 655

**Legal Deadline:** None

**Abstract:** Each of the Department of Transportation's drug and alcohol and drug testing rules include requirements for select employers to submit drug and alcohol testing results to five Department of Transportation (DOT) agencies. In the past, these employers have been required to use agency-specific Management Information System (MIS) forms for this purpose, twenty-one different forms in all. The Department recently published a final rule revising these DOT agency MIS forms and transforming them into a single one-page document for use throughout all the DOT agencies. The requirement for use of the form is now in 49 CFR part 40. By this action, the DOT agencies endorse the use of this single form for their regulated industries, provide their regulated employers with guidance for submission of the form, and amend their rules accordingly. The DOT agencies are: Federal Motor Carrier Safety Administration (FMCSA);

Federal Aviation Administration (FAA); Federal Transit Administration (FTA); Federal Railroad Administration (FRA); and Research and Special Programs Administration (RSPA).

**Timetable:**

| Action                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| Final Rule Effective            | 12/31/03 |             |
| Final Action                    | 12/31/03 | 68 FR 75455 |
| Correction; Technical Amendment | 03/18/04 | 69 FR 12938 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jim L. Swart, Drug and Alcohol Policy Advisor, Department of Transportation, Office of the Secretary, Room 10403, 400 7th Street SW., Washington, DC 20590

Phone: 202 366-6369

Fax: 202 366-3897

Email: jim.swart@ost.dot.gov

**RIN:** 2105-AD35

**2106. CIVIL PENALTIES UNDER VISION 100-CENTURY OF AVIATION REAUTHORIZATION ACT**

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-176 sec 503**CFR Citation:** 14 CFR 383**Legal Deadline:** None

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

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 07/09/04 | 69 FR 41423 |
| Final Rule Effective | 08/09/04 |             |

**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

Phone: 202 366-9351

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Email: nick.lowry@ost.dot.gov

**RIN:** 2105-AD40

**2107. • PASSENGER BAGGAGE LIABILITY**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 14 CFR 254.6**CFR Citation:** 14 CFR 254**Legal Deadline:** None

**Abstract:** In accordance with the provisions of 14 CFR 254.6, this final rule revises the minimum limit on domestic baggage liability applicable to air carriers to reflect inflation since December 1999, the date of the most recent revision to the rule. Section 254.6 requires that the Department revise the limit every two years to reflect any changes in the Consumer Price Index during the interim. The rule adjusts the minimum limit of liability from the current amount of \$2,500 to \$2,800.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 09/22/04 | 69 FR 56692 |
| Final Rule Effective | 10/22/04 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

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**RIN:** 2105-AD42**BILLING CODE** 4910-62-S

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

Prerule Stage

**2108. +CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS (SECTION 610 REVIEW)**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

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

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Begin Review | 07/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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

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

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

**RIN:** 2120-AG93

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

Proposed Rule Stage

**2109. +LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH**

**Priority:** Other Significant

**Legal Authority:** 49 USC 70101 to 70119

**CFR Citation:** 14 CFR 415; 14 CFR 417

**Legal Deadline:** None

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

**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            | 04/00/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** Project Number: AST-97-088R.

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

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

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

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

**RIN:** 2120-AG37

**2110. 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.

## DOT—FAA

## Proposed Rule Stage

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

### 2111. 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.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

### 2112. 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 DOT-required drug or alcohol test and to report pre-employment and return-to-duty test refusals to the FAA. This action is necessary to ensure that persons who have refused to take a drug or alcohol test do not operate aircraft or perform contract air traffic control tower operations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/04 |         |

**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:** 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

### 2113. 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   | 11/00/04 |         |

**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:** 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

### 2114. +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 rulemaking would amend the cockpit voice recorder (CVR) and digital flight data recorder (DFDR) regulations for certain air carriers, operators, and aircraft manufacturers. It would increase the duration of CVR and flight data recorder (FDR) recordings; increase the data recording rate of certain DFDR parameters; require physical separation of the DFDR and CVR; improve the reliability of the power supply to both the CVR and DFDR; and, if data-link communication equipment is installed, require that all data-link communications received by an aircraft be recorded.

## DOT—FAA

## Proposed Rule Stage

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/05 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

### 2115. ISSUANCE OF STANDARD AIRWORTHINESS CERTIFICATES FOR AIRCRAFT MANUFACTURED FROM SPARE AND SURPLUS PARTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 21

Legal Deadline: None

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

The FAA also proposes to incorporate requirements contained in laws recently passed by Congress. A holder of a type certificate or supplemental type certificate who allows another person to use the certificate would have to provide written permission to that

person. In addition, anyone who manufactures or alters an aircraft, aircraft engine, or propeller based on a type certificate or supplemental type certificate would have to be the certificate holder or have written permission for the certificate holder.

**Timetable:**

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

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

RIN: 2120-AH90

### 2116. +AGING AIRCRAFT PROGRAM (WIDESPREAD FATIGUE DAMAGE)

**Regulatory Plan:** This entry is Seq. No. 104 in part II of this issue of the Federal Register.

RIN: 2120-AI05

### 2117. HIGH-INTENSITY RADIATED FIELDS

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

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

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

Legal Deadline: None

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

amended type certificate, or supplemental type certificate for the initial approval of a new type of aircraft design or a change in aircraft type design.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 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:** 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

### 2118. SERVICE DIFFICULTY REPORTS

**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 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

Legal Deadline: None

**Abstract:** This rulemaking will 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: Undetermined

## DOT—FAA

## Proposed Rule Stage

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2119. 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 FAA proposes to amend the airworthiness standards for transport category airplanes to introduce new requirements to evaluate airplane performance and handling characteristics in icing conditions. The proposal will revise the requirements related to ice protection systems on these airplanes, and will harmonize the U.S. airworthiness standards with the European Joint Aviation Requirements.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2120. +FLIGHTDECK DOOR MONITORING AND CREW DISCREET ALERTING SYSTEM**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/04 |         |

**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:** 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

**2121. +WASHINGTON, DC, METROPOLITAN AREA SPECIAL FLIGHT RULES AREA**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This rulemaking would replace certain temporary restrictions that were implemented for national security reasons on operations in the airspace that will codify existing Notices to Airmen and the current Special Federal Aviation Regulation 94 that restrict operations in the Washington, DC, metropolitan area.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2122. +ENHANCED AIRWORTHINESS PROGRAM FOR AIRPLANE SYSTEMS (EAPAS) AND SFAR 88**

**Regulatory Plan:** This entry is Seq. No. 105 in part II of this issue of the Federal Register.

**RIN:** 2120-AI31

**2123. +AGING AIRCRAFT SAFETY—DEVELOPMENT OF TC AND STC HOLDER DATA**

**Regulatory Plan:** This entry is Seq. No. 106 in part II of this issue of the Federal Register.

**RIN:** 2120-AI32

## DOT—FAA

## Proposed Rule Stage

**2124. • FAA—APPROVED CHILD RESTRAINT SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701 to 44702; ...**CFR Citation:** 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None**Abstract:** This rulemaking will remove the necessity for air carriers to go through the exemption process for child restraints that are approved by only the FAA through a Type Certificate, Supplemental Type Certificate, or Technical Standard Order. This rulemaking will lessen the regulatory burden to industry while maintaining or increasing safety.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/05 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Nancy L. Claussen, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 2800 N. 44th Street, Suite 450, Phoenix, AZ 85008  
Phone: 602 379-4864**RIN:** 2120-AI36**2125. • SECOND-IN-COMMAND TYPE RATING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44703; 49 USC 44709 to 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302**CFR Citation:** 14 CFR 61**Legal Deadline:** None**Abstract:** The rulemaking establishes a second-in-command (SIC) pilot type rating for those persons who complete the required SIC training. The purpose of this proposal is to conform the FAA pilot type rating requirements with the International Civil Aviation Organization (ICAO) pilot type rating

standards and alleviate the difference that the FAA currently has on file with ICAO. The intended effect of this proposal is to allow U.S. flight crews to continue to operate in international airspace without the threat of being grounded for not holding the appropriate pilot type rating.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/04 |         |

**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:** 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-AI38**2126. • PART 97 INCORPORATION BY REFERENCE (IBR) REVISION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40113; 49 USC 40114; 49 USC 40120; 49 USC 44502**CFR Citation:** 14 CFR 97**Legal Deadline:** None**Abstract:** This action will revise part 97 regulations to remove the Incorporation by Reference (IBR) of FAA Orders 8260.3B and 8260.19C and terminal aeronautical charts and to IBR standard instrument procedures in FAA Forms 8260-3, 8360-4, 8260-5, and 8360-15A.**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 10/05/04 | 69 FR 59756 |
| NPRM Comment | 11/04/04 |             |
| Period End   |          |             |
| Final Rule   | 12/00/04 |             |

**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:** Thomas E. Schneider, Department of Transportation, Federal Aviation Administration, P. O. Box 25082, Oklahoma City, OK 73125  
Phone: 405 954-5852**RIN:** 2120-AI39**2127. • +DRUG ENFORCEMENT ASSISTANCE****Priority:** Other Significant**Legal Authority:** 49 USC 106(g); 49 USC 40113 to 40114; 49 USC 44101 to 44108; 49 USC 44110 to 44111; ...**CFR Citation:** 14 CFR 47; 14 CFR 61; 14 CFR 63; 14 CFR 65**Legal Deadline:** None**Abstract:** This rulemaking would change the pilot certification and aircraft registration requirements. Pilots would have two years to replace their paper certificates with upgraded, counterfeit-resistant certificates. Student pilots would not be affected. Others who hold airman certificates, such as flight engineers and mechanics, would have five years. Those who transfer ownership of U.S.-registered aircraft would have five days from the transaction to notify the FAA Aircraft Registry. Those who apply for aircraft registration would have to include their printed or typed name with their signature. These changes are necessary to complete FAA's implementation of the FAA Drug Enforcement Assistance Act. The purpose of the changes is to assist Federal, State, and local agencies to enforce the Nation's drug laws.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

**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:** Mark D. Lash, Civil Aviation Registry, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, OK 73169

## DOT—FAA

## Proposed Rule Stage

Phone: 405 954-4331

RIN: 2120-AI43

**2128. • REDESIGNATION OF MOUNTAINOUS AREAS IN ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40113; 49 USC 40114; 49 USC 40114**CFR Citation:** 14 CFR 95**Legal Deadline:** None

**Abstract:** This proposal would update the designated mountainous areas in the State of Alaska. Regulations currently designating mountainous areas in Alaska were established in 1956. Since that time, we have concluded that areas previously considered non-mountainous should be expanded, and two areas previously designated mountainous should now be considered non-mountainous. The intended effect of this proposal is to enhance safety by allowing aircraft operating in certain non-mountainous areas to fly at lower altitudes when necessary.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/14/04 | 69 FR 61128 |
| NPRM Comment<br>Period End | 11/15/04 |             |

**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:** Donald Streeter, Flight Standards Service, Department of Transportation, Federal AviationAdministration, 800 Independence Ave SW, Washington, DC 20591  
Phone: 202 385-4567

RIN: 2120-AI44

**2129. • MISCELLANEOUS CHANGES TO COMMERCIAL SPACE TRANSPORTATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 70101-70121**CFR Citation:** 14 CFR 401; 14 CFR 404; 14 CFR 413; 14 CFR 415; 14 CFR 420**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

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

RIN: 2120-AI45

**2130. • PROPOSED OPERATING LIMITATIONS FOR UNSCHEDULED OPERATIONS AT CHICAGO'S O'HARE INTERNATIONAL AIRPORT****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; ...**CFR Citation:** 14 CFR 93**Legal Deadline:** None

**Abstract:** The FAA proposes to limit the number of unscheduled arrivals at Chicago's O'Hare International Airport (O'Hare) and to implement a reservation system for those operations from 7 a.m. through 8:59 p.m., Central Time beginning November 1, 2004, and continuing through April 30, 2005. This action would be consistent with the FAA Order issued August 18, 2004, which limited scheduled arrivals during the same hours and effective dates.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/20/04 | 69 FR 61708 |
| NPRM Comment<br>Period End | 11/01/04 |             |
| Final Rule                 | 12/00/04 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gerry Shakley, System Operations Services, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591

Phone: 202 267-7277

Email: gerry.shakley@faa.gov

RIN: 2120-AI47

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

## Final Rule Stage

**2131. +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 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

## DOT—FAA

## Final Rule Stage

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.

**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

**Government Levels Affected:** None

**Additional Information:** Docket 13464. Project Number: AIR-88-136R.

**ANALYSIS:** Regulatory Evaluation, 05/17/88, 53 FR 17650

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2132. +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:** The FAA is withdrawing an NPRM to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties for re-registration and certification violations. We are withdrawing the document because the relief that the NPRM would have provided has been achieved by other means or is addressed in an NPRM described elsewhere in the regulatory agenda (RIN 2120-AI43).

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** .

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AD16

**2133. +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:** This rulemaking will adopt the interim final rule (IFR) published on December 6, 2002, as a final rule with changes. The IFR imposed statutory requirements for the Aging Aircraft Safety Act of 1991 for certain airplanes to undergo inspections and

records reviews after their fourteenth year in service and at specified intervals after that. Also, the rule imposed a requirement to include supplemental inspections by specified deadlines in the maintenance programs for these airplanes. With this action, the FAA would respond to comments to the IFR, further clarify parts of the rule language, and substantially revise the supplemental inspection requirements.

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| NPRM  | 10/05/93 | 58 FR 51944 |
| NPRM Comment Period End                             | 02/02/94 |             |
| Comment Period End                                  | 02/08/94 | 59 FR 5741  |
| 3/4/94  |          |             |
| 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 Comment Period End               | 02/04/03 |             |
| Interim Final Rule: Extension of Comment Period     | 02/04/03 | 68 FR 5782  |
| Interim Final Rule: Extension of Comment Period End | 05/05/03 |             |
| Interim Final Rule Effective                        | 12/08/03 |             |
| Final Action  | 12/00/04 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-92-029R.

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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

DOT—FAA

Final Rule Stage

Email: frederick.sobeck@faa.gov

RIN: 2120—AE42

**2134. 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 sensor 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<br>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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

RIN: 2120—AE81

**2135. +NATIONAL AIR TOUR SAFETY STANDARDS****Priority:** Other Significant**Legal Authority:** 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716; 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44702; 49 USC 44705**CFR Citation:** 14 CFR 91; 14 CFR 135; 14 CFR 61; 14 CFR 119; 14 CFR 121; 14 CFR 136**Legal Deadline:** None

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

**Timetable:**

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

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

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

ANALYSIS: Regulatory Evaluation, 07/00/2003

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

RIN: 2120—AF07

**2136. +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 rulemaking will 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<br>Period End | 10/16/95 |             |
| Final Action               | 11/00/04 |             |

**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jeff Gardlin, Aircraft Certification Service, Department of

## DOT—FAA

## Final Rule Stage

Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2136

RIN: 2120-AF21

### 2137. +FALSE AND MISLEADING STATEMENTS REGARDING AIRCRAFT PARTS

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 3

**Legal Deadline:** None

**Abstract:** This rulemaking 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. It would also permit increased inspection by the FAA of records regarding the quality of aircraft parts. The additional requirements are needed to help prevent persons from representing parts as suitable for use on civil aircraft when in fact they may not be. The rulemaking is 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.

#### Timetable:

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 05/05/03 | 68 FR 23807 |
| NPRM Comment<br>Period End | 08/04/03 |             |
| Final Action               | 05/00/05 |             |

#### 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

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**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

### 2138. +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 action is one part of an overall strategy to reduce further the impact of aircraft noise on the environment of Grand Canyon National Park (GCNP) and to help the National Park Service achieve its statutory mandate imposed by Public Law 100-91 to provide for the substantial restoration of natural quiet and experience at GCNP. This rulemaking would establish a reasonably achievable standard for quiet technology to comply with the congressional mandate imposed by section 804 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181).

#### Timetable:

| Action                                     | Date     | FR Cite     |
|--|----------|-------------|
| NPRM                                       | 12/31/96 | 61 FR 69334 |
| NPRM Comment<br>Period End                 | 03/31/97 |             |
| Other/Supplemental<br>NPRM                 | 07/15/98 | 63 FR 38232 |
| Other/Second NPRM                          | 03/24/03 | 68 FR 14276 |
| Other/Second NPRM<br>Comment Period<br>End | 06/23/03 |             |
| Final Action                               | 02/00/05 |             |

#### 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

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**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

### 2139. +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; 14 CFR 145

**Legal Deadline:** None

**Abstract:** This rulemaking amends the FAA's hazardous materials (hazmat) training requirements for air carriers and commercial operators certificated to operate under part 121 or part 135. In addition, the rulemaking requires 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's Hazardous Materials Regulations (HMRs). The FAA is updating its regulations because hazmat transport and the aviation industry have changed significantly since the FAA promulgated its current hazmat training standards to ensure uniform compliance with training requirements.

