



# Federal Register

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**Monday,  
May 13, 2002**

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**Part XIV**

**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 December 3, 2001 (66 FR 61898). The next one is scheduled for publication in the **Federal Register** in October 2002.

In light of the September 11, 2001, terrorist attacks in the United States and the potential for further attacks in this country; Congress enacted the Aviation and Transportation Security Act, which

established the Transportation Security Administration (TSA) an operating administration within the Department. Effective February 17, 2002, TSA assumed the civil aviation security functions and responsibilities currently performed by the Federal Aviation Administration (FAA). Several new rulemaking actions have been added in this Agenda for TSA; however, further assessment is needed to determine which FAA rulemakings will move to TSA. We will reflect these changes in the next Agenda.

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>.

## 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 Office of Management and Budget memorandum of February 25, 2002.

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

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Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (With minor exceptions, DOT requires an economic analysis for all its rulemakings.); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information."

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

In the "Timetable" column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

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

#### Request for Comments

##### General

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

##### Reviews

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

##### Regulatory Flexibility Act

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

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

##### Federalism

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

how the Department's rulemakings impact them.

#### Purpose

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

Issued in Washington, DC, on April 25, 2002.

**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.

##### *Transportation Security Administration (TSA)*

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

##### *United States Coast Guard (USCG)*

(Name of contact person), United  
States Coast Guard, 2100 2nd Street  
SW., Washington, DC 20593.

##### *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.

**DOT***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 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 7210, 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.

TSA — Mardi R. Thompson, Office of Chief Counsel, 400 7th Street SW., Washington, DC 20590, telephone: (202) 267-3226.

USCG — Steve G. Venckus, Chief, Office of Regulations and Administrative Law, USCG Headquarters Building, Room 3406, 2100 2nd Street SW., Washington, DC 20593; telephone: (202) 267-1534.

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

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

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

FRA — Kathryn Shelton, Office of Chief Counsel, 400 7th Street SW., Mail Stop 10, Washington, DC 20590; telephone: (202) 493-6028.

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 - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: (202) 366-0108.

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

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

BTS — Robert Monniere SW., Room 3430, 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 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 E.O. 12866 ("Regulatory Planning and Review") and section 610 of the Regulatory Flexibility Act to conduct such reviews. This will include the use of plain language techniques in new rules and to consider rewriting existing rules when we have the opportunity and resources permit. The Department is currently conducting a number of reviews of existing rules and is engaged in rulemaking actions resulting from these reviews.

*Section 610 Review Plan*

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

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of all of its regulations. The Office of the Secretary and each of the Department's Operating Administrations (except for FMCSA) have a 10-year review plan. These reviews are in accordance with section 610 of the Regulatory Flexibility Act.

#### *Other Review Plans*

All elements of the Department, except for the FMCSA and 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. FMCSA and FAA are using different approaches, which are described in Part II to this Appendix.

#### *Changes to the Review Plan*

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

### **Part II - The Review Process**

#### *The Analysis*

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

#### *Section 610 Review*

The agency will analyze each of the rules in a given year's group to

determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability.

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

In each October's 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 October's 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*

The Federal Motor Carrier Safety Administration has underway a comprehensive, multiyear project to develop modern, uniform safety regulations that are up-to-date, clear, concise, easier to understand, and more performance oriented. The FMCSA has held 11 public outreach meetings, announced in the **Federal Register**, to solicit public involvement in this review; a total of 110 industry and government safety representatives participated in 14 one-day focus group sessions; over 2,000 comments have been received in the public docket so far.

On November 23, 1994, the FMCSA published a final rule removing obsolete and redundant regulations identified through this review. In addition, on June 18, 1998, the FMCSA published another final rule (63 FR 33254) removing and amending additional provisions of the Federal Motor Carrier Safety Regulations identified through zero-base review.

The FMCSA is developing a notice of proposed rulemaking that will propose a complete revision of the Federal Motor Carrier Safety Regulations implementing the results of the FMCSA's zero-base review of those regulations. The NPRM will include a complete reorganization of the safety regulations and a rewrite of those regulations using plain language and a question-and-answer format to enhance the clarity and understandability of those regulations. In addition, the notice will focus the regulations on safety while adopting a

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performance-based approach to the regulations and reducing the paperwork associated with compliance with the regulations. The FMCSA believes that this effort will produce regulations which are simpler to understand and to comply with, especially for small motor

carriers. Because of these long-term, ongoing efforts, FMCSA is not currently reviewing these rules.

**Part III- List of Pending Section 610 Reviews**

The Agenda identifies the pending DOT Section 610 Reviews by inserting

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

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

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

**Year 3 (Fall 2000) List of Rules continuing to be analyzed**

- 14 CFR part 234 — Airline service quality performance reports
- 14 CFR part 240 — Inspection of accounts and property
- 14 CFR part 241 — Uniform system of accounts and reports for large certified air carriers
- 14 CFR part 243 — Passenger manifest information
- 14 CFR part 247 — Direct airport-to-airport mileage records
- 14 CFR part 248 — Submission of audit reports
- 14 CFR part 249 — Preservation of air carrier records
- 14 CFR part 250 — Oversales
- 14 CFR part 252 — Smoking aboard aircraft
- 14 CFR part 253 — Notice of terms of contract of carriage
- 14 CFR part 254 — Domestic baggage liability

**Year 4 (Fall 2001) List of Rules that will be analyzed during the next year**

- 14 CFR part 255 — Carrier-owned computer reservation systems
- 14 CFR part 256 — Display of joint operations in carrier-owned computer reservation systems
- 14 CFR part 257 — Disclosure of code-sharing arrangements and long-term wet leases
- 14 CFR part 258 — Disclosure of change-of-gauge services
- 14 CFR part 271 — Guidelines for subsidizing air carriers providing essential air transportation
- 14 CFR part 272 — Essential air service to the Freely Associated States
- 14 CFR part 291 — Cargo operations in interstate air transportation
- 14 CFR part 292 — International cargo transportation
- 14 CFR part 293 — International passenger transportation
- 14 CFR part 294 — Canadian charter air taxi operators
- 14 CFR part 296 — Indirect air transportation of property
- 14 CFR part 297 — Foreign air freight forwarders and foreign cooperative shippers associations
- 14 CFR part 298 — Exemptions for air taxi and commuter air carrier operations
- 49 CFR part 40 — Procedures for transportation workplace drug testing programs

**UNITED STATES COAST GUARD  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations to be Reviewed	Analysis Year	Review Year
1	33 CFR parts 1 through 124 .....	1998	1999
2	33 CFR parts 125 through 199 .....	1999	2000
3	46 CFR parts 1 through 40 .....	2000	2001
4	46 CFR parts 41 through 69 .....	2001	2002
5	46 CFR parts 70 through 89 .....	2002	2003
6	46 CFR parts 90 through 139 .....	2003	2004
7	46 CFR parts 140 through 155 .....	2004	2005

## DOT

UNITED STATES COAST GUARD (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
8	46 CFR parts 156 through 165 .....	2005	2006
9	46 CFR parts 166 through 199 .....	2006	2007
10	New parts and subparts .....	2007	2008

**Year 3 (Fall 2000) List of rules continuing to be analyzed**

- 33 CFR part 126 — Handling of Class 1 (explosive) materials or other dangerous cargoes within or contiguous to waterfront facilities
- 33 CFR part 127 — Waterfront facilities handling liquefied natural gas and liquefied hazardous gas
- 33 CFR part 128— Security of passenger terminals
- 33 CFR part 135 — Offshore oil pollution compensation fund
- 33 CFR part 138 — Financial responsibility for water pollution (vessels)
- 33 CFR part 140 — General
- 33 CFR part 141 — Personnel
- 33 CFR part 142 — Workplace safety and health
- 33 CFR part 143 — Design and equipment
- 33 CFR part 144 — Lifesaving appliances
- 33 CFR part 145 — Firefighting equipment
- 33 CFR part 146 — Operations
- 33 CFR part 151 — Vessels carrying oil, noxious liquid substances, garbage, municipal or commercial waste, and ballast water
- 33 CFR part 153 — Control of pollution by oil or hazardous substances, discharge removal
- 33 CFR part 154 — Facilities transferring oil or hazardous materials in bulk
- 33 CFR part 155 — Oil or hazardous material pollution prevention regulations for vessels
- 33 CFR part 156 — Oil or hazardous material transfer operations
- 33 CFR part 157 — Rules for the protection of the marine environment relating to tank vessels carrying oil in bulk
- 33 CFR part 158 — Reception facilities for oil, noxious liquid substances, and garbage
- 33 CFR part 161 — Vessel traffic management
- 33 CFR part 162 — Inland waterways navigation regulations
- 33 CFR part 163 — Towing of barges
- 33 CFR part 164 — Navigation safety regulations
- 33 CFR part 165 — Regulated navigation areas and limited access areas
- 33 CFR part 168 — Escort requirements for certain tankers
- 33 CFR part 173 — Vessel numbering and casualty and accident reporting
- 33 CFR part 179 — Defect notification
- 33 CFR part 181 — Manufacturer requirements
- 33 CFR part 183 — Boats and associated equipment
- 33 CFR part 184 — 186 Reserved
- 33 CFR part 187 — Vessel identification system
- 33 CFR parts 188 through 199 — Reserved
- 46 CFR part 1 — Organization, general course and methods governing marine safety functions
- 46 CFR part 2 — Vessel inspections
- 46 CFR part 3 — Designation of oceanographic research vessels
- 46 CFR part 4 — Marine casualties and investigations
- 46 CFR part 5 — Marine investigation regulations — personnel action
- 46 CFR part 6 — Waivers of navigation and vessel inspection laws and regulations
- 46 CFR part 7 — Boundary lines
- 46 CFR part 8 — Vessel inspection alternatives
- 46 CFR part 9 — Extra compensation for overtime services
- 46 CFR part 10 — Licensing of maritime personnel
- 46 CFR part 12 — Certification of seamen
- 46 CFR part 13 — Certification of tankermen
- 46 CFR part 14 — Shipment and discharge of merchant mariners
- 46 CFR part 15 — Manning requirements
- 46 CFR part 16 — Chemical testing
- 46 CFR part 24 — General provisions
- 46 CFR part 25 — Requirements
- 46 CFR part 26 — Operations
- 46 CFR part 28 — Requirements for commercial fishing industry vessels
- 46 CFR part 30 — General provisions

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- 46 CFR part 31 — Inspection and certification
- 46 CFR part 32 — Special equipment, machinery, and hull requirements
- 46 CFR part 34 — Firefighting equipment
- 46 CFR part 35 — Operations
- 46 CFR part 36 — Elevated temperature cargoes
- 46 CFR part 38 — Liquefied flammable gases
- 46 CFR part 39 — Vapor control systems

**Year 4 (Fall 2001) List of rules that will be analyzed during the next year**

- 46 CFR part 42 — Domestic and foreign voyages by sea
- 46 CFR part 44 — Special service limited domestic voyage
- 46 CFR part 45 — Great lakes load lines
- 46 CFR part 46 — Subdivision load lines for passenger vessels
- 46 CFR part 47 — Combination load lines
- 46 CFR part 50 — General provisions
- 46 CFR part 52 — Power boilers
- 46 CFR part 53 — Heating boilers
- 46 CFR part 54 — Pressure vessels
- 46 CFR part 56 — Piping systems and appurtenances
- 46 CFR part 57 — Welding and brazing
- 46 CFR part 58 — Main auxiliary machinery and related systems
- 46 CFR part 59 — Repairs to boilers, pressure vessels and appurtenances
- 46 CFR part 61 — Periodic tests and inspections
- 46 CFR part 62 — Vital systems automation
- 46 CFR part 63 — Automatic auxiliary boilers
- 46 CFR part 64 — Marine portable tanks and cargo handling systems
- 46 CFR part 67 — Documentation of vessels
- 46 CFR part 68 — Documentation of vessels pursuant to extraordinary legislative grants
- 46 CFR part 69 — Measurement of vessels

**FEDERAL AVIATION ADMINISTRATION  
SECTION 610 REVIEW PLAN**

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

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

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

- 14 CFR 23 — Airworthiness standards: normal, utility, acrobatic, and commuter category airplanes
  - Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA’s plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 27 — Airworthiness standards: normal, utility, acrobatic, and commuter category rotorcraft
  - Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA’s plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 29 — Airworthiness standards: transport category rotorcraft
  - Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
  - Plain Language: To the extent that the FAA’s plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 31 — Airworthiness standards: manned free balloons
  - Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.

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- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 33 — Airworthiness standards: aircraft engines
- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR 34 — Fuel venting and exhaust emission requirements for turbine engine powered airplanes
- Section 610; No SEIOSNOSE. This rule applies to a significant number of small entities but amendments over the past decade do not have a substantial economic impact. Accordingly, a periodic review was not required.
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 35 — Airworthiness standards: propellers
- Section 610; FAA will conduct a formal 610 review during the following 12 months\*
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 36 — Noise standards; aircraft type and airworthiness certification
- Section 610; FAA will conduct a formal 610 review during the following 12 months\*
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 39 — Airworthiness directives
- Section 610; FAA will conduct a formal 610 review during the following 12 months\*
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 43 — Maintenance, preventive maintenance; rebuilding and alteration
- Section 610; FAA will conduct a formal 610 review during the following 12 months\*
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 45 — Identification and registration marking
- Section 610; FAA will conduct a formal 610 review during the following 12 months\*
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 47 — Aircraft registration
- Section 610; FAA will conduct a formal 610 review during the following 12 months\*
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.
- 14 CFR part 49 — Recording of aircraft titles and security documents
- Section 610; FAA will conduct a formal 610 review during the following 12 months\*
- Plain Language: To the extent that the FAA's plain language study identified a need for revisions in this part, revisions will be made when the FAA has the opportunity and resources to do so.

**Year 4 (Fall 2001) List of rules that will be analyzed during the next year**

- 14 CFR part 61 — Certification: pilots, flight instructors and ground instructions
- 14 CFR part 63 — Certification: flight crewmembers other than pilots
- 14 CFR part 65 — Certification: airmen other than flight crewmembers
- 14 CFR part 67 — Medical standards and certification
- 14 CFR part 70 — Designation of class A, class B, class C, class D and class E airspace areas; airways routes and reporting points
- 14 CFR part 73 — Special use airspace
- 14 CFR part 77 — Objects affecting navigable airspace

\*A description for this action will be included in the Spring 2002 agenda or published in a separate notice in the *Federal Register*

**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

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FEDERAL HIGHWAY ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
8	23 CFR parts 710-924 .....	2005	2006
9	23 CFR parts 1200-1252 .....	2006	2007
10	New parts and subparts .....	2007	2008

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

- 23 CFR part 450 — Ongoing review of regulations governing Statewide and Metropolitan Transportation Planning
  - The FHWA and the FTA received numerous comments to the docket in response to this NPRM. The agencies are currently reviewing the comments and discussing the options with the new Administration to determine what action should follow.
- 23 CFR part 657 — Ongoing review of certification of size and weight requirements
  - Section 610: No SEIOSNOSE. This rule does not in any way have an impact on small governments or businesses as this regulation outlines the requirements that State governments follow in order to comply with the annual certification requirement in 23 U.S.C. 141.
  - Plain language: In an upcoming rulemaking, the FHWA will rewrite the regulation using plain language.
  - General: We are continuing our review of the type of information and data that should be submitted by the States in support of their annual certification of enforcement and will revise as appropriate.
- 23 CFR part 771— Ongoing review of regulations governing Assessment of Environmental Impact and Related procedures (NEPA Implementing Regulations)
  - The FHWA and the FTA received numerous comments to the docket in response to this NPRM. The agencies are currently reviewing the comments and discussing the options with the new Administration to determine what action should follow.

**Year 4 (Fall 2001) List of Rules that will be analyzed during the next year**

- 23 CFR part 1 — General management and administration
- 23 CFR part 140 — Payment procedures
- 23 CFR part 172 — Administration of engineering and design related service contracts
- 23 CFR part 180 — Credit assistance for surface transportation projects
- 23 CFR part 190 — Incentive procedures for controlling outdoor advertising on the interstate system
- 23 CFR part 192 — Drug offenders driver’s license suspension
- 23 CFR part 200 — Title IV program and related statutes-implementation and review procedures
- 23 CFR part 230 — External equal employment opportunity programs
- 23 CFR part 260 — Education and training programs

*Federal-Aid Highway Program*

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-aid highway program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter 1 of title 23 of the USC. Section 145 of title 23 expressly provides that chapter 1 provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to requirements that States must meet to receive Federal funds for the construction and other work related to highways.

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

The FHWA, jointly with the Federal Transit Administration, has issued notices of proposed rulemaking that would revise the regulations currently codified at 23 CFR parts 450 and 771. These regulations will be issued in a new chapter IV of 23 CFR as “intermodal” rules renumbered

respectively as 23 CFR part 1410 (planning assistance and standards) and 23 CFR part 1420 and 1430 (environmental impact and related matters). In the course of developing the notice of proposed rulemaking (NPRM) for each of these regulations, the FHWA and FTA solicited comment on their potential for impact on small entities, including small governments. The FHWA and the FTA received numerous comments in response to these NPRMs and are currently reviewing the data and discussing the options under the guidance of the new administration. All issues pertaining to the potential for impact will be addressed in the final regulations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
1	49 CFR parts 501 through 526 and 571.213 .....	1998	1999
2	49 CFR parts 571.131 and 571.220 through 571.222 .....	1999	2000

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NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
3	49 CFR parts 591 through 594 .....	2000	2001
4	49 CFR parts 571.101 through 571.110 and 571.135 .....	2001	2002
5	49 CFR parts 529 through 579, except part 571 .....	2002	2003
6	49 CFR parts 571.111 through 571.129 and parts 580 through 590 .....	2003	2004
7	49 CFR part 571.201 through 571.212 .....	2004	2005
8	49 CFR parts 571.214 through 571.219 .....	2005	2006
9	49 CFR parts 571.223 through 571.304, part 500 and new parts and subparts under 49 CFR .....	2006	2007
10	23 CFR parts 1200's and 1300's and new parts and subparts under 23 CFR .....	2007	2008

**Year 3 (Fall 2000) List of Rules that will continue to be analyzed during the next year**

Part 591 — Implementation of vehicles and equipment subject to Federal safety, bumper and theft prevention standards

Part 592 — Registered importers of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards

Part 593 — Determinations that a vehicle not originally manufactured to conform to the Federal Motor Vehicle Safety Standards is eligible for importation

Part 594 — Schedule of fees authorized by 49 U.S.C. 30141

**Year 4 (Fall 2001) List of Rules that will be analyzed during the next year**

49 CFR parts 571.101 — Standard No. 101; Controls and displays

49 CFR parts 571.102 — Standard No. 102; Transmission shift lever sequence starter interlock, and transmission braking effect

49 CFR parts 571.103 — Standard No. 103; Windshield defrosting and defogging systems

49 CFR parts 571.104 — Standard No. 104; Windshield wiping and washing systems

49 CFR parts 571.105 — Standard No. 105; Hydraulic and electric brake systems

49 CFR parts 571.106 — Standard No. 106; Brake hoses

49 CFR parts 571.107 — Standard No. 107; [Reserved]

49 CFR parts 571.108 — Standard No. 108; lamps, reflective devices, and associated equipment

49 CFR parts 571.109 — Standard No. 109; New pneumatic tires

49 CFR parts 571.110 — Standard No. 110; Tire selection and rims

49 CFR parts 571.135 — Standard No. 135; Passenger car brake systems

*NHTSA Request for Comments*

On September 13, 2000, NHTSA published in the **Federal Register** a

request for comments on whether these rules have a significant economic impact on a substantial number of small

entities. NHTSA received and granted a request to extend the comment period to November 13, 2000.

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 parts 219 .....	2001	2002
5	49 CFR parts 218 and 221 .....	2002	2003
6	49 CFR parts 216 and 228 through 229 .....	2003	2004
7	49 CFR parts 223 and 233 .....	2004	2005
8	49 CFR parts 225, 231, and 234 .....	2005	2006
9	49 CFR parts 235 through 236, 250, 260, and 266 .....	2006	2007
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265 .....	2007	2008

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

49 CFR part 210 — Railroad noise emission compliance regulations

- Section 610: No SEIOSNOSE. These are minimum compliance regulations for enforcement of noise emission standards established by EPA. To FRA's knowledge, the Railroad Noise Emission Compliance Regulation has not imposed any significant burden on any small railroads.
- Plain Language: FRA's plain language review of these rules indicates no need for substantial revision.

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- General: Having a national uniform noise emission standard benefits small railroads to the extent local government authorities would otherwise seek to impose more stringent noise emission requirements. The existence of these standards provides uniformity and benefits the small railroads as a class.
- 49 CFR part 212 — State safety participation regulations
- Section 610: No SEIOSNOSE. These regulations establish standards and procedures for State participation in investigative and surveillance activities under the Federal railroad safety laws and regulations. The program is entirely voluntary, and the “regulated community” is composed of those States which choose to participate. No State is a “small entity” under any reasonable definition..
- Plain Language: FRA’s plain language review indicates no need for substantial revision..
- General: FRA encourages States to participate in the program, and considers State inspectors an important element in the enforcement of Federal safety laws. Training and funding is provided by FRA to the States to offset the costs of participation. In addition, FRA employs a full-time State participation program manager to work with the States to encourage participation and assist in program implementation.
- 49 CFR part 214 — Railroad workplace safety
- Section 610: There is a SEIOSNOSE for subpart B. FRA will conduct a formal review to identify whether additional opportunities may exist to further reduce the burden on small railroads without compromising safety. No SEIOSNOSE for subpart C. Impacts on small entities are directly related to the volume of traffic on a right-of-way, and most small railroads have low enough volume to minimize the impact.
- Plain Language: FRA’s plain language review indicates no need for substantial revision. As resources permit, FRA will make such changes as may be necessary.
- General: The existence of Federal workplace safety laws benefits small entities. In the absence of Federal laws, small railroads would be subject to a wide variety of State and local laws. Even the smallest of railroads might find it necessary to understand and comply with several different sets of laws from the jurisdictions in which they operate. Federal law preempts local laws in this area, and simplifies compliance on the part of the regulated community.
- 49 CFR part 217 — Railroad operating rules
- Section 610: No SEIOSNOSE. FRA finds that there is a continuing need to collect information on railroad operating rules and practices, in order to monitor changes in railroad operating practice. The required periodic inspections and employee training are important for safety.
- Plain Language: FRA’s plain language review of these rules indicates no need for substantial revision. The regulation is clearly written.
- General: part 217 contains provisions to mitigate the burden on small entities by reducing their record filing and recordkeeping requirements

**Year 4 (Fall 2001) List of Rules that will be analyzed during the next year**

49 CFR part 219 — Alcohol and drug 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 part 661 .....	2001	2002
5	49 CFR part 665 .....	2002	2003

**Year 4 (Fall 2001) List of Rules that will be analyzed during the next year**

49 CFR part 661 — Buy America requirements — Surface Transportation Assistance Act of 1982, as amended

**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 parts 298 .....	2001	2002
5	46 CFR parts 307 through 310 .....	2002	2003
6	46 CFR parts 315 through 399 .....	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

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

46 CFR 249 Approval of underwriters for marine hull insurance

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: As resources permit, MARAD will rewrite the regulations using plain language techniques.
- General: No changes are necessary because the requirements regulate in the most cost-effective manner, the benefits of the regulations justify their costs, and the regulations impose the least burden on society.

46 CFR 251 Application for subsidies and other direct financial aid

46 CFR 252 Operating-differential subsidy for bulk cargo vessels engaged in worldwide services

46 CFR 272 Requirements and procedures for conducting condition surveys and administering maintenance and repair subsidy

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant. Congress has withdrawn MARAD's authority to issue operational-differential subsidy.
- Plain Language: We will rewrite any remaining regulations using plain language techniques.
- General: We will continue our review of operating-differential subsidy regulations and will initiate a rulemaking to eliminate these regulations as the last operating-differential subsidy contracts terminate.

46 CFR 276 Construction-differential subsidy repayment

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant. Plain Language: We will rewrite any remaining regulations using plain language techniques.
- General: No changes are necessary because the requirements regulate in the most cost-effective manner, the benefits of the regulations justify their costs, and the regulations impose the least burden on society.

46 CFR 277 Domestic and foreign trade; interpretations

46 CFR 280 Limitations on the award and payment of operating-differential subsidy for liner operators

46 CFR 281 Information and procedure required under liner operating-differential subsidy agreements

46 CFR 282 Operating-differential subsidy for liner vessels engaged in essential services in the foreign commerce of the United States

46 CFR 283 Dividend policy for operators receiving operating-differential subsidy

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant. Congress has withdrawn MARAD's authority to issue operational-differential subsidy.
- Plain Language: We will rewrite any remaining regulations using plain language techniques.
- General: We will continue our review of operating-differential subsidy regulations and will probably initiate a rulemaking to eliminate these regulations as the last operating-differential subsidy contracts terminate.

46 CFR 287 Establishment of construction reserve funds

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: We will rewrite the regulations using plain language techniques.
- General: We will continue our review and schedule this part for revision as appropriate.

46 CFR 295 Maritime Security Program

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: The text is clear and well-organized.
- General: We will revise the regulations if necessary.

**Year 4 (Fall 2001) List of Rules analyzed and a summary of the results**

46 CFR part 298 — Obligation Guarantees

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- Plain Language: These regulations were rewritten in plain language in 2000.
- General: In 2000, MARAD amended part 298 by simplifying existing administrative practices governing ship financing guarantees. The revisions simplify the process for applicants. MARAD will continue to review these regulations and make additional changes when appropriate.

**Year 5 (Fall 2002) List of Rules that will be analyzed during the next year**

46 CFR part 307 — Establishment of mandatory position reporting system for vessels

46 CFR part 308 — War risk insurance

46 CFR part 309 — Values for war risk insurance

46 CFR part 310 — Merchant marine training

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

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

Year	Regulations to be Reviewed	Analysis Year	Review Year
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 178 (non-bulk packaging) and 195 (hazardous liquid pipeline transportation) .....	2005	2006
9	49 CFR parts 178 through 180 (bulk packaging) and 198 (State pipeline safety grants) .....	2006	2007
10	49 CFR parts 172 (communications, emergency response, training and hazmat table) and 175 (air carriage) .....	2007	2008

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

49 CFR part 174 — Carriage by rail

- Section 610: No SEIOSNOSE. While these requirements apply to a substantial number of small entities, they do not have a significant economic impact on those entities. For the most part, the operating requirements impose only minimal costs above costs incurred as a result of normal business practices. Further, the requirements have little or no impact on entry to or exit from the industry.

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

49 CFR part 177 — Carriage by public highway

- Section 610: No SEIOSNOSE. While these requirements apply to a substantial number of small entities, they do not have a significant economic impact on those entities. For the most part, the operating requirements impose only minimal costs above costs incurred as a result of normal business practices. Further, the requirements have little or no impact on entry to or exit from the industry.

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

49 CFR part 191 — Gas pipeline transportation reports

- Section 610: No SEIOSNOSE. The regulations do not impose any additional costs because they are consistent with current requirements for reporting of accidents and annual reporting.
- Plain Language: Plain language techniques will be used in the revisions to incident and annual reporting requirements.
- General: Reviewed incident and annual reporting requirements and will issue rules to improve cause categories and clarify requirements.

49 CFR part 192 — Gas pipeline corrosion control

- Section 610: No SEIOSNOSE. The regulations do not impose any additional costs because they are consistent with customary industry corrosion control and cathodic protection practices.
- Plain Language: Plain language techniques will be used in any amended regulations that result from rulemaking.
- General: Reviewed corrosion control regulations with state and industry experts; changes will be proposed to incorporate modern criteria for adequate corrosion protection.

**Year 4 (Fall 2001) List of Rules that will be analyzed during the next year**

49 CFR part 176 — Carriage by vessel

49 CFR part 199 — Pipeline employee drug and alcohol testing

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 3 (Fall 2000) List of Rules analyzed and a summary of the results**

14 CFR part 298, subpart F — Schedule 298-C, Report of Financial and Operating Statistics for Small Aircraft Operators

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- Section 610: potential SEIOSNOSE. This reporting is by small entities; comments will be requested from the affected small entities to assess the economic impact of the proposed changes.
- Plain Language: A proposed rule is being drafted using plain language techniques.
- General: This rule is being reviewed as part of an overall program analysis of aviation data requirements and modernization. During the review process, BTS identified certain data gaps that exist in the current traffic statistics reported by small aircraft operators. BTS has added a notice of proposed rulemaking (RIN 2139-AA08) to its Regulatory Agenda that is intended to address the gaps in the data.

49 CFR part 1420 — Reports of motor carriers

- Section 610: No SEIOSNOSE. This reporting is by Class I and Class II motor carriers that are not small entities.
- Plain Language: Plain language techniques will be used in drafting any necessary rule changes.
- General: We will continue our review and schedule this part for revision as appropriate.

