



# Federal Register

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**Monday,  
December 13, 2004**

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**Part LXII**

**Surface  
Transportation Board**

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**Semiannual Regulatory Agenda**

**SURFACE TRANSPORTATION BOARD (STB)**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**49 CFR Ch. X**

**[STB Ex Parte No. 536 (Sub-No. 17)]**

**Semiannual Regulatory Agenda**

**AGENCY:** Surface Transportation Board.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Surface Transportation Board (the Board), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

**FOR FURTHER INFORMATION CONTACT:** A contact person is identified for each of the rules listed below.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also

contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its fall 2004 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Derogatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

**Decided:** September 24, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

**Vernon A. Williams,**  
*Secretary.*

**Surface Transportation Board—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
4250	Small Rate Guidelines, STB Ex Parte No. 646 .....	2140-AA70
4251	Class Exemption for Expedited Abandonment Procedure for Class II and Class III Railroads, STB Ex Parte No. 647 .....	2140-AA71
4252	Procedures To Expedite Resolution of Rail Rate Challenges To Be Considered Under the Stand-Alone Cost Methodology, STB Ex Parte No. 638 .....	2140-AA76
4253	Revision of Exemption Authority Citations .....	2140-AA77

**Surface Transportation Board (STB)**

**Long-Term Actions**

**4250. SMALL RATE GUIDELINES, STB EX PARTE NO. 646**

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

**Legal Authority:** 49 USC 10701(d)(3)

**CFR Citation:** 49 CFR 1109; 49 CFR 1114

**Legal Deadline:** None

**Abstract:** The Board is seeking comments to revise the Simplified

Guidelines (Rate Guidelines-Non-Coal Proceedings, 1 STB 1004 (1996)) to provide small shippers meaningful access to regulatory relief in cases where a full stand-alone cost presentation is too costly.

**Timetable:**

Action	Date	FR Cite
Hearing	03/31/03	68 FR 15553
Notice	04/07/03	68 FR 16862
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

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

**Agency Contact:** Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K

## STB

## Long-Term Actions

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RIN: 2140-AA70

**4251. CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE FOR CLASS II AND CLASS III RAILROADS, STB EX PARTE NO. 647**

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

**Legal Authority:** 49 USC 10502; 49 USC 10903

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Surface Transportation Board will consider a proposal to create a Class exemption for Class II and Class III railroads from the prior approval abandonment requirements, and any other matters interested persons may raise about the abandonment process.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/13/03	68 FR 48332
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

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

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RIN: 2140-AA71

**4252. ● PROCEDURES TO EXPEDITE RESOLUTION OF RAIL RATE CHALLENGES TO BE CONSIDERED UNDER THE STAND-ALONE COST METHODOLOGY, STB EX PARTE NO. 638**

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

**Legal Authority:** 49 USC 721(a)

**CFR Citation:** 49 CFR 1114.31(a)

**Legal Deadline:** None

**Abstract:** The Surface Transportation Board is amending its regulations regarding discovery procedures to correct an inadvertent omission.

**Timetable:**

Action	Date	FR Cite
Correction	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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**Related RIN:** Previously reported as 2140-AA64

RIN: 2140-AA76

**4253. ● REVISION OF EXEMPTION AUTHORITY CITATIONS**

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 49 USC 721

**CFR Citation:** 49 CFR 1039.10; 49 CFR 1039.20; 49 CFR 1101.2(e)(5); 49 CFR 1105.7(e)(5)(i)(C); 49 CFR 1105.7(e)(5)(ii)(C); 49 CFR 1105.12; 49 CFR 1150.1(a); 49 CFR 1150.32(c); 49 CFR 1150.34; 49 CFR 1150.35(f); 49 CFR 1185.5(a); 49 CFR 1185.5(b)

**Legal Deadline:** None

**Abstract:** The Surface Transportation Board is amending its regulations to change incorrect citations to its authority to exempt rail transportation, and to update miscellaneous references. The Board is also making changes to its authority citations.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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RIN: 2140-AA77

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