#### Timetable:

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 05/08/03 | 68 FR 24809 |
| NPRM Comment<br>Period End | 09/05/03 |             |
| Final Action               | 04/00/05 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

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

**2140. +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 rulemaking would  
amend the digital flight data recorder  
(DFDR) regulations for transport  
category airplanes to add a requirement  
for all Boeing 737 (B-737) series  
airplanes to record additional flight  
data parameters. It is based on safety  
recommendations issued by the  
National Transportation Safety Board  
(NTSB) following the investigation of  
the 1994 USAir flight 427 accident.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 11/18/99 | 64 FR 63139 |
| NPRM Comment<br>Period End | 12/20/99 |             |
| Final Action               | 04/00/05 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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

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

**Agency Contact:** Timothy Shaver,  
Branch Aircraft Certification,  
Department of Transportation, Federal

Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 20591  
Phone: 202 385-4686

**RIN:** 2120-AG87

**2141. +FLIGHT SIMULATION DEVICE  
QUALIFICATION (SECTION 610  
REVIEW)**

**Regulatory Plan:** This entry is Seq. No.  
107 in part II of this issue of the  
**Federal Register.**

**RIN:** 2120-AH07

**2142. +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 rulemaking would  
amend the instrument and equipment  
requirements for airplanes operated in  
domestic, flag, and supplemental  
operations. Specifically, the rulemaking  
would require affected airplanes to  
have the capability to help assure  
immediate activation of the designated  
air traffic control (ATC) hijack alert  
code, and continuous transmission of  
that code to ATC during a hijack  
situation. This action would respond to  
the heightened threat to U.S. civil  
aviation. The FAA believed that this  
capability would help provide ATC  
personnel with more time to initiate a  
national security response to a potential  
airplane hijack situation. However,  
following a review of the comments,  
the FAA is considering withdrawing  
the NPRM because of uncertainty about  
whether it is justified.

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 01/14/03 | 68 FR 1942 |
| NPRM Comment<br>Period End | 03/17/03 |            |
| Final Action               | 12/00/04 |            |

**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:** 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

**2143. +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 rulemaking would  
amend earlier rules requiring improved  
flightdeck security and operational and  
procedures changes to prevent  
unauthorized access to the flightdeck  
on passenger-carrying aircraft operated  
by foreign carriers under the provisions  
of part 129. This final rule is intended  
to ensure that the same flightdeck  
security enhancements apply to foreign  
air carriers as apply to U.S. air carriers.  
Because this rule was issued without  
prior notice and comment to address  
imminent security concerns, it  
contained a request for public  
comments.

**Timetable:**

| Action                              | Date     | FR Cite     |
|-------------------------------------|----------|-------------|
| Final Rule                          | 06/21/02 | 67 FR 42450 |
| Final Rule Effective                | 06/21/02 |             |
| Final Rule Effective<br>Date        | 12/30/02 |             |
| Final Rule; Request<br>for Comments | 12/30/02 | 67 FR 79822 |
| Comment Period End                  | 02/28/03 |             |
| Final Action                        | 11/00/04 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

## DOT—FAA

## Final Rule Stage

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2144. +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 would revise 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. Additionally, it would require a pilot certificate holder to present a photo identification when requested by the Administrator, an authorized representative of the National Transportation Safety Board (NTSB), the Transportation Security Administration (TSA), or a law enforcement officer. These measures are intended to address security concerns regarding the identification of pilots.

**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                     | 11/00/04 |             |

**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:** 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

**2145. AREA NAVIGATION (RNAV) AND MISCELLANEOUS AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM                         | 12/17/02 | 67 FR 77326 |
| NPRM Comment Period End      | 01/31/03 |             |
| NPRM Comment Period Reopened | 04/08/03 | 68 FR 16992 |
| Comment Period End           | 07/07/03 |             |
| Final Action                 | 05/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2146. ESTABLISHMENT OF ORGANIZATION DESIGNATION AUTHORIZATION (ODA) 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 121; 14 CFR 135; 14 CFR 145; 14 CFR 183; 14 CFR 21

**Legal Deadline:** None

**Abstract:** This proposed rulemaking would create an Organization Designation Authorization (ODA) Program. 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 |            |
| Final Rule              | 09/00/05 |            |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2147. 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

## DOT—FAA

## Final Rule Stage

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         | 11/00/04 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** Brian Staurseth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 385-4561

**RIN:** 2120-AH86

**2148. +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:** This rulemaking would establish 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, 2006. 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.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 12/01/03 | 68 FR 67329 |
| NPRM Comment Period End | 03/01/04 |             |
| Final Action            | 03/00/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** 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

**2149. +EXTENDED OPERATIONS (ETOPS) OF MULTI-ENGINE AIRPLANES**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This rulemaking would govern the design, maintenance, and operation of airplanes and engines for flights that go certain long distances beyond an adequate airport. This rulemaking would extend some requirements that previously applied

only to two-engine airplanes to airplanes with more than two engines. This rulemaking would implement existing best practices and policy, industry recommendations and international standards to assure that long-range 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:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** 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

**2150. +PROCESS FOR REQUESTING WAIVER OF MANDATORY SEPARATION AGE FOR CERTAIN FEDERAL AVIATION ADMINISTRATION (FAA) AIR TRAFFIC CONTROLLERS**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 65

**Legal Deadline:** None

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

## DOT—FAA

## Final Rule Stage

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/04 |         |

**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:** 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**2151. 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.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 05/11/04 | 69 FR 26254 |
| NPRM Comment Period End | 08/09/04 |             |
| Final Action            | 04/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2152. +TRANSPORT AIRPLANE FUEL TANK FLAMMABILITY REDUCTION**

**Regulatory Plan:** This entry is Seq. No. 108 in part II of this issue of the **Federal Register**.

**RIN:** 2120-AI23**2153. 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 |
|------------|----------|---------|
| Final Rule | 12/00/04 |         |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: AEE-01-134.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AI25**2154. TEMPORARY FLIGHT RESTRICTIONS IN THE VICINITY OF SPORTING EVENTS (SPORTS NOTAM RULE)****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 rulemaking 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 Rule | 11/00/04 |         |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AI33

## DOT—FAA

## Final Rule Stage

**2155. • AIRPORT NOISE COMPATIBILITY PLANNING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44715; 49 USC 47101; 49 USC 47501 to 47504**CFR Citation:** 14 CFR 150**Legal Deadline:** None**Abstract:** This rulemaking amends the airport noise compatibility regulations to include changes made to authorizing legislation, the Aviation Safety and Noise Abatement Act of 1979 (ASNA), and to respond to Congressional directive found in the Vision 100—Century of Aviation Reauthorization Act (Vision 100).**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Final Rule         | 09/24/04 | 69 FR 57622 |
| Final Rule Comment | 11/23/04 |             |
| Period End         |          |             |

**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:** Victoria L Catlett, Office of Airport Planning and Programming, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591  
Phone: 202 267-3263Fax: 202-267-8821  
Email: vicki.catlett@faa.gov**RIN:** 2120-AI37**2156. • PYROTECHNIC SIGNALING DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; ...**CFR Citation:** 14 CFR 91**Legal Deadline:** None**Abstract:** The FAA rescinds the requirement for the one pyrotechnic signaling device required for aircraft operated for hire, over water, and beyond power off gliding distance from shore for air carrier, commuter, or commercial operations conducted under 14 CFR Parts 121, 125, or 135.

However, this regulation still pertains to all persons conducting operations for hire solely under Part 91. The FAA has determined that this requirement is obsolete, redundant, and could pose a security problem for these operators. Moreover, the removal of the requirement relieves carriers of an unnecessary cost burden.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 11/00/04 |         |

**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:** Thomas Penland, Department of Transportation, Federal Aviation Administration, 800 Independence Ave, Washington, DC 20591  
Phone: 202 267-9518**RIN:** 2120-AI42**Department of Transportation (DOT)  
Federal Aviation Administration (FAA)**

## Long-Term Actions

**2157. PART 95 INSTRUMENT FLIGHT RULES****Priority:** Routine and Frequent**Legal Authority:** 49 USC 40120; 49 USC 44502; 49 USC 44514; 49 USC 44719; 49 USC 44721; 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40113; 49 USC 40114**CFR Citation:** 14 CFR 95**Legal Deadline:** None**Abstract:** This is a nonsignificant body of regulations which prescribes altitudes 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. 10/00/2004 - 10/00/2005.

**Timetable:**

| Action               | Date     | FR Cite |
|----------------------|----------|---------|
| Action Will Continue | 10/00/05 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** 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**RIN:** 2120-AA63**2158. 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, 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

## DOT—FAA

## Long-Term Actions

nonsignificant. Total action expected - 550. 10/00/2004 - 10/00/2005.

**Timetable:**

| Action               | Date     | FR Cite |
|----------------------|----------|---------|
| Action Will Continue | 10/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 2120-AA64

**2159. STANDARD INSTRUMENT APPROACH PROCEDURES**

**Priority:** Routine and Frequent

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

**CFR Citation:** 14 CFR 97

**Legal Deadline:** None

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

**Timetable:**

| Action               | Date     | FR Cite |
|----------------------|----------|---------|
| Action Will Continue | 10/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**RIN:** 2120-AA65

**2160. +AIRSPACE ACTIONS**

**Priority:** Other Significant

**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 rulemaking will modify the Santa Ana, CA, Class C airspace area. Specifically, this rule will standardize and complete the 5 nautical mile (NM) inner circle; re-align the south and southwest quadrants; and expand the north and east boundaries of the Santa Ana Class C airspace area. This rulemaking will improve the management of aircraft operations in the Santa Ana, CA, terminal area; enhance safety; reduce the potential for midair collision in the Santa Ana Class C airspace area; and accommodate the concerns of airspace users.

**Timetable:**

| Action                | Date     | FR Cite |
|-----------------------|----------|---------|
| Actions Will Continue | 10/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2161. +FLIGHT CREWMEMBER DUTY LIMITATIONS AND REST REQUIREMENTS**

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-94-443R

**ANALYSIS:** Regulatory Evaluation, 12/20/95, 60 FR 65951

## DOT—FAA

## Long-Term Actions

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Kent Stephens, Office of Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7493

RIN: 2120-AF63

**2162. +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 rulemaking would consider 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 would consider information about existing child restraint systems, the development of new and improved child restraint systems, and the ease with which existing or new child restraint systems can be used. The Department is currently considering and coordinating options for appropriate action.

**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**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Nancy L. Claussen, Flight Standards Service, Department of

Transportation, Federal Aviation Administration, 2800 N. 44th Street, Suite 450, Phoenix, AZ 85008  
Phone: 602 379-4864

RIN: 2120-AG43

**2163. REVISIONS TO THE INDUSTRY DRUG AND ALCOHOL TESTING REGULATIONS****Priority:** Substantive, Nonsignificant

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

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

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 02/28/02 | 67 FR 9366  |
| Comment Period Extended | 05/29/02 | 67 FR 37361 |
| NPRM Comment Period End | 05/29/02 |             |
| Final Action            | 12/00/05 |             |

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

**Agency Contact:** 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

**2164. 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            | 11/00/05 |            |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: AEE-01-133R.**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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

RIN: 2120-AH44

## DOT—FAA

## Long-Term Actions

**2165. +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 Transportation Security Administration 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.**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                      | To Be Determined |            |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2166. PART 158—STATUTORY AND ADMINISTRATIVE CHANGES (PFCs)****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:** None**Abstract:** This rulemaking will 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.

Besides the Nonhub Pilot Program, this rulemaking will also amend six other sections of the PFC rule. Four of these changes are also requirements of the Vision 100 Act. All of these basic technical changes are needed to implement the Nonhub Pilot Program and are designed to further streamline the PFC authorization process.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 06/09/04 | 69 FR 32298 |
| NPRM Comment Period End | 08/09/04 |             |
| Final Rule              | 12/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2167. +FUEL TANK SAFETY COMPLIANCE EXTENSION (FINAL RULE) AND AGING AIRPLANE PROGRAM UPDATE (NOTICE)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**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 Rule                    | 07/30/04         | 69 FR 45936 |
| Final Rule Effective          | 07/30/04         |             |
| Final Rule Comment Period End | 08/30/04         |             |
| Comment Period Extended       | 08/23/04         | 69 FR 51940 |
| Extended Comment Period End   | 09/24/04         |             |
| Next Action                   | To Be Determined |             |

**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:** 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

## DOT—FAA

## Long-Term Actions

**2168. 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 40101–40103; 49 USC 40113; 49 USC 41721; 49 USC 44105; 49 USC 44111**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None**Abstract:** This rulemaking will 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                    | 07/14/04 | 69 FR 42324 |
| NPRM Comment Period End | 08/13/04 |             |
| Final Rule              | 11/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2169. • SAFETY STANDARDS FOR FLIGHT GUIDANCE SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; . . .**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** This rulemaking will amend the airworthiness standards for transport category airplanes concerning flight guidance systems. The proposed standards address the performance, safety, failure protection, alerting, and basic annunciation of these systems. The rulemaking is necessary to address flight guidance system vulnerabilities and to consolidate and standardize

regulations for functions within those systems. The rulemaking would also update the current regulations regarding the latest technology and functionality. Adopting this rulemaking would eliminate significant regulatory differences between the airworthiness standards of the U.S. and Europe.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/13/04 | 69 FR 50240 |
| Final Action | 11/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gregg Bartley, Airplane and Flight Crew Interface Branch, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue, SW, Renton, WA 98055–4056

Phone: 425 227–2889

**RIN:** 2120–AI41

## Department of Transportation (DOT)

## Federal Aviation Administration (FAA)

## Completed Actions

**2170. 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 |
| NPRM Comment Period End | 10/04/94 |             |
| Final Action            | 10/04/04 | 69 FR 59489 |
| Final Action Effective  | 11/03/04 |             |

**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Joyce Redos, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267–3141**RIN:** 2120–AE84**2171. +CORROSION PREVENTION AND 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

## DOT—FAA

## Completed Actions

**CFR Citation:** 14 CFR 121; 14 CFR 125; 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 |             |
| Withdrawn               | 08/16/04 | 69 FR 50345 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-93-382R

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

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

**RIN:** 2120-AE92

**2172. 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 Rule              | 10/27/04 | 69 FR 62778 |
| Final Rule Effective    | 11/26/04 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**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

**2173. 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 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            | 06/02/04 | 69 FR 31226 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**Agency Contact:** 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

**2174. +CERTIFICATION OF AIRCRAFT AND AIRMEN 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

## DOT—FAA

## Completed Actions

**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<br>Period End | 05/06/02 |             |
| Final Rule                 | 07/27/04 | 69 FR 44772 |

**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:** 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**2175. 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<br>Period End | 01/21/03 |             |
| Final Action               | 07/02/04 | 69 FR 40520 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-227.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2176. 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 rulemaking will amend the airworthiness standards for transport category airplanes concerning powerplant installations. Specifically, this rulemaking will affect the standards applicable to thrust or power augmentation systems; fuel filling points; designated fire zones; and powerplant instruments. This

rulemaking will eliminate regulatory differences between the airworthiness standards of the U.S. 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<br>Period End | 04/01/02 |             |
| Final Action               | 07/02/04 | 69 FR 40520 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-01-467.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2177. 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<br>Period End | 03/15/02 |             |
| Final Action               | 07/02/04 | 69 FR 40520 |

## DOT—FAA

## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-226.**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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

**RIN:** 2120-AH39**2178. 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            | 07/02/04 | 69 FR 40520 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2179. 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 will amend the airworthiness standards for transport category airplanes concerning design requirements for powerplant valves controlled from the flight deck. This rulemaking will clarify the requirements for a means to select the intended position of the valve, to indicate the selected position, and to indicate if the valve has not attained the selected position. This rulemaking will eliminate regulatory differences between the airworthiness standards of the U.S. 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            | 07/02/04 | 69 FR 40520 |

**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:** 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**2180. AIRCRAFT ASSEMBLY PLACARD REQUIREMENTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701-44702; 49 USC 44705; 49 USC 44709-44711; 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 | 06/29/04 | 69 FR 39293 |

**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:** 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**2181. +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

## DOT—FAA

## Completed Actions

**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 | 06/04/04 | 69 FR 31718 |

**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:** 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-AI34

**2182. • FAA/JAA HARMONIZATION: PUBLIC ADDRESS SYSTEM, TRIM SYSTEMS AND PROTECTIVE BREATHING EQUIPMENT, MISCELLANEOUS FLIGHT REQUIREMENTS, POWERPLANT CONTROLS, AND POWERPLANT INSTALLATION REQUIREMENTS**

**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, a consolidation of five rulemaking actions, amends the airworthiness standards for transport category airplanes concerning: miscellaneous flight requirements; design requirements for powerplant

valves controlled from the flight deck; and, trim systems and protective breathing equipment. It also revises the standards applicable to thrust or power augmentation systems, fuel filling points, designated fire zones, and powerplant instruments concerning design requirements for powerplant valves. Further, it reduces 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. 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 Rule | 07/02/04 | 69 FR 40520 |

**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:** Dionne Krebs, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Ave., N.W., Renton, WA 98055  
Phone: 425 227-2250  
Fax: 425-227-1100  
Email: dionne.krebs@faa.gov

**RIN:** 2120-AI35

**2183. • FLIGHT LIMITATION IN THE PROXIMITY OF SPACE FLIGHT OPERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action makes editorial changes to the current FAA regulations about temporary flight restrictions regarding operations near space flight operations.