**Year 4 (Fall 2001) List of Rules that will be analyzed during the next year**

14 CFR part 241, section 19-7-Passenger Origin and Destination Survey

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION  
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be Reviewed	Analysis Year	Review Year
1	33 CFR parts 401 through 403 .....	1998	1999

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1682	+Computer Reservations System Regulations Comprehensive Review .....	2105-AC65
1683	+Aviation Data Requirements Review and Modernization Program .....	2105-AC71
1684	Nondiscrimination on the Basis of Disability in Air Travel .....	2105-AC97
1685	Reporting Requirement for Air Carriers Regarding Disability-Related Complaints .....	2105-AD04

+ DOT-designated significant regulation

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1686	+Direct Air Carrier Responsibility for Returning Stranded Charter Passengers .....	2105-AA40
1687	Air Travelers: Age Discrimination .....	2105-AA45
1688	Direct Flights .....	2105-AA73
1689	Diversion of Flights Within a Metropolitan Area .....	2105-AA78
1690	Simplified Aviation Exemption Procedures .....	2105-AA82
1691	Baggage Liability Notices in International Air Transportation .....	2105-AA84
1692	Simplified Airline Counter-Sign Notices .....	2105-AA88
1693	+Price Advertising .....	2105-AB50
1694	+Procedures for Transportation Workplace Drug-Testing Programs .....	2105-AB71
1695	+Transportation for Individuals With Disabilities (Accessibility Guidelines) .....	2105-AC06
1696	Use of Direct Final Rulemaking .....	2105-AC11
1697	Overbooking of Flights: Elimination of Airport Notice Signs .....	2105-AC45
1698	Fees and Charges for Special Services: Reinvention .....	2105-AC47
1699	Amendments to Modal Alcohol Testing Rules: Pre-Employment Testing .....	2105-AC50
1700	Nondiscrimination in Air Travel; Boarding Where Level-Entry Is Unavailable .....	2105-AC81
1701	+Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	2105-AC83
1702	+Americans With Disabilities Act Accessibility Standards .....	2105-AC86
1703	Participation by Disadvantaged Business Enterprises in Department of Transportation Programs: Memorandum of Understanding With Small Business Administration; Uniform Forms and Other Revisions .....	2105-AC88
1704	Participation by Minority Business Enterprises in Department of Transportation Financial Assistance Programs: Threshold Requirements and Other Technical Revisions .....	2105-AC89
1705	Participation by Disadvantaged Business Enterprises in Department of Transportation Programs .....	2105-AC91
1706	Statement of Policy on Alternative Dispute Resolution .....	2105-AC94
1707	Nondiscrimination in Federally Assisted Programs .....	2105-AC96

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

Sequence Number	Title	Regulation Identification Number
1708	Over the Road Buses: Extension of Due Date for Information Collection .....	2105-AC98
1709	Standard Time Zone Boundary in the State of North Dakota: Morton County .....	2105-AD03
1710	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Transportation Services for Individuals With Disabilities (ADA) .....	2105-AD05
1711	+Procedures for Compensation of Air Carriers .....	2105-AD06
1712	Reporting Prohibited Communications .....	2105-AD10

+ DOT-designated significant regulation

## Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1713	Policy Statement on Airline Preemption .....	2105-AA46
1714	+Statement of Enforcement Policy on Rebating .....	2105-AB39
1715	+Accessibility of Passenger Vessels to Individuals With Disabilities .....	2105-AB87
1716	Use of Oxygen by Air Carrier Passengers .....	2105-AC29
1717	+Domestic Passenger Manifest Information .....	2105-AC62
1718	Electronic Filing Option in DOT Proceedings .....	2105-AC79
1719	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace Grants .....	2105-AD01
1720	Governmentwide Debarment and Suspension (Nonprocurement) /Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) .....	2105-AD07
1721	Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation .....	2105-AD08

+ DOT-designated significant regulation

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
1722	Extension of Computer Reservations Systems Regulations .....	2105-AD09

## Transportation Security Agency—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1723	+Imposition and Collection of Passenger Civil Aviation Security Fees .....	2110-AA01
1724	+Aviation Security Infrastructure Fees .....	2110-AA02
1725	+Civil Aviation Security Rules .....	2110-AA03
1726	+Security Programs for Aircraft Weighing 12,500 Pounds or More .....	2110-AA04

+ DOT-designated significant regulation

## U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1727	+Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) .....	2115-AG21

+ DOT-designated significant regulation

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## U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1728	Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035) .....	2115-AD90
1729	+Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417) .....	2115-AF60
1730	Deepwater Ports (USCG-1998-3884) .....	2115-AF63
1731	Allowing Alternative Source to Incandescent Light in Private Aids to Navigation (USCG-2000-7466) .....	2115-AF98
1732	+Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661) .....	2115-AG05
1733	+Post Casualty Drug and Alcohol Testing (USCG-2001-8773) .....	2115-AG07
1734	+Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade (USCG-2001-8825) .....	2115-AG08
1735	Territorial Seas, Navigable Waters, Jurisdiction - Conforming Amendments (USCG-2001-9044) .....	2115-AG13
1736	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163) .....	2115-AG18
1737	Update of Rules on Aids to Navigation affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys (USCG-2001-10714) .....	2115-AG25
1738	Marine Events: Permit Procedures (USCG-2001-10713) .....	2115-AG26
1739	Drawbridge Operations Regulations; Revisions (USCG-2001-10881) .....	2115-AG27
1740	Liferaft Servicing Intervals (USCG-2001-11118) .....	2115-AG28
1741	Rates for Pilotage on the Great Lakes (USCG-2002-11288) .....	2115-AG30
1742	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CGD08-01-043) .....	2115-AG31
1743	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421) .....	2115-AG32
1744	Protection of Naval Vessels (LANT AREA-02-001 and PAC AREA-02-001) .....	2115-AG33
1745	Notifications of Arrival and Departure in Ports or Places in the United States .....	2115-AG35
1746	+Automatic Identification System Carriage Requirement (USCG-2002-11721) .....	2115-AG36

+ DOT-designated significant regulation

## U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1747	Safety/Security Zone Regulations .....	2115-AA97
1748	Special Anchorage Areas/Anchorage Grounds Regulations .....	2115-AA98
1749	Reporting Marine Casualties (USCG-2000-6927) .....	2115-AD98
1750	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (USCG-1998-4302) .....	2115-AE22
1751	Regatta Regulations .....	2115-AE46
1752	Drawbridge Regulations .....	2115-AE47
1753	+Escort Vessels in Certain U.S. Waters (CGD 91-202a) .....	2115-AE56
1754	Regulated Navigation Areas .....	2115-AE84
1755	Numbering of Undocumented Barges (USCG-1998-3798) .....	2115-AF13
1756	Licensing and Manning for Officers of Towing Vessels (USCG 1999-6224) .....	2115-AF23
1757	Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623) .....	2115-AF38
1758	Outer Continental Shelf Activities (USCG-1998-3868) .....	2115-AF39
1759	Fire-Suppression Systems and Voyage Planning for Towing Vessels (USCG 2000-6931) .....	2115-AF53
1760	+Emergency Response Plans for Passenger Vessels (USCG-1998-3473) .....	2115-AF61
1761	+Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501) .....	2115-AF68
1762	Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (USCG-1999-5040) .....	2115-AF69
1763	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399) .....	2115-AF75
1764	Barges Carrying Bulk Liquid Hazardous Material (USCG-1999-5117) .....	2115-AF77
1765	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK (CGD17-99-002) .....	2115-AF81
1766	Training and Qualifications for Personnel on Passenger Ships (USCG 1999-5610) .....	2115-AF83
1767	Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels (USCG-2000-6858) .....	2115-AF95
1768	Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080) .....	2115-AF97
1769	Notification of Arrival: Addition of Charterer to Required Information (USCG-2001-8659) .....	2115-AG06
1770	Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826) .....	2115-AG09
1771	+Tank Level or Pressure Monitoring Devices (USCG-2001-9046) .....	2115-AG10
1772	Inspection and Enforcement of Coast Guard Regulations for Fixed Facilities by Minerals Management Service (USCG-2001-9045) .....	2115-AG14

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## U.S. Coast Guard—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1773	Revise Options for Responding to Notices of Violations (USCG-2001-9175) .....	2115-AG15
1774	Traffic Separation Scheme: In Prince William Sound, Alaska (USCG-2001-10254) .....	2115-AG20
1775	Safety Zones for Outer Continental Shelf Facilities in the Gulf of Mexico (CGD08-01-025) .....	2115-AG22
1776	Protection of Naval Vessels (LANT AREA-01-001 and PAC AREA-01-001) .....	2115-AG23

+ DOT-designated significant regulation

## U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1777	+Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068) .....	2115-AD66
1778	+Escort Vessels for Certain Tankers (CGD 91-202) .....	2115-AE10
1779	State Access to the Oil Spill Liability Trust Fund (CGD 92-014) .....	2115-AE19
1780	+Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705) .....	2115-AE87
1781	+Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354) .....	2115-AE88
1782	+Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) (CGD 95-062) .....	2115-AF26
1783	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472) .....	2115-AF59
1784	Commercial Diving Operations (USCG-1998-3786) .....	2115-AF64
1785	+Alternate Tonnage Convention: Small Passenger Vessels .....	2115-AG29
1786	Port Security Plans .....	2115-AG37
1787	Facility Security Plan .....	2115-AG38
1788	Passenger Facility Security Plan .....	2115-AG39
1789	Maritime Security: Passenger Vessel Security .....	2115-AG40
1790	Maritime Security: High Consequence Vessels .....	2115-AG41
1791	Identification Credentials for Maritime Security .....	2115-AG42

+ DOT-designated significant regulation

## U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identification Number
1792	Permits for the Transportation of Municipal and Commercial Wastes (USCG-2000-7442) .....	2115-AD23
1793	Propeller Injury Prevention Aboard Rental Boats (USCG-2001-10299) .....	2115-AF28
1794	Carriage of Bulk Solid Materials Requiring Special Handling (USCG-2000-6932) .....	2115-AF47
1795	Implementation of the National Invasive Species Act of 1996 (USCG-1998-3423) .....	2115-AF55
1796	Pollution Prevention for Ongoing Ships and Certain Vessels in Domestic Service (USCG-2000-7641) .....	2115-AF56
1797	Certification of Navigation Lights for Uninspected Commercial Vessels and Recreational Vessels (USCG 1999-6580) .....	2115-AF70
1798	Vessel Documentation (USCG-1998-4784) .....	2115-AF71
1799	Vapor Control Systems (USCG-1999-5150) .....	2115-AF78
1800	Mandatory Ship Reporting System off the Northeast and the Southeast Coasts of the United States (USCG-1999-5525) .....	2115-AF82
1801	Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels (USCG-1999-6094) .....	2115-AF87
1802	Revision of Auxiliary Regulations (USCG-1999-6712) .....	2115-AF94
1803	Noxious Liquid Substances, Obsolete Hazardous Materials in Bulk, and Current Hazardous Materials in Bulk (USCG-2000-7079) .....	2115-AF96
1804	Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels (USCG-2000-8589) .....	2115-AG04
1805	Shipboard Marine Pollution Emergency Plans for Oil and/or Noxious Liquid Substances (USCG-2001-9174) .....	2115-AG16
1806	Alternate Compliance Program (USCG-2001-10164) .....	2115-AG17
1807	Portable Tanks and Intermediate Bulk Containers (USCG-2001-10180) .....	2115-AG19
1808	Technical and Formal Update of Rules on Officers and Seaman of the Merchant Marine (USCG-2002-11359) .....	2115-AG34

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## Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1809	+Improved Water Survival Equipment .....	2120-AC72
1810	+Retrofit of Improved Seats in Air Carrier Transport Category Airplanes .....	2120-AC84
1811	+Corrosion Control Program .....	2120-AE92
1812	+National Air Tour Safety Standards .....	2120-AF07
1813	+Flight Crewmember Duty Period Limitations, Flight Time Limitations, and Rest Requirements .....	2120-AF63
1814	+False and Misleading Statements Regarding Aircraft Parts .....	2120-AG08
1815	+Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park .....	2120-AG34
1816	Licensing and Safety Requirements for Launch .....	2120-AG37
1817	+Child Restraint Systems .....	2120-AG43
1818	Revision of Air Carrier Crewmember and Training Regulations .....	2120-AG57
1819	Training in the Recognition of Hazardous Material .....	2120-AG75
1820	+Air Tour Operations in State of Hawaii .....	2120-AH02
1821	+Flight Simulation Device Qualification .....	2120-AH07
1822	Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities .....	2120-AH14
1823	Airworthiness Directives .....	2120-AH17
1824	+Certification of Pilots, Aircraft, and Repairmen for the Operation of Light Sport Aircraft .....	2120-AH19
1825	Powered Lift Operations .....	2120-AH20
1826	Refusal to Submit to an Authorized Drug Test .....	2120-AH23
1827	Public Address System .....	2120-AH30
1828	Safe, Efficient Use, and Preservation of the Navigable Airspace .....	2120-AH31
1829	Design Requirements for Pressurization and Pneumatic Systems Installed on Transport Category Airplanes .....	2120-AH33
1830	Design Standards for Fuselage Doors on Transport Category Airplanes .....	2120-AH34
1831	Reverse Thrust and Propeller Pitch Settings Below the Flight Regime .....	2120-AH35
1832	Material Strength Properties and Design Values .....	2120-AH36
1833	Revisions to Various Powerplant Installation Requirements for Transport Category Airplanes .....	2120-AH37
1834	Trim Systems and Protective Breathing Equipment .....	2120-AH40
1835	Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers .....	2120-AH43
1836	Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes .....	2120-AH44
1837	Airworthiness Standards for Classes B and F Cargo Compartment for Transport Category Airplanes .....	2120-AH47
1838	Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones .....	2120-AH48
1839	Flight Restrictions in the Vicinity of Niagara Falls .....	2120-AH57
1840	Powerplant Controls on Transport Category Airplanes, General .....	2120-AH65

+ DOT-designated significant regulation

## Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1841	Objects Affecting Navigable Airspace .....	2120-AA09
1842	Miscellaneous Amendments .....	2120-AA50
1843	IFR Altitudes; Miscellaneous Amendments .....	2120-AA63
1844	Airworthiness Directives .....	2120-AA64
1845	Standard Instrument Approach Procedures; Miscellaneous Amendments .....	2120-AA65
1846	Airspace Actions .....	2120-AA66
1847	Aircraft Engines: Fuel and Induction Systems .....	2120-AB76
1848	1-G Stalling Speed as a Basis for Aircraft Parts .....	2120-AD40
1849	+Revision of Part 108, Aircraft Operator Security .....	2120-AD45
1850	+Revision of Part 107, Airport Security .....	2120-AD46
1851	+Aging Aircraft Safety .....	2120-AE42
1852	Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System .....	2120-AE81
1853	Flight Attendant English Language Proficiency .....	2120-AE98
1854	+Revised Access to Type III Exits .....	2120-AF01
1855	Los Angeles, CA, Class B Airspace .....	2120-AF16
1856	+Revision of Emergency Evacuation Demonstration Procedures To Improve Participant Safety .....	2120-AF21
1857	+Overflights of Units of the National Park System .....	2120-AF46
1858	Revised Precision Approach Landing Systems Policy .....	2120-AG16

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

Sequence Number	Title	Regulation Identification Number
1859	+Screening of Checked Baggage on Flights Within the United States .....	2120-AG51
1860	+Policy Regarding Airport Rates and Charges .....	2120-AG58
1861	Revision of Braking Systems Airworthiness Standards to Harmonize With European Airworthiness Standards for Transport Category Airplanes .....	2120-AG80
1862	+Certification of Screening Companies .....	2120-AG84
1863	+Revisions to Digital Flight Data Recorder Regulations for B-737 Airplanes and for Part 125 Operators .....	2120-AG87
1864	+Traffic Alert and Collision Avoidance Systems .....	2120-AG90
1865	+Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes .....	2120-AG91
1866	Fire Protection of Electrical System Components on Transport Category Airplanes .....	2120-AG92
1867	+Certification Procedures for Products and Parts ( <b>Section 610 Review</b> ) .....	2120-AG93
1868	+Certification of Airports .....	2120-AG96
1869	Special Flight Rules in the Vicinity of Grand Canyon National Park .....	2120-AG97
1870	Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes .....	2120-AH03
1871	+Fractional Ownership .....	2120-AH06
1872	Noise Certification Regulations for Helicopters .....	2120-AH10
1873	Alcohol and Antidrug Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities .....	2120-AH15
1874	Revision to Airspeed Indicating System Requirements for Transport Category Airplanes .....	2120-AH26
1875	Electrical Installation, Nickel Cadmium Battery Installation, and Nickel Cadmium Battery Storage .....	2120-AH27
1876	Design and Installation of Electronic Equipment on Transport Category Airplanes .....	2120-AH28
1877	Electrical Cables .....	2120-AH29
1878	Lower Deck Service Compartments on Transport Category Airplanes .....	2120-AH38
1879	Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia .....	2120-AH41
1880	Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes .....	2120-AH42
1881	DFDR Resolutions Requirements .....	2120-AH46
1882	+Criminal History Background Checks .....	2120-AH53
1883	Enduring Freedom Special Federal Aviation Regulation (SFAR) .....	2120-AH58
1884	+Screeners, Qualifications, Training, and Testing .....	2120-AH59
1885	Procedures for Reimbursement of Airports, On-Airport Parking Lots and Vendors of On-Airfield Direct Services to Air Carriers for Security Mandates .....	2120-AH60
1886	+Enhanced Security Procedures for Operations at Certain Airports .....	2120-AH62

+ DOT-designated significant regulation

## Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1887	+Fuel System Vent Fire Protection .....	2120-AA49
1888	Low Fuel Quantity Alerting System .....	2120-AB46
1889	Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines .....	2120-AC87
1890	+Drug Enforcement Assistance .....	2120-AD16
1891	Airplane Engine Cowling Retention .....	2120-AD34
1892	Type Certificates for Some Surplus Aircraft of the Armed Forces .....	2120-AE41
1893	+Aircraft Ground Deicing and Anti-Icing Program .....	2120-AE70
1894	Civil Penalty Assessment Procedures .....	2120-AE84
1895	+Training and Checking in Ground Icing Conditions .....	2120-AF09
1896	Miscellaneous Cabin Safety Changes .....	2120-AF77
1897	Bird Strike .....	2120-AF80
1898	+Security Programs of Foreign Air Carriers and Foreign Operators of U.S. Registered Air Carriers Engaged in Common Carriage .....	2120-AG13
1899	+Prohibition of the Transportation of Devices Designed as Chemical Generators as Cargo in Aircraft .....	2120-AG35
1900	+Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes .....	2120-AG42
1901	Miscellaneous Flight Requirements .....	2120-AH39

+ DOT-designated significant regulation

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## Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1902	+Flight Operational Quality Assurance Program .....	2120-AF04
1903	Safe Disposition of Life Limited Aircraft Parts .....	2120-AH11
1904	Reduced Vertical Separation Minimum in the West Atlantic Route System Airspace .....	2120-AH12
1905	Civil Penalty Inflation Adjustment Revisions .....	2120-AH21
1906	Security Control of Air Traffic .....	2120-AH25
1907	Temporary Extension of Time Allowed for Certain Training and Testing .....	2120-AH51
1908	+Flightcrew Compartment Access and Door Designs .....	2120-AH52
1909	+Flight Crew Door Designs Access .....	2120-AH54
1910	+Flight Crews Compartment Access and Door Design .....	2120-AH55
1911	+Security Considerations in the Design of the Flightdeck on Transport Category Airplanes .....	2120-AH56
1912	+Airspace and Flight Operations Requirements for the 2002 Winter Olympic Games at Salt Lake City, UT .....	2120-AH61
1913	Removal of the Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan .....	2120-AH64

+ DOT-designated significant regulation

## Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1914	Work Zone Mobility and Safety .....	2125-AE29

## Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1915	Certification of Size and Weight Enforcement .....	2125-AC60
1916	Advanced Construction of Federal Aid Projects .....	2125-AD59
1917	+Federal Lands Highway Program; Management Systems Pertaining to the National Park Service, Including the Park Roads and Parkways Program .....	2125-AE52
1918	+Federal Lands Highway Program; Management Systems Pertaining to the Bureau of Indian Affairs, Including the Indian Reservations Road Program .....	2125-AE53
1919	+Federal Lands Highway Program; Management Systems Pertaining to the Fish and Wildlife Service, Including the Refuge Roads Program .....	2125-AE54
1920	+Federal Lands Highway Program; Management Systems Pertaining to the Forest Service, Including the Forest Highways Program .....	2125-AE55
1921	Revision of the Manual on Uniform Traffic Control Devices; Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards .....	2125-AE78
1922	+Railroad-Highway Crossing Projects .....	2125-AE81
1923	Landscape Development .....	2125-AE85
1924	+National Bridge Inspection Standards .....	2125-AE86
1925	Commercial Vehicle Width Exclusive Devices .....	2125-AE90
1926	Debt Financing .....	2125-AE91
1927	Manual on Uniform Traffic Control Devices .....	2125-AE93
1928	+Designation of Dromedary Equipped Truck Tractor-Semitrailers as Specialized Equipment .....	2125-AE94

+ DOT-designated significant regulation

## Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1929	Federal-Aid Highway Systems .....	2125-AD74
1930	Railroad Highway Projects .....	2125-AD86
1931	Administration of Engineering and Design Related Services Contracts .....	2125-AE45

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Federal Highway Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1932	Standards for Dedicated Short Range Communications (DSRC) Applications for Use by Commercial Vehicles in Intelligent Transportation Systems Projects .....	2125-AE63
1933	Revision of Color Specifications for Signs and Pavement Marking Retroreflective Materials .....	2125-AE67
1934	+Design-Build Contracting .....	2125-AE79
1935	National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signals .....	2125-AE83
1936	Planning and Research Program Administration .....	2125-AE84
1937	Discretionary Bridge Candidate Rating Factor .....	2125-AE88

+ DOT-designated significant regulation

Federal Highway Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1938	Indian Reservation Road Bridge Program .....	2125-AE57
1939	+Statewide and Metropolitan Planning .....	2125-AE62
1940	+NEPA and Related Procedures for Transportation Decisionmaking; Protection of Public Parks, Wildlife and Waterfowl Refuges and Historic Sites .....	2125-AE64
1941	Revisions to Highway Bridge Replacement and Rehabilitation Program .....	2125-AE75
1942	Planning Assistance and Standards .....	2125-AE92

+ DOT-designated significant regulation

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1943	Truck Length and Width Exclusive Devices .....	2125-AC30
1944	Highway Beautification .....	2125-AD24
1945	National Standards for Traffic Control Devices; MUTCD; Minimum Retroreflectivity Requirements for Traffic Signs .....	2125-AE39
1946	Engineering Services .....	2125-AE73
1947	Procedures for Abatement of Highway Traffic Noise and Construction Noise .....	2125-AE80
1948	Right-of-Way .....	2125-AE82
1949	Design Standards for Highways .....	2125-AE89

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1950	+Qualification of Drivers; Vision .....	2126-AA05
1951	+Commercial Driver Physical Fitness as Part of the CDL Process .....	2126-AA10
1952	Safety Performance History of New Drivers .....	2126-AA17
1953	+Unified Registration System .....	2126-AA22
1954	Safety Fitness Procedures .....	2126-AA37
1955	Rules of Practice for Administrative Proceedings .....	2126-AA63
1956	Posting of Employee Protections Information .....	2126-AA68
1957	+Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSS) .....	2126-AA69

+ DOT-designated significant regulation

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## Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1958	+Railroad-Highway Grade Crossing Safety .....	2126-AA18
1959	+Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	2126-AA23
1960	Development of a North American Standard for Protection Against Shifting and Falling Cargo .....	2126-AA27
1961	Transportation of Household Goods; Consumer Protection Regulations ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	2126-AA32
1962	+Application by Certain Mexico-Domiciled Motor Carriers To Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border .....	2126-AA34
1963	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....	2126-AA35
1964	Out-of-Service Criteria .....	2126-AA36
1965	Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures .....	2126-AA41
1966	Brake Performance Requirements for CMVs Inspected by Performance-Based Brake Testers .....	2126-AA46
1967	+Federal Motor Carrier Safety Regulations; Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce .....	2126-AA52
1968	Commercial Driver's License Standards; Requirements and Penalties; Noncommercial Motor Vehicle Violations .....	2126-AA55
1969	+New Entrant Safety Assurance Process .....	2126-AA59
1970	Commercial Driver's License Standards; Requirements and Penalties; Commercial Driver's License Program Improvements .....	2126-AA60
1971	Parts and Accessories Necessary for Safe Operation; General Amendments .....	2126-AA61
1972	+Certification of Safety Auditors, Safety Investigators, and Safety Inspectors .....	2126-AA64
1973	+Limitations on Issuance of Commercial Drivers' Licenses With a Hazardous Materials Endorsement .....	2126-AA70
1974	Penalties, Inspection, and Decal Display Requirements for Mexico-Domiciled Motor Carriers .....	2126-AA72

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identification Number
1975	+Commercial Driver's License Standards; Biometric Identifier .....	2126-AA01
1976	Commercial Learner Permits .....	2126-AA03
1977	+Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials .....	2126-AA07
1978	+Minimum Training Requirements for Operators and Training Instructors of Multiple Trailer Combination Vehicles ..	2126-AA08
1979	+Training for Entry-Level Drivers of Commercial Motor Vehicles .....	2126-AA09
1980	Parts and Accessories Necessary for Safe Operation; Sleeper Berths on Motor Coaches .....	2126-AA12
1981	Rules of Practice for Motor Carrier Proceedings; Investigations; Disqualifications and Penalties .....	2126-AA15
1982	Parts and Accessories Necessary for Safe Operation; Television Receivers and Data Display Units .....	2126-AA19
1983	Electronic Filing of Surety Bonds, Trust Fund Agreements, Insurance Certificates; Cancellations .....	2126-AA24
1984	General Jurisdiction Over Freight Forwarder Service .....	2126-AA25
1985	+English Language Requirement; Qualifications of Drivers .....	2126-AA31
1986	+General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers .....	2126-AA38
1987	+Federal Motor Carrier Safety Regulations; Zero-Base Revision .....	2126-AA39
1988	+Post-Accident Controlled Substances and Alcohol Test Results; Reporting Requirements for the Fatality Analysis Reporting System .....	2126-AA50
1989	+Federal Motor Carrier Safety Regulations; Interstate School Bus Safety .....	2126-AA53
1990	Security and Hazardous Materials Requirements .....	2126-AA71
1991	+Hazardous Materials Tire Checks .....	2126-AA74
1992	+Hazardous Material Route Plans .....	2126-AA75

+ DOT-designated significant regulation

## DOT

## Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1993	+Revision of Regulations and Application Form for Mexico-Domiciled Motor Carriers To Operate in U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border .....	2126-AA33
1994	Motor Carrier Identification Report .....	2126-AA57

+ DOT-designated significant regulation

## National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1995	Review: Odometer Fraud .....	2127-AF53
1996	Review: American Automobile Labeling Act .....	2127-AG18
1997	Review: Heavy Truck Conspicuity .....	2127-AG19
1998	Motorcycle Mounted Reflex Reflector Height .....	2127-AG92
1999	Child Restraints for Older Children .....	2127-AH14
2000	Ejection Mitigation Using Advanced Glazing .....	2127-AH50
2001	Review: Head Restraints for Light Trucks .....	2127-AH98
2002	Adaptation of Instrumented Lower Legs for Hybrid III Male and Female Adult Dummies .....	2127-AI39
2003	Retroactive Certification (Policy Statement) .....	2127-AI59
2004	Event Data Recorders .....	2127-AI72

## National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2005	Procedures for Considering Environmental Impacts .....	2127-AB79
2006	Seating Systems Performance .....	2127-AD08
2007	Certification Requirements of Multistage Vehicles .....	2127-AE27
2008	Convex Cross-View Mirrors .....	2127-AG41
2009	Upgrade Roof Crashworthiness .....	2127-AG51
2010	Hybrid III 95th Percentile Male .....	2127-AG79
2011	Buy American Requirements .....	2127-AG99
2012	Political Subdivision Participation in State Highway Safety Programs and State Highway Safety Agency .....	2127-AH00
2013	Definition of Community Transportation Vehicles .....	2127-AH23
2014	Metric Conversion—Phase III .....	2127-AH27
2015	Upgrade Door Retention Performance .....	2127-AH34
2016	Administrative Rewrite of the Lighting Requirements Other Than Headlamps .....	2127-AH37
2017	Exemption for Inconsequential Defect or Noncompliance .....	2127-AH58
2018	Compliance and Enforcement .....	2127-AH63
2019	Accelerator Control Systems .....	2127-AH71
2020	+Frontal Offset Protection .....	2127-AH73
2021	Special Purpose Vehicles .....	2127-AH75
2022	Brake Hoses .....	2127-AH79
2023	Low-Speed Vehicle Performance Requirements .....	2127-AH80
2024	Headlamp Glare .....	2127-AH81
2025	Stowable or Fold-Away Child Restraint Anchorages .....	2127-AH85
2026	Defect Reporting and Notification .....	2127-AH89
2027	Motorcycle Headlamp System .....	2127-AH92
2028	Improve Motorcycle Helmet Head Protection .....	2127-AI03
2029	Label Placement on Rear Impact Guards .....	2127-AI04
2030	Reorganize and Harmonize Controls and Displays .....	2127-AI09
2031	Confidential Business Information .....	2127-AI13
2032	+Improving the Safety of Child Restraints .....	2127-AI34
2033	Seat Belt Fit .....	2127-AI36
2034	Seat Belt Emergency Locking Retractor .....	2127-AI38
2035	Voluntarily Installed Seat Belt Assembly Anchorages .....	2127-AI40

## DOT

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

Sequence Number	Title	Regulation Identification Number
2036	Idle Stop Technology Used in Some Hybrid Electric Vehicles .....	2127-AI43
2037	+Operation of Motor Vehicles by Intoxicated Persons .....	2127-AI44
2038	Procedures for Participating In and Receiving Data From the National Driver Registration Problem Driver Pointer System .....	2127-AI45
2039	Expanding the Auto Parts Marking Requirement .....	2127-AI46
2040	Parking Brakes for Non-School Bus Vehicles .....	2127-AI47
2041	Cargo Carrying Capacity .....	2127-AI50
2042	Convex Mirrors for Commercial Trucks .....	2127-AI52
2043	Enhance Passenger-Side Mirror System .....	2127-AI53
2044	Horizontal Discharge Trailers .....	2127-AI56
2045	Heavier Hybrid III Type 6-Year-Old Size Test Dummy .....	2127-AI58
2046	Record Retention of Retroactively Certified Vehicles .....	2127-AI60
2047	Daytime Running Lamps Voltage and Conspicuity .....	2127-AI62
2048	Allow Roll-bar During Brake Testing .....	2127-AI63
2049	Importation of Commercial Motor Vehicles .....	2127-AI64
2050	Child Restraint System Webbing Strength .....	2127-AI66
2051	Motorcycle Handlebar Lever .....	2127-AI67
2052	+Light Truck Average Fuel Economy Standard, Model Years 2005-2010 .....	2127-AI70
2053	Static Out-of-Position Test Requirements at S23 Using 6-Year-Old Dummy .....	2127-AI71
2054	Insurer Reporting Requirements/List of Insurers Required To File Reports for October 2002 .....	2127-AI73
2055	Theft Data for Calendar Year 2000 .....	2127-AI75
2056	GM Petition on Amending FMVSS No. 301 and FMVSS Nos. 208, 212, 219, 303, and 305 .....	2127-AI76
2057	Schedule of Fees Authorized by 49 U.S.C. 30141 .....	2127-AI77
2058	Exemption for Inconsequential Defect or Noncompliance .....	2127-AI78

+ DOT-designated significant regulation

## National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2059	Brake Lining .....	2127-AC66
2060	+Platform Lift Systems .....	2127-AD50
2061	Radiator Safety Cap .....	2127-AE59
2062	Upgrade Fuel Integrity Performance Requirements .....	2127-AF36
2063	Alternative Geometric Visibility Requirements for Lamps .....	2127-AF75
2064	Power-Operated Windows: Roof Panels .....	2127-AF83
2065	Door Latch Exemption for Vehicles Equipped With Wheelchair Lifts and Ramps .....	2127-AG16
2066	Dealer Notification of Defect or Noncompliance Determination .....	2127-AG27
2067	Power Window Safety Switches .....	2127-AG36
2068	Seat Belt Positioning Devices .....	2127-AG49
2069	Glare Reduction From Daytime Running Lamps .....	2127-AG86
2070	Administrative Rewrite for Headlamp Requirements .....	2127-AG87
2071	Signal Lamps Used With Light Emitting Diodes .....	2127-AG88
2072	+Allocation of Fuel Economy Credits .....	2127-AG97
2073	Placement of Wheelchair Restraints on Buses .....	2127-AH03
2074	Incorporate the 1996 Revision of the American National Standards Institute (ANSI) .....	2127-AH08
2075	+Harmonization of Head Restraints .....	2127-AH09
2076	Heavy Vehicle Antilock Brake System (ABS) Performance Requirement .....	2127-AH16
2077	Upper Interior Impact .....	2127-AH61
2078	Registered Importers of Vehicles Not Originally Manufactured To Conform With the Federal Motor Vehicle Safety Standards .....	2127-AH67
2079	Vehicles With Raised Roofs .....	2127-AH74
2080	Clarify Test Procedures for Brake Fluids .....	2127-AH96
2081	Guidelines for States on Enforcement of Light Transmission .....	2127-AH97
2082	Child Restraint Anchorage Systems—Part 2 .....	2127-AH99
2083	Hybrid III Type 6-Year-Old Size Test Dummy .....	2127-AI00
2084	Fifth Percentile Female Test Dummy .....	2127-AI01

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

Sequence Number	Title	Regulation Identification Number
2085	Moving Barrier Tire Specification .....	2127-AI05
2086	Early Warning Defect Reporting Requirements .....	2127-AI25
2087	Defects in Foreign Countries .....	2127-AI26
2088	Acceleration of Manufacturer Remedy Program .....	2127-AI27
2089	Reimbursement Prior to Recall .....	2127-AI28
2090	Disposition of Replaced Tires .....	2127-AI29
2091	Prohibition of Sale or Lease of Equipment .....	2127-AI30
2092	Improve Tire Safety Information .....	2127-AI32
2093	+Automotive Fuel Economy Manufacturing Incentive for Alternative Fuel Vehicles .....	2127-AI41
2094	Trailer Test Rig .....	2127-AI48
2095	Compliance for Multistage Manufacturers and Alterers .....	2127-AI49
2096	+Improved Tire Safety .....	2127-AI54
2097	Child Safety Information Labels .....	2127-AI55
2098	List of Nonconforming Vehicles Eligible for Importation .....	2127-AI61
2099	Child Restraint Safety Rating .....	2127-AI65
2100	Modified Front-Opening Hood Requirements .....	2127-AI69
2101	High-Theft Lines for Model Year 2002 .....	2127-AI74

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identification Number
2102	+Crashworthiness Ratings .....	2127-AA03
2103	+Flammability of Interior Materials—School Buses .....	2127-AA44
2104	+Review: Side Impact Protection .....	2127-AF54
2105	Review: Child Safety Seat Registration .....	2127-AG93
2106	Review: Air Bag On-Off Switches .....	2127-AH12
2107	Review: Redesigned Air Bags .....	2127-AH13
2108	Use of Universal Child Seats in Aircraft .....	2127-AH56
2109	Review: Antilock Brake Systems for Heavy Trucks .....	2127-AI14
2110	Review: Rear Impact Guards for Truck Trailers .....	2127-AI15
2111	+Tire Pressure Monitoring System .....	2127-AI33
2112	Civil Penalties .....	2127-AI42

+ DOT-designated significant regulation

## National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2113	Truck Air Braking Requirements .....	2127-AH11
2114	School Bus Body Joint Strength .....	2127-AH84
2115	Hybrid III Type 3-Year-Old Size Test Dummy .....	2127-AI02
2116	+Advanced Air Bags .....	2127-AI10
2117	Record Retention (Amendment) .....	2127-AI31
2118	Electrical Vehicle Safety .....	2127-AI57
2119	+Light Truck Average Fuel Economy Standard, Model Year 2004 .....	2127-AI68

+ DOT-designated significant regulation

## DOT

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2120	Locomotive Crashworthiness .....	2130-AB23
2121	Locomotive Event Recorders .....	2130-AB34
2122	Revision to Railroad Safety Enforcement Procedures .....	2130-AB35
2123	Rules of Practice .....	2130-AB36
2124	Railroad Car Conspicuity .....	2130-AB41
2125	Revision to the Accident/Incident Reporting Regulations and Guide .....	2130-AB51

## Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2126	Local Rail Freight Assistance to States .....	2130-AA60
2127	+Whistle Bans at Highway-Rail Grade Crossings .....	2130-AA71
2128	+Standards for Development and Use of Processor-Based Signal and Train Control Systems .....	2130-AA94
2129	Small Railroads; Policy Statement on Enforcement Program .....	2130-AB15
2130	+Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, Acquisitions of Control and Start-Up Operations .....	2130-AB24
2131	Roadway Maintenance Machines .....	2130-AB28
2132	Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents .....	2130-AB30
2133	Determination of Minimum Testing Rate for Random Drug and Alcohol Testing .....	2130-AB31
2134	+Locational Requirement for Dispatching of United States Rail Operations .....	2130-AB38
2135	Passenger Equipment Safety Standards .....	2130-AB48

+ DOT-designated significant regulation

## Federal Railroad Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2136	Blue Signal and Related Protections .....	2130-AA90
2137	Crane Safety Standards .....	2130-AB27
2138	+Application of Random Testing and Other Alcohol and Drug Regulations to Employees of Foreign Railroads .....	2130-AB39
2139	+Minimum Standards for Temperature in the Locomotive Cab .....	2130-AB46
2140	Improvements to the System for Reporting Train Accidents .....	2130-AB50
2141	Automatic Train Control (ATC) and Advanced Civil Speed Enforcement System (ACSES); Northeast Corridor (NEC) Railroads .....	2130-AB55

+ DOT-designated significant regulation

## Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2142	Freight Car Safety Standards: Maintenance-of-Way Equipment .....	2130-AA68
2143	Locomotive Cab Working Conditions .....	2130-AA89
2144	Bridge Worker Safety Standards .....	2130-AB25
2145	Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices .....	2130-AB52
2146	Alcohol/Drug Regulations: Temporary Post-Accident Blood Testing Procedures .....	2130-AB54

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## Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2147	+Clean Fuels Formula Grant Program .....	2132-AA64
2148	State Safety Oversight; Rail Fixed Guideway Systems .....	2132-AA69

+ DOT-designated significant regulation

## Federal Transit Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2149	+Bus Testing .....	2132-AA30
2150	+NEPA and Related Procedures for Transportation Decisionmaking; Protection of Public Works, Wildlife and Waterfowl Refuges and Historic Sites .....	2132-AA43
2151	Buy America Requirements; Amendment to Certification Procedures .....	2132-AA62
2152	+Statewide Metropolitan Planning .....	2132-AA66
2153	School Bus Operations .....	2132-AA67
2154	Buy America Requirements; Permanent Waiver for Microcomputers .....	2132-AA68

+ DOT-designated significant regulation

## Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2155	+Requirement for Third-Party Contracting With FTA Recipients .....	2132-AA70

+ DOT-designated significant regulation

## Saint Lawrence Seaway Development Corporation—Completed Actions

Sequence Number	Title	Regulation Identification Number
2156	Seaway Regulations and Rules: Ballast Water .....	2135-AA13
2157	Seaway Tariff of Tolls .....	2135-AA14

## Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2158	Hazardous Materials: Revision of Requirements for Carriage by Aircraft .....	2137-AD18

## Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2159	Pipeline Safety: Gas Gathering Line Definition .....	2137-AB15
2160	Hazardous Materials: Requirements for Cargo Tanks .....	2137-AC90
2161	Pipeline Safety: Further Regulatory Review; Gas Pipeline Safety Standards .....	2137-AD01
2162	+Pipeline Safety: Recommendations To Change Hazardous Liquid Pipeline Safety Standards .....	2137-AD10
2163	Hazardous Materials: Hazard Communication Requirements—Petitions for Rulemaking and Miscellaneous Amendments .....	2137-AD28
2164	Hazardous Materials: Air Carrier Emergency Telephone Number Requirements .....	2137-AD29

## DOT

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

Sequence Number	Title	Regulation Identification Number
2165	+Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids .....	2137-AD36
2166	Hazardous Materials: Adoption of Latest IAEA and Other Miscellaneous Revisions and Clarifications .....	2137-AD40
2167	Pipeline Safety: Producer-Operated Outer Continental Shelf Gas and Hazardous Liquid Pipelines That Cross Directly Into State Waters .....	2137-AD42
2168	Hazardous Materials: Miscellaneous Amendments for Unloading IM Portable Tanks on a Transport Vehicle - Petition for Rulemaking .....	2137-AD44
2169	Hazardous Materials: Transportation of Lithium Batteries .....	2137-AD48
2170	Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipeline Operators) .....	2137-AD54
2171	Hazardous Materials: Frangible Discs on Tank Cars .....	2137-AD57
2172	Pipeline Safety: Hazardous Liquid Pipeline Operator Annual Reports .....	2137-AD59
2173	Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization Technical Instructions .....	2137-AD66
2174	Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials .....	2137-AD67
2175	Pipeline Safety: Annual Update of Standards Incorporated by Reference .....	2137-AD68

+ DOT-designated significant regulation

## Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2176	+Hazardous Materials: Requirements for Cylinders .....	2137-AA92
2177	DOT 3AL Aluminum Cylinders; Safety Problems .....	2137-AB51
2178	+Pipeline Safety: Response Plans for Onshore Oil Pipelines .....	2137-AC30
2179	Hazardous Materials: Retention of Shipping Papers .....	2137-AC64
2180	Hazardous Materials: Revisions to Standards for Infectious Substances and Genetically Modified Microorganisms .....	2137-AD13
2181	Hazardous Materials: Revised and Clarified Hazardous Materials Safety Rulemaking and Program Procedures .....	2137-AD20
2182	Hazardous Materials: Revisions to Incident Reporting Requirements and Detailed Hazardous Materials Incident Report DOT Form .....	2137-AD21
2183	Pipeline Safety: Periodic Updates to Pipeline Safety Requirements (1999) .....	2137-AD35
2184	Harmonization With United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions .....	2137-AD41
2185	Revisions; Definition of Administrator .....	2137-AD43
2186	Hazardous Materials: Revision of the Requirements for Hazardous Waste Manifests .....	2137-AD50
2187	Hazardous Materials: Reduction of Registration Fees .....	2137-AD53
2188	Hazardous Materials: Requirements for Maintenance, Requalification, and Repair of DOT Specification Cylinders ..	2137-AD58
2189	Pipeline Safety: High Consequence Areas for Gas Transmission Operators .....	2137-AD64
2190	Hazardous Materials: Hazardous Substances - Additions, Revisions and Deletions. ....	2137-AD65

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identification Number
2191	Pipeline Safety: Passage of Internal Inspection Devices .....	2137-AB71
2192	+Safeguarding Food From Contamination During Transportation .....	2137-AC00
2193	Pipeline Safety: Periodic Underwater Inspections .....	2137-AC54
2194	+Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage .....	2137-AC68
2195	Pipeline Safety: Enforcement Procedures .....	2137-AD22
2196	Pipeline Safety: Pressure Testing Older Pipelines in Terminals .....	2137-AD26
2197	+Hazardous Materials Safety: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft .....	2137-AD33
2198	Hazardous Materials: Cargo Tank Rollover Requirements .....	2137-AD34
2199	Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators With Less Than 500 Miles of Pipeline) .....	2137-AD49

DOT

Research and Special Programs Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2200	Pipeline Safety: Integrity Management Communication .....	2137-AD62
2201	Pipeline Safety: Controlling Corrosion on Gas Pipelines .....	2137-AD63

+ DOT-designated significant regulation

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2202	Quantity Limitations Aboard Aircraft .....	2137-AA85
2203	+Maps and Records of Pipeline Locations and Characteristics; Notification of State Agencies; Pipe Inventory .....	2137-AB48
2204	Filling of Propane Cylinders .....	2137-AC86
2205	Pipeline Safety: Controlling Corrosion on Hazardous Liquid and Carbon Dioxide Pipelines .....	2137-AD24
2206	Hazardous Materials: Revised and Clarified Hazardous Materials Exemptions Procedures .....	2137-AD30
2207	Hazardous Materials: Limited Extension of Requirements for Labeling Certain Shipments of Materials Poisonous by Inhalation (PIH) .....	2137-AD37
2208	Pipeline Safety: Hazardous Liquid Pipeline Accident Reporting Revisions .....	2137-AD56
2209	Hazardous Materials Regulations: Editorial Corrections and Clarifications .....	2137-AD60
2210	Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Repair Criteria) .....	2137-AD61

+ DOT-designated significant regulation

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2211	+Cargo Preference Regulations—Carriage of Agricultural Exports .....	2133-AB37
2212	Requirements To Document U.S.-Flag Fishing Industry Vessels of 100 Feet or Greater in Registered Length and To Hold Preferred Mortgage on Such Vessels .....	2133-AB46
2213	Amendment of MARAD's Regulations Establishing and Administering Deposit Funds Authorized by Section 1109 of Merchant Marine Act, 1936, as Amended .....	2133-AB47

+ DOT-designated significant regulation

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2214	Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length To Obtain Fishery Endorsement to Vessel's Documentation .....	2133-AB45

Bureau of Transportation Statistics—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2215	Modernizing the Passenger Origin-Destination Survey .....	2139-AA01

Bureau of Transportation Statistics—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2216	Amendment to Definitions of Revenue and Nonrevenue Passengers .....	2139-AA07

DOT

Bureau of Transportation Statistics—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2217	Air Carrier Traffic and Capacity Data by Nonstop Segment and On-Flight Market .....	2139-AA08
2218	+Amendment to Part 234 To Collect Causal Information for Airline Delays and Cancellations .....	2139-AA09

+ DOT-designated significant regulation

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

Proposed Rule Stage

1682. +COMPUTER RESERVATIONS SYSTEM REGULATIONS COMPREHENSIVE REVIEW

Priority: Other Significant

Legal Authority: 49 USC 41712; 49 USC 40101(a); 49 USC 40113(a); 49 USC 40105

CFR Citation: 14 CFR 255; 14 CFR 399

Legal Deadline: Final, Statutory, December 31, 1997.

Abstract: The Department regulates computer reservations systems owned by airlines or airline affiliates that are used by travel agencies. The current rules are designed to prevent the systems from unreasonably prejudicing the competitive position of other airlines and to ensure that travel agencies can provide accurate and unbiased information to the public. The Department is reexamining its rules to see whether they should be readopted and, if so, whether they should be changed in response to greater use of the Internet in airline reservations and ticketing and changes in the industry. The Department is also reviewing its policies on the requirements for advertising fares by airline travel agencies that charge fees for brokering airline tickets. As part of this action, we will be looking at ways to lessen impacts on small entities.

Timetable:

Action	Date	FR Cite
ANPRM	09/10/97	62 FR 47606
Notice Extending Comment Period	10/30/97	62 FR 58700
Request for Comments	11/07/97	62 FR 60195
ANPRM Comment Period End	11/10/97	
Extended Comment Period End	12/09/97	
Notice Extending Reply Comment Period	01/23/98	63 FR 3491

Action	Date	FR Cite
Extended Comment Period End	02/03/98	
SANPRM	07/24/00	65 FR 45551
SANPRM Comment Period End	09/22/00	
SANPRM Reply Comment Period End	10/23/00	
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The extensions for the existing rule are under RINs 2105-AC75 and 2105-AD00 and AD09.

Agency Contact: Thomas Ray, Office of General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4731

RIN: 2105-AC65

1683. +AVIATION DATA REQUIREMENTS REVIEW AND MODERNIZATION PROGRAM

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: The Department is undertaking an aviation data requirements review and modernization program. The review is designed to harmonize the Department's aviation data systems with current regulatory and statutory needs; improve the quality of the Department's aviation databases; and eliminate obsolete data

reporting and processing systems. The ANPRM was the first step in an outreach program to review aviation data collected by the Department and the measures that should be taken to modernize and improve aviation data reporting and processing systems. The Department solicited public comments from aviation data users on the nature, scope, source, and means for collecting, processing, and distributing airline traffic, fare, and financial data. Specifically, the Department invited comments to determine whether existing aviation data should be amended, supplemented, or replaced; whether selected forms and reports should be retained, modified, or eliminated; whether the Department should require all aviation data to be filed electronically; and how the aviation data system should be reengineered to enhance efficiency and to reduce costs for both the Department and airline industry. The Department has reviewed the comments and reply comments and is in the process of redefining the data elements and restructuring the data reporting requirements to be included in a NPRM. This action is significant due to substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/98	63 FR 38128
ANPRM Comment Period End	09/14/98	
Reply Comment Period End	10/13/98	
NPRM	11/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

## DOT—OST

## Proposed Rule Stage

**Agency Contact:** Todd Homan, Industry Economist, Department of Transportation, Office of the Secretary, X-55, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9605  
**RIN:** 2105-AC71

**1684. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** The Department is proposing to amend its rules implementing the Air Carrier Access Act of 1986 concerning requirements for movable aisle armrests. The amendment would clarify the application of the movable armrest requirement to all classes of service in an aircraft. In addition, in response to changed practices in parts of the airline industry, the Department is proposing to require preboarding to be made available for passengers with disabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 2105-AC97

**1685. REPORTING REQUIREMENT FOR AIR CARRIERS REGARDING DISABILITY-RELATED COMPLAINTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41702; 49 USC 41705

**CFR Citation:** 49 CFR 382

**Legal Deadline:** Other, Statutory, Implementation of Plan Required by PL 106-181, sec 707.

**Abstract:** The Office of the Secretary will propose in the NPRM a reporting requirement for air carriers to periodically file information with DOT regarding disability-related complaints they receive. The NPRM will include

detailed categories for the reporting which will be of use to DOT, disabled air travelers, and Congress. DOT will report to Congress each year, on the results of the review, as required by the Wendell H. Ford Aviation Investment and Reform Act for the 21st century.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/02	67 FR 6892
NPRM Comment Period End	04/15/02	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2105-AD04

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

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**1686. +DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 1324; 49 USC 1371

**CFR Citation:** 14 CFR 207; 14 CFR 208

**Legal Deadline:** None

**Abstract:** This action proposed to make direct air carriers responsible for returning charter passengers stranded by strikes or other service interruptions, by eliminating the force majeure clause from charter contracts. However, the CAB subsequently issued an interpretive rule (ER-1387, 49 FR 33436) which was affirmed in court. (Arrow Air, Inc. v. Dole, 784 F2d 1118 (1986)) Therefore, this action is now moot; the NPRM will be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	
To Be Withdrawn	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** EDR 405, Docket 37169.

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

**RIN:** 2105-AA40

**1687. AIR TRAVELERS: AGE DISCRIMINATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6102

**CFR Citation:** 14 CFR 376

**Legal Deadline:** None

**Abstract:** This rulemaking action was initiated by the Civil Aeronautics Board to implement the Age Discrimination Act of 1975. A draft final rule was submitted to HHS, as required by that Act, and was approved. However, in view of current airline practices with respect to travel by the elderly, and the absence of complaints of discrimination based on age, there no longer appears to be a need for further rulemaking action, and the NPRM will be withdrawn.

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**Timetable:**

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action Adopted by the Board	04/10/80	
HHS Approved Final Rule With Changes	07/13/84	
To Be Withdrawn	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SPDR-74, Docket 36639.

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**RIN:** 2105-AA45**1688. DIRECT FLIGHTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 1381**CFR Citation:** 14 CFR 399**Legal Deadline:** None

**Abstract:** Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** The petition is filed in Docket 41217.

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

**RIN:** 2105-AA73**1689. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; PL 96-354; 5 USC 601

**CFR Citation:** 14 CFR 253; 14 CFR 399**Legal Deadline:** None

**Abstract:** The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given to passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is withdrawing the NPRM as unnecessary since it appears that carriers no longer have the policies that promoted the CAB's concern.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
To Be Withdrawn	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket 41683, EDR 468/PSDR-81.

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

**RIN:** 2105-AA78**1690. SIMPLIFIED AVIATION EXEMPTION PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 1371; 49 USC 1372; 49 USC 1386**CFR Citation:** 14 CFR 302; 14 CFR 389; 14 CFR 399**Legal Deadline:** None

**Abstract:** A Civil Aeronautics Board rulemaking proposed to revise and simplify the requirements and procedures for applying for exemptions under section 416(b) of the Federal Aviation Act. This action has become unnecessary since the Department included most of its provisions in its rule transferring the CAB's rules to DOT. Therefore, the NPRM will be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
To Be Withdrawn	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** PDR-88/ODR-27/PSDR-83.

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

**RIN:** 2105-AA82**1691. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481 to 1482

**CFR Citation:** 14 CFR 221**Legal Deadline:** None

**Abstract:** In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

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Because of the amount of time that has elapsed since the proposal was issued, the Department is withdrawing it.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111
NPRM Comment Period End	03/19/85	
To Be Withdrawn	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket 41690; EDR-477.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4723

**RIN:** 2105-AA84

**1692. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

**CFR Citation:** 14 CFR 221; 14 CFR 250; 14 CFR 256

**Legal Deadline:** None

**Abstract:** The American Association of Airport Executives, the Airport Operators Council International, and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements.

Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. A CAB NPRM proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted, and whether a smoking notice should be included. DOT decided not to act on these counter signs separately, but rather to consider whether there should be a comprehensive re-examination of all forms of notice to passengers, including notices on tickets. This NPRM will be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	
To Be Withdrawn	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket 41971; EDR-474

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2105-AA88

**1693. +PRICE ADVERTISING**

**Priority:** Other Significant

**Legal Authority:** 49 USC 1371; 49 USC 1381

**CFR Citation:** 14 CFR 380; 14 CFR 399

**Legal Deadline:** None

**Abstract:** The Department proposed in 1989 to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest. Because of the amount of time that has elapsed since the proposal was issued, the Department is withdrawing it.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
NPRM Extended Comment Period	08/23/89	54 FR 35005
NPRM Comment Period End	08/25/89	
NPRM Comment Period End	09/25/89	
To Be Withdrawn	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2105-AB50

**1694. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** The NPRM in 1990 concerned the question of to whom reports of negative drug test results may be sent. It will be formally withdrawn when the Department issues an NPRM under RIN 2105-AC49, Update of Drug and Alcohol Procedural Rules. This action is significant because of substantial public and congressional interest, and multimodal impact.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/90	55 FR 28782
NPRM Comment Period End	08/13/90	
To Be Withdrawn	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** ANALYSIS: Regulatory Evaluation, 07/13/90, 55 FR 28782

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**RIN:** 2105-AB71

**1695. +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES (ACCESSIBILITY GUIDELINES)**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552a

**CFR Citation:** 49 CFR 27; 49 CFR 37

**Legal Deadline:** None

**Abstract:** This action would amend the rules implementing the Americans with Disabilities Act by adopting the revised

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accessibility guidelines issued by the Architectural and Transportation Barriers Compliance Board, published June 20, 1994 (59 FR 31676) as interim final rules. The proposed rule would also conform the Department's rule implementing section 504 of the Rehabilitation Act of 1973.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/94	59 FR 31818
NPRM Comment Period End	08/19/94	
To Be Withdrawn	09/00/02	

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

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**RIN:** 2105-AC06**1696. USE OF DIRECT FINAL RULEMAKING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 1657**CFR Citation:** 49 CFR 5.21; 49 CFR 5.35**Legal Deadline:** None

**Abstract:** The Department is considering a new rulemaking procedure to expedite the processing of noncontroversial changes to its regulations. Rules that the Secretary judges to be unlikely to result in public comment would be published as direct final rules. Such direct final rules would advise the public that no adverse comment is anticipated and that, unless written adverse comment or notice of intent to submit such comment is received within a specified number of days, the rule will become effective 60 days from the date of publication in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/95	60 FR 39919
NPRM Comment Period End	10/03/95	
Final Action	12/00/02	

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

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**RIN:** 2105-AC11**1697. OVERBOOKING OF FLIGHTS: ELIMINATION OF AIRPORT NOTICE SIGNS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 401; 49 USC 411; 49 USC 413; 49 USC 417**CFR Citation:** 14 CFR 250**Legal Deadline:** None

**Abstract:** This action would eliminate a consumer notice about airline overbooking of flights that is required to appear on signs at airports, city ticket offices, and travel agencies. However, that information would be available to consumers because it must accompany every ticket.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/96	61 FR 27818
NPRM Comment Period End	07/18/96	
Final Action	12/00/02	

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

**Additional Information:** Other rulemakings: RIN 2105-AA88, Simplified Airline Counter-Sign Notices. RIN 2105-AC36, Ticketless Travel; Passenger Notices, Statement of Compliance Policy published 4/22/97, 62 FR 19473.

**Agency Contact:** Tim Kelly, Aviation Consumer Protection Division, Office of the General Counsel, Department of Transportation, Office of the Secretary, C-75, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5952

**RIN:** 2105-AC45**1698. FEES AND CHARGES FOR SPECIAL SERVICES: REINVENTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 40101; 49 USC 46101; 31 USC 9701**CFR Citation:** 14 CFR 389**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3229
NPRM Comment Period End	03/22/99	
Final Action	09/00/02	

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

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

**RIN:** 2105-AC47**1699. AMENDMENTS TO MODAL ALCOHOL TESTING RULES: PRE-EMPLOYMENT TESTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 102; 49 USC 301; 49 USC 5331; 49 USC 20140; 49 USC 31306; 49 USC 45101; 49 USC 45106**CFR Citation:** 49 CFR 219; 49 CFR 382; 49 CFR 653; 49 CFR 654; 49 CFR 121**Legal Deadline:** None

**Abstract:** This rule would implement a statutory change required by the National Highway Systems Act of 1995, section 342, to the existing pre-employment alcohol testing provisions. It would make pre-employment testing voluntary for employers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/09/96	61 FR 21149

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Action	Date	FR Cite
NPRM Comment	07/08/96	
Period End		
To Be Withdrawn	09/00/02	

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

**Additional Information:** This action involves four operating administrations: FAA, FHWA, FTA, and FRA. On May 10, 1995 (60 FR 24765), DOT suspended its pre-employment alcohol testing requirements after a court decision vacated the requirements of the FHWA alcohol testing rule.

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**RIN:** 2105-AC50**1700. NONDISCRIMINATION IN AIR TRAVEL; BOARDING WHERE LEVEL-ENTRY IS UNAVAILABLE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 41702; 49 USC 41705; 49 USC 41712**CFR Citation:** 14 CFR 382**Legal Deadline:** None

**Abstract:** This action requires air carriers and airports to work jointly to make lifts or other boarding devices available for aircraft, of whatever size, where level-entry loading bridges or existing lifts are not present. This action is intended to facilitate the boarding of aircraft by individuals with disabilities. It amends existing rules that implement the Air Carrier Access Act of 1986 and the Rehabilitation Act of 1973.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/99	64 FR 46611
NPRM Comment	11/24/99	
Period End		
Final Rule	12/00/02	

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

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**RIN:** 2105-AC81**1701. +UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 322(a)**CFR Citation:** 49 CFR 19**Legal Deadline:** None

**Abstract:** This action implements changes to OMB Circular A-110 that were issued by OMB on October 8, 1999, providing uniform guidance for administering grants to institutions of higher education, hospitals, and other nonprofit organizations. The change provides guidance on making data 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	06/00/02	

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

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**RIN:** 2105-AC83**1702. +AMERICANS WITH DISABILITIES ACT ACCESSIBILITY STANDARDS****Priority:** Other Significant**Legal Authority:** 5 USC 552a**CFR Citation:** 49 CFR 27; 49 CFR 37**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/00	65 FR 48444
NPRM Comment	09/07/00	
Period End		
Final Action	12/00/02	

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

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**RIN:** 2105-AC86

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**1703. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROGRAMS: MEMORANDUM OF UNDERSTANDING WITH SMALL BUSINESS ADMINISTRATION; UNIFORM FORMS AND OTHER REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-178; 112 Stat. 107 and 113; 42 USC 2000d; PL 102-581

**CFR Citation:** 49 CFR 26

**Legal Deadline:** None

**Abstract:** This rule would implement a memorandum of understanding (MOU) between DOT and the Small Business Administration. The MOU would establish reciprocity and streamline certification procedures for participation in SBA's 8(a) Business Development and Small Disadvantaged Business program, and DOT's DBE program. This document would provide a uniform certification application form and a uniform reporting form.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/01	66 FR 23208
NPRM Comment Period End	06/07/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** State, Local

**Agency Contact:** Laura Aguilar, Attorney, Department of Transportation, Office of the Secretary, C-10, Room 10102  
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**RIN:** 2105-AC88

**1704. PARTICIPATION BY MINORITY BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS: THRESHOLD REQUIREMENTS AND OTHER TECHNICAL REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-178, TEA-21; PL 102-581

**CFR Citation:** 49 CFR 26.11 (Revision); 49 CFR 26.21 (Revision); 49 CFR 26.37 (Revision); 49 CFR 26.45 (Revision); 49 CFR 26.55 (Revision)

**Legal Deadline:** None

**Abstract:** This interim final rule changes threshold requirements for Federal Transit Administration and Federal Aviation Administration recipients to establish DBE programs and overall goals. Each August 1, recipients must submit DBE goals for the following fiscal year. This change will reduce burdens on entities receiving smaller Federal grants. The DOT is issuing an interim final rule in order to reduce the burden, this fiscal year, for the smallest grant recipients. This document also makes technical changes to 49 CFR part 26.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/15/00	65 FR 68949
Interim Final Rule Effective	11/15/00	
Interim Final Rule Comment Period End	01/02/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Laura Aguilar, Attorney, Department of Transportation, Office of the Secretary, C-10, Room 10102  
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**RIN:** 2105-AC89

**1705. PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 324; 42 USC 2000d et seq; 49 USC 1611, 47107, 47113, 47123; EO 12138; 3 CFR 1951 comp., p. 393, sec. 1101 (b); ...