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 10/05/04 | 69 FR 59752 |

**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:** 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-AI40

**2184. • +PROHIBITION AGAINST CERTAIN FLIGHTS BETWEEN THE UNITED STATES AND LIBYA**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This rulemaking would remove Special Federal Aviation Regulation (SFAR) No. 65-1. SFAR 65-1 prohibits, with certain exceptions, the takeoff from, landing in, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flight's origin or ultimate destination is Libya. The FAA is removing SFAR 65-1 in response to the decision by the President of the United State to withdraw Executive Order 12801, which serves as the basis for SAR 65-1. This final rule informs the public that the restrictions on flights between the United State and Libya, which are contained in SFAR 65-1, are removed.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/08/04 | 69 FR 60534 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

## DOT—FAA

## Completed Actions

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mark W. Bury,  
International Affairs and Legal Policy  
Staff, Office of the Chief Counsel,  
Department of Transportation, Federal  
Aviation Administration, 800

Independence Avenue SW,  
Washington, DC 20591  
Phone: 202 267-3515

**RIN:** 2120-AI46

BILLING CODE 4910-13-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Highway Administration (FHWA)

**2185. +NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; MAINTAINING TRAFFIC SIGN RETROREFLECTIVITY****Priority:** Other Significant**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a)**CFR Citation:** 23 CFR 655; 49 CFR 1.48(b)**Legal Deadline:** None

**Abstract:** This action would update the standards for retroreflectivity of traffic signs. Section 406(a) of the Department of Transportation and Related Agencies Appropriations Act of 1993, requires the Secretary of Transportation to

revise the MUTCD to include a standard for a minimum level of retroreflectivity that must be maintained for traffic signs. The FHWA is interested in establishing standards for nighttime visibility of traffic signs. The FHWA will develop these standards by considering the results of research, engineering practices and comments received in response to this notice of proposed amendments.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/30/04 | 69 FR 45623 |
| NPRM Comment<br>Period End | 10/28/04 |             |
| Comment Period<br>Extended | 10/22/04 | 69 FR 62007 |

| Action                         | Date     | FR Cite |
|--------------------------------|----------|---------|
| Extended Comment<br>Period End | 02/01/05 |         |

Regulatory Flexibility Analysis  
Required: No

**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 Hatzl,  
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)

**2186. HIGHWAY BRIDGE 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 seeking comments regarding improvements that can be made to its regulation outlining the highway bridge replacement and rehabilitation program (HBRRP). In addition, the FHWA is considering the inclusion and/or modification of existing policies so that they provide the flexibility necessary for the States and local governments to better manage their bridge assets. It is evident that the nation's bridges are aging, funds are scarce, and the States and local

governments need more flexibility in the way they manage the limited bridge funds. Over the years, the FHWA has established policies in many areas such as touch down points for the proper use of bridge funds. The FHWA may need to eliminate some of these policies and incorporate others into the regulation. The FHWA seeks comments from the public, State and local governments, and other Federal agencies on the best means to improve the program.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 09/26/01 | 66 FR 49152 |
| ANPRM Comment<br>Period End | 12/26/01 |             |
| NPRM                        | 06/21/04 | 69 FR 34314 |
| NPRM Comment<br>Period End  | 08/20/04 |             |
| Final Rule                  | 03/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2187. +NATIONAL BRIDGE INSPECTION STANDARDS****Priority:** Other Significant**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

## DOT—FHWA

## Final Rule Stage

**Abstract:** This rulemaking would amend and update the 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. 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 in 1987. The 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.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 09/26/01 | 66 FR 49154 |
| ANPRM Comment<br>Period End | 12/26/01 |             |
| NPRM                        | 09/09/03 | 68 FR 53063 |
| NPRM Comment<br>Period End  | 11/10/03 |             |
| Final Action                | 11/00/04 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State, Tribal

**Federalism:** This action may have federalism implications as defined in EO 13132.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2188. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION REGULATIONS FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4601 et seq; 49 CFR 1.48(cc)

**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 the 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<br>Period End | 02/17/04 |             |
| Final Action               | 12/00/04 |             |

**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:** 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

**2189. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES TO STREETS AND HIGHWAYS; SPECIFIC SERVICE AND GENERAL SERVICE SIGNING FOR 24-HOUR PHARMACIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 101 (a); 23 USC104; 23 USC 109 (d); 23 USC 114 (a); 23 USC 217; 23 USC 315; 23 USC 402 (a)

**CFR Citation:** 23 CFR 655.601(a); 23 CFR 1.32

**Legal Deadline:** Final, Statutory, July 21, 2004.

**Abstract:** This action 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 25829 |
| Interim Final Rule<br>Comment Period<br>End | 06/30/04 |             |
| Interim Final Rule<br>Effective             | 07/21/04 |             |
| Final Rule                                  | 11/00/04 |             |

**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:** 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)

## Long-Term Actions

## Federal Highway Administration (FHWA)

**2190. • PROCEDURES FOR THE ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 109(h) and (i); 42 USC 4331, 4332; sec 339(b), PL 104-59,**CFR Citation:** 23 CFR 772**Legal Deadline:** None**Abstract:** This action would amend the regulation that specifies that traffic noise prediction method to be used in highway traffic noise analysis. This revision would require the use of the FHWA Traffic Noise Model (FHWA

TNM), which was originally released on March 30, 1998. It would update the specific reference to acceptable highway traffic noise prediction methodology and would remove references to a noise measurement report and vehicle noise emission levels.

**Timetable:**

| Action                  | Date         | FR Cite     |
|-------------------------|--------------|-------------|
| NPRM                    | 08/20/04     | 69 FR 51620 |
| NPRM Comment Period End | 10/19/04     |             |
| Next Action             | Undetermined |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Robert Armstrong, Office of Environment and Planning, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2073**RIN:** 2125-AF03

## Department of Transportation (DOT)

## Completed Actions

## Federal Highway Administration (FHWA)

**2191. WORK ZONE SAFETY AND MOBILITY****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:** This action would amend the regulation 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.

This final rule will facilitate consideration of the broader safety and mobility impacts of work zones in a more coordinated and comprehensive manner across project development stages. It provides sufficient flexibility to States to apply the requirements to different types of projects selected by the States.

**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                                  | 09/09/04 | 69 FR 54562 |
| Final Action Effective                        | 10/12/07 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** 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**2192. TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS; LENGTH, WIDTH, AND WEIGHT LIMITATIONS****Priority:** Substantive, Nonsignificant**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 is withdrawing this rulemaking proceeding that proposed to amend our regulations to increase, by one inch, the distance that width exclusive devices could extend beyond the sides of commercial motor vehicles. The FHWA intended to harmonize the United States width exclusion limits with those of Canada and Mexico in response to the North American Free Trade Agreement (NAFTA). At this time, insufficient data exists on the possible safety and operations repercussions of a one-inch increase. Accordingly, the FHWA believes that it is inappropriate to proceed with a rulemaking to expand the width exclusion limit for U.S. commercial motor vehicles. Therefore, the FHWA is withdrawing the proposed rulemaking and closing the public docket.**Timetable:**

| Action                               | Date     | FR Cite     |
|--------------------------------------|----------|-------------|
| Supplemental NPRM                    | 03/12/04 | 69 FR 11997 |
| Supplemental NPRM Comment Period End | 05/11/04 |             |
| Withdrawn                            | 10/26/04 | 69 FR 62426 |

## DOT—FHWA

## Completed Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert E.L. Davis,  
Transportation Analyst, Department of  
Transportation, Federal HighwayAdministration, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-2997**Related RIN:** Related to 2125-AE90**RIN:** 2125-AE99**BILLING CODE** 4910-22-S**Department of Transportation (DOT)****Prerule Stage****Federal Motor Carrier Safety Administration (FMCSA)****2193. 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 reinitiate the 1998 ANPRM that requested public comment on a future rating system that could be used to make safety fitness determinations and meet the demands of shippers, insurers, and other interested parties in evaluating motor carrier performance. The same or similar questions will be presented to the public again. There is a concern that public comments may be significantly different today than in 1998 because of the time elapsed and the safety status (SafeStat) measurement system that was not available to the public in 1998.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 07/20/98 | 63 FR 38788 |
| ANPRM Comment<br>Period End | 09/18/98 |             |
| Notice                      | 09/01/04 | 69 FR 51748 |
| Second ANPRM                | 05/00/05 |             |

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

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2194. +BROKERS OF HOUSEHOLD GOODS TRANSPORTATION BY MOTOR VEHICLE****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 13501, 13901,  
and 13902**CFR Citation:** 49 CFR 371**Legal Deadline:** None

**Abstract:** The agency has granted the American Moving and Storage Association's petition for rulemaking. The FMCSA will determine in this rulemaking whether the general property broker regulations under part 371 need to be amended to protect consumers of household goods.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| ANPRM  | 01/00/05 |         |

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

Undetermined

**Additional Information:** Docket No.  
FMCSA-2004-17008.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** James Keenan, Chief,  
Commercial Enforcement, Department  
of Transportation, Federal Motor  
Carrier Safety Administration,  
Commercial Enforcement (MC-ECC),  
400 Seventh Street SW., Washington,  
DC 20590  
Phone: 202 385-2400

**RIN:** 2126-AA84**2195. • +ELECTRONIC ON-BOARD RECORDERS FOR HOURS-OF-SERVICE COMPLIANCE****Priority:** Other Significant. Major under  
5 USC 801.**Unfunded Mandates:** This action may  
affect State, local or tribal governments  
and the private sector.**Legal Authority:** 49 USC 31502; 49  
USC 31136(a); PL 104-88**CFR Citation:** 49 CFR 395.15**Legal Deadline:** None

**Abstract:** This rulemaking is considering potential amendments to FMCSA regulations concerning the use of electronic on-board recording devices as a way to document compliance with the Federal hours-of-service rules. The agency is seeking information on issues to be considered in the development of improved performance specifications for these recording devices. This will help ensure that future requirements for the use of on-board recorders are appropriate when applied to emerging technologies.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 09/01/04 | 69 FR 53386 |
| ANPRM Comment<br>Period End | 11/30/04 |             |
| NPRM                        | To Be    | Determined  |

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses,  
Governmental Jurisdictions,  
Organizations**Government Levels Affected:** Local,  
State, Tribal**Additional Information:** Docket No.  
FMCSA-2004-18940.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

## DOT—FMCSA

## Prerule Stage

**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-AA89

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

## Proposed Rule Stage

**2196. +COMMERCIAL LEARNER PERMITS**

**Priority:** Other Significant

**Legal Authority:** PL 99-570, Title XII, 100 Stat. 3207 (1986); 49 USC 31102 and 31136

**CFR Citation:** 49 CFR 383, 384, 386, and 395

**Legal Deadline:** None

**Abstract:** This rulemaking would establish Federal minimum standards for States to issue commercial driver's licenses (CDLs). The Federal Highway Administration issued an NPRM on 08/22/90. This supplemental NPRM is intended 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 |             |
| Comment Period Extended | 10/23/90 | 55 FR 42741 |
| Supplemental NPRM       | 08/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** State

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5014

**RIN:** 2126-AA03

**2197. +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 Federal Highway Administration 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 to permit the agency to observe and collect data on the driving experience of a group of vision-deficient drivers who met certain preconditions, and was concluded on March 31, 1996. The agency considered further research to develop comprehensive performance-based visual standards for all commercial drivers. Information about the proposed research plan and public hearing on the subject was published on June 5, 1996, at 61 FR 28547. The agency contracted with a medical center to develop medically-based recommendations for amending the current Federal vision requirements. Recommendations were delivered in October 1998. The FMCSA, after further evaluating and considering these recommendations, has decided to proceed with a NPRM to amend its regulation governing the visual field requirement in the vision standard.

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 02/28/92 | 57 FR 6793  |
| ANPRM Comment Period End | 04/28/92 |             |
| Information Notice       | 06/05/96 | 61 FR 28547 |
| NPRM                     | 02/00/05 |             |

**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).

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dr. Maggi Gunnels, Chief, Physical Qualifications Division, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations, 400 Seventh St. SW. (MC-PSP), Washington, DC 20590  
Phone: 202 366-4001

**RIN:** 2126-AA05

**2198. +MEDICAL QUALIFICATION REQUIREMENTS AS PART OF THE 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 would 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. 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

## DOT—FMCSA

## Proposed Rule Stage

carry their medical certificate in addition to their CDL.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 07/15/94 | 59 FR 36338 |
| ANPRM Comment<br>Period End | 11/14/94 |             |
| NPRM                        | 03/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:**

Undetermined

**Additional Information:** Docket No. FMCSA-97-2210.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** David Goettee,

Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, Office of Policy Plans and Regulation, Regulatory Development Division (MC-PRR), 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4097

**RIN:** 2126-AA10

### 2199. 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

**Legal Deadline:** None

**Abstract:** This rule would 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. Given a previous SNPRM was issued 10/21/96 by the FHWA, a second SNPRM is intended to propose further revisions that would 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<br>Period End            | 07/29/96 |             |
| Supplemental NPRM                     | 10/21/96 | 61 FR 54601 |
| SNPRM Comment<br>Period End           | 11/20/96 |             |
| Second SNPRM                          | 10/20/04 | 69 FR 61617 |
| Second SNPRM<br>Comment Period<br>End | 12/06/04 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Jackie Cho, Department of Transportation, Federal Motor Carrier Safety Administration, Office of the Chief Counsel, 400 – Seventh St., SW. (MC-CCE), Washington, DC 20590  
Phone: 202 366-3794

**RIN:** 2126-AA15

### 2200. +UNIFIED REGISTRATION SYSTEM

**Regulatory Plan:** This entry is Seq. No. 109 in part II of this issue of the *Federal Register*.

**RIN:** 2126-AA22

### 2201. +NEW ENTRANT SAFETY ASSURANCE PROCESS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** This rulemaking would 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 would be able to operate for 18 months in which time they must pass a safety review in order to receive permanent operating authority. An NPRM is necessary to clarify that all foreign

motor carriers planning to operate in interstate commerce (except Mexico-domiciled motor carriers who are covered under the NAFTA rules) will be subject to these requirements.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 05/13/02 | 67 FR 31978 |
| Interim Final Rule<br>Comment Period<br>End | 07/12/02 |             |
| Interim Final Rule<br>Effective             | 01/01/03 |             |
| NPRM  | 03/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

### 2202. +HOURS OF SERVICE OF DRIVERS; SUPPORTING DOCUMENTS

**Regulatory Plan:** This entry is Seq. No. 110 in part II of this issue of the *Federal Register*.

**RIN:** 2126-AA76

### 2203. 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 the agency has established operating procedures and issued several regulations required by the ICC Termination Act of 1995, the Transportation Equity Act for the 21st

## DOT—FMCSA

## Proposed Rule Stage

Century, and the Motor Carrier Safety Improvement Act of 1999.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

#### 2204. 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 proposed rulemaking that solicited comments on the need for additional backup collateral or security to protect the public against uncompensated losses. The rulemaking would also have amended the regulations governing qualifications of motor carriers seeking authorization to self-insure their transportation operations. The NPRM was issued under FHWA docket (RIN 2125-AE06). When FMCSA was created, this rulemaking was transferred and reassigned to FMCSA as RIN 2126-AA28. RIN 2126-AA28 was inadvertently deleted in the May 14, 2001 Spring Semiannual Agenda (66 FR 25885). This action is no longer necessary because these issues are now part of RIN 2126-AA22.

**Timetable:**

| Action          | Date     | FR Cite |
|-----------------|----------|---------|
| To Be Withdrawn | 02/00/05 |         |

**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:** 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

#### 2205. +INSPECTION, REPAIR AND MAINTENANCE OF INTERMODAL CONTAINER CHASSIS

**Priority:** Other Significant

**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 would require entities that offer intermodal container chassis for transportation in interstate commerce to: file a Motor Carrier Identification Report (Form MCS-150); display a USDOT identification number on each chassis offered for such transportation; establish a systematic inspection, repair and maintenance program to ensure the safe operating condition of each chassis offered for transportation and maintain documentation of the program; and provide a means for effectively responding to driver and motor carrier complaints about the condition of intermodal container chassis.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

#### 2206. CARGO SECUREMENT STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31136 and 31502

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Federal Motor Carrier Safety Regulations relating to protection against shifting and falling cargo to clarify several provisions, and to include regulatory language that was inadvertently omitted from the final rule published on 09/27/2002 (67 FR 61212). It would also address issues raised by motor carriers, industry groups, State enforcement agencies, and the Canadian Council of Motor Transport Administrators.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**

**2207. +RAILROAD-HIGHWAY GRADE CROSSING SAFETY**

**Priority:** Other Significant

**Legal Authority:** sec 112, PL 103-311; 108 Stat. 1673, 1676 (1994); 49 USC 5101, 31136, and 31502

**CFR Citation:** 49 CFR 392

**Legal Deadline:** Final, Statutory, February 26, 1995.

**Abstract:** This rulemaking would prohibit operators of commercial motor vehicles (CMVs) from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. This rulemaking action is required by the Hazardous Materials Transportation Authorization Act of 1994. It is intended to reduce the incidence of collisions between trains and CMVs.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/30/98 | 63 FR 40691 |
| NPRM Comment<br>Period End | 11/27/98 |             |
| Final Action               | 04/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Additional Information:** Docket No.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2208. +TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS (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

**Abstract:** This rule would make final the interim regulations governing interstate transportation of household goods, which specify how motor carriers that transport household goods must assist individual customers who ship household goods. The agency received several petitions for reconsideration of the Interim Final Rule (IFR) and made technical amendments to the IFR to address the concerns of petitioners.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| NPRM   | 05/15/98 | 63 FR 27126 |
| NPRM Comment<br>Period End                           | 07/14/98 |             |
| NPRM Comment<br>Period Reopened                      | 08/12/98 | 63 FR 43128 |
| NPRM Comment<br>Period End                           | 10/13/98 |             |
| Interim Final Rule                                   | 06/11/03 | 68 FR 35064 |
| Interim Final Rule<br>Effective                      | 09/09/03 |             |
| IFR Compliance Date<br>Delayed                       | 09/30/03 | 68 FR 56208 |
| Technical<br>Amendments to IFR                       | 03/05/04 | 69 FR 10570 |
| Technical<br>Amendments; Delay<br>of Compliance Date | 04/02/04 | 69 FR 17313 |
| Technical<br>Amendments<br>Effective Date            | 04/05/04 |             |
| Technical<br>Amendments<br>Effective Date            | 05/05/04 |             |
| Correcting<br>Amendments and<br>Effective Date       | 08/05/04 | 69 FR 47386 |
| Final Action   | 03/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. FMCSA-97-2979.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2209. 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 will 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 NHTSA'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 establish 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<br>Period Extended | 06/12/97 | 62 FR 32066 |
| NPRM Comment<br>Period End      | 06/13/97 |             |
| Comment Period End              | 07/28/97 |             |
| Public Meeting                  | 02/20/98 | 63 FR 8606  |
| Final Action                    | 03/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

## DOT—FMCSA

## Final Rule Stage

**2210. +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 rulemaking would require motor carriers to ensure that each CMV they operate in interstate commerce displays a label certifying that the vehicle complies with all applicable FMVSSs in effect on the date of manufacture. It would 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.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/19/02 | 67 FR 12782 |
| 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**Additional Information:** Docket No.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh St., SW. (MC-PSV), Washington, DC 20590  
Phone: 202 366-4009

**Related RIN:** Related to 2127-AI59, Related to 2127-AI60, Related to 2127-AI64

**RIN:** 2126-AA69**2211. +PENALTIES, INSPECTION, AND DECAL DISPLAY REQUIREMENTS FOR MEXICO-DOMICILED MOTOR CARRIERS****Priority:** Other Significant**Legal Authority:** PL 107-87 sec 350; 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 CMVs operated by Mexico-domiciled motor carriers holding authority to transport property or passengers beyond the commercial zones of U.S. municipalities on the United States-Mexico border must display a Commercial Vehicle Safety Alliance (CVSA) decal issued by a certified inspector. Adding this requirement to part 396 will enable FMCSA to assess civil penalties against Mexico-domiciled long-haul motor carriers that operate vehicles without the necessary CVSA decal. This rulemaking would also clarify that carriers will be required to obtain the necessary inspection decal before proceeding beyond border ports of entry or the nearby CMV safety inspection facility. By providing for more effective enforcement of the inspection decal requirements, this rule will help ensure that these motor carriers operate safe vehicles in the United States.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 04/00/05 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2212. +ENFORCEMENT OF OPERATING AUTHORITY REQUIREMENTS****Priority:** Other Significant**Legal Authority:** PL 106-159, sec 205; 113 Stat 1748, 1762 (1999); 49 USC 13902(e)**CFR Citation:** 49 CFR 350 and 392**Legal Deadline:** None

**Abstract:** This rulemaking would require that a motor carrier who is subject to registration requirements at 49 U.S.C. 13902 may not operate a CMV in interstate commerce unless it has registered with FMCSA. It also would prohibit motor carriers from operating beyond the scope of their registered authorization. Moreover, if vehicles are discovered operating in violation of such registration requirements, they would be placed out of service, and the carrier may be subject to additional penalties. This action makes State enforcement of registration requirements a condition of MCSAP eligibility.