**CFR Citation:** 49 CFR 2a, subpart G

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

**Abstract:** In May 1997, the Department issued a supplemental notice of proposed rulemaking (SNPRM) to revise its disadvantaged business enterprise (DBE) regulation. The SNPRM included proposals for revising

the airport concessions portion of the DBE program. When the Department, in February 1999, issued a final rule based on the SNPRM, we did not publish a final version of the airport concessions proposal.

This SNPRM seeks comments on an airport concessions subpart to part 26 that takes into account comments on the May 1997 SNPRM, adapts provisions of the rest of part 26 to the concessions context, and proposes options for provisions affecting car rental operations at airports. These options are based in part on a recent memorandum of understanding between the American Car Rental Association and the Airport Minority Advisory Council making recommendations to the Department on this aspect of the rulemaking. This SNPRM was inadvertently published under RIN 2105-AB92.

**Timetable:**

Action	Date	FR Cite
SNPRM	09/08/00	65 FR 54454
SNPRM Comment Period End	10/23/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**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

**1706. STATEMENT OF POLICY ON ALTERNATIVE DISPUTE RESOLUTION**

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

**Legal Authority:** 5 USC 571 to 583; 5 USC 561 to 570

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This Statement of Policy defines Alternative Dispute Resolution (ADR) and commits the Department to considering ADR and furthering its use across the Department. It also states that the Department will provide ADR-related training to employees, allocate

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resources to support ADR, and evaluate and assess our ADR uses. This Statement of Policy encourages employees and persons who interact with the Department to identify opportunities for collaborative, consensual approaches to dispute resolution or rulemaking.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/15/00	65 FR 69121
Interim Final Rule Comment Period End	01/16/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Judith S. Kaleta, Senior Counsel for Dispute Resolution, Department of Transportation, Office of the Secretary, Room 10428, 400 Seventh Street, SW, Washington, DC 20590

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**RIN:** 2105-AC94

**1707. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

**CFR Citation:** 49 CFR 21; 49 CFR 27

**Legal Deadline:** None

**Abstract:** This rule proposes to amend DOT's regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1972 (Section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of "program or activity" and "program" to Title VI and added a definition of "program or activity" to Section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The

promulgation of this proposed regulation incorporates the CRRA's definition of "program or activity" and "program" into Title VI, Section 504, and the Age Discrimination Act regulations. This proposed regulation also promotes consistency and enforceability of these statutes. This is a joint notice of proposed rulemaking with other Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	08/00/02	
Final Action Effective	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

Phone: 202 366-9342

TDD Phone: 202 755-7687

Fax: 202 366-7152

Email: blane.workie@ost.dot.gov

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-AC96

**1708. OVER THE ROAD BUSES: EXTENSION OF DUE DATE FOR INFORMATION COLLECTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 12101-12213; 49 USC 322

**CFR Citation:** 49 CFR 37

**Legal Deadline:** None

**Abstract:** The Department of Transportation is amending its Americans with Disabilities Act regulations concerning accessibility of over-the-road buses with respect to information collection requirements by postponing the requirement for bus companies to submit information reporting ridership on accessible fixed

route service and the acquisition of buses and designating of the Federal Motor carrier Safety Administration as the recipient of the data.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/06/01	66 FR 10968
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 366-9342

TDD Phone: 202 755-7687

Fax: 202 366-7152

Email: blane.workie@ost.dot.gov

**RIN:** 2105-AC98

**1709. STANDARD TIME ZONE BOUNDARY IN THE STATE OF NORTH DAKOTA: MORTON COUNTY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 260 to 267

**CFR Citation:** 49 CFR 71

**Legal Deadline:** None

**Abstract:** This rule would relocate Morton County, ND, from mountain time to central time. This proposal is based on a request from the Chairman of the Board of County Commissioners for Morton County, ND.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/01	66 FR 40666
NPRM Comment Period End	09/17/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4723

**RIN:** 2105-AD03

DOT—OST

Final Rule Stage

**1710. • NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE; TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 16(a); 49 USC 16 (d); 49 USC 142; 42 USC 12101-12213; 47 USC 225; 49 USC 322; ...**CFR Citation:** 44 CFR 27; 44 CFR 37**Legal Deadline:** None**Abstract:** This rule would create a procedure within the Department to improve coordination of guidance and interpretations related to disability issues.**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/02	

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

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

**RIN:** 2105-AD05**1711. • +PROCEDURES FOR COMPENSATION OF AIR CARRIERS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 104-42**CFR Citation:** 49 CFR 62**Legal Deadline:** None**Abstract:** This rule establishes procedures for air carriers to apply for direct compensation authorized by the Air Transportation Safety and System Stabilization Act of 2001. The rule governs the distribution of \$1.775 billion of authorized funds.**Timetable:**

Action	Date	FR Cite
Final Rule; Request for Comments	10/29/01	66 FR 54616
Final Rule Effective	10/29/01	
Comment Period End	11/13/01	
NPRM	01/02/02	67 FR 263
Final Rule	01/02/02	67 FR 250
Final Rule Effective	01/02/02	
NPRM Comment Period End	01/16/02	
Final Rule; Amendment	02/01/02	67 FR 4899
Final Rule Effective	02/01/02	
Final Action	05/00/02	

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

**Agency Contact:** Randall Bennett, Acting Director, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, X-50, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-1053

Email: randall.bennett@ost.dot.gov

**RIN:** 2105-AD06**1712. • REPORTING PROHIBITED COMMUNICATIONS****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 401, 411, 413, 415, 417, 419, 421, 449, 461, 463, 465**CFR Citation:** 49 CFR 300**Legal Deadline:** None**Abstract:** The proposed amendment to 14 CFR 300.3, dealing with the reporting of prohibited communications, would update that section in order to reflect the Department's conversion to an electronic docket management system (DMS). The proposed changes apply to procedures already in place thereby omitting obsolete references, and would make section 300.3 consistent with the rest of the DOT's regulations already taking DMS into account.**Timetable:**

Action	Date	FR Cite
Final Rule	09/00/02	

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

**Agency Contact:** Colleen Hanley, Attorney Advisor, Department of Transportation, Office of the Secretary, Room 10118, 400 Seventh Street, SW, Washington, DC 20590  
 Phone: 202 366-2509  
 Fax: 202 366-9188  
 Email: colleen.hanley@ost.dot.gov

**RIN:** 2105-AD10

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

**Long-Term Actions****1713. POLICY STATEMENT ON AIRLINE PREEMPTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 41713**CFR Citation:** 14 CFR 399**Legal Deadline:** None**Abstract:** The Civil Aeronautics Board in 1979 issued an interim Policy Statement on preemption. It discusses the policy of the Department with respect to three areas in which State

law has been preempted by the Airline Deregulation Act of 1978: regulation of commuter air carriers and air taxis, the rights of airport proprietors, and general State authority as it directly or indirectly affects air transportation competition. The Supreme Court has classified that section 105 of the ADA preempts even indirect State regulation that "has a connection with or reference to" airline rates, routes, or services, but does not preempt State contract law with respect to

interpretation and enforcement of agreements voluntarily entered into by air carriers. Other courts continue to issue decisions applying this provision to a multitude of different circumstances. The Department believes that this process of exploring the interpretation of section 105 will continue, and is considering the admissibility of terminating this proceeding.

## DOT—OST

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Interim Final Rule Comment Period End	04/16/79	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Federal**Additional Information:** PSDR-56, Docket 34684 The 1995 decision issued by the Supreme Court is American Airlines v. Wolens (S. Ct. No. 93-1286).**Agency Contact:** Paul Smith, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9285**RIN:** 2105-AA46**1714. +STATEMENT OF ENFORCEMENT POLICY ON REBATING****Priority:** Other Significant**Legal Authority:** 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504**CFR Citation:** 14 CFR 399.80; 14 CFR 399.85**Legal Deadline:** None**Abstract:** The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a policy statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing policy statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.**Timetable:**

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353

Action	Date	FR Cite
NPRM Comment Period End	12/20/88	
NPRM Comment Period Extended	02/03/89	54 FR 5497
Correction	02/10/89	54 FR 6475
Extended Comment Period End	02/21/89	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Betsy Wolf, Senior Trial Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9349**RIN:** 2105-AB39**1715. +ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES****Priority:** Other Significant**Legal Authority:** 42 USC 12101 et seq; PL 101-336, Americans with Disabilities Act**CFR Citation:** 49 CFR 37**Legal Deadline:** None**Abstract:** The Department's Americans with Disabilities Act (ADA) final rule, published September 6, 1991 (56 FR 45584), reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This action will address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. DOT is participating in an ongoing advisory committee effort convened by the Access Board to study passenger vessel accessibility issues. September and November 1998 meetings were held. This rulemaking is considered significant because of substantial public and congressional interest.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723  
TDD Phone: 202 755-7687  
Email: bob.ashby@ost.dot.gov**RIN:** 2105-AB87**1716. 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 all carriers do not 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:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4723  
TDD Phone: 202 755-7687  
Email: bob.ashby@ost.dot.gov**RIN:** 2105-AC29**1717. +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.

## DOT—OST

## Long-Term Actions

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

**CFR Citation:** 14 CFR 243

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	03/13/97	62 FR 11789
ANPRM Comment Period End	05/12/97	
Comment Period Reopened	05/30/97	62 FR 29313
Comment Period End	06/20/97	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 2105-AC62

**1718. ELECTRONIC FILING OPTION IN DOT PROCEEDINGS**

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

**Legal Authority:** 49 USC 322; 49 USC 1655; 49 USC 1657; 45 USC 431

**CFR Citation:** 14 CFR 11

**Legal Deadline:** None

**Abstract:** This action amends existing rules, where necessary, to allow electronic filing in all DOT proceedings as an alternative to filing hard copy. The electronic filing option will help us serve the public more quickly and efficiently and will enable the public to participate more easily in DOT proceedings. This rulemaking addresses only the procedures for filing electronically, not technical issues such as media, word-processing formats, and mechanisms for payment of filing fees.

**Timetable:**

Action	Date	FR Cite
Notice Requesting Comment	05/26/98	63 FR 28545
Comment Period End	07/27/98	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This is a procedural change that presents no substantive issue that we could reasonably expect to produce further meaningful comment. It also will relieve a restriction. Therefore, good cause exists to publish this rule without prior formal notice and comments.

**Agency Contact:** Charlotte Boeck, Administrative Officer, Office of the General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20015  
Phone: 202 366-4713

**RIN:** 2105-AC79

**1719. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE GRANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-355; EO 11738; EO 12549; EO 12689

**CFR Citation:** 49 CFR 29; 49 CFR 32

**Legal Deadline:** None

**Abstract:** This action would provide DOT-specific amendments for a uniform Governmentwide rule on debarment and suspension

(nonprocurement) and drug-free workplace.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ladd Hakes, Department of Transportation, Office of the Secretary, Office of the Senior Executive (M-62), 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-4268  
Email: ladd.hakes@ost.dot.gov

**RIN:** 2105-AD01

**1720. • GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) /GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 11738; EO 12689; EO 12549; PL 103-355; PL 108; 31 USC 6101

**CFR Citation:** 49 CFR 29; 49 CFR 32

**Legal Deadline:** None

**Abstract:** Executive Orders 12549 and 12689 established a Governmentwide system for nonprocurement suspension and debarment. All Federal departments and major agencies codified these requirements as part of a common rule. DOT is joining 34 other departments and major agencies to update those requirements. Part one of this action is separating the drug-free workplace provisions from the existing common rule and placing them in a separate part.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

## DOT—OST

## Long-Term Actions

**Agency Contact:** Ladd Hakes, Department of Transportation, Office of the Secretary, Office of the Senior Executive (M-62), 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-4268  
Email: ladd.hakes@ost.dot.gov

**RIN:** 2105-AD07

**1721. • SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF TRANSPORTATION**

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

**Legal Authority:** 5 USC 301; 5 USC 7301; 5 USC 7353

**CFR Citation:** 5 CFR 6100

**Legal Deadline:** Final, Statutory, November 16, 2001.

**Abstract:** This rule amends the Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation. The amendment adds authority to waive the general prohibition against Federal Aviation Administration employees holding stock or other securities in airline or aircraft manufacturing companies or suppliers of aircraft parts. The exercise of this waiver authority will be conditioned in each case upon determination that employee conduct will not result in an appearance of misuse of position or loss of impartiality.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/03/01	66 FR 60131
Final Rule Effective	12/03/01	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** William R. Register, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9161

**RIN:** 2105-AD08

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

**Completed Actions**

**1722. • EXTENSION OF COMPUTER RESERVATIONS SYSTEMS REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41712

**CFR Citation:** 14 CFR 255

**Legal Deadline:** Existing rules have a Sunset Date of March 31, 2002.

**Abstract:** The department is proposing to maintain its existing CRS rules for

another year while it completes its reexamination of the rules, their effectiveness, and the need for them.

**Timetable:**

Action	Date	FR Cite
NPRM	02/15/02	67 FR 7100
NPRM Comment Period End	03/18/02	
Final Action	03/28/02	67 FR 14846

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Thomas Ray, Office of General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4731

**RIN:** 2105-AD09

**Department of Transportation (DOT)  
Transportation Security Agency (TSA)**

**Final Rule Stage**

**1723. • +IMPOSITION AND COLLECTION OF PASSENGER CIVIL AVIATION SECURITY FEES**

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

**Legal Authority:** 49 USC 44940

**CFR Citation:** 49 CFR 1510

**Legal Deadline:** None

**Abstract:** The Transportation Security Agency announces the imposition of a security service fee in the amount of \$2.50 per emplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the US.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67698
Notice	02/19/02	67 FR 7582
Interim Final Rule Comment Period End	03/01/02	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** A. Thomas Park, Acting Deputy Chief Financial Officer, Department of Transportation, Transportation Security Agency, Room 10101, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-9161

**RIN:** 2110-AA01

**1724. • +AVIATION SECURITY INFRASTRUCTURE FEES**

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

**Legal Authority:** 49 USC 44940

**CFR Citation:** 49 CFR 1511

**Legal Deadline:** None

**Abstract:** TSA announces the imposition of an air carrier fee each fiscal year on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	02/18/02	
Interim Final Rule	02/20/02	67 FR 7926

## DOT—TSA

## Final Rule Stage

Action	Date	FR Cite
Correction	02/22/02	67 FR 8579
Notice	02/28/02	67 FR 9355
Interim Final Rule	03/18/02	
Comment Period End		
Comment Period Extended	03/20/02	67 FR 12954
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None

**Agency Contact:** A. Thomas Park, Acting Deputy Chief Financial Officer, Department of Transportation, Transportation Security Agency, Room 10101, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-9161

**RIN:** 2110-AA02**1725. • +CIVIL AVIATION SECURITY RULES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 107-71**CFR Citation:** 49 CFR XII**Legal Deadline:** Final, Statutory, February 17, 2002.**Abstract:** This action transfers the FAA security rules to the Transportation Security Administration.**Timetable:**

Action	Date	FR Cite
Final Rule Effective	02/17/02	
Final Rule	02/22/02	67 FR 8340
Final Rule Comment Period End	03/25/02	
Final Action	06/00/02	

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

**Agency Contact:** Mardi Ruth Thompson, Regulations Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3073

**RIN:** 2110-AA03**1726. • +SECURITY PROGRAMS FOR AIRCRAFT WEIGHING 12,500 POUNDS OR MORE****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 107-71**CFR Citation:** 49 CFR 1544**Legal Deadline:** Final, Statutory, February 17, 2002.**Abstract:** This action establishes security programs for aircraft with a maximum certificated takeoff weight of 12,500 pounds or more.**Timetable:**

Action	Date	FR Cite
Final Rule	02/22/02	67 FR 8205
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	

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

**Agency Contact:** Mardi Thompson, Regulations Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3073

**RIN:** 2110-AA04**Department of Transportation (DOT)  
U.S. Coast Guard (USCG)**

## Prerule Stage

**1727. +STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 4711**CFR Citation:** 33 CFR 151**Legal Deadline:** None**Abstract:** This rulemaking would add a performance standard (to 33 CFR part

151, subpart D) for all ballast water treatment methods being used as alternatives to mid-ocean ballast water exchange. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End	06/03/02	

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

**Agency Contact:** G-MSO Dr. Richard Everett, Project Manager, Department of Transportation, U.S. Coast Guard  
Phone: 202 267-2243

**RIN:** 2115-AG21

**Department of Transportation (DOT)**  
**U.S. Coast Guard (USCG)**

**Proposed Rule Stage**

**1728. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (CGD 91-035)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2713; 33 USC 2714

**CFR Citation:** 33 CFR 136

**Legal Deadline:** None

**Abstract:** This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. The Interim Rule provides the requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The Interim Rule also included the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSTLF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act of 1990, 33 U.S.C. 2712(a)(4). Release of the more comprehensive NPRM has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule	12/10/92	
Comment Period		
End		
NPRM	10/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Agency Contact:** Linda Burdette, Project Manager, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804  
 Phone: 202 493-6831

**RIN:** 2115-AD90

**1729. +SALVAGE AND MARINE FIREFIGHTING REQUIREMENTS; VESSEL RESPONSE PLANS FOR OIL (USCG-1998-3417)**

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

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

**Legal Authority:** 33 USC 1321

**CFR Citation:** 33 CFR 155

**Legal Deadline:** None

**Abstract:** Current vessel response plan regulations require that the owners or operators of vessels carrying groups I through V petroleum oil as a primary cargo identify in their response plans a salvage company with expertise and equipment, and a company with firefighting capability that can be deployed to a port nearest to the vessel's operating area within 24 hours of notification (groups I-IV) or a discovery of a discharge (group V). Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the Vessel Response Plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define the terms "salvage expertise and equipment" and "vessel firefighting capability" requirements and will reconsider the 24-hour deployment requirement which was scheduled to go into effect on February 18, 1998. Therefore, the Coast Guard suspended the effective dates of the 24-hour deployment requirements as published in the final rule. The Coast Guard will continue with this project to better define the requirements. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of the natural resources. This rulemaking is significant because it concerns a matter of substantial public interest or controversy.

**Statement of Need:** This rulemaking is intended to reduce the impact of oil spills from vessels.

**Summary of Legal Basis:** The statutory authority for this rulemaking is 33 U.S.C. 1321.

**Alternatives:** The Coast Guard hosted a workshop to solicit comments from

the public on potential alternatives to the salvage and marine firefighting requirements contained in the vessel response plan rule.

**Anticipated Cost and Benefits:** Undetermined

**Risks:** The purpose of this rulemaking is to better define the terms "salvage expertise and equipment" and "vessel firefighting capability" requirements and to reconsider the 24-hour deployment requirement. The objective is to improve response and reduce environmental damage from oil spills.

**Timetable:**

Action	Date	FR Cite
Final Rule - Partial Suspension	02/12/98	63 FR 7069
Final Rule - Partial Suspension	01/17/01	66 FR 3876
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Partial suspension of regulations created through the Vessel Response Plan final rule, docket no. 91-034, RIN 2115-AD81. The project was originally titled "Salvage and Firefighting Equipment; Vessel Response Plans." The change was made in order to distinguish this project from other similarly titled projects within the Coast Guard.

**Agency Contact:** Douglas Lincoln, Project Manager, G-MOR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
 Phone: 202 267-0448

**RIN:** 2115-AF60

**1730. DEEPWATER PORTS (USCG-1998-3884)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1503

**CFR Citation:** 33 CFR 148 to 150

**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to update the Deepwater Port Regulations. Section 502 of the Coast Guard Authorization Act of 1996 necessitates changes to the current Deepwater Port regulations. These regulations were developed in the 1970s when there were no deepwater ports in the United States. The Coast

## DOT—USCG

## Proposed Rule Stage

Guard will be revising the regulations to: remove from the regulations, and place in the license conditions, those requirements which belong in the license conditions; and remove from the regulations those things which can be addressed in an operations manual. The Coast Guard will also consider revising the regulations to address technological advancements and operational experience gained over the last 20 years. In accordance with section 610 of the Regulatory Flexibility Act, the Coast Guard is also reviewing these regulations for their impacts on small businesses and the potential to reduce any such impacts. Public comment on small business impacts is specifically requested. This rulemaking will encompass a complete review of the Deepwater Port Regulations. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/29/97	62 FR 45774
ANPRM Comment Period End	10/13/97	
NPRM	12/00/02	

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

**Additional Information:** ANPRM was published under Docket Number USCG-1998-4441. This docket number is replaced with USCG-1998-3884.

**Agency Contact:** CDR Mark Prescott, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0225

**RIN:** 2115-AF63**1731. ALLOWING ALTERNATIVE SOURCE TO INCANDESCENT LIGHT IN PRIVATE AIDS TO NAVIGATION (USCG-2000-7466)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 83; 14 USC 85; 43 USC 1333**CFR Citation:** 33 CFR 66**Legal Deadline:** None**Abstract:** The Coast Guard is seeking to let the lighting industry and owners

of private aids to navigation take advantage of a recent improvement in technology—one that enables the use of lanterns based on Light-Emitting Diodes (LEDs), which would reduce the consumption of power and simplify the maintenance of the aids. The use of these lanterns should stimulate competition in the industry, reduce maintenance and therefore operating costs, and allow the marking of the aids in a desirable manner. This rule supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	10/04/00	65 FR 59124
Direct Final Rule Withdrawn	01/02/01	66 FR 8
NPRM	05/00/02	

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

**Additional Information:** The Coast Guard withdrew the direct final rule because it received an adverse comment. The Coast Guard will publish an NPRM to solicit additional comments from the public.

**Agency Contact:** Daniel Andrusiak, Project Manager, G-OPN-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0327

**RIN:** 2115-AF98**1732. +VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG-2001-8661)****Priority:** Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 153; 33 CFR 154; 33 CFR 155**Legal Deadline:** None

**Abstract:** This rulemaking will propose changes to the Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal Register concerning methods and procedures for removing oil from

coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Robert Pond, Project Manager, G-MOR-2, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001  
Phone: 202 267-6603

**RIN:** 2115-AG05**1733. +POST CASUALTY DRUG AND ALCOHOL TESTING (USCG-2001-8773)****Priority:** Other Significant**Legal Authority:** PL 105-383, sec 304**CFR Citation:** 46 CFR 4**Legal Deadline:** None

**Abstract:** This project will revise the requirements for chemical testing following a serious marine incident. The revision will establish procedures to ensure that alcohol testing be conducted within 2 hours of a serious marine incident, as required by the Coast Guard Authorization Act of 1998. The rule will also make additional minor procedural changes to the part. This rule supports the Coast Guard strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Governmental Jurisdictions, Businesses**Government Levels Affected:** Undetermined

**Agency Contact:** Robert C. Schoening, Project Manager, G-MOA-1, Department of Transportation, U.S. Coast Guard, 2100 Second Stereet SW, Washington, DC 20593-0001  
Phone: 202 267-0684

**RIN:** 2115-AG07

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**1734. +VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE (USCG-2001-8825)****Priority:** Other Significant**Legal Authority:** 46 USC 12106; 46 USC 12120; 46 USC 12122**CFR Citation:** 46 CFR 67**Legal Deadline:** None

**Abstract:** This rulemaking will amend the regulations on the documentation of vessels engaged in the coastwise trade. It is a spin-off of Vessel Documentation (USCG 1998-4784) RIN 2115-AF71. These proposals address statutory amendments eliminating certain barriers to seeking foreign financing by lease for U.S. flag vessels. These proposals would clarify the information needed to determine the eligibility of a vessel financed in this manner for a coastwise endorsement. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/01	66 FR 21902
NPRM Comment Period Extended to 09/04/2001	05/29/01	66 FR 34603
NPRM Comment Period End	07/02/01	
NPRM Comment Period Reopened	12/14/01	66 FR 64784
Reopened Comment Period End	01/28/02	
Supplemental NPRM	10/00/02	

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

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Transportation, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419  
Phone: 304 271-2506

**RIN:** 2115-AG08**1735. TERRITORIAL SEAS, NAVIGABLE WATERS, JURISDICTION - CONFORMING AMENDMENTS (USCG-2001-9044)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC 3306 to 3307; 46 USC 3703; 49 USC

1804; 49 USC 1655; 14 USC 633; 14 USC 80; ...

**CFR Citation:** 33 CFR 2; 33 CFR 26; 33 CFR 62; 33 CFR 64; 33 CFR 95; 33 CFR 100; 33 CFR 165**Legal Deadline:** None

**Abstract:** This project will make substantive changes to current regulations, but only to the extent required to conform to the congressionally mandated changes in the laws administered and enforced by the Coast Guard as listed in section 301 of the Coast Guard Authorization Act of 1998 (a. Ports and Waterways Safety Act, b. subtitle II of title 46). We will redefine the "territorial sea," "navigable waters of the United States," "high seas," "contiguous zone," and "exclusive economic zone" to clarify the varying definitions of those terms under different laws administered and enforced by the Coast Guard, as well as relevant Presidential proclamations. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Alex Weller, Project Manager (G-LMI), Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0097

**RIN:** 2115-AG13**1736. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001-10163)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

**Abstract:** This rule would establish Federal requirements for non-planing recreational houseboats equipped with propeller driven propulsion located aft of the transom. This rule would require owners of these non-planing recreational houseboats to install either one or two propulsion unit measures (a propeller guard or a jet pump drive)

or employ three combined measures (use of an ignition cut-off switch, where installed, and install a swim ladder interlock device and an aft-visibility device). Owners of rental houseboats would have to also install an ignition cut-off switch, if not already installed. These requirements would reduce the number of boaters who are seriously or fatally injured when struck by the propeller of a non-planing recreational houseboat. This rulemaking would implement recommendations made by the National Boating Safety Advisory Council. It supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63645
NPRM Comment Period End	03/11/02	
NPRM Comment Period Extended	03/26/02	67 FR 13738
NPRM Comment Period End	05/11/02	
Final Rule	08/00/02	

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

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0979

**Related RIN:** Related To 2115-AF28**RIN:** 2115-AG18**1737. • UPDATE OF RULES ON AIDS TO NAVIGATION AFFECTING BUOYS, SOUND SIGNALS, INTERNATIONAL RULES AT SEA, COMMUNICATIONS PROCEDURES, AND LARGE NAVIGATIONAL BUOYS (USCG-2001-10714)****Priority:** Info./Admin./Other**Legal Authority:** 14 USC 81; 33 USC 1231; 43 USC 1333; 46 USC 4302**CFR Citation:** 33 CFR 60-76**Legal Deadline:** None

**Abstract:** The Assistant Commandant for Operations proposes to revise 33 CFR subchapter C — Aids to Navigation: parts 60 through 76. In these parts, he would update technical information concerning buoys, sound signals, international rules at sea, communications procedures, and Large

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## Proposed Rule Stage

Navigational Buoys (LNBs). The Assistant Commandant for Operations would also rewrite these parts using plain language. The proposed changes would update the existing rules both to reflect current practices and to make them easier to understand

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Daniel Andrusiak, Project Manager, G-OPN-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0327

**RIN:** 2115-AG25**1738. • MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100**Legal Deadline:** None

**Abstract:** This rule would revise Coast Guard procedures to expedite approval of organized marine events conducted on the navigable waters of the United States. These new procedures would establish general permits with nationwide or regional applicability and would allow sponsors to submit information to the Coast Guard by electronic means. These new procedures would reduce the paperwork burden on both the public and the Coast Guard without adversely affecting vessel safety or the environment in the event areas. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

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

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100

Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0979

**RIN:** 2115-AG26**1739. • DRAWBRIDGE OPERATIONS REGULATIONS; REVISIONS (USCG-2001-10881)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None

**Abstract:** The Coast Guard is proposing changes to its drawbridge regulations that provide guidance for general requirements relating to the use and operation of drawbridges. This project will create a new deviation for short-term closures, provide Coast Guard Eight District Bridges Administration St. Louis with a general bridge closure requirement during the winter season when navigation is reduced and eliminate any unnecessary distinction between commercial and recreational vessels in subpart B. It will also make changes throughout part 117 to remove redundancies, make amendments and technical corrections, and remove special bridge regulations that are no longer functional. Corrections and clarification of these requirements will help to streamline the drawbridge regulatory process and should shorten and simplify part 117 for the reader. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** J. Christopher Jaufmann, Project Manager (G-OPT-1), Department of Transportation, U.S. Coast Guard, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0377

**RIN:** 2115-AG27**1740. • LIFERAFT SERVICING INTERVALS (USCG-2001-11118)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC 3306; 46 USC 3307; 46 USC 3703; 46 USC 3316**CFR Citation:** 46 CFR 28.140; 46 CFR 109.301; 46 CFR 122.730; 46 CFR 131.580; 46 CFR 185.730; ...**Legal Deadline:** None

**Abstract:** This rulemaking would eliminate inconsistencies in the requirements for the first servicing of inflatable liferafts in 46 CFR, chapter I, subchapters C, I-A, K, L, Q, R, T, and W. The equipment regulations in subchapter Q, and vessel regulations in subchapters C and L, allow the first servicing of a new inflatable liferaft on a non-SOLAS vessel to be deferred to two years from initial packing. Subchapters I-A, K, R, T, and W do not incorporate this allowance. This inconsistency results in an unnecessary burden on operators of vessels, as well as confusion among both the public and Coast Guard field personnel. This project supports the Coast Guard's strategic goals of maritime safety and mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/02	67 FR 9939
Correction to NPRM	03/14/02	67 FR 11549
NPRM Comment Period End	05/06/02	

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

**Agency Contact:** Kurt Heinz, Project Manager, G-MSE-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-1444

**RIN:** 2115-AG28**1741. • RATES FOR PILOTAGE ON THE GREAT LAKES (USCG-2002-11288)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 9303(f)**CFR Citation:** 46 CFR 401**Legal Deadline:** None

**Abstract:** The Coast Guard conducts an annual review of the Great Lakes

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## Proposed Rule Stage

Pilotage based on the "Ratemaking Analyses and Methodology" published in the Federal Register on May 9, 1996. Depending on the results of this review, the Coast Guard can make rate adjustments in accordance with 46 CFR 404 app. A (d) step 7, or if the director determines that pilotage rates are within a reasonable range of their target, make no rate adjustments. This rulemaking will take place annually. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Tom Lawler, Project Manager, G-MW-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20590  
Phone: 202 267-1241

**RIN:** 2115-AG30

**1742. • SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CGD08-01-043)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 85; 43 USC 1333

**CFR Citation:** 33 CFR 147

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish a safety zone around a high-production, manned oil and natural gas facility in the Outer Continental Shelf in the Gulf of Mexico in Green Canyon 205A. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility except for the following: An attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property and the environment and supports the

Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15505
NPRM Comment Period End	06/03/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** LT Karrie Trebbe, Department of Transportation, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

**RIN:** 2115-AG31

**1743. • WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG-2002-11421)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 33 CFR 175

**Legal Deadline:** None

**Abstract:** This rule would require every person to wear a personal flotation device (PFD)—also called a lifejacket—while operating or riding on personal watercraft (PWC) or being towed behind a recreational vessel. On waters subject to the jurisdiction of the United States within any State or territory, the rule would not preempt any requirement established for such persons as specified by that State. The rule would set a Federal requirement on waters subject to the jurisdiction of the United States within any State or territory. The new requirement would reduce the number of persons who drown while participating in these activities.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0979

**RIN:** 2115-AG32

**1744. • PROTECTION OF NAVAL VESSELS (LANT AREA-02-001 AND PAC AREA-02-001)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 91; 14 USC 633

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** The Coast Guard is establishing regulations for the safety and security of U.S. naval vessels in the navigable waters of the United States. The regulations are issued under the authority contained in 14 U.S.C. 91. Naval Vessel Protection Zones will provide for the regulation of vessel traffic in the vicinity of U.S. naval vessels in the navigable waters of the United States. This rule supports the strategic goal of marine safety and security.

**Timetable:**

Action	Date	FR Cite
NPRM (Atlantic Area)	02/21/02	67 FR 7992
NPRM (Pacific Area)	03/20/02	67 FR 12940
NPRM (Pacific Area) Correction	04/08/02	67 FR 16668
First NPRM Comment Period End	04/22/02	
Second NPRM Comment Period End	05/06/02	
Final Rule	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Chris Doane, Commander (Amr), Department of Transportation, U.S. Coast Guard, Coast Guard Atlantic Area, 431 Crawford Street, Portsmouth, VA 23704-5004  
Phone: 757 398-6372

Steve Danscuk, Commander (Pmt), Department of Transportation, U.S. Coast Guard, Coast Guard Pacific Area, Coast Guard Island, Alameda, CA 94501

Phone: 510 437-5839

**Related RIN:** Related To 2115-AG23

**RIN:** 2115-AG33

## DOT—USCG

## Proposed Rule Stage

**1745. • NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223(a)(5); 33 USC 1226; 33 USC 1231**CFR Citation:** 33 CFR 160**Legal Deadline:** None

**Abstract:** The Coast Guard needs to permanently amend its regulations relating to the Notifications of Arrival (NOA) and Departure (NOD) requirements in 33 CFR part 160 to ensure port safety, security, and environmental protection as well as maintain the uninterrupted flow of commerce. Subsequent to the terrorist attacks of September 2001, we published an emergency temporary final rule (96-hour rule) amending the NOA and NOD requirements for commercial vessels bound for or departing from ports or places in the United States. The temporary final rule terminates on June 15, 2002. In this rulemaking we propose to make permanent most of the changes introduced by the temporary final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** LT(Jg) Marcus Lines, G-MSE-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001

Phone: 202 267-6854

**RIN:** 2115-AG35**1746. • +AUTOMATIC IDENTIFICATION SYSTEM CARRIAGE REQUIREMENT (USCG-2002-11721)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 33 USC 1223(a)**CFR Citation:** 33 CFR 161; 33 CFR 164; 33 CFR 165**Legal Deadline:** None

**Abstract:** This project will implement an Automatic Identification System (AIS) carriage requirement for SOLAS vessel and non-SOLAS vessels operating on designated waters (i.e., Vessel Traffic Service [VTS] areas, coastal zones, inland waterways and other major waterways). AIS automatically exchanges navigational and positional information in ship-to-ship and ship-to-shore-to-ship modes. Traditional VTS have been based on radar and video surveillance and rely on voice communications by VHF-FM radio; AIS-based VTS will use this technology to perform the majority of both surveillance and information exchange. AIS unburdens mariners from VTS reporting, reduces the cost of operating a VTS and eliminates much of the potentially distracting voice communications associated with traditional VTS operations. Establishing an AIS-based VTS will meet clear Congressional direction and maritime community desires to improve port efficiency and vessel traffic safety (particularly on the Lower Mississippi River area). This rulemaking supports the Coast Guard's strategic goals of safety, protection of natural resources

and mobility. These include reducing: the number of collisions, allisions and groundings; the number of tank vessel groundings and collisions resulting from inadequate passage or port transit planning; the number of and/or impact of waterway impediments; crewmember deaths/injuries on U.S. commercial vessels; reduce the risk of major loss of life on passenger vessels; the amount of oil discharged into the marine environment; and the amount of chemicals entering the environment. At the Department of Transportation level, this rulemaking supports the goals of safety, mobility and protection of the human and natural environment. Additionally, AIS will be a key link between maritime transportation and DOT's Intelligent Transportation System Initiative and is a major element within the Marine Transportation System Initiative. This rulemaking is significant because of significant public interest in this proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-6277

**Related RIN:** Related To 2115-AF75**RIN:** 2115-AG36**Department of Transportation (DOT)  
U.S. Coast Guard (USCG)****Final Rule Stage****1747. SAFETY/SECURITY ZONE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1233; 33 USC 1225**CFR Citation:** 33 CFR 100; 33 CFR 165**Legal Deadline:** None

**Abstract:** The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety or security of events,

vessels, waterfront facilities, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones are established for events such as fireworks displays, high speed races, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Security zones are established for Presidential or Vice Presidential visits, high profile events such as the Olympics, controversial events such as

transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Safety and security zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine safety, mobility, maritime security, and national defense. Total actions expected 10/01/2001 to 10/01/2002: 350.

DOT—USCG

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This is an open docket for routine field regulations.

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0416

**RIN:** 2115-AA97**1748. SPECIAL ANCHORAGE AREAS/ANCHORAGE GROUNDS REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071**CFR Citation:** 33 CFR 110**Legal Deadline:** None

**Abstract:** These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals. These special anchorage areas are limited geographically, and depending upon the purpose, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel which may use the anchorage, and may place time and other restrictions on its use. Special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. Total actions expected 10/01/2001 to 10/01/2002: 10.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This is an open docket for routine field regulations.

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0416

**RIN:** 2115-AA98**1749. REPORTING MARINE CASUALTIES (USCG-2000-6927)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 6101; 33 USC 1901 et seq**CFR Citation:** 33 CFR 151; 46 CFR 4**Legal Deadline:** None

**Abstract:** This action would add to the definition of a reportable marine casualty, "significant harm to the environment." Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the Exclusive Economic Zone. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the consequence of pollution incidents and further supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/20/94	59 FR 65522
Comment Period End	02/20/95	
NPRM	11/02/00	65 FR 65808
Supplemental NPRM	07/12/01	66 FR 36530
Supplemental NPRM Comment Period End	09/10/01	
To Be Withdrawn	06/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This rulemaking was formerly docketed under CGD 91-216.

**Agency Contact:** LCDR Scott Budka, Project Manager, G-MOA-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW  
Phone: 202 267-2026

**RIN:** 2115-AD98**1750. HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (USCG-1998-4302)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1231**CFR Citation:** 33 CFR 126**Legal Deadline:** None

**Abstract:** This rulemaking was intended to revise existing regulations covering waterfront facilities that handle dangerous cargoes. The present regulations are outdated and do not reflect improved safety procedures and modern transportation methods, such as the use of containers. Where appropriate, the regulations would have incorporated industry standards regarding the handling of hazardous materials at waterfront facilities. This project would have supported the Vice Commandant's workload reduction initiative, and also supports the Coast Guard's strategic goal of maritime safety by reducing deaths and injuries in the maritime industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/13/93	58 FR 4127
ANPRM Comment Period End	04/13/93	
NPRM	10/29/98	63 FR 57964
NPRM Comment Period End	12/28/98	
NPRM Comment Period Reopened	01/12/99	64 FR 1770
NPRM Comment Period End	03/01/99	
To Be Withdrawn	05/00/02	

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

**Additional Information:** An independent study has been completed and incorporated with comments from the public in the preparation of the rulemaking. Old Docket Number CGD 92-026.

**Agency Contact:** LCDR Charles Srioudom, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0626

**RIN:** 2115-AE22

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**1751. REGATTA REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100**Legal Deadline:** None

**Abstract:** These routine and frequent special local regulations ensure the safety of participants and spectators in regattas and marine parades. They specify such things as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term, usually applying to a single event not exceeding 8 hours in duration, and usually encompassing only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from a sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goal of maritime safety and maritime mobility of commercial and recreational vessel traffic. Total actions expected 10/01/2001 to 10/01/2002: 75.

**Timetable:**

Action	Date	FR Cite
Action Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Additional Information:** This is an open docket for routine field regulations.**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0979

**RIN:** 2115-AE46**1752. DRAWBRIDGE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None

**Abstract:** These routine and frequent regulations establish operating schedules, and notice requirements, for

drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. Total actions expected 10/01/2001 to 10/01/2002: 150.

**Timetable:**

Action	Date	FR Cite
Action Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** This is an open docket for routine field regulations.**Agency Contact:** Alesia Steinberger, Project Manager, G-OPT-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-6215

**RIN:** 2115-AE47**1753. +ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91-202A)****Priority:** Other Significant**Legal Authority:** 46 USC 3703**CFR Citation:** 33 CFR 168**Legal Deadline:** None

**Abstract:** This regulation would have designated those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project would have supported the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural

resources. This action was considered significant because of substantial public and State government interest. It is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/27/93	58 FR 25766
Comment Period End	06/28/93	
Request for Comments	12/21/94	59 FR 65741
Comment Period End	02/13/95	
To Be Withdrawn	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** This rulemaking is a companion to 2115-AE10, which concerns Prince William Sound and Puget Sound.**Agency Contact:** CDR Tim M. Close, Project Manager, G-MSE-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0177**RIN:** 2115-AE56**1754. REGULATED NAVIGATION AREAS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1233; 50 USC 191**CFR Citation:** 33 CFR 165**Legal Deadline:** None

**Abstract:** These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure; and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. Total actions expected 10/01/2001 to 10/01/2002: 10.

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**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This is an open docket for routine field regulations.

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0416

**RIN:** 2115-AE84**1755. NUMBERING OF UNDOCUMENTED BARGES (USCG-1998-3798)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 12301**CFR Citation:** 33 CFR 189**Legal Deadline:** None

**Abstract:** Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires all undocumented barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
To Be Withdrawn	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 93-091.

**Agency Contact:** Thomas Willis, Project Manager, National Vessel Documentation Center, Department of Transportation, U.S. Coast Guard, 792 T. J. Jackson Dr, Falling Waters, WV 25419-9502  
Phone: 304 271-2506

**RIN:** 2115-AF13**1756. LICENSING AND MANNING FOR OFFICERS OF TOWING VESSELS (USCG 1999-6224)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 633; 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7106; 46 USC 7107; 46 USC 7701**CFR Citation:** 46 CFR 10; 46 CFR 15**Legal Deadline:** None

**Abstract:** This rulemaking is necessary as part of an overall initiative by the Coast Guard to improve navigational safety for towing vessels. It will help ensure that the mariner piloting a towing vessel has the proper training and qualifications to handle the tug and tow. It has introduced a third level of license where there have been only two. Each level requires greater experience and proficiency than the one before. This rulemaking also introduces a requirement for demonstration of proficiency as a prerequisite to being issued an original license. This will be in addition to the current requirements for sea service, physical examination, testing for drugs, and successful testing for competence. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/96	61 FR 31332
Correction	07/11/96	61 FR 36608
Correction	08/07/96	61 FR 41208
Notice of Meeting	08/26/96	61 FR 43720
NPRM Comment Period End	10/17/96	
Notice of Intent	12/18/96	61 FR 66642
SNPRM	10/27/97	62 FR 55548
Public Meeting Memphis 02/11/98	01/21/98	63 FR 3070
Public Meeting Houston 02/13/98	01/21/98	63 FR 3070
Public Meeting Boston 02/18/98	01/21/98	63 FR 3070
Public Meeting Seattle 02/24/98	01/21/98	63 FR 3070
SNPRM Comment Period End	02/24/98	

Action	Date	FR Cite
Interim Final Rule	11/19/99	64 FR 63213
Interim Final Rule Comment Period End	02/17/00	
Interim Final Rule	10/27/00	65 FR 64388
Notice Concerning Review	02/09/01	66 FR 9673
Interim Final Rule	04/26/01	66 FR 20931
Interim Final Rule Effective	05/21/01	
Notice of Public Meeting	07/11/01	66 FR 36223
Interim Final Rule Comment Period End	07/25/01	
Final Rule	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 94-055.

**Agency Contact:** LCDR Luke Harden, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001  
Phone: 202 267-1838

**RIN:** 2115-AF23**1757. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG-1998-4623)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 51**CFR Citation:** 46 CFR 45**Legal Deadline:** None

**Abstract:** This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory other than for those river barge operators who voluntarily seek to

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expand their operations onto these routes. This rulemaking supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58679
NPRM Comment Period Extended	12/28/98	63 FR 71411
Comment Period End	01/04/99	
NPRM Comment Period End	03/04/99	
Interim Final Rule	04/23/02	67 FR 19685
Interim Final Rule Effective	05/23/02	
Interim Final Rule Comment Period End	10/23/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 95-015.

**Agency Contact:** Thomas Jordan, Project Manager, G-MSE-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2988

**RIN:** 2115-AF38

**1758. OUTER CONTINENTAL SHELF ACTIVITIES (USCG-1998-3868)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356

**CFR Citation:** 33 CFR 140 to 147

**Legal Deadline:** None

**Abstract:** This project would revise the regulations on Outer Continental Shelf (OCS) activities to: add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and allow all mobile inland drilling units (MIDUs) to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated

with the exploration for, development of, or production of, the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/27/95	60 FR 33185
Comment Period End	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended	03/16/00	65 FR 14226
NPRM Comment Period Extended	06/30/00	65 FR 40559
NPRM Comment Period End	11/30/00	
Final Rule	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Notice of Request for Comments published 27 June 1995, was assigned Coast Guard docket number 95-016. Following the request for comments this docket was terminated. This project continues under docket USCG-1998-3868 and RIN 2115-AF39.

**Agency Contact:** James Magill, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-1082

**RIN:** 2115-AF39

**1759. FIRE-SUPPRESSION SYSTEMS AND VOYAGE PLANNING FOR TOWING VESSELS (USCG 2000-6931)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3719; 46 USC 4102

**CFR Citation:** 33 CFR 157; 46 CFR 27

**Legal Deadline:** NPRM, Statutory, October 1, 1997.

**Abstract:** The Coast Guard proposes requirements for (a) total-flooding or other installed systems for suppressing fires on existing towing vessels and (b) voyage-planning. The purpose of this

rulemaking is to reduce oil spills from single-hull, non-self-propelled barges. Drifting oil barges have run aground and spilled their cargoes, causing considerable damage to marine life and the environment. This project was developed in cooperation with the Towing Safety Advisory Committee. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52057
Comment Period End	01/05/98	
Comment Period Reopened	02/27/98	63 FR 9980
Notice of Public Meeting	02/27/98	63 FR 9980
Comment Period End	05/11/98	
SNPRM	11/08/00	65 FR 66941
Notice of Public Meeting	12/28/00	65 FR 82303
SNPRM Comment Period End	03/08/01	
SNPRM; Notice of Mtg. & Second Reopening Comment Period	07/11/01	66 FR 36223
Second Reopened Comment Period End	09/15/01	
Interim Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This rulemaking was formerly titled "Towing Vessel Safety (Fire Suppression Systems and Other Measures for Towing Vessels)" (CGD 97-064). It originally proposed requirements for three sets of issues relative to the safety of towing vessel safety issues: fire-suppression systems and other measures; control measures for tank barges; and fire-protection measures for towing vessels. The latter two components have developed into separate rulemakings: Emergency Control Measures for Tank Barges (USCG 1998-4443) (RIN 2115-AF65) and Fire Protection Measures for Towing Vessels (USCG 1998-4445) (RIN 2115-AF66).

**Agency Contact:** Randall Eberly, Project Manager, G-MSE-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

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Phone: 202 267-1861

RIN: 2115-AF53

**1760. +EMERGENCY RESPONSE PLANS FOR PASSENGER VESSELS (USCG-1998-3473)****Priority:** Other Significant**Legal Authority:** 14 USC 633; 33 USC 1221; 33 USC 1223; 33 USC 1224; 33 USC 1231; 33 USC 1232; 46 USC 3306**CFR Citation:** 46 CFR 1; 46 CFR 7 to 10; 46 CFR 199**Legal Deadline:** None

**Abstract:** This rulemaking would require owners or operators of high-capacity passenger vessels in domestic service to develop, maintain, and exercise emergency response plans. Such plans would establish a process that prevents injury and loss of life during collisions, allisions, groundings, fires, and other emergencies. They would address issues such as passenger egress, crew training, and available emergency resources both on a vessel and in a vessel's operating area. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources. It is significant because of substantial public interest in passenger safety. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/98	63 FR 9916
ANPRM Comment Period End	06/28/98	
To Be Withdrawn	05/00/02	

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

Undetermined

**Agency Contact:** Rajiv Khandpur, Project Manager, G-MOC, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0494

RIN: 2115-AF61

**1761. +IMPROVEMENTS TO MARITIME SAFETY IN PUGET SOUND-AREA WATERS (USCG-1998-4501)****Priority:** Other Significant**Legal Authority:** 33 USC 1223 to 1224**CFR Citation:** 33 CFR 1**Legal Deadline:** None

**Abstract:** This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety and Environmental Protection Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/24/98	63 FR 64937
ANPRM Comment Period End	05/24/99	
To Be Withdrawn	05/00/02	

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

**Agency Contact:** CDR Tim M. Close, Project Manager, G-MSE-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0177

RIN: 2115-AF68

**1762. SAFETY OF UNINSPECTED PASSENGER VESSELS UNDER THE PASSENGER VESSEL SAFETY ACT OF 1993 (USCG-1999-5040)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2101; 46 USC 2113; 46 USC 3306; 46 USC 4105

**CFR Citation:** 46 CFR 15; 46 CFR 24 to 28; 46 CFR 70; 46 CFR 169; 46 CFR 175; 33 CFR 175; 33 CFR 177; 33 CFR 179; 33 CFR 181; 33 CFR 183; 46 CFR 10; 46 CFR 2; 46 CFR 30; 46 CFR 90; 46 CFR 114; 46 CFR 188; 46 CFR 199; ...

**Legal Deadline:** None

**Abstract:** This rulemaking implements the Passenger Vessel Safety Act (PVSA) (Pub. L. 103-206) by amending the rules for Uninspected Passenger Vessels (UPVs). Specifically, the Coast Guard is considering amending existing UPV definitions to create a new class of UPV of at least 100 gross tons carrying not more than 12 passengers. The Coast Guard is considering operating, equipment, licensing and special permit application requirements appropriate for the new class of vessel. The Coast Guard is also considering adding definitions of "passenger," "passenger for hire," and "consideration" to bring its rules into conformity with the PVSA. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/01/99	64 FR 15709
ANPRM Comment Period End	06/30/99	
NPRM	03/02/00	65 FR 11410
Interim Final Rule	04/28/00	65 FR 24878
NPRM Comment Period End	05/31/00	
Final Rule	05/00/02	

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

**Agency Contact:** Michael Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 200593-000

Phone: 202 267-0836

RIN: 2115-AF69

**1763. VESSEL TRAFFIC SERVICE LOWER MISSISSIPPI RIVER (USCG-1998-4399)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223(a)**CFR Citation:** 33 CFR 26; 33 CFR 161; 33 CFR 165**Legal Deadline:** None

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**Abstract:** This project proposes to establish a new Vessel Traffic Service (VTS) area in the Lower Mississippi River region. This Vessel Traffic Service Area (VTSA) will span from 20 miles north of Baton Rouge (mile 255 AHP) out to sea, including the South and Southwest Pass. As part of the VTSA, a VTS Special Area will be designated between mile 93.5 and 95 AHP. Unlike traditional VTSSs, which are based on radar and video surveillance and rely on voice communications by VHF-FM radio, when fully operational VTS Lower Mississippi River will use Automatic Identification System transponder technology to perform the majority of both surveillance and information exchange. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/00	65 FR 24616
NPRM Comment Period End	07/25/00	
NPRM Comment Period Reopened	08/18/00	65 FR 50479
NPRM Comment Period End	12/01/00	
Final Rule	12/00/02	

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

**Additional Information:** This project was originally entitled "Vessel Traffic Service Lower Mississippi/Automatic Identification System Carriage Requirement." The VTS LMR will retain RIN 2115-AF75. The AIS carriage requirement will be developed in a separate rulemaking.

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-6277

**RIN:** 2115-AF75**1764. BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL (USCG-1999-5117)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3703**CFR Citation:** 46 CFR 151**Legal Deadline:** None

**Abstract:** This rulemaking project will update the regulations for barges carrying bulk hazardous material to account for modernization of the industry. The current regulations for barges carrying bulk liquid hazardous materials were originally published in 1970. Over the past three decades, technology has advanced and industry practices have changed. This project will first ask for public comment to identify the rules which need to be updated. Once those rules are identified, the project will propose appropriate revisions to the Code of Federal Regulations. This project supports the Coast Guard's strategic goal of marine safety. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/09/99	64 FR 48976
ANPRM Comment Period End	03/07/00	
To Be Withdrawn	05/00/02	

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

**Agency Contact:** Thomas Felleisen, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0085

**RIN:** 2115-AF77**1765. ANCHORAGE GROUND; SAFETY ZONE; SPEED LIMIT; TONGASS NARROWS AND KETCHIKAN, AK (CGD17-99-002)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 471; 33 USC 1231; 33 USC 2071**CFR Citation:** 33 CFR 162; 33 CFR 165; 33 CFR 110**Legal Deadline:** None

**Abstract:** This rulemaking would grant an exemption from the present 7-knot speed limit in Tongass Narrows, AK, for float plane take-off and landing and vessels 26 feet in length or less. The geographic area for the speed limit would be expanded. A safety zone used for cruise ship anchorages would be redesignated as an anchorage area to reflect actual usage of the area and transiting vessels would be required to

move quickly and directly through the anchorage, without rapid course changes, to increase safety. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/99	64 FR 14414
NPRM Comment Period End	05/10/99	
Interim Final Rule	06/02/99	64 FR 29554
Interim Final Rule Comment Period End	11/30/99	
Interim Final Rule	04/07/00	65 FR 18242
Interim Final Rule Comment Period End	10/31/00	
Final Rule	05/00/02	

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

**Agency Contact:** LT Kenneth Kosteci, Project Manager, Department of Transportation, U.S. Coast Guard, 2030 Sealevel Drive, Suite 203, Ketchikan, AK 99901  
Phone: 907 225-4496

**RIN:** 2115-AF81**1766. TRAINING AND QUALIFICATIONS FOR PERSONNEL ON PASSENGER SHIPS (USCG 1999-5610)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC ch 71; 46 USC ch 73**CFR Citation:** 46 CFR 12; 46 CFR 15; 46 CFR 10**Legal Deadline:** None

**Abstract:** This project will implement new amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), that impose requirements for training and qualifications of masters, officers, engineers, and "ratings." The following training courses are mandatory for the personnel on passenger ships other than roll-on, roll-off, carrying more than 12 passengers operating on international voyages: (1) Crisis Management and Human Behavior; (2) Crowd Management; (3) Special Safety; (4) Passenger Safety, with special attention given to disabled persons and others needing assistance; and (5)

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Special Familiarization. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/00	65 FR 37507
NPRM Comment Period End	09/13/00	
Final Rule	06/00/02	

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

**Agency Contact:** Mark Gould, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-6890

RIN: 2115-AF83

**1767. ALTERNATE HULL EXAMINATION PROGRAM FOR CERTAIN PASSENGER VESSELS, AND UNDERWATER SURVEYS FOR PASSENGER, NAUTICAL SCHOOL, AND SAILING SCHOOL VESSELS (USCG-2000-6858)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3305; 46 USC 3308**CFR Citation:** 46 CFR 71; 46 CFR 115; 46 CFR 167; 46 CFR 169; 46 CFR 176**Legal Deadline:** None

**Abstract:** The regulatory project will establish hull examination alternatives and a drydock extension policy for qualifying passenger vessels that operate exclusively on benign, low-risk environments, and that have limited time under way. In addition, the proposed regulations would provide the option of alternating drydock examinations with underwater surveys for passenger vessels. This project supports the Coast Guard's strategic goal Marine Safety and Environmental Protection Program's goal of mobility by facilitating commerce and eliminate interruptions and impediments to the economical movement of goods and people.

**Timetable:**

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

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

**Additional Information:** This project is a split-off of RIN 2115-AF73. The split was a result of comments received under the NPRM that was published under RIN 2115-AF73, 11/15/1999, 64 FR 62018, entitled Frequency of Inspection Alternate Hull Exam Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels.

**Agency Contact:** Martin Walker, Project Manager, G-MOC, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001

Phone: 202 267-1047

RIN: 2115-AF95

**1768. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG-2000-7080)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3306**CFR Citation:** 33 CFR 97**Legal Deadline:** None

**Abstract:** This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo securing manuals for U.S. or foreign vessels of 500 gross tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75201
NPRM Comment Period End	03/01/01	
To Be Withdrawn	05/00/02	

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

**Agency Contact:** Michael Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 200593-000

Phone: 202 267-0836

RIN: 2115-AF97

**1769. NOTIFICATION OF ARRIVAL: ADDITION OF CHARTERER TO REQUIRED INFORMATION (USCG-2001-8659)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1231**CFR Citation:** 33 CFR 160**Legal Deadline:** None

**Abstract:** This rulemaking will require an owner, master, operator, or person in charge of a vessel to provide the identification of a vessel's charterer in addition to the already required information when making an advance notice of arrival for vessels bound for ports or places in the United States. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	08/18/00	65 FR 50481
Comment Period End	10/02/00	
NPRM	05/01/01	66 FR 21710
Correction Notice	05/16/01	66 FR 27216
Correction Notice	05/24/01	66 FR 28774
NPRM Comment Period End	07/02/01	
Final Rule	12/00/02	

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

**Agency Contact:** CDR Mark Prescott, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0225

RIN: 2115-AG06

**1770. ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEM (ECDIS) (USCG-2001-8826)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC 2103; 46 USC 3703; 46 USC 6101; 46 USC 8502**CFR Citation:** 33 CFR 164**Legal Deadline:** None

**Abstract:** This rulemaking would allow commercial vessels the option of using

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an IMO-approved Electronic Charting Display and Information System (ECDIS) as a primary means of navigation in U.S. waters instead of paper charts. Compliance with this rule would be optional; any vessel choosing not to use such an ECDIS must could continue to navigate using corrected and updated printed charts and publications. This regulation supports the Coast Guard's strategic goal of maritime safety. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/01	66 FR 21899
ANPRM Comment Period End	07/02/01	
To Be Withdrawn	05/00/02	

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

**Agency Contact:** George Detweiler, Project Manager G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001  
Phone: 202 267-0574

**RIN:** 2115-AG09

**1771. +TANK LEVEL OR PRESSURE MONITORING DEVICES (USCG-2001-9046)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 46 USC 3703

**CFR Citation:** 46 CFR 32; 33 CFR 157

**Legal Deadline:** Final, Statutory, August 1991, Section 4110 of the Oil Pollution Act of 1990 (OPA 90). Final, Judicial, May 2002.

**Abstract:** The U.S. Court of Appeals for the District of Columbia issued a writ of mandamus requiring the Coast Guard to promulgate regulations for tank level or pressure monitoring (TLPM) devices as mandated by OPA 90. This regulatory project will establish performance standards for TLPM devices and require tank vessels to install such devices. This project is considered significant because of substantial public and industry interest and the considerable economic impact of the rulemaking. This rulemaking

falls under the Coast Guard's strategic goal of protection of natural resources.

**Statement of Need:** This rulemaking is required by section 4110 of the Oil Pollution Act of 1990, P.L. 101-380.

**Summary of Legal Basis:** This rule is required by section 4110 of the Oil Pollution Act of 1990 as determined by the U.S. Court of Appeals for the D.C. circuit in May 2001. The Coast Guard is under a writ of mandamus to publish a rule requiring the use of Tank Vessel Pressure Monitoring devices.

**Alternatives:** Alternatives considered for analysis include two performance standards, however, the same cost will be achieved using either standard. We also considered the applicability of the rule to different types of vessels. Variations of these alternatives are presented as eight options in the NPRM.

**Anticipated Cost and Benefits:** The present value cost of the proposed rule over the 13-year period of analysis (2002-2014) would range from approximately \$64 million to \$211 million depending on the option selected. Virtually all of the costs will be incurred during the 3-year or 5-year phase-in period. Under the most expensive option, the cost in nominal terms is estimated to be \$80 million. Over the 13-year period of analysis, this analysis estimates that TLPM devices will reduce the amount of oil spilled in the United States by an estimated range of 211 barrels to 1,425 barrels, depending on the option selected.

**Risks:** This rule addresses the risk of slow leakage from tank vessels that might otherwise go undetected. It is one of the many statutory requirements mandated by the Oil Pollution Act of 1990, which eliminates a number of oil pollution risks.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/01	66 FR 49877
NPRM Comment Period End	11/30/01	
Final Rule	09/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.

**Additional Information:** This project is reopened with a new RIN and DMS docket number. The Coast Guard is reopening this project per writ of mandamus by the D.C. Circuit Court directing the Coast Guard to implement certain provisions of the Oil Pollution Act of 1990. It was previously captioned with docket number 90-071, and RIN 2115-AD69.