**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           | 07/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

## DOT—FMCSA

## Final Rule Stage

**2213. 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 interim rule will clarify and modify the applicability of DOT (49 CFR 21) and FHWA (23 CFR 200)

title VI regulations as they relate to FMCSA grant recipients, consistent with section 106(b) of the Motor Carrier Safety Improvement Act of 1999.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 02/00/05 |         |

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

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2214. +COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER****Priority:** Other Significant**Legal Authority:** PL 100–690, sec 9105(a); 102 Stat. 4527; 4530 (1988); PL 105–178, sec 4011(c); 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 CMV operators, as directed by section 9105 of the Truck and Bus Safety and Regulatory Reform Act of 1988. In 1989, the FHWA published an ANPRM soliciting comments on a pilot demonstration project using biometric identifiers that included retinal eye scans and fingerprint technologies. After reviewing the comments, FHWA determined at the time that technology had not progressed to where a nationwide identification system could be cost-effective and provide the benefits for which a system was intended. In 1991 the FHWA published a Notice of Information, summarizing results of the pilot study and the comments on the ANPRM, to demonstrate how the technologies studied fell short of the demands in the commercial licensing environment at the time. Section 4011(c) of TEA-21, which amended 49 USC 31308, requires each CDL issued by the States after January 1, 2001, to have unique identifiers (which may include biometric identifiers). The FMCSA established a pilot study 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 was completed, and a final report was issued in December 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. Action on this rulemaking is on hold pending action by the Department of Homeland Security on determining a biometric convention.

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 05/15/89 | 54 FR 20875 |
| ANPRM Comment Period End | 07/14/89 |             |
| Information Notice NPRM  | 03/08/91 | 56 FR 9925  |
|                          | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** 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**2215. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 13903**CFR Citation:** 49 CFR 373**Legal Deadline:** None**Abstract:** This rulemaking would provide notice of the FMCSA's general jurisdiction over all segments of the freight forwarding industry (not just household goods freight forwarders), consistent with the ICC Termination Act of 1995. This action is on hold.**Timetable:**

| Action                  | Date     | FR Cite    |
|-------------------------|----------|------------|
| NPRM                    | 01/28/97 | 62 FR 4096 |
| NPRM Comment Period End | 03/31/97 |            |
| Final Action            | To Be    | Determined |

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

## DOT—FMCSA

## Long-Term Actions

**2216. +APPLICATION BY CERTAIN MEXICO-DOMICILED MOTOR CARRIERS TO OPERATE BEYOND U.S. MUNICIPALITIES AND COMMERCIAL ZONES ON THE U.S.-MEXICO BORDER****Priority:** Other Significant**Legal Authority:** 5 USC 553 and 559; 16 USC 1456; 49 USC 13101, 13301, and 13901 et seq; 49 USC 31138 and 31144**CFR Citation:** 49 CFR 365**Legal Deadline:** None

**Abstract:** This rulemaking changes FMCSA regulations to govern applications by Mexican carriers to operate beyond municipalities and commercial zones at the United States-Mexico border. It also revises the application form, OP-1MX, to be filed by these Mexican motor carriers. The revised form requires additional information about the applicant's business and operating practices to allow the FMCSA to determine if the applicant can meet the safety standards established for operating in interstate commerce in the United States. Carriers that had previously submitted an application would have to submit the updated form. These changes are needed to implement part of the North American Free Trade Agreement (NAFTA). On January 16, 2003, the Ninth Circuit Court remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents as ruled by the Ninth Circuit. FMCSA is currently deciding what its next action should be.

**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 an EIS | 08/26/03         | 68 FR 51322 |
| EIS Public Scoping Meetings        | 10/08/03         | 68 FR 58162 |
| Final Action                       | To Be Determined |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Kozlowski, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ES, Office of Safety Programs (MC-ES), 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4049

**RIN:** 2126-AA34**2217. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES****Priority:** Other Significant**Legal Authority:** PL 107-87 sec 350; 49 USC 113, 504, and 521(b)(5)(A); 49 USC 5113, 31136, 31144, and 31502**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. The agency is currently

considering what its next action should be.

**Timetable:**

| Action                             | Date             | FR Cite     |
|------------------------------------|------------------|-------------|
| NPRM                               | 05/03/01         | 66 FR 22415 |
| NPRM Comment Period End            | 07/02/01         |             |
| 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 an EIS | 08/26/03         | 68 FR 51322 |
| EIS Public Scoping Meetings        | 10/08/03         | 68 FR 58162 |
| Final Action                       | To Be Determined |             |

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** .**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2218. +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 interim final rulemaking requires that any safety inspection, audit, or review be conducted by a certified investigator. It gives 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. In

## DOT—FMCSA

## Long-Term Actions

response to comments on the IFR, the agency will issue an NPRM that address issues not raised in the IFR.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 03/19/02 | 67 FR 12776 |
| Interim Final Rule<br>Comment Period<br>End | 05/20/02 |             |
| Other                                       | 06/17/02 | 67 FR 41196 |
| Interim Final Rule<br>Effective             | 06/17/02 |             |
| Notice                                      | 07/28/03 | 68 FR 44378 |
| Notice                                      | 10/02/03 | 68 FR 56863 |
| Comment Period End                          | 11/03/03 |             |
| Notice                                      | 12/23/03 | 68 FR 74287 |
| NPRM  | 11/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket Nos. FMCSA-2001-11060 and FMCSA-2003-15642.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2219. +LIMITATIONS ON THE ISSUANCE OF COMMERCIAL DRIVER LICENSES WITH A HAZARDOUS MATERIALS ENDORSEMENT**

**Priority:** Other Significant

**Legal Authority:** PL 107-56 sec 1012; 115 Stat. 272 (2001); 49 USC 5103a

**CFR Citation:** 49 CFR 383

**Legal Deadline:** None

**Abstract:** This rulemaking would prohibit States from issuing, renewing, transferring or upgrading a commercial driver's license (CDL) with a hazardous materials endorsement, unless the Transportation Security Administration (TSA) has first conducted a background check on the applicant and determined the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. FMCSA and TSA simultaneously published interim final rules. This rulemaking is on hold awaiting next TSA action.

**Timetable:**

| Action                                | Date             | FR Cite     |
|---------------------------------------|------------------|-------------|
| Interim Final Rule                    | 05/05/03         | 68 FR 23844 |
| IFR Effective                         | 05/05/03         |             |
| IFR Comment Period<br>End             | 07/07/03         |             |
| Compliance Date<br>Delayed            | 11/07/03         | 68 FR 63030 |
| Comment Period End                    | 01/06/04         |             |
| Second Delay of<br>Compliance Date to | 08/19/04         | 69 FR 51391 |
| Final Action                          | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** State

**Additional Information:** Docket No. FMCSA-2001-11117

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, State Programs Division, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5014

**RIN:** 2126-AA70

**2220. +HOURS OF SERVICE OF DRIVERS—SLEEPER BERTH REST PERIOD**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 31136 and 31502

**CFR Citation:** 49 CFR 395

**Legal Deadline:** None

**Abstract:** The 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. On November 3, 2003, FMCSA received a petition for rulemaking from the American Trucking Associations (ATA), and FMCSA has granted ATA's petition. The agency's next action is undetermined because of a recent court decision. This rulemaking is considered significant because of substantial industry interest and safety implications.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Yager, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations, Driver and Carrier Operations Division, 400 - Seventh St., SW. (MC-PSD), Washington, DC 20590  
Phone: 202 366-9131

**RIN:** 2126-AA85

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**2221. +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 385 ; 49 CFR 386; 49 CFR 390**Legal Deadline:** Final, Statutory, November 15, 1991.

**Abstract:** This rule establishes 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, or highway route controlled quantity radioactive materials. It also requires pre-trip inspection and certification of a motor vehicle used to transport a highway route controlled quantity of a radioactive material. This action was considered significant because of substantial public interest and security.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| NPRM                        | 06/17/93 | 58 FR 33418 |
| NPRM Comment<br>Period End  | 08/16/93 |             |
| Supplemental NPRM           | 08/19/03 | 68 FR 49737 |
| SNPRM/Correction            | 09/11/03 | 68 FR 53535 |
| SNPRM Comment<br>Period End | 10/20/03 |             |
| Final Rule                  | 06/30/04 | 69 FR 39350 |
| Final Rule Effective        | 07/30/04 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-97-2180.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2222. +MINIMUM TRAINING REQUIREMENTS FOR ENTRY-LEVEL CMV 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 requires 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, which instructed the Transportation Secretary to promulgate safety regulations for entry-level training of drivers in the heavy truck, motorcoach, and school bus industries. This action is significant due to substantial industry and congressional interest.

**Timetable:**

| Action                            | Date     | FR Cite     |
|-----------------------------------|----------|-------------|
| ANPRM                             | 06/21/93 | 58 FR 33874 |
| ANPRM Comment<br>Period End       | 08/20/93 |             |
| Report to Congress                | 02/05/96 |             |
| Notice; Availability of<br>Report | 04/25/96 | 61 FR 18355 |
| NPRM                              | 08/15/03 | 68 FR 48863 |
| NPRM Comment<br>Period End        | 10/14/03 |             |
| Final Rule                        | 05/21/04 | 69 FR 29384 |
| Final Rule 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 ISTEA. The report is available through the National Technical Information Service (Order No. PB96-141536). For further information, please call 1-800-553-6847.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2223. 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:** The agency adopts as final its interim regulations in part 381, which implemented section 4007 of TEA-21. These rules provide requirements and procedures for motor carriers to obtain waivers and exemptions from the Federal Motor Carrier Safety Regulations, and to propose ideas for pilot programs to evaluate innovative alternatives to the regulations.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 12/08/98 | 63 FR 67600 |
| Interim Final Rule<br>Effective             | 12/08/98 |             |
| Interim Final Rule<br>Comment Period<br>End | 02/08/99 |             |
| Final Rule                                  | 08/20/04 | 69 FR 51589 |
| Final Rule Effective                        | 09/20/04 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-98-4145**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4009

**RIN:** 2126-AA41

## DOT—FMCSA

## Completed Actions

**2224. 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 was withdrawn. It would have required employers to display a poster notifying commercial motor vehicle (CMV) operators and other employees of their whistle-blower rights under the provisions of 49 U.S.C. 31105. It would have also added clarifying language under Part 391 noting that the right also exists under part 386 for drivers to file complaints with FMCSA, and an explanation of the process for coordination of safety complaints between FMCSA and the Occupational Safety and Health Administration (OSHA). Before deciding on a course of action, the agency must first prepare a report in conjunction with the Department of Labor, in response to sec. 4023 of TEA-21.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Terminated | 07/20/04 |         |

**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:** 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-AA68**2225. 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 393**Legal Deadline:** None

**Abstract:** This rule revised the Federal Motor Carrier Safety Regulations (FMCSRs) regarding fuel tank fill rates for gasoline- and methanol-fueled vehicles. It makes that provision of the FMCSRs compatible with EPA requirements for vehicles up to 14,000 lbs. GVWR, makes permanent the terms of exemptions previously granted to motor carriers operating certain gasoline-fueled CMVs manufactured by Ford Motor Company and by General Motors, and incorporates 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 Rule              | 06/03/04 | 69 FR 31302 |
| Final Rule Effective    | 07/06/04 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. FMCSA-02-13589.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, Office of Bus and Truck Standards and Operations, 400 Seventh St., SW. (MC-PSV), Washington, DC 20590  
Phone: 202 366-4009

**RIN:** 2126-AA80**BILLING CODE 4910—EX—S**

## Department of Transportation (DOT)

## Prerule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2226. 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**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2560

Fax: 202 366-2559

Email: ckahane@nhtsa.dot.gov

**RIN:** 2127-AH13

## DOT—NHTSA

## Prerule Stage

**2227. 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 | 11/00/04 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Sean Doyle, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1740

Fax: 202 366-4329

Email: sean.doyle@nhtsa.dot.gov

**Related RIN:** Related to 2127-AH73**RIN:** 2127-AI39**2228. 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:** Vehicle manufacturers are beginning to introduce advanced frontal lighting systems into the U.S. fleet. This project is intended to evaluate whether the systems have adverse consequences to highway safety from glare. An initial notice of request for comment has been issued to gather information. The agency is conducting research on the potential of advanced frontal lighting to improve safety while reducing glare and determine if any regulatory action is needed.

**Timetable:**

| Action               | Date     | FR Cite    |
|----------------------|----------|------------|
| Request for Comments | 02/12/03 | 68 FR 7101 |
| Agency Decision      | 03/00/05 |            |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AI97**2229. 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:** Policy statement will provide guidance on statutory definition of motor vehicle as it pertains to small/low speed

two and three wheeled vehicles.

**Timetable:**

| Action           | Date     | FR Cite |
|------------------|----------|---------|
| Policy Statement | 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:** 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-AJ13**2230. REDUCED STOPPING DISTANCE REQUIREMENTS FOR TRUCK TRACTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 1.50; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.121**Legal Deadline:** None

**Abstract:** 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  | 11/00/04 |         |

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

## DOT—NHTSA

Prerule Stage

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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)****Proposed Rule Stage****National Highway Traffic Safety Administration (NHTSA)****2231. 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:** This rulemaking would upgrade the rearward visibility of commercial straight trucks. The agency believes that requiring a rear detection system will reduce the number of fatalities, injuries, and property damage crashes by giving truck operators the ability to detect objects behind the truck. Two possible counter-measures are being

considered: cross-view mirror systems or camera systems.

**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                     | 11/00/04 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AG41**2232. +ROOF CRUSH RESISTANCE****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.216**Legal Deadline:** 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.**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Request for Comments     | 10/22/01 | 66 FR 53376 |
| Other/Comment Period End | 12/06/01 |             |
| NPRM                     | 03/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**Related RIN:** Related to 2127-AH74**RIN:** 2127-AG51**2233. +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:** As part of the agency's comprehensive approach to rollover, and to harmonize with the first global technical regulation, this rulemaking would upgrade the door retention requirements, add test requirements for sliding doors, add secondary latch requirements for doors other than hinged side doors and back doors, and provide a new test procedure for assessing inertial forces.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/05 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AH34

## DOT—NHTSA

## Proposed Rule Stage

**2234. +FRONTAL OFFSET PROTECTION****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

**Abstract:** This rulemaking would establish 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 high speed 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 examining whether implementing a new offset test might create disbenefits to occupants of other vehicles. The agency originally scheduled the publication of an NPRM by 10/08/03.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| Request for Comments    | 02/03/04 | 69 FR 5108  |
| Request for Comments    | 02/00/04 |             |
| Comment Period Extended | 04/06/04 | 69 FR 18105 |
| Comment Period End      | 07/05/04 |             |
| Agency Decision         | 11/00/04 |             |

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

**Agency Contact:** 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**2235. 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:** This rulemaking addresses enforceability issues involving compliance testing of motorcycle helmets. Specifically, the impact attenuation and retention system test methods, and the provision governing the location of the DOT symbol on helmets are being evaluated to see if any changes are warranted.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/05 |         |

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

**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-AI03**2236. 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 and act as a reference during cargo loading, which in turn may reduce instances of overloading.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/05 |         |

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

**Agency Contact:** 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-AI50**2237. 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 End   | 03/24/03 |            |
| NPRM                 | 07/00/05 |            |

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

## DOT—NHTSA

## Proposed Rule Stage

dms.dot.gov

**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

### 2238. 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 End   | 03/24/03 |            |
| NPRM                 | 07/00/05 |            |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** Chris Flanigan, General Engineer, NVS-121, Department of Transportation, National Highway Traffic Safety Administration, Visibility & Injury Prevention Division, Office of Crash Avoidance Stds, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2720

**Related RIN:** Related to 2127-AI52

**RIN:** 2127-AI53

### 2239. 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   | 12/00/04 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** George Mouchahoir, 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-AI56

### 2240. CHILD RESTRAINT SYSTEM WEBBING STRENGTH

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** This rulemaking would require minimum breaking strengths for child restraint systems webbing.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/04 |         |

**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:** 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-AI66

### 2241. GM PETITION ON AMENDING FMVSS NO. 301 AND FMVSS NOS. 208, 212, 219, 303, AND 305 (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

**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. In response, 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   | 03/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** 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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Fax: 202 366-4329

## DOT—NHTSA

## Proposed Rule Stage

Email: gmouchahoir@nhtsa.dot.gov

RIN: 2127-AI76

### 2242. INCORPORATION OF EUROSID II DUMMY INTO 49 CFR PART 572

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** Incorporation of the EuroSID II, Side Impact Crash Test Dummy, into part 572 is being initiated to support the upgrade of FMVSS 214, Side Impact Regulation and to attain harmonization of crash test tools on a worldwide basis. The EuroSID is one of the alternative crash test tools being evaluated to upgrade FMVSS 214.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 09/15/04 | 69 FR 55550 |
| NPRM Comment Period End | 11/15/04 |             |
| Final Rule              | 11/00/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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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Fax: 202 366-4329

Email: sbackaitis@nhtsa.dot.gov

RIN: 2127-AI89

### 2243. 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   | 12/00/04 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Dr. 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

### 2244. 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   | 02/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

### 2245. 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:** This rulemaking would 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                    | 09/17/04 | 69 FR 55993 |
| NPRM Comment Period End | 11/16/04 |             |
| Final Rule              | 12/00/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Chris Calamita, 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

## DOT—NHTSA

## Proposed Rule Stage

**2246. 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 initiating 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   | 11/00/04 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4912

Fax: 202 366-4329

Email: sbackaitis@nhtsa.dot.gov

**Related RIN:** Related to 2127-AJ10

**RIN:** 2127-AJ16

**2247. +TIRE PRESSURE MONITORING SYSTEMS**

**Regulatory Plan:** This entry is Seq. No. 111 in part II of this issue of the *Federal Register*.

**RIN:** 2127-AJ23

**2248. 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.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety 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

**2249. • ANTON'S LAW, SECTION 3**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30101 et seq; PL 107-318

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** On December 4, 2002, President Bush signed "Anton's Law" (Public Law 107-318, 116 Stat. 2772), which in part, calls for improvement of the safety of child restraints in passenger motor vehicles. Section 3 of Anton's Law requires that the Secretary of Transportation initiate a rulemaking proceeding to establish performance requirements for child restraints, including booster seats, for the restraint of children weighing more than 50 pounds. In this rulemaking, the Secretary must consider (1) whether to include injury performance criteria for child restraints, including booster seats

and other products for use in passenger motor vehicles for the restraint of children weighing more than 50 pounds, (2) whether to establish performance requirements for seat belt fit when used with booster seats and other belt guidance devices, (3) whether to address situations where children weighing more than 50 pounds only have access to seating positions with lap belts; such as allowing tethered child restraints for such children; and (4) whether the term "booster seat" in Federal motor vehicle safety standard (MSS) No. 212, "Child Restraint systems," is sufficiently comprehensive.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

**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:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AJ44

**2250. • SUBPART T HYBRID III-10C DUMMY, 10-YEAR-OLD CHILD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 1.50

**Legal Deadline:** None

**Abstract:** Anton's Law, signed by the President on December 4, 2002, specified in Section 4 that within 24 months the Secretary of Transportation, shall develop and evaluate an anthropomorphic test device that simulates a 10-year old child for use in testing child restraints used in passenger motor vehicles. The evaluation and testing of such a device

## DOT—NHTSA

## Proposed Rule Stage

has been completed by NHTSA, and the agency will propose to incorporate the Hybrid III ten-year old dummy into Part 572 for potential application in Federal motor vehicle safety standards (FMVSS) such as FMVSS No. 213, Child restraint systems. This proposal will include rationale for the dummy performance response requirements; detailed dummy design drawings and specifications; and a procedures manual for the dummy inspection, assembly and disassembly.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/05 |         |

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

dms.dot.gov

**Agency Contact:** Stanley Backaitis, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: sbackaitis@nhtsa.dot.gov

**RIN:** 2127-AJ49

## Department of Transportation (DOT)

## Final Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2251. 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:** Since 1989, a number of petitions have been received asking NHTSA to modify Federal motor vehicle safety standard No. 207, "Seating systems," to improve seat performance in rear impacts. Although the agency has a greater knowledge about the issues associated with the performance of seats in rear impacts, we need additional time and resources focused on this issue before we will be able to make a decision on a rulemaking action. Since we will not be able to take action on this issue in the near future, we are terminating public proceedings on this issue. However, we will continue to conduct the necessary research and data analyses needed to support future rulemaking.

**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 |
| Comment Period End       | 01/22/93 |             |
| To Be Terminated         | 12/00/04 |             |

**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.

**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**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**2252. 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

**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 published the findings and recommendations of the negotiated rulemaking advisory committee proposed amendments to five part of title

49 and requested comments from the public. The agency will consider the comments and will publish a final rule.

**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 |

## DOT—NHTSA

## Final Rule Stage

| Action                                    | Date     | FR Cite     |
|---|----------|-------------|
| 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 |
| Final Rule                                | 12/00/04 |             |

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** The agency has published a list of scheduled meetings.

ANALYSIS: Regulatory Evaluation, 12/03/91, 56 FR 61392

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Alison Rusnak, 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

### 2253. +FUEL ECONOMY STANDARDS—RIGHTS AND RESPONSIBILITIES OF MANUFACTURERS IN THE CONTEXT OF CHANGES IN CORPORATE RELATIONSHIPS

**Priority:** Other Significant**Legal Authority:** 49 USC 32903**CFR Citation:** 49 CFR 534**Legal Deadline:** None

**Abstract:** This rulemaking clarifies 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 is specified for manufacturers that merge. This action is considered significant because it affects the treatment of the

Corporate Average Fuel Economy (CAFE) penalties.

**Timetable:**

| Action       | Date     | FR Cite    |
|--------------|----------|------------|
| NPRM         | 01/22/01 | 66 FR 6523 |
| Final Action | 04/00/05 |            |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

### 2254. +FMVSS: HEAD RESTRAINTS (HEIGHT AND DISTANCE REQUIREMENTS)

**Priority:** Other Significant**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:** This rulemaking would upgrade the current head restraint requirements to increase safety. The upgraded proposed performance requirements are intended to assure that the head restraint, if adjusted, will offer good protection to occupants. 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 |
| NPRM Comment Period End | 03/05/01 |           |
| Final Action            | 11/00/04 |           |

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

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**RIN:** 2127-AH09

### 2255. 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 proposed a revision of the standard to make explicit the standard applies to electronic accelerator controls and the electric vehicles. Because electronic engine controls increase the ways manufacturers can achieve fail-safe performance in the event of a disconnection or severance of the accelerator control system, the agency proposed alternative compliance tests for fail-safe performance to avoid design restrictions. However, after reviewing the comments on the proposal, additional research is required. This rulemaking will be terminated until further research is completed.

**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 |
| NPRM Comment Period End | 09/23/02 |             |
| To Be Withdrawn         | 11/00/04 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

## DOT—NHTSA

## Final Rule Stage

**2256. 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                 | 03/00/05 |            |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AG51**RIN:** 2127-AH74**2257. SPECIAL PURPOSE VEHICLES (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)****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 |
| NPRM Comment Period End | 04/27/04 |            |
| Final Action            | 11/00/04 |            |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, 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-AH75**2258. 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 proposed to adopt portions of the brake component Federal safety provisions that are now

in the Federal Motor Carrier Safety Administration regulations into the agency's brake hose regulation.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 05/15/03 | 68 FR 26384 |
| NPRM Comment Period End | 07/14/03 |             |
| Final Action            | 12/00/04 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AH79**2259. 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:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

## DOT—NHTSA

## Final Rule Stage

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

**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

### 2260. 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<br>Period End | 05/28/02 |             |
| Final Rule                 | 11/00/04 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** George Mouchahoir,  
Team Leader, Special Vehicles and  
Systems Division, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590  
Phone: 202 366-4919  
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**RIN:** 2127-AI04

### 2261. 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:** This rulemaking would  
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.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 09/23/03 | 68 FR 55217 |
| NPRM Comment<br>Period End | 11/24/03 |             |
| Final Action               | 07/00/05 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** 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

### 2262. 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                            | 06/30/04 | 69 FR 31330 |
| NPRM Comment<br>Period Extended | 08/04/04 | 69 FR 47075 |
| NPRM Comment<br>Period End      | 10/01/04 |             |
| Final Rule                      | 07/00/05 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** Chris Calamita,  
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-AI38

### 2263. 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:** This rulemaking would  
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<br>Period End | 07/14/03 |             |
| Final Action               | 01/00/05 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

## DOT—NHTSA

## Final Rule Stage

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance, NVS-123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2272

RIN: 2127-AI43

**2264. 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:** This rulemaking would update the hydraulic brake standard to require non-school bus vehicles with a gross vehicle weight rating (GVWR) over 10,000 pounds to be equipped with a 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:** No**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AI47

**2265. RETROACTIVE CERTIFICATION OF COMMERCIAL VEHICLES BY MOTOR VEHICLE MANUFACTURERS; RECORDKEEPING AND RECORD RETENTION****Priority:** Substantive, Nonsignificant**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**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stephen Wood, Division Chief, Rulemaking Division, 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-AI59

**2266. RECORD RETENTION OF RETROACTIVELY CERTIFIED VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30112; 49 USC 30115; 49 USC 30117 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**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Stephen Wood, Division Chief, Rulemaking Division, 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-AI60

**2267. ALLOW ROLL-BAR DURING BRAKE TESTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322**CFR Citation:** 49 CFR 571.105**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 |
| NPRM Comment Period End | 01/05/04 |             |
| Final Action            | 11/00/04 |             |

**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:** 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

**2268. IMPORTATION OF COMMERCIAL MOTOR VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30112

## DOT—NHTSA

## Final Rule Stage

**CFR Citation:** 49 CFR 591**Legal Deadline:** None**Abstract:** This rulemaking proposed 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**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2269. 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:** This rulemaking would 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 Action            | 07/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2270. +EVENT DATA RECORDERS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR Part 563**Legal Deadline:** None

**Abstract:** In the past several years, there has been considerable interest from the safety community in establishing requirements for event data recorders (EDRs). The agency is considering what role NHTSA should take in implementing EDRs in motor vehicles. This rulemaking would establish requirements for EDRs in new vehicles if an EDR is in the vehicle. The requirement would include a minimum set of data to be collected and enhanced survivability in crashes. This rule is significant because of public interest.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| Request for Comments        | 10/11/02 | 67 FR 63493 |
| Comment Period End          | 01/09/03 |             |
| Extension of Comment Period | 01/10/03 | 68 FR 1508  |
| Comment Period Extended     | 02/28/03 |             |
| Final Action                | 06/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2271. 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 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 higher risk and measures for increasing the conspicuity of low speed vehicles.

**Timetable:**

| Action          | Date     | FR Cite     |
|-----------------|----------|-------------|
| NPRM            | 07/12/02 | 67 FR 46149 |
| To Be Withdrawn | 02/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of

## DOT—NHTSA

## Final Rule Stage

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

RIN: 2127-AI84

### 2272. +FEDERAL MOTOR VEHICLE SAFETY STANDARDS, OCCUPANT CRASH PROTECTION

**Priority:** Other Significant

**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:** Final, Statutory, December 4, 2004.

On December 4, 2002, the President signed into law "Anton's Law", P.L. 107- 318 (December 4, 2002; 116 Stat. 2772), which provides for the improvement of child safety devices when installed in motor vehicles. One of the provisions of Anton's Law mandates the installation of lap/shoulder belts in rear seating positions. Specifically, section 5(a) of the law directs the Secretary of Transportation, through NHTSA, to issue a final rule by December 2004 that would require a lap and shoulder be.

**Abstract:** In response to Anton's Law, the agency is developing an amendment to its occupant protection standard, FMVSS No. 208, to require the installation of integral lap/shoulder belts for all rear non-outboard designated seating positions (DSPs) other than side facing seats in passenger cars, trucks, and multipurpose passenger vehicles with a 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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

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RIN: 2127-AI91

### 2273. 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                    | 06/14/04 | 69 FR 32954 |
| NPRM Comment Period End | 08/13/04 |             |
| Final Action            | 06/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AI95

### 2274. 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 | 07/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

### 2275. +SIDE IMPACT PROTECTION UPGRADE—FMVSS NO. 214

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

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

## DOT—NHTSA

## Final Rule Stage

**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. This rulemaking would require in FMVSS No. 214 a vehicle-to-pole impact test to reduce the number of fatal and serious head injuries, which is not addressed in FMVSS No. 201.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 05/17/04 | 69 FR 27990 |
| NPRM Comment<br>Period End | 10/14/04 |             |
| Agency Decision            | 02/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Lori Summers, 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-AJ16, Related to 2127-AI89

**RIN:** 2127-AJ10

**2276. 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 |
| NPRM Comment<br>Period End | 02/06/04 |             |
| Final Action               | 01/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Gayle Dalrymple, Safety 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-AJ12

**2277. +REFORMING THE AUTOMOBILE FUEL ECONOMY STANDARDS PROGRAM**

**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 32910

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would address various issues relating to the corporate average fuel economy (CAFE) program. In particular, it addresses possible enhancements to the program that will assist in furthering fuel conservation while protecting motor vehicle safety and American jobs. The agency is particularly interested in improvements to the structure of the

CAFE program authorized under current statutory authority.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 12/29/03 | 68 FR 74908 |
| ANPRM Comment<br>Period End | 04/27/04 |             |
| Agency Decision             | 03/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2278. CIVIL PENALTIES (PART 578)**

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

**Legal Authority:** PL 101-410; 104-134; 49 USC 30165; 30170; 30505; 32308-32309; 32507; 32709; 32710; 32912; 33115; 49 CFR 1.50

**CFR Citation:** 49 CFR 578.6

**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                       | 06/14/04 | 69 FR 32963 |
| NPRM Comment<br>Period End | 08/13/04 |             |
| Final Rule                 | 09/28/04 | 69 FR 57864 |
| Final Action Effective     | 11/12/04 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires agencies to review

## DOT—NHTSA

## Final Rule Stage

and, as warranted, adjust their penalties at least every four years.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2279. LIST OF NONCONFORMING VEHICLES ELIGIBLE FOR IMPORTATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30141; 49 USC 322

**CFR Citation:** 49 CFR 593

**Legal Deadline:** None

**Abstract:** This rulemaking action amends the list of vehicles not originally manufactured to conform to all applicable Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation. This list is published as an appendix to NHTSA's regulations at 49 CFR part 593 that establish the procedures through which the agency makes import eligibility decisions. The amendment will add to the list all vehicles that NHTSA decided to be eligible for importation since the list was last published on October 1, 2003.

**Timetable:**

| Action                                   | Date     | FR Cite     |
|--|----------|-------------|
| Final Action                             | 11/18/02 | 67 FR 69600 |
| Final Action Effective                   | 09/30/04 |             |
| Reponse to Petitions for Reconsideration | 11/00/04 |             |

**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 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

Email: csachs@nhtsa.dot.gov

**RIN:** 2127-AJ35

**2280. RESPONSE TO PETITIONS FOR RECONSIDERATION OF TREAD CHILD RESTRAINT PERFORMANCE (FMVSS NO. 213)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 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 Rule                                | 06/24/03 | 68 FR 37620 |
| Response to Petitions for Reconsideration | 12/00/04 |             |

**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:** 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-AJ40

**2281. REPORTING OF INFORMATION AND COMMUNICATIONS ABOUT POTENTIAL DEFECTS**

**Priority:** Substantive, Nonsignificant

**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                    | 06/29/04 | 69 FR 38860 |
| NPRM Comment Period End | 07/29/04 |             |
| Final Action            | 11/00/04 |             |

**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:** 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

Phone: 202 366-5226

Fax: 202 366-7882

**RIN:** 2127-AJ41

**2282. ● RESPONSE TO PETITIONS FOR RECONSIDERATION OF THE JULY 25, 2003, FMVSS NO. 205**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30112; 49 USC 30166; 49 USC 30177; 49 USC 322

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** The notice responds to petitions for reconsideration of the July 25, 2004 Final Rule (68 FR 43964). The final rule incorporated by reference the "American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways - ANSI/SAE Z26.1-1996." The petitioners to the final rule raised issues with the

## DOT—NHTSA

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technique to measure windshield shade band, the definition of the “most difficult part or pattern” for fracture testing, the inclusion of solder terminals in fracture testing, the applicability to aftermarket parts, lead time and the interpretation of daylight opening. This notice responds to these petition issues.

**Timetable:**

| Action                                    | Date     | FR Cite     |
|---|----------|-------------|
| Final Action                              | 08/18/04 | 69 FR 51188 |
| Response to Petitions for Reconsideration | 08/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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, Related to 2127-AJ25

**RIN:** 2127-AJ43

**2283. • FMVSS NO. 217; BUS EMERGENCY EXITS AND WINDOW RETENTION AND RELEASE, RESPONSE TO PETITIONS FOR RECONSIDERATION**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 1392**CFR Citation:** 49 CFR 571.217**Legal Deadline:** None

**Abstract:** On April 19, 2002, the agency published a final rule amending

Federal Motor Vehicle Safety Standard No. 217; “Bus emergency exits and window retention and release,” to reduce the likelihood that wheelchair securement anchorages would be installed in locations that permit wheelchairs to block access to emergency exit doors. The final rule added provisions that restricted the placement of wheelchair anchorages from being placed directly in front of rear and side emergency exit doors, and required a warning label, “DO NOT BLOCK”, to be placed over emergency exit doors and windows.