**Agency Contact:** LCDR Glen Mine, Project Manager, G-MSR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1303

**RIN:** 2115-AG10

**1772. INSPECTION AND ENFORCEMENT OF COAST GUARD REGULATIONS FOR FIXED FACILITIES BY MINERALS MANAGEMENT SERVICE (USCG-2001-9045)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1348

**CFR Citation:** 33 CFR 140

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to authorize the Mineral Management Service (MMS) to perform inspections, on behalf of the Coast Guard, on fixed facilities engaged in Outer Continental Shelf activities and to enforce Coast Guard regulations applicable to those facilities. MMS already performs inspections on these facilities to determine whether they comply with MMS regulations. By authorizing MMS to also check for compliance with Coast Guard regulations, we avoid duplicating functions, reduce Federal costs, and increase the frequency of inspections. This project supports the Coast Guard's strategic goals of maritime safety and environmental protection.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/01	66 FR 23871
NPRM Comment Period End	07/09/01	
Final Rule	02/07/02	67 FR 5912
Final Rule Effective	06/07/02	
Final Rule; Announcement of Effective Date (See Addl Info)	09/00/02	

**Regulatory Flexibility Analysis Required:** No

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**Small Entities Affected:** No**Government Levels Affected:** Federal

**Additional Information:** Section 140.103(c) contains a collection-of-information requirement that has not been approved by the Office of Management and Budget. When it is approved, we will publish an announcement of the effective date of that section in the Federal Register.

**Agency Contact:** James Magill, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-1082

RIN: 2115-AG14

### 1773. REVISE OPTIONS FOR RESPONDING TO NOTICES OF VIOLATIONS (USCG-2001-9175)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 633; PL 100-690**CFR Citation:** 33 CFR 1.07; 49 CFR 1.46**Legal Deadline:** None

**Abstract:** This project would revise 33 CFR 1.07, Notice of violation, to change the process for a “no action” option. This change would preserve the existing options of paying the “ticket” and closing the case, or requesting a hearing; it would replace the current default of the “no action resulting in referral to a hearing officer” to “no action resulting in a finding of proved and assessment of a penalty.” This project supports the Commandant’s workload reduction initiative by increasing the efficiency of Coast Guard resources by removing a time-consuming, unnecessary step in the processing of notices of violations for which no response was received.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63640
NPRM Comment Period End	02/08/02	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Doug Rabe, Project Manager, G-MOA, Department of Transportation, U.S. Coast Guard, Room

2407, 2100 Second Street SW.,  
Washington, DC 20593  
Phone: 202 267-1428

RIN: 2115-AG15

### 1774. TRAFFIC SEPARATION SCHEME: IN PRINCE WILLIAM SOUND, ALASKA (USCG-2001-10254)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223**CFR Citation:** 33 CFR 167; 33 CFR 161**Legal Deadline:** None

**Abstract:** This rulemaking would implement amendments to the existing Prince William Sound Traffic Separation Scheme (TSS). The amendments to the TSS have been approved by the International Maritime Organization, and have been validated by a recent Port Access Route Study (PARS). Implementing these amendments into the Code of Federal Regulations would provide straight traffic lanes between the Bligh Reef Pilot Station and Cape Hinchinbrook, and should reduce the risk for vessels operating within the area. The length of transit in Prince William Sound would also be reduced. With the course change removed from the original TSS, the minimum distance from the center of the southbound traffic lane to Naked Island would increase from six (6) to nine (9) nautical miles, reducing the risk of drift groundings. This project supports the Coast Guard’s strategic goals of increasing maritime mobility, protecting natural resources and improving marine safety. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/02	67 FR 5538
NPRM Comment Period End	03/08/02	
To Be Withdrawn	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** George Detweiler, Project Manager G-MWV, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001  
Phone: 202 267-0574

RIN: 2115-AG20

### 1775. SAFETY ZONES FOR OUTER CONTINENTAL SHELF FACILITIES IN THE GULF OF MEXICO (CGD08-01-025)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 85; 33 USC 2071**CFR Citation:** 33 CFR 147**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish safety zones around five petroleum and gas production facilities in the Outer Continental Shelf in the Gulf of Mexico. The four platforms and one moored spar buoy need to be protected from vessels operating outside the normal shipping channels and fairways. Placing safety zones around these facilities will significantly reduce the threat of allisions, oil spills and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the platforms except for the following: An attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zones are necessary to protect the safety of life, property and the environment and support the Coast Guard’s strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63642
NPRM Comment Period End	02/08/02	
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** LT Karrie Trebbe, Department of Transportation, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

RIN: 2115-AG22

### 1776. PROTECTION OF NAVAL VESSELS (LANT AREA-01-001 AND PAC AREA-01-001)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 91**CFR Citation:** 33 CFR 165

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**Legal Deadline:** None

**Abstract:** Following terrorist attacks in New York and Washington, D.C., the Coast Guard is establishing temporary regulations for the safety or security of U.S. naval vessels in the navigable waters of the United States. The regulations are issued under the authority contained in 14 U.S.C. 91. Naval Vessel Protection Zones will provide for the regulation of vessel traffic in the vicinity of U.S. naval vessels in the navigable waters of the United States. This rule supports the

strategic goal of marine safety and security.

**Timetable:**

Action	Date	FR Cite
Temporary Final Rule Effective	09/14/01	
Temporary Final Rule	09/21/01	66 FR 48780
Temporary Final Rule Ends	06/15/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joe Billy, Commander (Poft), Department of Transportation, U.S. Coast Guard, Coast Guard Pacific Area, Coast Guard Island, Alameda, CA 94501

Phone: 510 437-3505

Chris Doane, Commander (Amr), Department of Transportation, U.S. Coast Guard, Coast Guard Atlantic Area, 431 Crawford Street, Portsmouth, VA 23704-5004

Phone: 757 398-6372

**Related RIN:** Related To 2115-AG33

**RIN:** 2115-AG23

### Department of Transportation (DOT) U.S. Coast Guard (USCG)

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#### 1777. +DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321

**CFR Citation:** 33 CFR 155

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge-removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's strategic goal of protection of natural resources. This project is considered significant because of substantial public interest. We are in the process of deciding how to respond to comments.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	
NPRM	09/29/92	57 FR 44912
NPRM Comment Period Extended	10/26/92	57 FR 48489
NPRM Comment Period End	10/29/92	
NPRM Comment Period Extended	11/16/92	
Interim Final Rule	12/22/93	58 FR 67988
Interim Final Rule Effective	01/21/94	

Action	Date	FR Cite
Correction	01/26/94	59 FR 3749
Interim Final Rule Comment Period End	02/22/94	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David DuPont, Project Manager, G-MSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0971

**RIN:** 2115-AD66

#### 1778. +ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91-202)

**Priority:** Other Significant

**Legal Authority:** 46 USC 3703

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This rulemaking developed standards which implement section 4116(c) of the Oil Pollution Act of 1990. It addressed the areas of Prince William and Puget Sounds and requires a two-vessel escort for single-hull tankers greater than 5,000 gross tons. On November 1, 1994, the crash stop criteria were suspended because of industry concerns about meeting the criteria. On February 1, 1995, a notice of availability of a two-part study assessing the capability of escort tugs to control disabled tankers in Prince

William Sound was published. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. This project is considered significant because of substantial public and State government interest. We are in the process of deciding how to respond to comments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/92	57 FR 30058
NPRM Comment Period End	09/08/92	
NPRM Comment Period Reopened	03/26/93	58 FR 16391
Notice of Public Hearings	04/29/93	58 FR 25959
Correction	05/19/93	58 FR 29157
NPRM Comment Period End	06/24/93	
Part 1 of Study	01/10/94	59 FR 1411
Final Rule	08/19/94	59 FR 42962
Final Rule - Partial Suspension Crash Stop Criteria	11/01/94	59 FR 54519
Final Rule Effective - Partial Suspension	11/17/94	59 FR 54519
Notice of Availability Part II of Study	02/01/95	60 FR 6345
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**Additional Information:** The Coast Guard, in cooperation with the Prince William Sound Regional Citizens Advisory Council, PWS Tanker Association, and Alaska Pipeline, conducted a disabled-tanker towing study. The result of the study was incorporated into this rulemaking. Tug escort requirements in areas other than Prince William Sound and Puget Sound are addressed in the project listed under RIN 2115-AE56.

**ANALYSIS:** Regulatory Evaluation, 08/19/94, 59 FR 42962

**Agency Contact:** CDR Tim M. Close, Project Manager, G-MSE-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0177

**RIN:** 2115-AE10

### 1779. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (CGD 92-014)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2712

**CFR Citation:** 33 CFR 133

**Legal Deadline:** NPRM, Statutory, February 18, 1991.

**Abstract:** Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and cleanup efforts and to enter into agreements with the states will be exercised. The Coast Guard is evaluating the performance of the Interim Rule. This rulemaking supports the Coast Guard's strategic goal of the protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Interim Rule	11/13/92	57 FR 53968
Interim Final Rule Comment Period End	02/11/93	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Rulemaking was downgraded from Other Significant to Substantive Nonsignificant in the 11/14/94 Agenda; however, due to administrative error, the document

erroneously reflected Other Significant in subsequent Agenda entries.

**Agency Contact:** Al Thuring, Project Manager, National Pollution Funds Center, Department of Transportation, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804  
Phone: 202 493-6801

**RIN:** 2115-AE19

### 1780. +MARINE TRANSPORTATION-RELATED FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1999-5705)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321(j); PL 101-380

**CFR Citation:** 33 CFR 154

**Legal Deadline:** None

**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 2115-AE88, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.

**Statement of Need:** This rulemaking is intended to reduce the impact from hazardous substance spills from marine transportation-related facilities.

**Summary of Legal Basis:** Section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), codified at 33 U.S.C. 1321(j)(5), mandates that the President issue regulations requiring the preparation of oil and hazardous substance discharge response plans. Although section 4202(b)(4) of OPA 90

established an implementation schedule for these response plans for oil, it did not establish a deadline for submission or approval of hazardous substances response plans. The Coast Guard has issued separate final rules governing response plan requirements for vessels carrying oil in bulk as cargo and facilities that handle, store, or transport oil in bulk. Under 33 U.S.C. 1321, "hazardous substances" are designated by the Administrator of the Environmental Protection Agency. The Administrator has designated 297 chemicals as hazardous substances under this section. The Coast Guard has identified 82 hazardous substances currently carried in bulk by vessels, and transferred to or from marine transportation-related facilities.

**Alternatives:** The Coast Guard intends to determine what types of response strategies would be required to address spills of different types of hazardous substances. For some substances, containment and recovery may be the appropriate response. However, some of the spilled substances may not be recoverable from the water and other actions may be necessary. Plans are required, by statute, to address responses to a "worst case discharge." For facilities, a "worst case discharge" is "the largest foreseeable discharge in adverse weather conditions."

**Anticipated Cost and Benefits:** The potential costs of this rulemaking may include the costs of developing and implementing a hazardous substance response plan, maintaining contracts for response resources, reviewing and updating hazardous substance response plans, maintaining any required equipment, and training and exercising response personnel. Potential benefits include reduced risk of human exposure and enhanced environmental quality from improved ability to respond to, contain, and recover spilled hazardous substances. The analysis indicates that this project will not be economically significant. A regulatory assessment addressing costs and benefits of this rule is available in the public docket.

**Risks:** Response plans are required by statute. A response plan will not prevent a discharge of a hazardous substance, but it may improve the response and help to minimize personal injury and damage to the environment. This rule should not affect the economic viability of

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facilities involved in transferring hazardous substances in bulk or have a significant impact on the volume of hazardous substances shipped by marine transportation-related facilities. Most facilities involved in transferring hazardous substances in bulk have developed plans, but there have not been requirements for standardization.

**Timetable:**

Action	Date	FR Cite
ANPRM Notice of Public Hearings	05/03/96 07/03/96	61 FR 20084 61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM NPRM Comment Period End	03/31/00 06/29/00	65 FR 17416
Interim Final Rule	02/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the NPRM were held in New Orleans, LA, on May 10 and 11, 2000.

**Agency Contact:** LT Susan Klein, Project Manager, G-MOR, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0417

**RIN:** 2115-AE87

### 1781. +TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1998-4354)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1231; 33 USC 1321(j); PL 101-380

**CFR Citation:** 33 CFR 155

**Legal Deadline:** None

**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone

(EEZ) of the United States that carry bulk hazardous substances. A separate rulemaking under RIN 2115-AE87 would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequences of pollution incidents. This project is considered significant because of substantial public and industry interest.

**Statement of Need:** This rulemaking is intended to reduce the impact from hazardous substance spills from vessels.

**Summary of Legal Basis:** Section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), codified at 33 U.S.C. 1321(j)(5), mandates that the President issue regulations requiring the preparation of oil and hazardous substance discharge response plans. Although 4202(b)(4) of OPA 90 established an implementation schedule for these response plans for oil, it did not establish a deadline for submission or approval of hazardous substances response plans. The Coast Guard has issued separate final rules governing response plan requirements for vessels carrying oil in bulk as cargo and facilities that handle, store, or transport oil in bulk. Under section 1321, "hazardous substances" are designated by the Administrator of the Environmental Protection Agency. The Administrator has designated 297 chemicals as hazardous substances under this section. The Coast Guard has identified 82 hazardous substances currently carried in bulk by vessels.

**Alternatives:** The Coast Guard intends to determine what types of response strategies would be required to address spills of different types of hazardous substances. For some substances, containment and recovery may be the appropriate response. However, some spilled substances may not be recoverable from the water and other actions may be necessary. Plans are required, by statute, to address responses to a "worst case discharge." For vessels, a "worst case discharge" is "a discharge in adverse weather conditions of its entire cargo."

**Anticipated Cost and Benefits:** The potential costs of this rulemaking may include the costs of developing and

implementing a hazardous substance response plan, maintaining contracts for spill-response resources, reviewing and updating hazardous substance response plans, maintaining any required equipment, and training and exercising response personnel. Potential benefits include reduced risk to human health, enhanced environmental quality from improved ability to respond to, contain, and recover spilled hazardous substances and a reduction in the severity of the impact of accidental hazardous substance discharges. A regulatory assessment addressing costs and benefits of this rule is available in the public docket.

**Risks:** Response plans are required by statute. A response plan will not prevent a discharge of a hazardous substance, but it may improve the response and help to minimize personal injury and damage to the environment. This rule should not affect the economic viability of vessels involved in transferring hazardous substances in bulk, or have a significant impact on the volume of hazardous substances shipped by vessel. Most vessels carrying hazardous substances in bulk have developed response plans, but there have not been requirements for standardization.

**Timetable:**

Action	Date	FR Cite
ANPRM Notice of Public Hearings	05/03/96 07/03/96	61 FR 20084 61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM Notice of Public Hearing	03/22/99 06/15/99	64 FR 13734 64 FR 31994
NPRM Comment Period Extended	06/15/99	
NPRM Comment Period End	06/21/99	
NPRM Extended Comment Period End	08/30/99	
Interim Final Rule	08/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 94-032.

Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public

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meetings for the NPRM were held in Houston, TX on August 12 and 13, 1999.

**Agency Contact:** LT Susan Klein, Project Manager, G-MOR, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0417

**RIN:** 2115-AE88

**1782. +IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978 (STCW) (CGD 95-062)**

**Priority:** Other Significant

**Legal Authority:** 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7107

**CFR Citation:** 46 CFR 10; 46 CFR 12; 46 CFR 15

**Legal Deadline:** None

**Abstract:** The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), in 1995. The amendments came into force on February 1, 1997. This project implements them by revising current regulations to ensure that the United States complies with their requirements on: the training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of our directorate for Marine Safety and Environmental Protection for reducing deaths and injuries of crewmembers on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. This rulemaking is significant due to the potential impact on industry and the potential effect on international interests.

**Timetable:**

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Comment Period End	09/29/95	
Notice of Inquiry	11/13/95	60 FR 56970
Comment Period End	01/12/96	
NPRM	03/26/96	61 FR 13284

Action	Date	FR Cite
Notice of Public Meetings	04/08/96	61 FR 15438
Comment Period End	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Rule	06/26/97	62 FR 34505
Interim Rule Effective	07/28/97	
Final Rule	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 95-062.

**Agency Contact:** Mark Gould, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-6890

**RIN:** 2115-AF26

**1783. RULES OF PRACTICE, PROCEDURE, AND EVIDENCE FOR ADMINISTRATIVE PROCEEDINGS OF THE COAST GUARD (USCG 1998-3472)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 7701; 46 USC 7702; 33 USC 1321; 42 USC 9609

**CFR Citation:** 33 CFR 20; 46 CFR 5

**Legal Deadline:** None

**Abstract:** The Coast Guard maintains two separate sets of procedural rules: for administrative adjudication against merchant mariners' licenses, certificates of registry, and documents, and for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948 and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994 and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties,

and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. We are in the process of deciding how to respond to comments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/98	63 FR 16731
NPRM Comment Period End	05/06/98	
NPRM Comment Period Reopened	05/20/98	63 FR 27700
NPRM Comment Period End	06/19/98	
Interim Final Rule	05/24/99	64 FR 28054
Interim Final Rule Effective	06/23/99	
Interim Final Rule Correction	06/28/99	64 FR 34540
Interim Final Rule Comment Period End	07/23/99	
Interim Final Rule Comment Period Reopened	10/05/99	64 FR 53970
Interim Final Rule Comment Period End	04/03/00	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking revises in part the previous docket of CGD 94-101 (RIN 2115-AD94), which was terminated on December 20, 1995.

**Agency Contact:** George Jordan, Project Manager, G-CJ, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2940

**RIN:** 2115-AF59

**1784. COMMERCIAL DIVING OPERATIONS (USCG-1998-3786)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1509; 43 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 6101

**CFR Citation:** 46 CFR 197; 49 CFR 1.46

**Legal Deadline:** None

**Abstract:** This project involves reviewing and updating the commercial diving regulations, which are over 20 years old. A review of the commercial

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diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/26/98	63 FR 34840
ANPRM Comment Period Extended	09/23/98	63 FR 50848
ANPRM Comment Period End	11/09/98	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 200593-000  
Phone: 202 267-0836

**RIN:** 2115-AF64

**1785. • +ALTERNATE TONNAGE CONVENTION: SMALL PASSENGER VESSELS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 14 USC 14104

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The referenced initiative is not a current rulemaking project and therefore we have not yet determined the USCG strategic goals that regulatory action would serve. We are considering whether to exercise the Coast Guard's discretionary authority to undertake rulemaking. Rulemaking would amend small passenger vessel regulations, retaining the tonnage thresholds based on measurement under 46 U.S.C. 14502, but adding alternate tonnage thresholds based on measurement under 46 U.S.C. 14302.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Steve Venckus, Chief, Office of Regulations and Adm. Law, Department of Transportation, U.S. Coast Guard, (G-LRA), 2100 Second Street SW, Washington, DC 20593  
Phone: 202 267-1534

Peter D. Earekson, Project Manager, Marine Safety Center, Department of Transportation, U.S. Coast Guard, 400 7th Street SW, Washington, DC 20590-0001

Phone: 202 366-6502

**RIN:** 2115-AG29

**1786. • PORT SECURITY PLANS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update plans for port security. We are currently reviewing comments from the public workshop of January 2002 on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of availability of workshop agenda published January 16, 2002 (67 FR 2271)). This project would support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** LT Michael Roldan, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-6164

**RIN:** 2115-AG37

**1787. • FACILITY SECURITY PLAN**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to establish security plans for facilities other than passenger facilities. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** LCDR John Farthing, G-MWP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2420

**RIN:** 2115-AG38

**1788. • PASSENGER FACILITY SECURITY PLAN**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update passenger facility security plans. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

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**Federalism:** Undetermined

**Agency Contact:** LCDR John Farthing, G-MWP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-2420

**RIN:** 2115-AG39

**1789. • MARITIME SECURITY: PASSENGER VESSEL SECURITY**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1231

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to establish security plans for passenger vessels. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** LCDR Stephen Shapiro, G-MPV, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001

Phone: 202 267-1005

**RIN:** 2115-AG40

**1790. • MARITIME SECURITY: HIGH CONSEQUENCE VESSELS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1231

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to establish security plans for high consequence and other vessels. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** LCDR Stephen Shapiro, G-MPV, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001

Phone: 202 267-1005

**RIN:** 2115-AG41

**1791. • IDENTIFICATION CREDENTIALS FOR MARITIME SECURITY**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 46 USC 2103

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update standards and procedures for identifying people aboard vessels, and at ports and facilities on waterfronts. These standards and procedures might include checks of backgrounds for people in security-sensitive positions, but would take account of (and as far as possible be compatible with) efforts to the same effect from international bodies, other Federal agencies, and States.

The purpose of the project would be to deter terrorism. The project would support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** LCDR Gerald Miente, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0221

**RIN:** 2115-AG42

**Department of Transportation (DOT)  
U.S. Coast Guard (USCG)**

**Completed Actions**

**1792. PERMITS FOR THE TRANSPORTATION OF MUNICIPAL AND COMMERCIAL WASTES (USCG-2000-7442)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2602

**CFR Citation:** 33 CFR 151

**Legal Deadline:** Final, Statutory, June 15, 1989.

**Abstract:** In May 1989, the Coast Guard began a rulemaking to incorporate into regulation certain elements of the Shore Protection Act. The objective is to help prevent trash, medical debris, and other unsightly and potentially harmful materials from being deposited into the coastal waters of the United States as a result of sloppy waste-handling procedures. This project supports the

Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/24/89	54 FR 22546
Correction	06/05/89	54 FR 24078
Comment Period End	08/24/89	54 FR 22546
Notice	12/13/95	60 FR 64001
Reopen Comment Period	05/03/01	66 FR 22137

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## Completed Actions

Action	Date	FR Cite
Comment Period End	08/01/01	
Final Rule	02/11/02	67 FR 6171
Final Rule Effective	03/13/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 89-014. This project was formerly known as "Implementation of the Shore Protection Act of 1988."

ANALYSIS: Regulatory Evaluation, 05/24/89, 54 FR 22546

**Agency Contact:** Michael Jendrossek, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 200593-000

Phone: 202 267-0836

**RIN:** 2115-AD23**1793. PROPELLER INJURY PREVENTION ABOARD RENTAL BOATS (USCG-2001-10299)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 173; 33 CFR 174; 33 CFR 175; 33 CFR 177; 33 CFR 179; 33 CFR 181; 33 CFR 183; 33 CFR 187**Legal Deadline:** None

**Abstract:** This rulemaking examined the number and nature of injuries sustained from vessel propellers and helped the Coast Guard determine the need for Federal or State regulation of these vessels, the livery companies leasing these vessels, or the operators of these vessels. It considered regulations to reduce further injuries and fatalities involving rented boats. The National Boating Safety Advisory Council (NBSAC) recommended that the Coast Guard consider a number of alternatives to prevent injuries, including: installing pump jets, propeller cages or a combination of boarding ladder interlocks or shaft alarms, big warning placards, or other warning devices. This rulemaking was withdrawn because of the lack of substantive information about benefits to prevent propeller strike injuries and to simplify the development of a series of new regulatory projects initiated in response to recent NBSAC recommendations. This rulemaking supported the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
Request for Comments	05/11/95	60 FR 25191
Comment Period End	07/10/95	
Comment Period Reopened	08/09/95	60 FR 40545
Comment Period End	11/07/95	
ANPRM	03/26/96	61 FR 13123
ANPRM Comment Period End	09/01/96	
Request for Comments	04/28/97	62 FR 22991
Comment Period End	07/28/97	
Withdrawn	12/10/01	66 FR 63650

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 95-041.**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0979

**Related RIN:** Related To 2115-AG18**RIN:** 2115-AF28**1794. CARRIAGE OF BULK SOLID MATERIALS REQUIRING SPECIAL HANDLING (USCG-2000-6932)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1321; 46 USC 3306; 46 USC 3703; 46 USC 5111; 46 USC 6101; 49 USC 1804; EO 11735; EO 12234**CFR Citation:** 46 CFR 90; 46 CFR 97; 46 CFR 148**Legal Deadline:** None

**Abstract:** This project will add materials carried with special permits issued under Coast Guard regulations and other materials contained in the International Maritime Organization Code of Safe Practice for Solid Bulk Cargoes (IMO Bulk Solids Code, or "BC Code"), including coal, to the list of materials permitted under the regulations. The special handling procedures associated with these materials are also included in the new rules. The revisions will harmonize U.S. regulations with recommended international practice, and eliminate the need to apply for special permits, except for newly classified hazardous materials. This project supports the

Coast Guard's strategic goal of marine safety and mobility. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/08/02	

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

**Additional Information:** This project was initiated with an ANPRM (28 April 1989), and further developed in an NPRM (12 April 1994). In prioritizing resources, it was terminated on 13 April 1995. This regulatory project can now be reinitiated. Based on comments to the docket (previously CGD 87-069 and CGD 97-037), this is a non-controversial amendment to existing regulations.

**Agency Contact:** Brian Robinson, Project Manager, G-MSO-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001

Phone: 202 267-0018

**RIN:** 2115-AF47**1795. IMPLEMENTATION OF THE NATIONAL INVASIVE SPECIES ACT OF 1996 (USCG-1998-3423)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 4701; 16 USC 4702; 16 USC 4711 to 4714; 16 USC 4721 to 4728; 16 USC 4741; 16 USC 4751**CFR Citation:** 33 CFR 151**Legal Deadline:** NPRM, Statutory, October 26, 1997.

**Abstract:** This rulemaking establishes voluntary ballast water exchange guidelines applicable to all vessels entering U.S. waters, and mandatory reporting and sampling procedures to monitor compliance. Ballast water has been identified as a major pathway for the introduction and spread of Aquatic Nuisance Species (ANS). This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the volume of untreated ballast water discharged into United States waters, and the Coast Guard's strategic goal of protection of natural resources.

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## Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/98	63 FR 17782
NPRM Comment Period End	06/09/98	
Interim Final Rule	05/17/99	64 FR 26672
Interim Final Rule Effective	07/01/99	
Final Rule	11/21/01	66 FR 58381
Final Rule Effective	12/21/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** Old Docket Number CGD 97-068.**Agency Contact:** LCDR M. Pat McKeown, Project Manager, G-MSO, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0500**RIN:** 2115-AF55**1796. POLLUTION PREVENTION FOR OCEANGOING SHIPS AND CERTAIN VESSELS IN DOMESTIC SERVICE (USCG-2000-7641)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC 3306; 46 USC 3703; 33 USC 1231; 33 USC 1321(j); 33 USC 1903**CFR Citation:** 33 CFR 151; 33 CFR 155; 33 CFR 157; 46 CFR 170; 46 CFR 172**Legal Deadline:** None**Abstract:** This rulemaking concerns pollution prevention and the operational discharge of oil from vessels. It will align existing regulations on oil-water separators, operational discharge, damage and intact stability, and term of validity of International Oil Pollution Prevention Certificates with recent amendments under the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL). It will affect U.S.-flagged tank ships of 10 gross tons or more and other U.S.-flagged ships of 400 gross tons or more. It will eliminate and reduce requirements for shore connections on certain vessels of 100 gross tons or more. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into United States waters from maritime sources by 20 percent, and the Coast Guard's strategic

goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/00	65 FR 48548
Final Rule	11/02/01	66 FR 55566
Final Rule Effective	12/03/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Previous Docket Number CGD 97-072.**Agency Contact:** Robert M. Gauvin, Project Manager, G-MSO-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1053**RIN:** 2115-AF56**1797. CERTIFICATION OF NAVIGATION LIGHTS FOR UNINSPECTED COMMERCIAL VESSELS AND RECREATIONAL VESSELS (USCG 1999-6580)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2071; 33 USC 1602; 33 USC 1607**CFR Citation:** 33 CFR 84; 33 CFR 181; 33 CFR 183; 46 CFR 111**Legal Deadline:** None**Abstract:** This rule places navigation lights for recreational vessels and uninspected commercial vessels under regulatory control similar to that already in place for inspected commercial vessels. Specifically, it requires certification that installed navigation lights are in compliance with the Navigation Rules' specifications, as evidenced by laboratory testing to a performance standard; this level of control is currently in place for other items of safety equipment. This action is in accordance with recommendations made by the National Boating Safety Advisory Council (NBSAC), the Navigation Safety Advisory Council (NAVSAC), and the National Association of State Boating Law Administrators (NASBLA). This project supports the Coast Guard's strategic goal of maritime safety.**Timetable:**

Action	Date	FR Cite
NPRM	08/04/00	65 FR 47936

Action	Date	FR Cite
NPRM Comment Period End	10/03/00	
Final Rule	11/01/01	66 FR 55086
Final Rule; Delay of Effective Date	01/17/02	67 FR 2329
Final Rule Effective	11/01/03	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** This rulemaking was formerly titled Certification of Navigation Lights on Recreational Vessels (CGD 97-060).**Agency Contact:** Randolph J. Doubt, Project Manager, G-OPB-3, Department of Transportation, U.S. Coast Guard, 2100 Second Steet SW, Washington, DC 20593-0001  
Phone: 202 267-6810**RIN:** 2115-AF70**1798. VESSEL DOCUMENTATION (USCG-1998-4784)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 12103(d); 46 USC 31321(a)**CFR Citation:** 46 CFR 67**Legal Deadline:** None**Abstract:** This rulemaking will propose regulations to: (1) combine a Manufacturer's Certificate of Origin (MCO) with the Builder's Certificate (form CG12-1261); (2) require that the Hull Identification Number (HIN) be included on the Application for Documentation of recreational vessels for those vessels required to have an assigned HIN; (3) require the submission of the original state title, or if not a state title, the original State registration and/or official replacements issued by a titling/registering authority when documentation is based on those methods of establishing title and; (4) establish procedures for electronic submission of instruments. These four initiatives offer increased efficiency of the vessel documentation process and increased fraud protection for vessel owners; implement statutory changes from the Coast Guard Authorization Act of 1996, (Pub. L. 104-324); and implement statutory changes from the Coast Guard Authorization of 1998 (Pub. L. 105-383). This rulemaking supports the Coast Guard's strategic goal of maritime mobility. This rule is

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being withdrawn so the Coast Guard conforms on new security projects.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/08/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Dennis Nelson, Project Manager, Department of Transportation, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson DR, Falling Waters, WV 25419  
Phone: 304 271-2400

**RIN:** 2115-AF71

**1799. VAPOR CONTROL SYSTEMS (USCG-1999-5150)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1225; 33 USC 1231; 33 USC 1321; 46 USC 3306; 46 USC 3703

**CFR Citation:** 46 CFR 39; 33 CFR 154.E

**Legal Deadline:** None

**Abstract:** This project will revise the facility marine vapor control systems (VCS) safety regulations and the vessel VCS safety regulations. These existing regulations require revision to reflect new Federal and State air emissions control requirements, VCS technology developments, and to evaluate and minimize any significant economic impacts of the rules upon small entities. The revisions will also incorporate Coast Guard policies and guidelines developed to support the existing regulations and a Navigation and Vessel Inspection Circular which provides safety guidelines for the design and operation of a marine VCS at tank barge cleaning facilities. This project supports the Coast Guard Marine Safety and Environmental Protection Program's goal to reduce crewmember deaths and injuries on U.S. commercial vessels, it seeks to reduce the amount of oil and chemicals discharged into the Nation's waterways, and it promotes the Coast Guard's strategic goal of marine safety. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/08/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Sara Ju, Project Manager, G-MSO-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0081

**RIN:** 2115-AF78

**1800. MANDATORY SHIP REPORTING SYSTEM OFF THE NORTHEAST AND THE SOUTHEAST COASTS OF THE UNITED STATES (USCG-1999-5525)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1230(d)

**CFR Citation:** 33 CFR 169

**Legal Deadline:** None

**Abstract:** This regulatory project establishes two mandatory ship reporting systems in areas off the U.S. Atlantic Coast to protect the endangered Northern Right Whale. These areas are critically important calving and feeding grounds for that species. Although right whales are also found outside of these areas, the two areas are targeted because they have both large numbers of whales and a high volume of ship traffic. Ship collisions are the largest known source of human-related mortality of right whales. Communication between shore-based authorities and ships will minimize the risk of collision damage to ships and the whales as well as provide beneficial information to ships. The reporting system requires ships over 300 gross tons to notify the Coast Guard of their intention to enter these areas. In return, the mariners are provided with automated information about the last known locations of any right whales. This project supports the Coast Guard's strategic goal of protecting the natural resources.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29229
Interim Final Rule Comment Period End	07/01/99	
Interim Final Rule Effective	07/01/99	

Action	Date	FR Cite
Final Rule	11/20/01	66 FR 58066
Final Rule Effective	12/20/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The International Maritime Organization established a June 30, 1999 implementation for a mandatory reporting system. Fewer than 300 northern right whales are now known to exist. Designing an effective and simple reporting program in conjunction with other Federal agencies eliminated the availability of time to propose the regulations for comment prior to promulgation. However, the Coast Guard may revise the regulations in response to comments.

**Agency Contact:** LT Alan Blume, Project Manager, G-MWV-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0550

**RIN:** 2115-AF82

**1801. RAISING THE THRESHOLD OF PROPERTY DAMAGE FOR REPORTS OF ACCIDENTS INVOLVING RECREATIONAL VESSELS (USCG-1999-6094)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 6101; 46 USC 6102

**CFR Citation:** 33 CFR 173; 33 CFR 174

**Legal Deadline:** None

**Abstract:** This rule would increase the threshold for reporting recreational-boat accidents involving only property damage. Because of inflation since the threshold was last revised, the threshold now requires the reporting of a large number of minor accidents. These numbers distort the statistical base for the program in Recreational Boating Safety and increase the burden of paperwork on the boating public. Raising the threshold to an appropriate level would provide for a consistent statistical base and reduce the administrative burden on the Coast Guard and on States' accident-investigation personnel as well as the burden of paperwork on the boating public. This rule supports the Coast

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## Completed Actions

Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/00	65 FR 38229
NPRM Comment Period End	10/18/00	
Final Rule	05/01/01	66 FR 21671
Final Rule, Partial Suspension	06/26/01	66 FR 33844
Final Rule Effective	07/02/01	
Final Rule, Partial Suspension, Comment Period End	09/24/01	
Comment Period Reopened	10/24/01	66 FR 53754
Comment Period End	11/23/01	
Final Rule Removing Suspended Provision	03/27/02	67 FR 14643
Final Rule Effective	03/27/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce Schmidt, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0955

**RIN:** 2115-AF87

**1802. REVISION OF AUXILIARY REGULATIONS (USCG-1999-6712)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 633; 14 USC 892

**CFR Citation:** 33 CFR 5

**Legal Deadline:** None

**Abstract:** This project will revise regulations that govern the operation and administration of the Coast Guard Auxiliary. These regulations need to be changed to conform to the provisions of the Coast Guard Authorization Act of 1996 which amended the relevant statutes in title 14, United States Code. These provisions clarified the organization and status of the Auxiliary, broadened the role of the Auxiliary, and provided additional liability protection for Auxiliary members assigned to Coast Guard duty. This project supports the Coast Guard strategic goals of maritime safety, maritime mobility, maritime security, and protection of natural resources. This rule is being withdrawn so the

Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/08/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** CDR Chris Olin, Project Manager, G-OCX, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1012

**RIN:** 2115-AF94

**1803. NOXIOUS LIQUID SUBSTANCES, OBSOLETE HAZARDOUS MATERIALS IN BULK, AND CURRENT HAZARDOUS MATERIALS IN BULK (USCG-2000-7079)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1321, 1903; 46 USC 2103, 3306, 3703

**CFR Citation:** 33 CFR 151; 46 CFR 30, 150, 151, and 153

**Legal Deadline:** None

**Abstract:** The Coast Guard revises rules on carriage of hazardous materials in bulk, treating the rules in three parts:

First, the Coast Guard revises its rules on Noxious Liquid Substances (NLSs) to include substances recently authorized for carriage by the Coast Guard or added to the Chemical Codes of the International Maritime Organization (IMO) and by making minor technical and editorial changes based on the actions taken in part C. Second, the Coast Guard revises its rules, tables, and lists on carriage of hazardous materials in bulk by deleting from its rules, tables, and lists commodities that are no longer liquid cargoes transportable in bulk, and by canceling the classifications of obsolete commodities not included in those rules, tables, and lists.

Third, the Coast Guard revises its rules on carriage of hazardous materials in bulk by adding cargoes recently authorized for carriage by the Coast Guard or added to the Chemical Codes of the IMO and by making minor technical and editorial changes.

This three-part revision will update the tables of hazardous materials

transportable in bulk and better inform persons shipping any such materials of the materials' compatibility and of special handling requirements. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/08/00	65 FR 67136
Direct Final Rule Effective	03/08/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** In the Agenda for October 2001 we contemplated an interim final rule. On further review, however, we think the direct final rule can stand as published even if it entails technical amendments from time to time.

**Agency Contact:** Curtis Payne, Project Manager, G-MSO-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0016

**RIN:** 2115-AF96

**1804. WEARING OF PERSONAL FLOTATION DEVICES (PFDs) BY CERTAIN CHILDREN ABOARD RECREATIONAL VESSELS (USCG-2000-8589)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 33 CFR 175, subpart B

**Legal Deadline:** None

**Abstract:** This rule requires every child under the age of 13 to wear a personal flotation device (PFD)—also called a lifejacket—while aboard a recreational vessel under way and while not below decks or in an enclosed cabin. It adopts, on waters subject to the jurisdiction of the United States within any State, any requirement for the wearing of a PFD established by that State for a child under an age specified by that State. The rule also sets, on waters subject to the jurisdiction of the United States within any State lacking any such requirement, its own, comparable requirements. After publication of the final rule, the State Boating Law Administrator (BLA) of Ohio raised a concern about possible adverse impacts due to Federal

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enforcement of PFD wearing requirements because of vessel length. Withdrawal of the final rule before the effective date will enable the Coast Guard to develop and allow public comment on a new alternative. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	05/01/01	66 FR 21717
NPRM Comment Period End	08/29/01	
Final Rule	02/27/02	67 FR 8881
Notice of Withdrawal of Final Rule	03/27/02	67 FR 19643

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Carlton Perry, Project Manager, G-OPB-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0979

**RIN:** 2115-AG04

### 1805. SHIPBOARD MARINE POLLUTION EMERGENCY PLANS FOR OIL AND/OR NOXIOUS LIQUID SUBSTANCES (USCG-2001-9174)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1901 to 1915

**CFR Citation:** 33 CFR 151

**Legal Deadline:** Other, Statutory, January 1, 2003, Approved by Flag State of Convention for the Prevention of Pollution from Ships (MARPOL 73/78), Annex II, Regulation 16.

**Abstract:** This project would implement the requirements of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), Annex II, Regulation 16. Regulation 16 requires that every ship of 150 gross tons and above, certified to carry noxious liquid substances (NLS), carry a shipboard marine pollution emergency plan for oil and/or NLS. Regulation 16 requires these plans be approved by the Flag State no later than January 1, 2003. This project will modify existing regulations in 33 CFR part 151 for Shipboard Oil Pollution Emergency Plans (SOPEP) to address this new requirement. This project supports the Coast Guard's strategic goal of

protection of the marine environment. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/08/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** LT Susan Klein, Project Manager, G-MOR, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0417

**RIN:** 2115-AG16

### 1806. ALTERNATE COMPLIANCE PROGRAM (USCG-2001-10164)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3316

**CFR Citation:** 46 CFR 126

**Legal Deadline:** None

**Abstract:** This regulatory project will incorporate Offshore Supply Vessels into the Coast Guard's Alternate Compliance Program. It supports the Coast Guard's strategic plan of marine safety.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	10/23/01	66 FR 53542
Direct Final Rule Comment Period End	12/24/01	
Confirmation of Effective Date	01/17/02	67 FR 2343
Final Rule Effective	01/22/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Benjamin Nicholson, Lieutenant, G-MSO, Department of Transportation, U.S. Coast Guard, Rm. 1304, 2100 Second ST SW, Washington, DC 20593-0001  
Phone: 202 267-0143

**RIN:** 2115-AG17

### 1807. PORTABLE TANKS AND INTERMEDIATE BULK CONTAINERS (USCG-2001-10180)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1903; 49 USC app 1804; EO 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; ...

**CFR Citation:** 46 CFR 98.30

**Legal Deadline:** None

**Abstract:** This project would revise the rules to permit the use of certain types of portable tanks and other bulk containers for the transfer of hazardous liquid cargoes while on board vessels. These tanks and containers are currently recognized for the transport of various hazardous materials in accordance with both the Hazardous Materials regulations (HMR) of the Department of Transportation in title 49, Code of Federal Regulations, subchapter C, and the International Maritime Dangerous Goods (IMDG) Code. This project supports the Coast Guard's strategic plans for marine safety and maritime mobility. This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/08/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Emmanuel Pfersich, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0083

**RIN:** 2115-AG19

### 1808. • TECHNICAL AND FORMAL UPDATE OF RULES ON OFFICERS AND SEAMAN OF THE MERCHANT MARINE (USCG-2002-11359)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 31 USC 9701; 33 USC 1231; 44 USC 3507; 46 USC 2101; ...

**CFR Citation:** 46 CFR 10; 46 CFR 12; 46 CFR 13; 46 CFR 14; 46 CFR 15

**Legal Deadline:** None

**Abstract:** This rulemaking would extensively reorganize, clarify, and

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update subchapter B of title 46, Code of Federal Regulations, Merchant Marine Officers and Seamen. Affected would be parts 10 (Licensing of Maritime Personnel), 12 (Certification of Seamen), 13 (Certification of Tankermen), 14 (Shipment and Discharge of Merchant Mariners), and 15 (Manning Requirements), though not 16 (Chemical Testing).

The major thrust of this initiative would be to embrace several rulemakings central to domestic implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW): (1) CGD 95-062, Implementation of the 1995 Amendments to STCW

(integrating the Treaty into domestic rules); and (2) currently undocketed rulemaking on Medical and Physical Standards for U.S. Mariners. (This rulemaking would integrate those just identified with several other important ones); (3) USCG-1999-6224, Licensing and Manning for Officers of Towing Vessels; (4) USCG-1997-3198, Alternate Convention Tonnage; (5) USCG-1999-5610, Implementation of the 1997 amendments to STCW Regulation V/3 (Special Training for Merchant Mariners Serving on Passenger Ships other than Roll-on/Roll-off [Ro-Ro] Passenger Ships ["STCW II"]); and (6) currently undocketed Implementing the 1998 Amendments to the STCW Code, Tables A-II/1 and A-II/2 (Training for Safe Handling of Solid Bulk Cargoes).

This rule is being withdrawn so the Coast Guard can focus on new security projects.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/08/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** LCDR Gerald Miente, Project Manager, G-MSO-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0221

**RIN:** 2115-AG34

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

Proposed Rule Stage

**1809. +IMPROVED WATER SURVIVAL EQUIPMENT**

**Priority:** Other Significant

**Legal Authority:** 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; 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would add new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to U.S.-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This action is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890

**Action**

Date	FR Cite
11/28/88	
12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AIR-85-265R.

**ANALYSIS:** Regulatory Evaluation, 06/30/88, 53 FR 24890

**Agency Contact:** Hal Jensen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9574

**RIN:** 2120-AC72

**1810. +RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES**

**Priority:** Other Significant

**Legal Authority:** 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; 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

**CFR Citation:** 14 CFR 121; 14 CFR 135

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
NPRM Comment Period Reopened	10/30/98	63 FR 58331
NPRM Comment Period End	01/08/99	
SNPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

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## Proposed Rule Stage

**Government Levels Affected:** None

**Additional Information:** Docket 25611. Project Number: AIR-88-136R.

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

**Agency Contact:** Hal Jensen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9574

**RIN:** 2120—AC84

### 1811. +CORROSION CONTROL PROGRAM

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This project would ensure that airplanes used or not used in common carriage in air transportation have a comprehensive corrosion prevention program within their maintenance or inspection programs. In April 1988, a commercial transport airplane experienced an in-flight decompression and separation of approximately 18 feet of the fuselage skin and structure at the top of the airplane. The airplane had been in service for 19 years and had flown almost 90,000 flights. The National Transportation Safety Board concluded that the failure of the airline to detect skin disbonding resulted in corrosion and metal fatigue leading to separation of the airplane's skin structure. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**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

**RIN:** 2120—AE92

### 1812. +NATIONAL AIR TOUR SAFETY STANDARDS

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 91; 14 CFR 135

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

ANALYSIS: Regulatory Evaluation, 04/00/01

**Agency Contact:** Katherine M. Perfetti, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591

Phone: 202 267-3760

**RIN:** 2120—AF07

### 1813. +FLIGHT CREWMEMBER DUTY PERIOD LIMITATIONS, FLIGHT TIME LIMITATIONS, AND REST REQUIREMENTS

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

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

**Statement of Need:** The aviation community requires 24-hour activities to meet operational demands. Growths in long-haul, regional, overnight cargo, and short-haul domestic operations are increasing. Therefore, shift work, night work, irregular work schedules, and time zone changes will continue to be commonplace.

With this growth, the scientific knowledge about sleep, sleep disorders, circadian physiology, fatigue, and performance decrements has also grown. Some of the scientific knowledge has indicated that aviators experience performance-impairing fatigue from sleep loss resulting from current flight and duty practices.

In addition, industry and individuals have told the FAA that the current regulations are confusing and difficult to enforce. Therefore, a second purpose of the rulemaking is to establish

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consistent and clear duty period limitations and rest requirements for all types of operations.

**Summary of Legal Basis:** Section 44701, title 49 of the United States Code states that the Administrator shall promote safety of flight of civil aircraft in air commerce by prescribing minimum standards required in the interest of safety.

**Alternatives:** One obvious alternative would be to continue with the current rules; however, these regulations are rapidly becoming obsolete. As a second alternative, one commenter asked that the FAA develop a standard and then allow each carrier to design a rest/duty program that would meet that standard while accommodating differences in operations. While this works for certain rules, such as training regulations where the standard is training to proficiency, there is no way to apply this application to individual pilots on a daily basis.

**Anticipated Cost and Benefits:** Undetermined.

**Risks:** Although there has been only one identifiable accident due to pilot fatigue, fatigue is increasingly becoming the focus of possible causes following all accidents. Pilot reports of being fatigued to the point of incapacity are not uncommon, and intuitively, it is reasonable, given the sheer volume of air traffic, to expect fatigue to be a factor in future accidents if the regulations are not corrected.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/95	60 FR 65951
NPRM Comment Period End	03/19/96	
NPRM Comment Period Extended to 6/19/96	03/20/96	61 FR 11492
SNPRM	08/00/02	

**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

**Agency Contact:** Alberta Brown, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591

Phone: 202 267-8321

Quentin Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8166

**RIN:** 2120-AF63

**1814. +FALSE AND MISLEADING STATEMENTS REGARDING AIRCRAFT PARTS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 44913

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**ANALYSIS:** Regulatory Evaluation 08/00/01

**Agency Contact:** Mardi Ruth Thompson, Regulations Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3073

**RIN:** 2120-AG08

**1815. +NOISE LIMITATIONS FOR AIRCRAFT OPERATIONS IN THE VICINITY OF GRAND CANYON NATIONAL PARK**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/96	61 FR 69334
NPRM Comment Period End	03/31/97	
SNPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** A final rule, which was published on 12/31/96 (61 FR 69302), establishes new operating restrictions at Grand Canyon National Park. See RIN 2120-AF93 published elsewhere in this Agenda.

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

**Agency Contact:** Tom Connor, Flight Standards Service, Department of

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## Proposed Rule Stage

Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8933

**RIN:** 2120–AG34

### 1816. LICENSING AND SAFETY REQUIREMENTS FOR LAUNCH

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63922
NPRM Comment Period End	02/22/01	
SNPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

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

**Agency Contact:** Michael Dook, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9305

**RIN:** 2120–AG37

### 1817. +CHILD RESTRAINT SYSTEMS

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715 to 44718; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46502

**CFR Citation:** 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action sought public comment on issues relating to the use of child restraint systems in aircraft during all phases of flight (i.e., taxi, takeoff, landing, or any other time the seat belt sign is illuminated). Specifically, the agency sought information about existing child restraint systems, the development of new and improved child restraint systems, the ease with which existing or new child restraint systems can be used, and the effectiveness of changing the current child restraint system regulations. The advance notice gathered information in response to a recommendation made by the White House Commission on Aviation Safety and Security. Approximately 130 comments were received on the ANPRM. This information is needed so that the FAA can determine the best way to ensure the safety of children while on board aircraft. After such a determination is made, the FAA may issue a Notice of Proposed Rulemaking with specific regulatory proposals that respond to the Commission's recommendations regarding the use of child restraint systems. This action is considered significant because of safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/18/98	63 FR 8324
ANPRM Comment Period End	06/18/98	
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** Project Number: AFS-97-261R

**Agency Contact:** Cindy Nordlie, Office of Rulemaking, Department of

Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7627

**RIN:** 2120–AG43

### 1818. REVISION OF AIR CARRIER CREWMEMBER AND TRAINING REGULATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 60; 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action proposes to revise title 14 of the Code of Federal Regulations part 121 subparts N, O, and P. The proposed revision and creation will address Advanced Qualification Programs and additional training programs. The rulemaking is needed to enhance crew resource management training, to permit rapid changes to training and checking requirements for emerging technologies, to improve safety, and to respond to numerous recommendations from various sources.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Agency Contact:** Jan Demuth, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8922

**RIN:** 2120–AG57

### 1819. TRAINING IN THE RECOGNITION OF HAZARDOUS MATERIAL

**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

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## Proposed Rule Stage

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

**Legal Deadline:** None

**Abstract:** The FAA will clarify the requirement for “will not carry” certificate holders in parts 121 and 135 to provide hazardous material recognition training so that such materials are not inadvertently placed onboard aircraft.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William Wilkening, Office of Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-5885

**RIN:** 2120-AG75

**1820. +AIR TOUR OPERATIONS IN STATE OF HAWAII**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44701; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47530

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action proposes to extend SFAR 71, which established certain procedural, operational, and equipment requirements for air tour operators in the State of Hawaii. The FAA intends to issue a national air tour safety proposal in the near future, but until this rulemaking becomes final, there is a need to extend SFAR 71 to ensure the continuing safe environment for conducting air tours in Hawaii. During the 9 year period between 1982 and 1991, there were 11 air tour accidents with 24 fatalities in Hawaii. The apparent causes of the accidents

ranged from engine power loss to encounters with adverse weather. On September 26, 1994, the FAA published an emergency final rule as SFAR 71.

The rule established additional operating procedures, including minimum safe altitudes (and associated increases in visual flight rules weather minimums), minimum equipment requirements, and operational limitations for air tour aircraft in the State of Hawaii. SFAR 71 was subsequently extended until October 26, 2000. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 2120-AH02

**1821. +FLIGHT SIMULATION DEVICE QUALIFICATION**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The FAA proposes to amend the regulations to establish flight simulation device qualification requirements for all certificate holders in a new part. The basis of these requirements currently exists in different parts of the FAA’s regulations and in advisory circulars. The proposed changes would consolidate and update flight simulation device requirements. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Edward Cook, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337  
Phone: 404 305-6100

**RIN:** 2120-AH07

**1822. ANTIDRUG AND ALCOHOL MISUSE PREVENTION PROGRAMS FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action proposes to revise the FAA’s Antidrug and Alcohol Misuse Prevention Programs in accordance with changes the Department of Transportation is making to 49 CFR 40. In addition, the FAA proposes some minor revisions to its Antidrug and Alcohol Misuse Prevention Program so that the requirements conform to 14 CFR 67.

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/02	67 FR 9366
NPRM Comment Period End	05/29/02	
Final Action	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Wood, Acting Manager, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 366-6710

**RIN:** 2120-AH14

## DOT—FAA

## Proposed Rule Stage

**1823. AIRWORTHINESS DIRECTIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701**CFR Citation:** 14 CFR 39**Legal Deadline:** None

**Abstract:** The FAA proposes to move several standard provisions currently found in every airworthiness directive into its regulations pertaining to airworthiness directives. The FAA will no longer include these provisions in individual airworthiness directives. This will shorten individual airworthiness directives, making them easier for readers to use. Also, the FAA is proposing this regulation in plain language. The regulation has been reworded and reorganized using plain language techniques.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Donald P. Byrne, Assistant Chief Counsel, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3073

**RIN:** 2120-AH17**1824. +CERTIFICATION OF PILOTS, AIRCRAFT, AND REPAIRMEN 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**Legal Deadline:** None

**Abstract:** The FAA is proposing to establish the certification and training

requirements for pilots and repairmen to operate and maintain light-sport aircraft. The FAA is proposing a new sport pilot certificate and a flight instructor certificate with a sport pilot rating. The FAA also is proposing two new light-sport aircraft airworthiness certificates for existing and newly manufactured light-sport aircraft. In addition, this action proposes a new type of repairman certificate for individuals who would inspect and maintain light-sport aircraft. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	02/05/02	67 FR 5268
NPRM Comment Period End	05/06/02	
Final Action	12/00/02	

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

**Agency Contact:** Susan Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3735

**RIN:** 2120-AH19**1825. POWERED LIFT OPERATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40101; 49 USC 40102; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44106; 49 USC 44111; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

**CFR Citation:** 14 CFR 1; 14 CFR 43; 14 CFR 61; 14 CFR 91; 14 CFR 119; 14 CFR 133; 14 CFR 135; 14 CFR 145**Legal Deadline:** None

**Abstract:** The FAA is proposing to amend its regulations to cover powered-lift aircraft, a new category of aircraft that can perform as an airplane and a helicopter. This action is necessary because, as a new category of aircraft, powered-lift aircraft can't

operate under the regulations that govern airplanes or helicopters. The intended effect of this action is to allow the operation of powered-lift aircraft under FAA regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

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

**Agency Contact:** William H. Wallace, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3771

**RIN:** 2120-AH20**1826. REFUSAL TO SUBMIT TO AN AUTHORIZED DRUG TEST****Priority:** Substantive, Nonsignificant

**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 45303

**CFR Citation:** 14 CFR 67**Legal Deadline:** None

**Abstract:** This action proposes to amend airman medical standards to add as a medical disqualification the refusal to submit to an authorized drug test. Refusal to submit to a drug test includes adulteration or substitution of a urine sample. The intended effect is to ensure that airmen who may have substance abuse problems are not allowed to gain flight status until they have been examined and found fit by the Federal Air Surgeon.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

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

**RIN:** 2120-AH23

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Proposed Rule Stage

**1827. 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 U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

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

**RIN:** 2120-AH30**1828. SAFE, EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40113 to 40114; 49 USC 44502; 49 USC 44701; 49 USC 44718**CFR Citation:** 14 CFR 77**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking proposes to add and amend definitions for terms commonly used during the aeronautical evaluation process. This action proposes amendments to obstruction standards for civil airport imaginary surfaces in order to promote and facilitate

harmonization with other FAA directives. This proposal also proposes to simplify and clarify the rule language in accordance with the plain language initiative.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ATA-00-490.

**Agency Contact:** Ellen Crum, Air Traffic Rules Procedures Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3155

**RIN:** 2120-AH31**1829. DESIGN REQUIREMENTS FOR PRESSURIZATION AND PNEUMATIC SYSTEMS INSTALLED ON TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This proposal would revise the airworthiness standards for transport category airplanes by incorporating the more defined design and compliance criteria currently contained in the counterpart European standards. Adopting this proposal would 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	05/00/02	

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

**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-AH33**1830. DESIGN STANDARDS FOR FUSELAGE DOORS ON TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-96-398.

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

**RIN:** 2120-AH34**1831. REVERSE THRUST AND PROPELLER PITCH SETTINGS BELOW THE FLIGHT REGIME****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action proposes to require a means to prevent the flightcrew on turbo-propeller-powered airplanes from inadvertently or intentionally placing the power lever below flight idle while in flight, unless the airplane has been certified for in-flight operation. This action proposes to eliminate regulatory differences

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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	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-700.

**Agency Contact:** Jennifer Abdul-Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-6322  
Fax: 202 366-9313  
Email: jennifer.abdul-wali@ost.dot.gov

Mike Kaszycki, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-2137

**RIN:** 2120-AH35**1832. MATERIAL STRENGTH PROPERTIES AND DESIGN VALUES****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 revise the material strength properties and material design values requirement for transport category airplanes by incorporating changes developed in cooperation with the Joint Aviation Authorities of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee. This proposal is intended to achieve common requirements and language between the requirements of the U.S. regulations and the Joint Aviation Requirements of Europe, while maintaining at least the level of safety provided by the current regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/02	67 FR 4318

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-98-300.

**Agency Contact:** Rich Yarges, Airframe and Airworthiness Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2143

**RIN:** 2120-AH36**1833. REVISIONS TO VARIOUS POWERPLANT INSTALLATION REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action proposes to revise the standards applicable to thrust or power augmentation systems, fuel filling points, designated fire zones, and powerplant instruments. Adopting this proposal would eliminate regulatory differences between the airworthiness standards of the 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 Period End	04/01/02	
Final Action	08/00/02	

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

**Agency Contact:** Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal

Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2133

**RIN:** 2120-AH37**1834. 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 U.S. and the Joint Aviation Requirements of Europe without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

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

**RIN:** 2120-AH40**1835. REVISIONS TO PASSENGER FACILITY CHARGE RULE FOR COMPENSATION TO AIR CARRIERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40116 to 40117; 49 USC 47111; 49 USC 47114 to 47116; PL 106-181**CFR Citation:** 14 CFR 158**Legal Deadline:** None

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## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Eric Gabler, Passenger Facility Charge Branch, Department of Transportation, Federal Aviation Administration  
Phone: 202 267-3845

**RIN:** 2120-AH43

### 1836. 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	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AEE-01-133R.

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

**RIN:** 2120-AH44

### 1837. ● 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	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-93-725-A.

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, VA 98055  
Phone: 425 227-2142

**RIN:** 2120-AH47

### 1838. ● MODIFICATION OF THE DIMENSIONS OF THE GRAND CANYON NATIONAL PARK SPECIAL FLIGHT RULES AREA AND FLIGHT FREE ZONES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 14 USC 40103; 49 USC 40113

**CFR Citation:** 14 CFR 91; 14 CFR 93

**Legal Deadline:** None

**Abstract:** This action proposes to modify the Grand Canyon National Park Special Flight Rules Area and two-associated Flight Free Zones in the east end of the Park. In addition this action proposes minor modifications to the Bright Angel and Desert View Flight Free Zone. The FAA is proposing these actions to assist the National Park Service in fulfilling its statutory mandate to substantially restore the natural quiet and experience in Grand Canyon National Park.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Howard Nesbitt, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 493-4981

**RIN:** 2120-AH48

### 1839. ● FLIGHT RESTRICTIONS IN THE VICINITY OF NIAGARA FALLS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40109; 49 USC 40113; 49 USC 44502; 49 USC 444514; 49 USC 44701; 49 USC 44719; 49 USC 46301

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This action proposes to codify current flight restrictions for aircraft operating in U.S. airspace in the vicinity of Niagara Falls, NY. The FAA is proposing this action to complement flight management procedures established for Niagara Falls by Transport Canada.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Terry Brown, Airspace and Rules Division, Department of Transportation, Federal

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## Proposed Rule Stage

Aviation Administration, 800  
Independence Avenue SW,  
Washington, DC 20591  
Phone: 202 267-8783

RIN: 2120-AH57

#### 1840. ● POWERPLANT CONTROLS ON TRANSPORT CATEGORY AIRPLANES, GENERAL

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Jennifer Abdul-Wali,  
Transportation Specialist, Department  
of Transportation, 400 Seventh Street  
SW., Washington, DC 20590  
Phone: 202 366-6322  
Fax: 202 366-9313  
Email: jennifer.abdul-wali@ost.dot.gov

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

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

## Final Rule Stage

#### 1841. OBJECTS AFFECTING 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; 49 USC 46101 to 46102; 49 USC  
46104

**CFR Citation:** 14 CFR 77

**Legal Deadline:** None

**Abstract:** This action would amend the standards, aeronautical studies, scope, and notice provisions concerning objects affecting navigable airspace. The notice consisted primarily of changes required by recent legislation or recommended by a government/industry task group of the National Airspace Review Advisory Committee. This action would also cover electromagnetic interference phenomena that could create a hazard to air navigation.

**Timetable:**

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
NPRM	08/03/90	55 FR 31722
NPRM Correction	08/13/90	55 FR 32999
NPRM Correction	08/16/90	55 FR 33577
NPRM Correction	08/28/90	55 FR 35152
NPRM Correction	09/10/90	55 FR 37287
NPRM Comment Period End	12/31/90	
SNPRM	10/16/95	60 FR 53680
SNPRM Comment Period End	11/30/95	
Final Action	05/00/02	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project  
Number: ATO-85-015R.