This final rule responds to petitions for reconsiderations from American Transportation Corporation, Thomas Built Buses, and Blue Bird Body Company. The petitioners requested to change a discrepancy between the regulatory text and Figure 6C for the exclusion zone in front of rear emergency exit doors, and to remove the

warning label DO NOT BLOCK requirement for emergency exit windows.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 12/00/04 |         |

**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:** 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

**Related RIN:** Related to 2127-AH03**RIN:** 2127-AJ47

**2284. • DEFECT AND NONCOMPLIANCE RESPONSIBILITY AND REPORTS, DEFECT AND NONCOMPLIANCE NOTIFICATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30102; 49 USC 30103; 49 USC 30116; 49 USC 30117; 49 USC 30118; 49 USC 30119; 49 USC 30120; 49 USC 30121; 49 USC 30166

**CFR Citation:** 49 CFR 573; 49 CFR 577**Legal Deadline:** None

**Abstract:** This rulemaking would respond to petitions for reconsideration of final rule on Dealer Notification published on June 23, 2004.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 11/00/04 |         |

**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:** Michael Goode, 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-AG27**RIN:** 2127-AJ48

## Department of Transportation (DOT)

## National Highway Traffic Safety Administration (NHTSA)

## Long-Term Actions

**2285. +REVIEW: SIDE IMPACT PROTECTION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571.214**Legal Deadline:** None

**Abstract:** Phase 2 will evaluate the change in side-impact fatality risk after FMVSS 214 vs. just before the standard: for all cars, by car type (2-door vs. 4-door), by type of vehicle modification

(structure plus padding vs. padding only), and as a function of how much the test criterion TTI(d) was reduced when the standard was implemented in a make-model.

## DOT—NHTSA

## Long-Term Actions

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| Begin Review  | 10/01/94 |             |
| Phase II Evaluation Plan  | 12/08/99 | 64 FR 68717 |
| Technical Report: Phase I   | 12/08/99 | 64 FR 68717 |
| Comment Period End  | 04/06/00 |             |
| Summary and Discussion of Public Comments Sent to Docket: Phase I | 08/11/00 |             |
| End Review  | 06/00/06 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Additional Information:** The Phase I evaluation report indicates that the test injury criterion TTI(d) has a statistically significant association with fatality risk in actual side-impact crashes on the highway. In model years 1981-93 cars, models with low TTI(d) on the Federal motor vehicle safety standard no. 214 test tend to have low fatality risk.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Charles J. Kahane, Chief, Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2560

Fax: 202 366-2559

Email: ckahane@nhtsa.dot.gov

RIN: 2127-AF54

**2286. 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 |
| End Review                | 12/00/06 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AI14

**2287. 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 |             |
| Evaluation Plan Published | 08/14/00 | 65 FR 49633 |
| Collection of Information | 10/05/01 | 66 FR 51093 |
| End Review                | 12/00/06 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AI15

**2288. 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 Period End | 06/01/04         |             |
| Final Rule              | To Be Determined |             |

**Regulatory Flexibility Analysis**

Required: No

## DOT—NHTSA

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** State

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

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

**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

**2289. REFORMING THE AUTOMOBILE  
FUEL ECONOMY STANDARDS  
PROGRAM; REQUEST FOR PRODUCT  
PLAN INFORMATION**

**Priority:** Substantive, Nonsignificant.  
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<br>Period End | 04/27/04 |             |
| Next Action Undetermined    |          |             |

**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:** Kenneth Richard  
Katz, Lead Engineer, Consumer  
Program Division, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590  
Phone: 202 366-4936  
Fax: 202 366-4329  
Email: kkatz@nhtsa.dot.gov

**RIN:** 2127-AJ26

**2290. DEFECT AND  
NON-COMPLIANCE RESPONSIBILITY  
AND REPORTS (PARTS 573 AND 577)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 U.S.C.  
30118,30119, 30120; 49 U.S.C.  
30118,30119, 30120

**CFR Citation:** 49 CFR 573; 49 CFR 577;  
49 CFR 573; 49 CFR 577

**Legal Deadline:** None

**Abstract:** This regulation would specify  
requirements for regional recalls.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** Raymond K. Woo,  
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: raymond.woo@nhtsa.dot.gov

**RIN:** 2127-AJ33

## Department of Transportation (DOT)

## Completed Actions

## National Highway Traffic Safety Administration (NHTSA)

**2291. 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 had proposed  
a new Federal motor vehicle safety  
standard regulating new radiator caps.  
However, based on current cost  
estimates and reduced incidence of  
injuries, the agency decided to  
withdraw the rulemaking.

**Timetable:**

| Action    | Date     | FR Cite     |
|-----------|----------|-------------|
| NPRM      | 06/01/01 | 66 FR 29747 |
| Withdrawn | 06/22/04 | 69 FR 34633 |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**Agency Contact:** 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

**2292. ALTERNATIVE GEOMETRIC  
VISIBILITY LAMPS FOR CARS**

**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 has harmonized  
the lighting standard's geometric  
visibility requirements for signal lamps  
with those of the Economic  
Commission for Europe (ECE). This  
harmonization improves safety in the  
United States by improved visibility of  
these lamps and allows manufacturers  
to reduce costs by producing to a single  
world vehicle standard rather than  
several.

## DOT—NHTSA

## Completed Actions

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| NPRM                        | 10/26/95 | 60 FR 54833 |
| NPRM Comment<br>Period End  | 12/26/95 |             |
| SNPRM                       | 12/10/98 | 63 FR 68233 |
| SNPRM Comment<br>Period End | 03/10/99 |             |
| Final Action                | 08/11/04 | 69 FR 48805 |

**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AF75**2293. 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:** This rulemaking will amend the test procedure used to demonstrate compliance by adding an alternative testing specification for a non-contact automatic reversal system, 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. This will

remove a needless impediment to the introduction of these systems.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 06/04/96 | 61 FR 28124 |
| Correction                 | 06/14/96 | 61 FR 30209 |
| NPRM Comment<br>Period End | 08/05/96 |             |
| Final Rule                 | 09/15/04 | 69 FR 55531 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2294. 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:** This rulemaking implements 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 sets forth criteria to govern the timing and content of notifications of defects and noncompliances that manufacturers must send to their dealers.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 09/27/93 | 58 FR 50314 |
| NPRM Comment<br>Period End | 10/27/93 |             |
| SNPRM                      | 05/19/99 | 64 FR 27227 |

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| SNPRM Comment<br>Period End | 06/18/99 |             |
| Final Action                | 06/23/04 | 69 FR 34954 |

**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:** 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

Phone: 202 366-5226

Fax: 202 366-7882

**RIN:** 2127-AG27**2295. 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:** This rulemaking requires 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 does not close a window, partition, or panel. This rule will enhance safety for children.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 11/15/96 | 61 FR 58504 |
| NPRM Comment<br>Period End | 01/14/97 |             |
| Final Rule                 | 09/15/04 | 69 FR 55517 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Mike Pyne, Safety Standards Engineer, Office of Crash

## DOT—NHTSA

## Completed Actions

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

### 2296. 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 ensure real-world performance for LEDs.

#### Timetable:

| Action                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| NPRM                            | 06/24/98 | 63 FR 34350 |
| NPRM Comment<br>Period Extended | 08/03/98 | 63 FR 41222 |
| NPRM Comment<br>Period End      | 10/09/98 |             |
| Withdrawn                       | 09/15/04 | 69 FR 55548 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** 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

### 2297. 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:** This rulemaking would clarify requirements for RIs and applicants for RI status, as well as procedures for suspending or revoking the registrations of RIs that violate the statute and regulations governing their activities.

#### Timetable:

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 11/20/00 | 65 FR 69810 |
| NPRM Comment<br>Period End | 02/01/01 |             |
| Final Rule                 | 08/25/04 | 69 FR 52069 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** Michael Goode, 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

RIN: 2127-AH67

### 2298. 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 considering developing

appropriate performance criteria for the various safety systems and hardware necessary for use on these vehicles. However, this action is being withdrawn at this time until research is completed and evaluated.

#### Timetable:

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Terminated | 10/20/04 |         |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

#### URL For More Information:

dms.dot.gov

#### URL For Public Comments:

dms.dot.gov

**Agency Contact:** 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

### 2299. GLARE FROM HEADLAMPS AND OTHER FRONT MOUNTED LAMPS FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108; LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

**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<br>Comments | 09/28/01 | 66 FR 49594 |
| Withdrawn               | 09/08/04 | 69 FR 54255 |

## DOT—NHTSA

## Completed Actions

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2300. 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:** The final rule for Federal motor vehicle safety standard No. 225, "Child restraint anchorage systems," contained a provision for alternative compliance that expired September 1, 2004. The alternative provision included allowance for stowable or foldable child restraint anchorage systems. Since there was only very limited

utilization of this provision over several years, and because a safety need had not been established, the agency determined that there was no justification for development of compliance test procedures and therefore terminated any further rulemaking on this issue.

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| Terminated | 08/11/04 | 69 FR 48818 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, 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

**Related RIN:** Related to 2127-AH65, Related to 2127-AH86**RIN:** 2127-AH85**2301. 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 undertaken in response to a petition for rulemaking pertaining to requirements for a motorcycle headlamp system which includes the height of the upper beam and the number of headlamp and light source. However, substantial additional research is need to appropriately address this issue. The agency has decided to withdraw this action until that research is completed.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Terminated | 10/20/04 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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**2302. MOTOR VEHICLE SAFETY: DISPOSITION OF RECALLED 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 Period End  | 02/19/02 |             |
| SNPRM                    | 07/26/02 | 67 FR 48852 |
| SNPRM Comment Period End | 08/26/02 |             |
| Final Action             | 08/13/04 | 69 FR 50077 |
| Final Action Effective   | 12/12/04 |             |

**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:** Enid Rubenstein, Senior Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW, Washington, DC 20590

Phone: 202 366-5252  
Fax: 202 366-2820

**RIN:** 2127-AI29

## DOT—NHTSA

## Completed Actions

**2303. 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 incorporated 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 will be used testing child restraint systems which are rated for weights above the current 6-year-old dummy weight and will 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     |
|--------------|----------|-------------|
| Final Action | 07/16/04 | 69 FR 42595 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Sean Doyle, Engineer, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1740

Fax: 202 366-4329

Email: sean.doyle@nhtsa.dot.gov

**RIN:** 2127-AI58**2304. 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 rulemaking action responded to a petition for reconsideration of the reimbursement prior to recall rule.

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 10/17/02 | 67 FR 64049 |

| Action                                  | Date     | FR Cite     |
|---|----------|-------------|
| Denial of Petitions for Reconsideration | 08/31/04 | 69 FR 49819 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AI28**RIN:** 2127-AJ05**2305. 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 Rule   | 12/07/02 | 67 FR 79416 |
| Final Action | 10/01/04 | 69 FR 58843 |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** William Evans, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crash Avoidance, NVS-123, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2272

**RIN:** 2127-AJ18**2306. THEFT DATA FOR CALENDAR YEAR 2002****Priority:** Substantive, Nonsignificant**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 Rule              | 09/01/04 | 69 FR 53354 |
| Correction              | 11/03/04 | 69 FR 63957 |

**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:** 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-AJ27

## DOT—NHTSA

## Completed Actions

**2307. INSURER REPORTING REQUIREMENTS FOR OCTOBER 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33112**CFR Citation:** 49 CFR 544**Legal Deadline:** None

**Abstract:** NHTSA updated 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. Each insurer included in any of these appendices must file three copies of its report for the 2001 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<br>Period End | 06/08/04 |             |
| Final Rule                 | 07/13/04 | 69 FR 41974 |

**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:** 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-AJ29**2308. SCHEDULE OF FEES AUTHORIZED BY 49 USC 30141****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30141; 49 USC 322; 49 USC 30141**CFR Citation:** 49 CFR 594; 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                        | 06/09/04 | 69 FR 32312 |
| ANPRM Comment<br>Period End | 07/26/04 |             |
| Final Rule                  | 09/28/04 | 69 FR 57869 |

**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 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  
Email: csachs@nhtsa.dot.gov

**RIN:** 2127-AJ34**2309. TIRE SAFETY INFORMATION****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** None**Legal Deadline:** None

**Abstract:** This document responded 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 modified certain aspects of its November 2002 final rule to clarify it.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 06/03/04 | 69 FR 31306 |
| Correction   | 08/19/04 | 69 FR 51399 |

**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:** 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**2310. 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

## DOT—NHTSA

## Completed Actions

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 were filed concerning manufacturing tolerance issues. This action responded to those issues.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 08/11/04 | 69 FR 48818 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AJ39

**2311. • PETITIONS FOR RECONSIDERATION OF THE NOVEMBER 19, 2003 FMVSS NO. 208 FINAL RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30115; 49 USC 30166; 49 USC 30177; 49 USC 322

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This notice address the Petitions for Reconsideration received on the November 19, 2003, FMVSS No. 208 final rule, which raised detailed dummy and seat positioning issues and other test procedure clarifications. The notice also deal with petition issues associated with child restraints specified in appendix A.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 08/20/04 | 69 FR 51598 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Office of Crashworthiness Standards, NVS-112, 400 Seventh Street, SW, Room 5320, Washington, DC 20590

Phone: 202 366-1833

Fax: 202 366-4329

**Related RIN:** Related to 2127-AI82

**RIN:** 2127-AJ42

**2312. • UPGRADING FUEL SYSTEM INTEGRITY, RESPONSE TO PETITIONS FOR RECONSIDERATION, STD. 301**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30112; 49 USC 30115; 49 USC 30166; 49 USC 30177; 49 USC 322

**CFR Citation:** 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** On December 1, 2003, the agency published the final rule to upgrade rear and side impact test requirements in FMVSS No. 301. The agency received eight (8) petitions for reconsideration on the requirements. This action responded to these petitions.

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 08/19/04 | 69 FR 51393 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and

Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4919

Fax: 202 366-4329

Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AJ45

**2313. • FMVSS NO. 225, "CHILD RESTRAINT ANCHORAGE SYSTEMS"**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30111; 49 USC 30112; 49 USC 30115; 49 USC 30166; 49 USC 30177; 49 USC 322

**CFR Citation:** 49 CFR 571.225

**Legal Deadline:** None

**Abstract:** This document makes permanent the temporary exclusion granted by the agency in an interim final rule published on May 8, 2003 to exclude funeral coaches (as defined in the rule) from the requirements of the Federal motor vehicle safety standard on child restraint anchorage systems (FMVSS No. 225).

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 10/12/04 | 69 FR 60563 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: gmouchahoir@nhtsa.dot.gov

**RIN:** 2127-AJ46

**BILLING CODE 4910-59-S**

**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**

**Proposed Rule Stage**

**2314. +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:** This rulemaking would address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act of (1992). FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (See RIN 2130-AA89) and reported its finding to Congress. 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 on January 23, 1997, to develop task statements that were forwarded to the full RSAC and accepted on June 24, 1997. The RSAC Locomotive Crashworthiness Working Group last met in January 2002, to consider specific recommendations for regulatory action.

The Working Group reached 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                | 11/02/04 | 69 FR 63890 |
| NPRM Comment        | 01/03/05 |             |
| Period End          |          |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Additional Information:** This rulemaking was originally included in RIN 2130-AA89, Locomotive Cab Working Conditions.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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

**2315. 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:** This is an Interim Final Rule which establishes the monetary threshold for reporting rail equipment accidents/incidents for the calendar year 2003 and beyond. This rule replaces the annual determination of the threshold, which is being withdrawn. The 2003 threshold will remain the same as the threshold for calendar year 2002 due to the unavailability of Bureau of Labor

Statistics data that was previously used to calculate the threshold. The 2002 threshold is \$6700; this is the number that will carry over for 2003 and beyond. FRA is not calculating a new threshold; rather, the old one is being retained as it is not possible to calculate a new threshold with the current formula due to the lack of BLS data. The 2002 threshold will be carried over for calendar year 2003 and beyond, until a new formula is established. FRA will be seeking notice and comment at a future date to establish a new formula for calculating the monetary threshold for accident/incident reporting for calendar year 2004 and beyond.

**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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Roberta Stewart, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 493-6027

Fax: 202 493-6068

**Related RIN:** Related to 2130-AB30

**RIN:** 2130-AB57

**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**

**Final Rule Stage**

**2316. +WHISTLE BANS AT  
 HIGHWAY-RAIL GRADE CROSSINGS**

**Regulatory Plan:** This entry is Seq. No. 112 in part II of this issue of the Federal Register.

**RIN:** 2130-AA71

**2317. +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:** This rulemaking would govern the development, testing and approval of Micro-processor Based Signal and Train Control Systems. FRA has determined through the joint-fact-finding efforts of the Railroad Safety Advisory Committee (RSAC) that performance standards would facilitate the introduction of advanced technology, including systems that support the core functions of Positive

## DOT—FRA

## Final Rule Stage

Train Control (PTC). This rulemaking addresses technical standards for all processor-based signal and train control products, amending 49 CFR Part 236.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/10/01 | 66 FR 42351 |
| NPRM Comment<br>Period End | 11/08/01 |             |
| Final Rule                 | 12/00/04 |             |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6064  
Fax: 202-493-6068

**RIN:** 2130-AA94

**2318. +LOCOMOTIVE EVENT RECORDERS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229

**Legal Deadline:** None

**Abstract:** This rulemaking would improve the crashworthiness of railroad locomotive event recorders and would enhance the quality of information available for post-accident investigations. It would amend its existing regulations in four major ways: (1) by requiring that new locomotives have event recorders with hardened memory modules, proven by a requirement that the memory modules preserve stored data throughout a sequence of prescribed tests; (2) by requiring that new locomotives have an event recorder that collects certain additional types of information; (3) by simplifying standards for inspecting, testing, and maintaining event recorders; and (4) by requiring the phasing out, over a six-year period, of event recorders that use magnetic tape as a data storage medium. This

rulemaking was originally designated as nonsignificant.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| NPRM                                  | 06/30/04 | 69 FR 39774 |
| NPRM Comment<br>Period End            | 08/31/04 |             |
| Extension of Comment<br>Period        | 09/08/04 |             |
| End of Extension of<br>Comment Period | 10/11/04 |             |
| Final Rule                            | 12/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking was previously titled "Crashworthy Event Recorders."

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-6036  
Fax: 202 493-6068

**RIN:** 2130-AB34

**2319. 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 1980's. 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 preparing the final rule.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 11/06/03 | 68 FR 62942 |
| NPRM Comment<br>Period End | 03/05/04 |             |
| Final Rule                 | 11/00/04 |             |

**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:** Lucinda Henriksen, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-1345  
Fax: 202 493-6068

**RIN:** 2130-AB41

**2320. • RAILROAD WORKPLACE SAFETY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This rulemaking would amend regulations on Railroad Workplace Safety to clarify an ambiguous provision concerning the circumstances under which life vests or buoyant work vests are required for bridge workers working over water. This clarification essentially allows employees who are working on a bridge deck over water to work without a life vest or buoyant work vest under circumstances where falls are effectively prevented by hand rails, walkways, or acceptable work procedures. These exceptions currently apply to the use of fall protection and will now apply to the use of drowning protection.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/04 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

## DOT—FRA

## Final Rule Stage

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6064  
Fax: 202-493-6068

**Related RIN:** Related to 2130-AA91**RIN:** 2130-AB63**2321. • INSPECTION AND MAINTENANCE STANDARDS FOR STEAM LOCOMOTIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103, 20701, 20702; 49 CFR 1.49**CFR Citation:** 49 CFR 230**Legal Deadline:** None

**Abstract:** This rulemaking would correct FRA Form 4 in Appendix C of Part 230, which was published in the Federal Register of Wednesday, November 17, 1999 (64 FR 62828). Part 230 relates to inspection and maintenance standards of steam locomotives, and the form is used to record information about inspections of steam locomotives. Initially, a section on the form to record the shearing stress on rivets was inadvertently omitted. This final rule will correct that omission.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| Final Rule;<br>Corrections | 11/00/04 |         |

**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:** Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-6034  
Fax: 202 493-6068

**RIN:** 2130-AB64**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)**

## Long-Term Actions

**2322. +OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES****Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229; 49 CFR 227**Legal Deadline:** None

**Abstract:** This rulemaking would amend FRA's occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab. FRA existing standard (issued in 1980) limits cab employee noise exposure to certain levels based on the duration of employee exposure. This rulemaking would modify that standard and also set out additional requirements. The

rulemaking would require railroads to conduct noise monitoring and to implement a hearing conservation program, which would include hearing tests (audiograms), training, and monitoring. The rulemaking would also establish design, build, and maintenance standards for new locomotives and maintenance requirements for existing locomotives. FRA expects that this rulemaking 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               | 06/23/04 | 69 FR 35146 |
| Final Rule         | 02/00/06 |             |

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Christina McDonald, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-6032  
Fax: 202 493-6068

**RIN:** 2130-AB56**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)**

## Completed Actions

**2323. 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:** This rulemaking implemented the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. FRA adjusted the minimum and maximum civil monetary penalties it issues for violations of railroad safety statutes.

**Timetable:**

| Action                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Rule             | 05/28/04 | 69 FR 30591 |
| Final Rule; Correction | 10/28/04 | 69 FR 62817 |

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

## DOT—FRA

## Completed Actions

dms.dot.gov

**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-6034  
Fax: 202 493-6068**RIN:** 2130-AB61**2324. 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:** This rulemaking updated 49 CFR part 209 to comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement of 1996. FRA adjusted 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 | 05/28/04 | 69 FR 30590 |

**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:** Melissa Porter, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 493-6034  
Fax: 202 493-6068**RIN:** 2130-AB62**BILLING CODE** 4910-06-S

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Transit Administration (FTA)

**2325. +RAIL FIXED GUIDEWAY SYSTEMS: STATE SAFETY OVERSIGHT****Priority:** Other Significant**Legal Authority:** 49 USC 5330**CFR Citation:** 49 CFR 659**Legal Deadline:** None**Abstract:** In 1995, under RIN 2132-AA39, FTA issued the final rule entitled, Rail Fixed Guideway Systems; State Safety Oversight. On December 23, 1996, under RIN 2132-AA57, FTA issued technical amendments to the final rule. Then in 2002, under RIN 2132-AA69, FTA issued a direct final rule amending the definition of accident. Because FTA received an adverse comment, the direct final rule was withdrawn and the next action was listed as undetermined while the next course of action was determined. FTA

now intends to amend the rule, and has closed out RIN 2132-AA69, and opened RIN 2132-AA76, for this action. This rulemaking would add safety standards or guidance and significantly update existing rules in light of the increase in the number of state safety oversight agencies since the original FTA rule was issued.

**Timetable:**

| Action        | Date     | FR Cite     |
|---------------|----------|-------------|
| NPRM          | 03/09/04 | 69 FR 11218 |
| ANPRM Comment | 06/07/04 |             |
| Period End    |          |             |
| Final Action  | 05/00/05 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** This rulemaking action is being taken in lieu of further action on a previously reported RIN (2132-AA69).**URL For More Information:**  
dms.dot.gov**URL For Public Comments:**  
dms.dot.gov**Agency Contact:** Jerry Fisher, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2896**Related RIN:** Previously reported as 2132-AA69**RIN:** 2132-AA76

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Transit Administration (FTA)

**2326. 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 |

## DOT—FTA

## Long-Term Actions

| Action                  | Date         | FR Cite |
|-------------------------|--------------|---------|
| 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

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

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

**Agency Contact:** Elizabeth S. Martineau, Attorney Advisor,

Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1936  
Fax: 202 366-3809

**RIN:** 2132-AA67

**BILLING CODE** 4910-57-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Research and Special Programs Administration (RSPA)

**2327. 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 |
| Request for Comments             | 03/11/99 | 64 FR 12147 |
| NPRM Extension of Comment Period | 04/30/99 | 64 FR 23256 |
| Comment Period End               | 07/07/99 |             |
| SNPRM                            | 12/00/04 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-98-4868 (Formerly PS-122).

**ANALYSIS:** Regulatory Evaluation, 09/25/91, 56 FR 48505

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

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

**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-AB15

**2328. +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 proposes to 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 04/29/1991 | 03/21/91 | 56 FR 11982 |
| NPRM  | 05/21/93 | 58 FR 29698 |
| NPRM Comment Period End                     | 10/18/93 |             |
| SNPRM                                       | 11/00/04 |             |

**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

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

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

**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AC00

**2329. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR CARRIAGE BY AIRCRAFT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 48 USC 5101 to 5127

**CFR Citation:** 49 CFR 175

**Legal Deadline:** None

**Abstract:** This rulemaking would propose that Part 175 be revised and rewritten in order to simplify and clarify the requirements, further align them with the international requirements (ICAO) and eliminate obsolete requirements. The NPRM clarifies the applicability of Part 175 (Carriage by Aircraft), excepts cargo aircraft from certain quantity limitations, separates the exceptions in Section 175.10 into three sections based on applicability, provides new separation distances for shipping radioactive materials by cargo aircraft, converts certain exemptions into the regulations, responds to petitions for rulemaking, makes revisions to more clearly conform to international

## DOT—RSPA

## Proposed Rule Stage

standards, and rewrites Part 175 for easier understanding.

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| ANPRM   | 02/26/02 | 67 FR 8769  |
| ANPRM; Extension of Comment Period <sup>1</sup> | 05/13/02 | 67 FR 32002 |
| ANPRM Comment Period End                        | 05/31/02 |             |
| ANPRM; Extension Comment Period End             | 09/30/02 |             |
| NPRM  | 12/00/04 |             |

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-228; RSPA-02-11654.

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**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](mailto:rules@rspa.dot.gov)

**RIN:** 2137-AD18

### 2330. +HAZARDOUS MATERIALS: TRANSPORTATION OF OXYGEN CYLINDERS AND OXYGEN GENERATORS ABOARD AIRCRAFT

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172; 49 CFR 175

**Legal Deadline:** None

**Abstract:** This rulemaking would require oxygen cylinders and oxygen generators, when transported aboard aircraft, to be packed in an outer packaging that meets prescribed thermal and heat resistance requirements. These requirements would increase the level of safety associated with transportation of oxidizing gases by air. This rule has no impact on the use of passenger-owned oxygen cylinders. This rule is significant due to public interest.

**Timetable:**

| Action                           | Date     | FR Cite     |
|----------------------------------|----------|-------------|
| NPRM                             | 06/06/04 | 69 FR 25470 |
| NPRM Comment Period Extended     | 08/04/04 | 69 FR 47074 |
| NPRM Comment Period End          | 08/13/04 |             |
| NPRM Extended Comment Period End | 12/13/04 |             |
| Final Rule                       | 06/00/05 |             |

**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.

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**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  
Email: [rules@rspa.dot.gov](mailto:rules@rspa.dot.gov)

**RIN:** 2137-AD33

### 2331. +HAZARDOUS MATERIALS: SAFETY REQUIREMENTS FOR EXTERNAL PRODUCT PIPING ON CARGO TANKS TRANSPORTING FLAMMABLE LIQUIDS

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 173; 49 CFR 180

**Legal Deadline:** None

**Abstract:** This rulemaking would address requirements to reduce the risks associated with the retention of flammable liquid in unprotected product piping on a cargo tank motor vehicle during transportation (wetlines). It responds to an NTSB recommendation. It is significant because of industry concerns about its cost implications.

**Timetable:**

| Action                   | Date     | FR Cite    |
|--------------------------|----------|------------|
| ANPRM                    | 02/10/03 | 68 FR 6689 |
| ANPRM Comment Period End | 06/10/03 |            |
| NPRM                     | 11/00/04 |            |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-213B; RSPA-99-6223.

**URL For More Information:** [dms.dot.gov](http://dms.dot.gov)

**URL For Public Comments:** [dms.dot.gov](http://dms.dot.gov)

**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](mailto:rules@rspa.dot.gov)

**RIN:** 2137-AD36

### 2332. 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:** This rulemaking would propose that 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   | 11/00/04 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-02-11457.

**URL For More Information:**

## DOT—RSPA

## Proposed Rule Stage

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2333. HAZARDOUS MATERIALS REGULATIONS: ALUMINUM CYLINDERS — REVISED REQUALIFICATION AND USE CRITERIA FOR THE DOT 3 AL CYLINDER MADE OF ALUMINUM ALLOY 6351-TG**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 173

**Legal Deadline:** None

**Abstract:** This rulemaking initiative would be 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 | 06/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-220

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Kurt C. Eichenlaub, 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

**2334. HAZARDOUS MATERIALS: MISCELLANEOUS PACKAGING AMENDMENTS**

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

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 173; 49 CFR 178

**Legal Deadline:** None

**Abstract:** This rulemaking would propose to 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-part labs, and shippers. The proposals will 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   | 03/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket HM-231.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2335. ● HAZARDOUS MATERIALS: REQUIREMENTS FOR UN STANDARD CYLINDERS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

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

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 107; 49 CFR 173; 49 CFR 178; 49 CFR 180

**Legal Deadline:** None

**Abstract:** This rulemaking action proposes to amend the Hazardous Materials Regulations (HMR) to adopt standards for the design, construction, maintenance and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the United Nations (UN) Recommendations on the Transportation of Dangerous Goods. The intended effect of this proposed rule is to offer greater flexibility for the design and manufacturer of pressure receptacles, offer a wider selection of pressure receptacles, reduce the need for exemptions, and facilitate the internal transportation of compressed gases in commerce.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** HM-220E

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**RIN:** 2137-AD91

**2336. +HAZARDOUS MATERIALS: INFECTIOUS SUBSTANCES; HARMONIZATION WITH THE UNITED NATIONS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 et seq

**CFR Citation:** 49 CFR 171 to 173; 49 CFR 178

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Hazardous Materials Regulations (HMR) to harmonize the current requirements for the Transport of Dangerous Goods with UN standards which revised the classification criteria for infectious substances, based on risk

## DOT—RSPA

## Proposed Rule Stage

evaluations conducted by the World Health Organization and U.S. Centers for Disease Control and Prevention. It would also relax transportation requirements for certain infectious substances based on the level of risk associated with their transportation.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM-226A  
Proposes Changes to HMR

**URL For More Information:**

dms.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-AD93

**2337. PIPELINE SAFETY: AMENDMENTS TO GAS AND HAZARDOUS LIQUID PIPELINE OPERATOR PERSONNEL QUALIFICATION PROGRAM**

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

**Legal Authority:** 49 USC 6101 et seq.

**CFR Citation:** 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.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/04 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-03-15734

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Richard D. Hurliaux, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4565

**RIN:** 2137-AD95

**2338. PIPELINE SAFETY: CRITERIA FOR DIRECT ASSESSMENT OF GAS AND HAZARDOUS LIQUID PIPELINES**

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

**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   | 11/00/04 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-04-16855

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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-AD97

**2339. PIPELINE SAFETY: HAZARDOUS LIQUID GATHERING PIPELINES AND LOW STRESS LINES THAT COULD IMPACT UNUSUALLY SENSITIVE AREAS (USAS) AND COMMERCIAL NAVIGABLE WATERWAYS**

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

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking would establish safety standards for certain onshore rural gathering lines and onshore low-stress pipelines that are now exempt from RSPA's safety regulations for hazardous liquid pipelines. This rule would focus on those 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 unusually sensitive areas are regulated.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-03-15864

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

## DOT—RSPA

## Proposed Rule Stage

**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-AD98

### 2340. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR AUTHORIZATION OF USE OF INTERNATIONAL STANDARDS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 49 CFR 5101 to 5127  
**CFR Citation:** 49 CFR 171 to 172  
**Legal Deadline:** None

**Abstract:** This rulemaking would revise the 49 CFR by consolidating and revising the requirements authorizing the use of international standards. The NPRM would provide for easier understanding of the restrictions and limitations of the authorization to use international standards and ensure 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   | 03/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Hm Docket: No. HM-215

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

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

**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

### 2341. • DEFINITION OF “OFFER A HAZARDOUS MATERIAL FOR TRANSPORTATION” AND “OFFEROR”

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 49 USC 5101 et seq  
**CFR Citation:** 49 CFR 171  
**Legal Deadline:** None

**Abstract:** RSPA is proposing to add a definition for “Person who offers or

offeror” to the Hazardous Materials Regulations in order to codify the applicability of those regulations. The proposed definition will be based on long-standing administrative determination concerning the meaning of this term.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 09/24/04 | 69 FR 57245 |
| NPRM Comment Period End | 11/23/04 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-223A.

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

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

**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-AE04

## Department of Transportation (DOT)

## Final Rule Stage

## Research and Special Programs Administration (RSPA)

### 2342. +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:** This rulemaking would establish 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). 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.

**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 Final Rule                 | 01/21/97<br>12/00/04 | 62 FR 2989  |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-03-16560 (formerly PS-130).  
ANALYSIS: Regulatory Evaluation, 01/05/93, 58 FR 244

**URL For More Information:**

dms.dot.gov

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

**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

### 2343. +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

## DOT—RSPA

## Final Rule Stage

**Abstract:** This rulemaking would make 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<br>Period End   | 11/30/96 |             |
| SANPRM  | 04/27/99 | 64 FR 22718 |
| SANPRM Comment<br>Period End<br>Extended to<br>08/25/1999             | 07/25/99 | 64 FR 40810 |
| NPRM  | 06/14/01 | 66 FR 32420 |
| NPRM Comment<br>Period Extended to<br>08/02/2001 & Public<br>Meetings | 08/02/01 | 66 FR 40174 |
| Comment Period<br>Extended to<br>2/1/2002                             | 11/27/01 | 66 FR 59220 |
| NPRM Comment<br>Period End  | 11/30/01 |             |
| NPRM Comment<br>Period End  | 02/01/02 |             |
| Final Rule  | 10/30/03 | 68 FR 61906 |
| Final Rule; Delay of<br>Effective Date                                | 05/28/04 | 69 FR 30588 |
| Final Rule Response<br>to Appeals                                     | 12/00/04 |             |
| Final Rule Effective  | 01/00/05 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

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.

**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-AC68

**2344. 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 rulemaking will serve as a periodic update which 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<br>Period End | 05/22/00 |             |
| Final Rule                 | 11/00/04 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. RSPA-99-6106

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2345. HAZARDOUS MATERIALS: REVISION OF THE REQUIREMENTS FOR HAZARDOUS WASTE MANIFEST**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101 to 5127

CFR Citation: 49 CFR 172

Legal Deadline: None

**Abstract:** This rulemaking 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<br>Period End | 10/04/01 |             |
| Final Rule                 | 02/00/05 |             |

**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.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Darral 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

**2346. PIPELINE SAFETY: TECHNICAL REVISIONS TO AGENCY PROCEDURES**

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 190 60101 et seq

## DOT—RSPA

## Final Rule Stage

**CFR Citation:** 49 CFR 190**Legal Deadline:** None**Abstract:** This rulemaking would make minor technical changes to internet and mailing addresses, docket procedures, titles, section numbers, and penalty amounts, and other additional modifications to the Agency's Pipeline Safety procedures.**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 12/00/04 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-02-14136.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2347. +HAZARDOUS MATERIALS: EXEMPTIONS INTO REGULATIONS****Priority:** Other Significant. 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**Abstract:** This rule would propose to incorporate into the HMR certain widely used and safety-proven exemptions. This rule also eliminates the need for the current exemption holders to reapply for renewal of the exemption, thus reducing paperwork burdens.**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| NPRM       | 12/04/03 | 68 FR 67821 |
| Final Rule | 11/00/04 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: No. HM-233**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.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**2348. 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:** This rulemaking would make 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                    | 08/14/04 | 69 FR 49846 |
| NPRM Comment Period End | 10/12/04 |             |
| Final Rule              | 06/00/05 |             |

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Docket HM-218C.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.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-AD87**2349. HAZARDOUS MATERIALS: REQUIREMENTS FOR LIGHTERS AND LIGHTER REFILLS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 U.S.C. 5101 to 5127**CFR Citation:** 49 CFR 171 to 173; 49 CFR 175**Legal Deadline:** None**Abstract:** This rulemaking would address RSPA's proposal to make substantial amendments to requirements in hazardous materials regulations for the approval, examination, testing, and transportation of lighters and lighter refills. The current regulations date back 50 years and do not adequately address current manufacturing or transportation conditions.**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/16/04 | 69 FR 50975 |
| Final Action | 06/00/05 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket HM-237.**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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**2350. • HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION'S TECHNICAL INSTRUCTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172 to 180

## DOT—RSPA

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these revisions are necessary to facilitate the transport of hazardous materials in international commerce.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 06/22/04 | 69 FR 34724 |
| NPRM Comment Period End | 08/23/04 |             |
| Final Action            | 01/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** HM-215G

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

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

**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-AD92

**2351. PIPELINE SAFETY: IMPLEMENTATION OF EFFECTIVE PUBLIC INFORMATION PROGRAMS**

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

**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) 1162, 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 Final Rule | 06/24/04<br>11/00/04 | 69 FR 35279 |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-03-15852.

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

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

**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-AD96

**Department of Transportation (DOT)**

**Long-Term Actions**

**Research and Special Programs Administration (RSPA)**

**2352. +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     |             |
| Next Action             | Undetermined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: No. HM-224C; RSPA-02-11989

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

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

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD48

**2353. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 et seq; 49 USC 322; ...

**CFR Citation:** 49 CFR 397

**Legal Deadline:** None

**Abstract:** This rulemaking will serve as notification that 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.

## DOT—RSPA

## Long-Term Actions

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 07/16/02 | 67 FR 46622 |
| ANPRM Comment<br>Period End | 10/15/02 |             |

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Additional Information:** Docket No. HM-232A. The Federal Motor Carrier Safety Administration is closing this rulemaking action under RIN 2136-AA71. Any further rulemaking will be addressed under RSPA RIN 2137-AD70.

**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

**Related RIN:** Split from 2126-AA71**RIN:** 2137-AD70**2354. +HAZARDOUS MATERIALS: ENHANCING RAIL TRANSPORTATION SECURITY OF TOXIC BY INHALATION MATERIALS****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172 to 174; 49 CFR 179**Legal Deadline:** None

**Abstract:** The 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, modifications 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<br>Comments | 08/10/04     | 69 FR 50987 |
| Comment Period End      | 10/18/04     |             |
| Next Action             | Undetermined |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-232E**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)

## Completed Actions

## Research and Special Programs Administration (RSPA)

**2355. 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<br>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<br>Enforcement | 02/07/95 | 60 FR 7133  |
| Final Rule                           | 06/28/04 | 69 FR 36024 |

**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

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

**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**2356. 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.

## DOT—RSPA

## Completed Actions

**Abstract:** This rulemaking 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 underwater pipeline and what constitutes a hazard to navigation.

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| NPRM       | 12/12/03 | 68 FR 69368 |
| Final Rule | 08/10/04 | 69 FR 48400 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-97-3001.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2357. ● HAZARDOUS MATERIALS: REQUIREMENTS FOR CARGO TANKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 107; 49 CFR 173; 49 CFR 178; 49 CFR 180

**Legal Deadline:** None

**Abstract:** The rulemaking would update and clarify the regulations on the construction and maintenance of cargo tank motor vehicles.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 12/04/01 | 66 FR 63905 |
| End of Comment Period   | 02/01/02 | 67 FR 4941  |
| NPRM Comment Period End | 04/04/02 |             |
| Final Action            | 04/18/03 | 68 FR 19258 |
| Final Action Effective  | 10/01/03 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** HM-213; RSPA-98-3554.

**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-AC90

**2358. 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 would revise 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 |
| Response to Appeals, Corrections | 05/26/04 | 69 FR 30113 |

**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.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

Email: rules@rspa.dot.gov

**RIN:** 2137-AD21

**2359. 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 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              | 11/04/04 | 69 FR 64462 |
| Final Rule Effective    | 10/01/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-206B; RSPA-03-15327

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Helen L. Engrum, Transportation Regulations Specialist,

## DOT—RSPA

## Completed Actions

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

**2360. +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:** This rulemaking would address gas transmission lines in high consequence areas, direct assessment, and an overall integrity management program. 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                        | 04/23/04 | 69 FR 21975 |
| Correction                        | 05/26/04 | 69 FR 29903 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** Docket No. RSPA-00-7666.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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@rspa.dot.gov

**RIN:** 2137-AD54

**2361. 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 |
| NPRM Comment Period Extended | 11/22/02 | 67 FR 59045 |
| ICB Published                | 05/27/03 | 68 FR 28884 |
| Final Rule                   | 01/06/04 | 69 FR 537   |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-01-9832.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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

**2362. HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR OFFERORS AND TRANSPORTERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101-5127

**CFR Citation:** 49 CFR 172

**Legal Deadline:** None

## DOT—RSPA

## Completed Actions

**Abstract:** This rulemaking would except shippers and carriers of certain types and quantities of hazardous materials from security plan requirements. This rulemaking would have proposed providing relief by excepting certain persons from the security plan requirements; however, because of security issues this rulemaking has been terminated.

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/01/04 |         |

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Docket HM-232D

**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-AD90

**2363. HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION'S TECHNICAL INSTRUCTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 173; 49 CFR 175 to 176; 49 CFR 178; 49 CFR 180

**Legal Deadline:** None

**Abstract:** This rulemaking responded 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 | 06/22/04 | 69 FR 34604 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket HM-215E

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

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

**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

**2364. HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS AND MISCELLANEOUS CLARIFICATIONS**

**Priority:** Substantive, Nonsignificant

**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 Rule | 09/07/04 | 69 FR 54042 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: No. HM-189W

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

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

**Agency Contact:** Darral 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

**2365. ● HAZARDOUS MATERIALS: EDITORIAL CORRECTIONS TO HMR'S HAZ MAT TABLE**

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

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172

**Legal Deadline:** None

**Abstract:** This final rule would correct typographical errors made in the Hazardous Materials Table during the printing process of recent rulemaking.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 07/13/04 | 69 FR 41967 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-189X

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

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

**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-AE03

**BILLING CODE** 4910-60-S

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**
**Proposed Rule Stage**
**2366. 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:** 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   | 02/00/05 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**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
**2367. MARITIME EDUCATION AND TRAINING – AMENDMENTS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1295; 49 CFR 1.66**CFR Citation:** 46 CFR 310**Legal Deadline:** None

**Abstract:** This rulemaking would revise and update MARAD's regulations regarding Maritime Education and Training by eliminating obsolete provisions and by adding provisions to reflect current administrative practices. This rulemaking would also clarify certain provisions and make technical corrections.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/05 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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
**2368. • LAUNCH BARGE WAIVER PROGRAM**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 1.66; PL 108-293, 118 Stat 1028**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rulemaking will establish regulations governing the

waiver of U.S. build requirements for launch barges used to transport and launch platform jackets. This rulemaking implements provisions of the Coast Guard and Maritime Transportation Act of 2004, which, among other things, requires the Secretary of Transportation (acting through the Maritime Administrator) to adopt procedures to determine if coastwise-qualified vessels are available for platform jacket transport and launching, and, if not, to issue waivers allowing the use of non-coastwise qualified foreign built vessels.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/05 |         |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** 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-AB67
**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**
**Final Rule Stage**
**2369. +VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING**
**Priority:** Other Significant**Legal Authority:** 46 App USC 808**CFR Citation:** 46 CFR 221**Legal Deadline:** None

**Abstract:** On February 4, 2004, the Maritime Administration (MARAD) published a joint rulemaking with the U.S. Coast Guard which proposed to change MARAD's lease financing regulations. On August 9, 2004, Pub. L. 108-293, the Coast Guard and Maritime Transportation Act of 2004 was enacted, which contained provisions that materially affect the

proposed changes outlined in the joint rulemaking. Therefore, the joint rulemaking will be withdrawn.

**Timetable:**

| Action                  | Date     | FR Cite    |
|-------------------------|----------|------------|
| NPRM                    | 02/04/04 | 69 FR 5403 |
| NPRM Comment Period End | 05/04/04 |            |
| To Be Withdrawn         | 11/00/04 |            |

## DOT—MARAD

## Final Rule Stage

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** John T. Marquez Jr., Attorney Advisor, Division of Maritime Assistance Programs, Department of Transportation, Maritime Administration, Room 7228, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5320

Email: john.marquez@marad.dot.gov

**Related RIN:** Duplicate of 1625-AA63**RIN:** 2133-AB51

**2370. • AMENDED SERVICE OBLIGATION REPORTING REQUIREMENTS FOR U.S. MERCHANT MARINE ACADEMY GRADUATES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 1114(B); 46 USC 1295 to 1295g**CFR Citation:** 46 CFR 310.58**Legal Deadline:** None

**Abstract:** This final rule amends the service obligation reporting periods for United States Merchant Marine Academy (USMMA) graduates. The new reporting dates create a standard reporting period that coincides with the U.S. Naval Reserve/Merchant Marine Reserve (USNR/MMR) service reporting date, 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 preceded 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<br>Comment Period<br>End | 04/01/04 |            |
| Final Action                                | 11/00/04 |            |

**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:** Brenda Reed-Perry, Compliance Specialist, Department of Transportation, Maritime Administration, 400 Seventh St., SW, Room 7123, Washington, DC 20590  
Phone: 202 366-0845  
Fax: 202 366-7403

**RIN:** 2133-AB57

**2371. DEFERMENT OF SERVICE OBLIGATIONS OF MIDSHIPMEN RECIPIENTS OF SCHOLARSHIPS OR FELLOWSHIPS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 1114(b); 46 App USC 1295-1295g**CFR Citation:** 46 CFR 310.58(g)**Legal Deadline:** None

**Abstract:** This rulemaking amends MARAD's regulations regarding the deferment of service obligations of midshipmen who receive scholarships or fellowships to pursue graduate courses of study. This rule allows 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, which was a former requirement under MARAD's regulations.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 05/20/04 | 69 FR 29079 |
| Interim Final Rule<br>Comment Period<br>End | 06/21/04 |             |
| Final Rule                                  | 12/00/04 |             |

**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:** Rita Jackson, Academies Program Officer, Department of Transportation, Maritime Administration, 400 Seventh St., SW, Room 7302, Washington, DC 20590

Phone: 202 366-0284

**RIN:** 2133-AB58

**2372. MARITIME EDUCATION AND TRAINING**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1295; 49 CFR 1.66**CFR Citation:** 46 CFR 310**Legal Deadline:** None

**Abstract:** This rulemaking amends the Maritime Administration's regulations in part 310 governing maritime education and training. This rulemaking implements changes under the National Defense Authorization Act for fiscal year 2004 regarding the administration of State, regional and United States merchant marine academies. This rulemaking also makes nonsubstantive technical changes to part 310.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 06/08/04 | 69 FR 31897 |
| Interim Final Rule<br>Effective             | 07/08/04 |             |
| Interim Final Rule<br>Comment Period<br>End | 08/09/04 |             |
| Final Rule                                  | 12/00/04 |             |

**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:** 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-AB60

**2373. AMENDED SERVICE OBLIGATION REPORTING REQUIREMENTS FOR STATE MARITIME ACADEMY GRADUATES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 app USC 1295; 49 CFR 1.66

## DOT—MARAD

## Final Rule Stage

**CFR Citation:** 46 CFR 310**Legal Deadline:** None

**Abstract:** This rulemaking will change the service obligation reporting requirements for State maritime academy graduates who receive Student Incentive Payments (SIPs). The new reporting requirements create standard reporting dates that coincide with the U.S. Naval Reserve/Merchant Marine Reserve (USNR/MMR) service reporting dates. This rulemaking also provides for the electronic submission of reports as the primary means of submission to the Maritime Administration.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 10/20/04 | 69 FR 61605 |
| Interim Final Rule<br>Comment Period<br>End | 11/19/04 |             |

**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:** Rita Jackson, Academies Program Officer, Department of Transportation, Maritime Administration, 400 Seventh St., SW, Room 7302, Washington, DC 20590  
Phone: 202 366-0284

**RIN:** 2133-AB61**2374. +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 rulemaking provides procedures to implement the provisions of the Maritime Security Act of 2003 (MSA 2003). The MSA 2003 authorizes payments for fiscal years (FYs) 2006 through 2015 for a 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.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 07/20/04 | 69 FR 43328 |
| Interim Final Rule<br>Comment Period<br>End | 08/18/04 |             |
| Other/Comment<br>Period Extended            | 08/24/04 | 69 FR 51987 |
| Other/Comment<br>Period End                 | 08/30/04 |             |
| Interim Final Rule<br>Effective             | 10/01/04 |             |
| Final Action                                | 09/00/05 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Murray A. Bloom, Chief, Division of Maritime Programs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-5164  
Email: murray.bloom@marad.dot.gov

**RIN:** 2133-AB62
**Department of Transportation (DOT)  
Maritime Administration (MARAD)**

## Long-Term Actions

**2375. +REGULATIONS TO BE FOLLOWED BY ALL DEPARTMENTS, AGENCIES AND SHIPPERS HAVING RESPONSIBILITY TO PROVIDE A PREFERENCE FOR U.S.-FLAG VESSELS IN THE SHIPMENT OF CARGOES ON OCEAN VESSELS: VESSEL TYPES**

**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:** This rulemaking would update and clarify the cargo preference

regulations to increase regulatory compliance. MARAD issued the cargo preference regulations to implement the requirements of section 901 of the Merchant Marine Act, 1936, as amended. Departments, agencies, and shippers who must comply with the Act must follow the cargo preference regulations.

**Timetable:**

| Action                      | Date         | FR Cite    |
|-----------------------------|--------------|------------|
| ANPRM                       | 01/28/99     | 64 FR 4382 |
| ANPRM Comment<br>Period End | 03/29/99     |            |
| Next Action                 | Undetermined |            |

**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:** 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

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**
**Completed Actions**
**2376. 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           | 08/23/04 | 69 FR 51769 |
| Final Action Effective | 09/22/04 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2133-AB49

**2377. +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; 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:** MARAD currently prohibits the foreign transfer of an interest in or control of certain U.S.-documented or previously U.S.-documented vessels to an entity in the foreign countries listed in the Department of Commerce's list of prohibited countries. MARAD's regulations listed individual countries set forth in an outdated version of the Department of Commerce's list of countries. This rulemaking amends MARAD's regulations to incorporate the Department of Commerce's list by reference, in lieu of listing the individual countries, to prevent the need for future rulemakings to keep MARAD's regulations current.

**Timetable:**

| Action                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 09/08/04 | 69 FR 54247 |
| Final Action Effective | 09/08/04 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2133-AB55

**2378. 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."

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 06/21/04 | 69 FR 34309 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**RIN:** 2133-AB59

**2379. 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 355; 46 CFR 380; 46 CFR 390; 46 CFR 340; 46 CFR 349; 46 CFR 382; 46 CFR 387

**Legal Deadline:** None

**Abstract:** This rulemaking offers electronic submission options to respondents for submission of information that is collected from them under the approved information collections identified in this rule. These information collections are needed by the Maritime Administration (MARAD) in order to conduct business between MARAD and respondents. This action

## DOT—MARAD

## Completed Actions

is part of MARAD's implementation of the Government Paperwork Elimination Act (GPEA).

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 11/05/03 | 68 FR 62535 |
| Interim Final Rule<br>Comment Period<br>End | 12/05/03 |             |
| Final Rule                                  | 10/19/04 | 69 FR 61448 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**Related RIN:** Previously reported as 2133-AB56

**RIN:** 2133-AB64

**2380. AMENDMENTS TO TITLE XI LOAN GUARANTEE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 app USC 1114(b); 46 App USC 1271 et seq; PL 108-136; 46 CFR 1.66

**CFR Citation:** 46 CFR 298

**Legal Deadline:** None

**Abstract:** The Maritime Administration initiated this rulemaking to amend its

Title XI Loan Guarantee Program regulations to implement statutory changes set forth in the Maritime Security Act of 2003. Upon further review, MARAD has decided that additional, nonstatutory changes may be required to the Title XI regulations. Therefore, this rulemaking is terminated.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Terminated | 09/09/04 |         |

**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

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**RIN:** 2133-AB65

**2381. AMENDED SERVICE OBLIGATION REPORTING REQUIREMENTS FOR U.S. MERCHANT MARINE ACADEMY GRADUATES.**

**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 preceded 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<br>Comment Period<br>End | 04/01/04 |             |
| Final Rule                                  | 10/19/04 | 69 FR 61452 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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**Related RIN:** Previously reported as 2133-AB57

**RIN:** 2133-AB66

[FR Doc. 04-26233 Filed 12-10-04; 8:45 am]

**BILLING CODE 4910-81-S**