**ANALYSIS:** Regulatory Evaluation,  
08/03/90, 55 FR 31722

**Agency Contact:** Ellen Crum, Air  
Traffic Rules Procedures Branch,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW,  
Washington, DC 20591  
Phone: 202 267-3155

RIN: 2120-AA09

#### 1842. MISCELLANEOUS AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7572; 49 USC  
106(g); 49 USC 5103; 49 USC 40105;  
49 USC 40113; 49 USC 40119; 49 USC  
44101; 49 USC 44701 to 44703; 49 USC  
44705; 49 USC 44706; 49 USC 44707;  
49 USC 44709; 49 USC 44710; 49 USC  
44711; 49 USC 44712

**CFR Citation:** 14 CFR 21; 14 CFR 65;  
14 CFR 107; 14 CFR 121; 14 CFR 135;  
14 CFR 145

**Legal Deadline:** None

**Abstract:** The FAA is withdrawing a previously published notice of proposed rulemaking (NPRM) that proposed to amend various sections of the regulations. The proposal was to

clarify language, correct improper or obsolete references, and to relax certain existing requirements. Since publication of the NPRM, many other completed, in-process, or planned actions have addressed or will address many of the issues involved. The FAA has determined that all unresolved issues should be included in more recent actions dealing with the specific sections of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	
To Be Withdrawn	05/00/02	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No.  
23781. Project Number: ARM-81-128R.

**ANALYSIS:** Regulatory Evaluation,  
10/03/83, 48 FR 45214

**Agency Contact:** Linda L. Williams,  
Office of Rulemaking, ARM-100,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW,  
Washington, DC 20591  
Phone: 202 267-9685

RIN: 2120-AA50

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**1843. IFR ALTITUDES;  
MISCELLANEOUS AMENDMENTS****Priority:** Routine and Frequent**Legal Authority:** 49 USC 40120; 49 USC 44502; 49 USC 44514; 49 USC 44719; 49 USC 44721; 49 USC 106(g); 49 USC 40103; 49 USC 40106; 49 USC 40113; 49 USC 40114**CFR Citation:** 14 CFR 95**Legal Deadline:** None**Abstract:** This is a nonsignificant body of regulations which prescribes altitudes for the operation of aircraft under instrument flight rules (IFR) on Federal airways, jet routes, area navigation low or high routes, or other direct routes for which a minimum en route IFR altitude is designated in 14 CFR part 95. In addition, mountainous areas and changeover points are designated. These regulations are an established body of technical requirements that are issued routinely and frequently to maintain operational efficiency. Total actions expected—300. 10/00/2001 - 10/00/2002.**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212Jennifer Abdul-Wali, Transportation Specialist, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-6322  
Fax: 202 366-9313  
Email: jennifer.abdul-wali@ost.dot.govDon Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125  
Phone: 405 954-4161**RIN:** 2120-AA63**1844. 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 nonsignificant. Total actions expected—650. 10/00/2001 to 10/00/2002.**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Agency Contact:** Jack McGrath, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9580**RIN:** 2120-AA64**1845. STANDARD INSTRUMENT  
APPROACH PROCEDURES;  
MISCELLANEOUS AMENDMENTS****Priority:** Routine and Frequent**Legal Authority:** 49 USC 40103; 49 USC 40106; 49 USC 40113 to 40114; 49 USC 40120; 49 USC 44502; 49 USC 44514; 49 USC 44701; 49 USC 44719; 49 USC 44721 to 44722; 49 USC 106(g)**CFR Citation:** 14 CFR 97**Legal Deadline:** None**Abstract:** Standard Instrument Approach Procedures (SIAP) provide

for instrument letdown to airports in the United States. They are a nonsignificant body of regulations that are complex and technical in nature and require routine and frequent rulemaking to maintain efficiency. The FAA issues, revises, and cancels SIAPs by adopting amendments that are incorporated into 14 CFR part 97. Contemporaneously with publication in the Federal Register, the SIAPs are made available to the Aeronautical Charting and Cartography Office in the FAA and other publishers of aeronautical charts where they are published as approach procedure charts or “approach plates.” These charts are made available to the members of the aviation community for use by pilots in making instrument approaches. Total actions expected—2,500. 10/00/2001 - 10/00/2002.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael L. Henry, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8212Don Pate, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur, Oklahoma City, OK 73125  
Phone: 405 954-4161**RIN:** 2120-AA65**1846. AIRSPACE ACTIONS****Priority:** Routine and Frequent**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; EO 10854**CFR Citation:** 14 CFR 71; 14 CFR 73; 14 CFR 75**Legal Deadline:** None**Abstract:** This is a nonsignificant body of regulations which designates airspace areas, airways, routes, and reporting points to facilitate safe navigation. These regulations are

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technical in nature and are issued routinely and frequently to maintain operational efficiency. Total actions expected—400. 10/00/2001 through 10/00/2002.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/02	

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

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

**RIN:** 2120-AA66**1847. AIRCRAFT ENGINES: FUEL AND INDUCTION SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704**CFR Citation:** 14 CFR 33**Legal Deadline:** None

**Abstract:** This action would have added a new section 33.35(f) to the Federal Aviation Regulations which would incorporate a requirement for the fuel mixture and throttle controls to automatically move to a position allowing continued safe flight if either control becomes disconnected. Based upon comments and after further analysis, the FAA is withdrawing this rulemaking. There are existing regulations that adequately cover the issues contained in the NPRM, and Advisory Circular No. 20-143, Installation, Inspection, and Maintenance of Controls for General Aviation Reciprocating Aircraft Engines, issued on June 6, 2000, provides additional guidance on maintenance procedures.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM Comment Period End	04/29/86	
NPRM	10/20/92	57 FR 47934
NPRM Comment Period End	02/17/93	
To Be Withdrawn	05/00/02	

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

**Additional Information:** Project Number: ANE-85-002R. Former title: Engine Fuel and Induction Systems.

**ANALYSIS:** Regulatory Evaluation, 10/20/92, 57 FR 47934

**Agency Contact:** Locke Easton, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803  
Phone: 617 273-7088

**RIN:** 2120-AB76**1848. 1-G STALLING SPEED AS A BASIS FOR AIRCRAFT PARTS****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**CFR Citation:** 14 CFR 25; 14 CFR 36**Legal Deadline:** None

**Abstract:** This action would amend the Federal Aviation Regulations to redefine the airplane reference stalling speed as the 1-g stalling speed in lieu of the minimum stalling speed. It would: (1) provide for a consistent, repeatable reference stalling speed; (2) ensure consistent and dependable maneuvering margins; (3) clarify the requirement for the use of 1-g stalling speeds in determining structural design speeds; (4) increase the head-on gust structural design requirement; and (5) provide for adjusted multiplying factors to maintain essentially equivalent requirements in areas where the use of minimum stalling speed has proven adequate. These changes are needed since the stalling characteristics of modern jet transports as determined by current methods can result in inconsistent reference stalling speeds. These changes may result in a higher level of safety where current methods have resulted in artificially low reference stalling speeds.

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/96	61 FR 1260
Correction	02/26/96	61 FR 7157

Action	Date	FR Cite
NPRM Comment Period End	05/17/96	
Final Action	08/00/02	

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

**Additional Information:** Project Number: ANM-86-041R.

**ANALYSIS:** Regulatory Evaluation, 01/18/96, 61 FR 1260

**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-4056

**RIN:** 2120-AD40**1849. +REVISION OF PART 108, AIRCRAFT OPERATOR SECURITY****Priority:** Other Significant

**Legal Authority:** 40 USC 106(g); 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 108**Legal Deadline:** None

**Abstract:** This action amends part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. This final rule contains changes that are intended to enhance security for the traveling public, and aircraft operators. A final rule establishing a compliance program is forthcoming, which would require compliance programs for Aircraft Operators. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/97	62 FR 41730
Notice of Public Meeting	09/15/97	62 FR 48190
NPRM Comment Period End	12/01/97	
Notice of Public Meeting	04/21/98	63 FR 19691

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Action	Date	FR Cite
NPRM Comment Period Reopened	08/10/99	64 FR 43322
Comment Period End	09/24/99	
Final Action	07/17/01	66 FR 37330
Final Action Effective	11/14/01	
Final Action; Compliance Program	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: ACS-87-107R.

ANALYSIS: Regulatory Evaluation, 08/01/97, 62 FR 41730

**Agency Contact:** Linda Valencia, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3413

**RIN:** 2120—AD45**1850. +REVISION OF PART 107, AIRPORT SECURITY****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44706; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 107**Legal Deadline:** None

**Abstract:** This action will amend part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. The intent of this final rule is to enhance security for the traveling public, aircraft operators, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures. A final rule is forthcoming on compliance, which would require compliance program for airport security. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/97	62 FR 41760

Action	Date	FR Cite
Notice of Public Meeting	09/15/97	62 FR 48190
NPRM Comment Period End	12/01/97	
Comment Period End	04/21/98	63 FR 19691
Notice of Public Meeting	04/21/98	63 FR 19691
NPRM Comment Period Reopened	08/10/99	64 FR 43321
Final Action	07/17/01	66 FR 37274
Final Action Effective	11/14/01	
Final Action; Compliance Program	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: ACS-87-106R.

ANALYSIS: Regulatory Evaluation, 08/01/97, 62 FR 41760

**Agency Contact:** Bob Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7723

**RIN:** 2120—AD46**1851. +AGING AIRCRAFT SAFETY****Priority:** Other Significant

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

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

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

**Abstract:** On October 5, 1993, the FAA published an NPRM that proposed to require air carriers of certain aircraft used in air transportation to demonstrate that the aircraft's maintenance has been adequate to ensure the highest degree of safety. After further review, and taking into consideration public comments to the NPRM, the FAA withdrew that NPRM.

On March 19, 1999, the FAA issued a new NPRM that would ensure the continuing airworthiness of the most significant aging airplanes operating in air transportation by mandating aging aircraft records reviews and inspections for certain air carriers and certain aircraft and also by applying modern damage-tolerance analyses and inspection techniques to older airplane structures that were certificated before such techniques were available. The comment period closed on October 18, 1999. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/93	58 FR 51944
NPRM Comment Period End	02/02/94	
Comment Period End	02/08/94	59 FR 5741
NPRM	04/02/99	64 FR 16298
NPRM Comment Period End	08/02/99	
NPRM Comment Period Reopened	08/18/99	64 FR 45090
Comment Period End	10/08/99	
Final Action	05/00/02	

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

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

**Agency Contact:** Frederick Sobeck, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7355

**RIN:** 2120—AE42**1852. 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

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**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 equipping. This action is a relieving action made necessary by the fact that ground sensors are not in place to support the requirement. Further, FAA is studying the need for Mode S transponders in part 135 and certain part 121 operations in light of the fact that transponders may not substantially increase ATC ability to view air traffic.

**Timetable:**

Action	Date	FR Cite
NPRM	05/23/96	61 FR 26036
NPRM Correction	06/17/96	61 FR 30551
NPRM Comment Period End	07/22/96	
Final Action	08/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-92-297R.

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

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

**RIN:** 2120—AE81

**1853. FLIGHT ATTENDANT ENGLISH LANGUAGE PROFICIENCY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 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

**CFR Citation:** 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** The FAA has reviewed the Aviation Rulemaking Advisory Committee recommendation to proceed with this rulemaking. The FAA has determined that it would be most appropriate to address the flight attendant English language issue in the overall context of crew training. Therefore, because the FAA will incorporate the flight attendant English language issue into the proposed revision of part 121 subpart N and O notice of proposed rulemaking, this rulemaking entry will be withdrawn.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/18/94	59 FR 18456
ANPRM Comment Period End	07/18/94	
To Be Withdrawn	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-93-745A

**Agency Contact:** Cindy Nordlie, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7627

**RIN:** 2120—AE98

**1854. +REVISED ACCESS TO TYPE III EXITS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105

**CFR Citation:** 14 CFR 25; 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action proposed to adjust requirements for access to type III emergency exits in transport category airplanes with 60 or more passenger seats. The adjustments would reflect new data from tests conducted at the FAA's Civil Aeromedical

Institute (CAMI) and intended to improve the ability of occupants to evacuate an airplane under emergency conditions. The FAA is withdrawing this proposed rulemaking as some of the information is outdated. The CAMI research is still ongoing. The FAA may issue a new rulemaking in the future. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/95	60 FR 5794
NPRM Comment Period End	05/01/95	
To Be Withdrawn	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-93-005R.

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, VA 98055  
Phone: 425 227-2142

**RIN:** 2120—AF01

**1855. LOS ANGELES, CA, CLASS B AIRSPACE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** The FAA is withdrawing a previously published notice of proposed Rulemaking (NPRM) that proposed to alter the Los Angeles, CA, Class B airspace area. The proposal would have lowered certain ceilings while raising others to provide more visual flight rules altitudes to circumnavigate the Los Angeles Class B airspace and to provide for better containment of arriving turbojets. This action will be handled as a routine airspace action.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/94	59 FR 60244
NPRM Comment Period End	01/23/95	
To Be Withdrawn	08/00/02	

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

**Additional Information:** Project Number: ATP-94-035T RIN 2120-AF38 was inadvertently used when this rulemaking was published in the Federal Register on November 22, 1994. The correct RIN is 2120-AF16.

**ANALYSIS:** Regulatory Evaluation, 11/22/94, 59 FR 60244

**Agency Contact:** William Nelson, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9295

**RIN:** 2120-AF16

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**1856. +REVISION OF EMERGENCY EVACUATION DEMONSTRATION PROCEDURES TO IMPROVE PARTICIPANT SAFETY**
**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 25; 49 CFR 1.47

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/95	60 FR 36932
Correction	08/25/95	60 FR 44387
NPRM Comment Period End	10/16/95	
Final Action	12/00/02	

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

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

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

**Agency Contact:** Franklin Tiangsing, Regulations Branch, ANM-114, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2121

**RIN:** 2120-AF21

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**1857. +OVERFLIGHTS OF UNITS OF THE NATIONAL PARK SYSTEM**
**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709; 49 USC 44711 to 44713; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306

**CFR Citation:** 14 CFR 91; 14 CFR 93; 14 CFR 121; 15 CFR 135

**Legal Deadline:** None

**Abstract:** The FAA and National Park Service (NPS) established a joint working group which is tasked with developing a notice of proposed rulemaking to reduce or prevent adverse effects of aircraft noise over our national park system. At the same time, the working group is charged with affording those persons who wish to visit our national parks from the air the opportunity to do so. The working group met from May to November 1997, and developed a concept paper that was approved by the Aviation Rulemaking Advisory Committee and the NPS Advisory Board in December 1997. A notice of proposed rulemaking has been developed and is now being reviewed by the FAA and NPS. In April 1999, the FAA issued a disposition of comments to the ANPRM. That document summarizes those comments to the public on matters concerning air tours over units of the national park system. In response to Public Law 106-181, April 5, 2000, the FAA and NPRS developed an NPRM that proposes to codify the language of the legislation and to adopt an altitude that would define a commercial air tour operation.

This rulemaking is significant because of substantial public interest.

**Statement of Need:** The need to reduce or prevent the adverse effects of aircraft noise over the national parks is apparent for the preservation of a valuable national resource. In its Report to Congress, the National Park Service identified 98 parks that potentially have an overflight problem. The FAA recognizes its role both to provide for the safe and efficient use of airspace and to enhance the environment by minimizing the adverse effects of aviation in the national parks.

**Summary of Legal Basis:** The FAA has broad authority and responsibility to regulate the operation of aircraft and the use of the airspace and to establish safety standards for and regulate the certification of airmen, aircraft, and air carriers. (49 U.S.C. 40101 et seq.) The FAA also has responsibility to protect persons and property on the ground. The President's Memorandum of April 22, 1996, directed the FAA, working with the National Park Service, to issue a notice of proposed rulemaking for the management of sightseeing aircraft in those National Parks where it is deemed necessary to reduce or prevent the adverse effects of noise from such aircraft. Finally, title VIII of Public Law 106-181, National Parks Air Tour Management Act of 2000 gives the FAA the authority to minimize, mitigate or prevent the adverse effect of aircraft over national parks.

**Alternatives:** During its working sessions, the working group considered a variety of criteria for defining an air tour, various triggering events for determining which parks are at risk, and various means for the NPS and FAA to work together to develop an air tour management plan.

**Anticipated Cost and Benefits:** Undetermined.

**Risks:** This rulemaking addresses the risk of destruction of valuable national resources and the right to enjoy the natural quiet in our national parks. At the same time, taking this risk has to be balanced against any potential safety problems that restrictions on overflights might create. Both the National Park Service and FAA are confident that a solution can be reached whereby all visitors to the park may be accommodated through an agreed upon park airspace management plan.

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**Timetable:**

Action	Date	FR Cite
ANPRM	03/17/94	59 FR 12740
ANPRM Correction	04/01/94	59 FR 15350
ANPRM Comment Period End	06/15/94	
Comment Period End	06/20/94	59 FR 31883
07/15/94		
Notice of Public Meeting	06/06/97	62 FR 31187
Notice of Public Meeting	04/07/98	63 FR 17040
Disposition of Comments	04/09/99	64 FR 17293
NPRM	04/27/01	66 FR 21264
NPRM Comment Period End	06/11/01	
Final Action	05/00/02	

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

**Additional Information:** Refer to 1999 Regulatory Plan entry RIN 2120-AF93, Airspace Management: Special Flight Rules in the Vicinity of the Grand Canyon and also RIN 2120-AG11, Special Flight Rules in the Vicinity of the Rocky Mountain National Park. Project Number: ARM-97-318A

**Agency Contact:** Howard Nesbitt, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 493-4981

**RIN:** 2120-AF46**1858. REVISED PRECISION APPROACH LANDING SYSTEMS POLICY****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This statement announces the FAA's proposed policy for acquisition, installation, maintenance, and decommissioning of the instrument landing system (ILS) and the microwave landing system (MLS) during the transition to the global positioning system (GPS). The policy statement of December 1989 announced the transition from the ILS to the MLS for precision approach service in the National Airspace System. Since that time, advancement of GPS-based landing system technology has

provided a more economical means of providing approach services.

**Timetable:**

Action	Date	FR Cite
Policy Statement	12/27/89	54 FR 53231
Policy Statement	05/00/02	

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

**Agency Contact:** Michael Wedge, Airway Facilities Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-7848

**RIN:** 2120-AG16**1859. +SCREENING OF CHECKED BAGGAGE ON FLIGHTS WITHIN THE UNITED STATES****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 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 108**Legal Deadline:** None

**Abstract:** The FAA is proposing the screening or bag matching of passenger checked baggage on domestic flights by utilizing an FAA-approved Computer Assisted Passenger Screening (CAPS) system. This is in response to a recommendation from the White House Commission on Aviation Safety and Security (the Commission) "Final Report to President Clinton." The Commission recommended that one of the steps that should be taken to improve airline passenger security is the implementation by the FAA of a computerized system for profiling airline passengers flying out of airports located in the United States. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/99	64 FR 19220

Action	Date	FR Cite
Correction	05/03/99	64 FR 23554
Correction	05/28/99	64 FR 28945
Comment Period Extended	06/11/99	64 FR 31686
NPRM Comment Period End	06/18/99	
Comment Period End	08/17/99	
Final Action	05/00/02	

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

**Agency Contact:** Lon M. Siro, Aviation Security Specialist, Department of Transportation, Federal Aviation Administration, ACP-100, 800 Independence Avenue SW, Office of Civil Aviation Security Policy and Planning, Washington, DC 20591 Phone: 202 267-8058

**RIN:** 2120-AG51**1860. +POLICY REGARDING AIRPORT RATES AND CHARGES****Priority:** Other Significant**Legal Authority:** 49 USC 47129**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** A statement of policy, Policy Regarding Airport Rates and Charges (Policy Statement), which was required by Congress as part of the DOT Authorization Act of 1994, was published in the Federal Register (61 FR 31994) on June 21, 1996. That Policy Statement announced DOT and FAA policy on the fees charged by federally assisted airports to air carriers and other aeronautical users. This proposed action requests comments on replacement provisions for the portions of the Policy Statement vacated by the United States Court of Appeals for the District of Columbia Circuit. The Court disallowed a portion of the policy that had to do with historic cost valuation of airport property. DOT and FAA are beginning this proceeding in order to carry out their responsibility to establish reasonableness guidelines for airport fees. This policy is significant due to substantial industry interest.

**Timetable:**

Action	Date	FR Cite
Advance Notice of Proposed Policy	08/12/98	63 FR 43228
Comment Period End	10/13/98	

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Action	Date	FR Cite
Comment Period Extended	12/22/98	63 FR 70834
Comment Period End	01/31/99	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

**Additional Information:** Cite per reference in Abstract paragraph, United States Court of Appeals for the District of Columbia Circuit in *Air Transport Association of America v. Department of Transportation*, 119 F.3d 38 (D.C. Cir. 1997), as modified on rehearing, Order of Oct. 15, 1997. Previous RIN for the Policy Statement published in the Federal Register is 2120-AF90.

**Agency Contact:** Barry Molar, Manager, Airport Compliance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3446

**RIN:** 2120-AG58

**1861. REVISION OF BRAKING SYSTEMS AIRWORTHINESS STANDARDS TO HARMONIZE WITH EUROPEAN AIRWORTHINESS STANDARDS FOR TRANSPORT CATEGORY AIRPLANES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action proposes to revise the airworthiness standards for transport category airplanes to harmonize braking systems design and test requirements with standards proposed for the European Joint Aviation Requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/99	64 FR 43570
Correction	08/20/99	64 FR 45589
NPRM Comment Period End	11/08/99	
SNPRM	12/18/00	65 FR 79278
SNPRM Comment Period End	02/16/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-98-302A.

ANALYSIS: Regulatory Evaluation, 08/10/99, 64 FR 43570

**Agency Contact:** Mahinder K. Wahi, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, VA 98055  
Phone: 425 227-2142

**RIN:** 2120-AG80

**1862. +CERTIFICATION OF SCREENING COMPANIES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44707; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44905; 49 USC 44906; 49 USC 44907; 49 USC 44913 to 44914

**CFR Citation:** 14 CFR 108; 14 CFR 109; 14 CFR 111; 14 CFR 129

**Legal Deadline:** None

**Abstract:** This action will require that all companies that perform aviation security screening be certificated by the FAA and meet enhanced requirements. This action is in response to a recommendation by the White House Commission on Aviation Safety and Security and to a Congressional mandate in the Federal Aviation Reauthorization Act of 1996. The action is intended to improve the screening of passengers, accessible property, checked baggage, and cargo, and to provide standards for consistent high performance and increased accountability of screening companies. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/00	65 FR 560
NPRM Comment Period End	04/04/00	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ACP-98-299R.

ANALYSIS: Regulatory Evaluation, 01/05/2000, 65 FR 560

**Agency Contact:** Scott Cummings, Office of Civil Aviation Security Policy and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-3946

**RIN:** 2120-AG84

**1863. +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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/99	64 FR 63139
NPRM Comment Period End	12/20/99	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** George Kaseote, Policy and Procedures Branch, Aircraft Certification Service, Department of

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Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-8541

RIN: 2120-AG87

#### 1864. +TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEMS

**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 129

**Legal Deadline:** None

**Abstract:** This action proposes to require the installation and use of a traffic alert and collision system (TCAS) on certain cargo airplanes. Current regulations do not require TCAS installation on all-cargo airplanes. However, because the air cargo industry has experienced rapid growth and is increasingly sharing air space with other air carriers, the FAA is proposing this action to minimize the possibility of midair collisions involving cargo airplanes. This rulemaking proposes that affected airplanes be equipped with TCAS II, or another approved traffic alert and collision avoidance system, as appropriate, no later than October 31, 2003. This action is significant because of substantial public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	11/01/01	66 FR 55506
NPRM Comment Period End	12/31/01	
Final Action	12/00/02	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project No. AFS-98-314R

**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-AG90

#### 1865. +IMPROVED FLAMMABILITY STANDARDS FOR THERMAL/ACOUSTIC INSULATION MATERIALS USED IN TRANSPORT CATEGORY AIRPLANES

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This document proposes upgraded flammability standards that specifically address flame propagation and entry of an external fire into the airplane (burnthrough) under realistic fire scenarios. The proposed standards are intended to reduce the incidence and severity of cabin fires, particularly those ignited in inaccessible areas where thermal/acoustic insulation materials are typically installed. Also the proposed standards would provide an increased level of safety with respect to post-crash fires by delaying the entry of such a fire into the cabin, thereby providing additional time for evacuation and enhancing survivability. The new standards would apply to new type designs, and newly manufactured airplanes entering parts 91, 121, 125, and 135 service. This action is significant because of substantial public interest.

**Statement of Need:** Service history and laboratory testing demonstrate that the current flammability requirements applicable to thermal/acoustic insulation materials may not be providing the intended protection against the spread of fires. Additionally, the FAA considers that increased protection against external fire penetrating the fuselage can be provided by proper selection of the same material. These new test methods would not only provide for increased in-flight fire safety, by reducing the flammability of thermal/acoustic insulation blankets, but would provide increased time for evacuation during externally fed, post crash fires by increasing fuselage burnthrough resistance.

**Summary of Legal Basis:** 49 USC 4401 empowers the Administrator to prescribe regulations and minimum standards in the interest of safety for aircraft and equipment.

**Alternatives:** The FAA considered several options to identify the least

intrusive and most cost effective alternative to increase the level of safety for insulation materials. The alternatives considered were as follows: (1) Utilize the industry test instead of the requirements proposed; this would not screen out certain types of materials shown to propagate a fire under more realistic conditions, but would screen out the worst performers. (2) Limit replacement of insulation materials to only certain parts of the airplane; it is not feasible to specify areas of the airplane that are more crucial than others. This would be an economic consideration that would not address safety issues. (3) Change the effectivity or compliance times to reduce the number of airplanes affected; the proposal will be designed to optimize costs versus benefits in this regard. Changes to either would be less than optimal. (4) Propose some combination of the above. Other combinations would either reduce the level of safety or be less cost-effective.

**Anticipated Cost and Benefits:** The total cost of this rule is \$68.0 million, or \$36.5 million discounted to present value if only blanket material changes are made to the aircraft. If manufacturers need to make configuration changes to the aircraft as well as material changes to their drawings, the FAA estimates that total costs would be \$103.1 million or \$68.2 million discounted to present value. The FAA is unable to quantify the benefits for this rule. However, preventing the loss of one airplane and its passengers over the 20-year period is not likely. Assuming such a loss would occur at the midpoint of the analysis, or in 2009, with 169 passengers, the nondiscounted loss would be \$455.5 million, or \$231.5 million discounted to present value (again, assuming society's willingness to pay \$2.7 million to avoid a fatality). This loss does not include the value of the airplane. Even without loss of life, as several of the incidents show, a hull loss could exceed tens of millions of dollars. The FAA therefore has determined that this proposed rule would be cost beneficial.

**Risks:** The FAA is aware of several events in which the flammability characteristics of thermal/acoustic insulation material may have been a contributing factor of airplane fires. The FAA initiated investigations and research to determine the appropriateness of applying existing

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Bunsen burner flammability criteria to thermal/acoustic insulation, as typically installed in concealed and inaccessible areas. This rule is necessary to decrease the risk of fires on airplanes and to improve airplane fire safety.

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/00	65 FR 56992
NPRM Comment Period End	01/18/01	
Final Rule	05/00/02	

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

**Additional Information:** Project Number: ANM-99-086R.

**ANALYSIS:** Regulatory Evaluation, 04/00/01

**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-AG91

### 1866. FIRE PROTECTION OF ELECTRICAL SYSTEM COMPONENTS ON TRANSPORT CATEGORY AIRPLANES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26964
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

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

**Government Levels Affected:** None

**Agency Contact:** Mahinder Wahi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2589

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

**RIN:** 2120-AG92

### 1867. +CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS (SECTION 610 REVIEW)

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

**Legal Authority:** 42 USC 7572; 49 USC 106(g); 49 USC 40101; 49 USC 40103; 49 USC 40109; 49 USC 40113; 49 USC 44110; 49 USC 44502; 49 USC 44701; 49 USC 44702; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715

**CFR Citation:** 14 CFR 21

**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 certificated 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
Review To Be Completed	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

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

**RIN:** 2120-AG93

### 1868. +CERTIFICATION OF AIRPORTS

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 121; 14 CFR 139

**Legal Deadline:** None

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

**Statement of Need:** The last major revision to the airport certification regulation occurred in 1987, and since then, industry practices, and technology have changed. To respond to such changes, the FAA is proposing

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to revise the regulation to clarify and update several requirements. Additionally, with the passage of the 1996 FAA Reauthorization Act, Congress provided the FAA the necessary authority to certificate airports serving scheduled air carrier operations with 10 to 30 seat aircraft, except in the State of Alaska (in addition to existing authority to regulate airports serving air carrier operations using aircraft with more than 30 seats). To achieve a comparable level of safety at all covered airports, FAA now proposes to exercise this authority and amend the regulation to incorporate airports serving smaller air carrier aircraft into the FAA's airport certification program. Also, the 2000 FAA Reauthorization Act (P.L. 106-181) mandates publication of the NPRM within 60 days of the Act's enactment; and publication of the final rule within one year of the close of comment period for airports serving smaller air carrier aircraft.

**Summary of Legal Basis:** FAA has general and specific authority to regulate airports as set out in 49 USC 106(g) and 44701.

**Alternatives:** The FAA has considered several alternative approaches to this proposed rulemaking and has attempted to minimize the potential economic impact of the proposal, especially the impact on small entities. In addition, this action fulfills the FAA's responsibility to meet deadlines established by Congress to certificate airports serving scheduled air carrier operations with 10 to 30 seat aircraft, except for the State of Alaska. The FAA considered alternatives based on two issues. Issue 1 was the revision of 14 CFR 139, and Issue 2 was the certification of airports serving scheduled operations of small air carrier aircraft with 10-30 passenger seats. The FAA determined that it was necessary to revise 14 CFR 139 and that the revised part 139 should include the certification of airports serving scheduled air carrier operations with 10 to 30 passenger seat aircraft.

**Anticipated Cost and Benefits:** Most of the costs of this proposed rule are associated with the proposed improvements to safety and operational requirements. Most of these costs result from the expansion of ARFF services. The present value of the total cost of the rule over a 10-year period is approximately \$46 million, which

includes training, additional emergency response protection, wildlife management, and an updated airport certification manual that better reflects current best practices. With the tremendous cost of aviation accidents, the proposed rule provides the potential for enhanced safety for a reasonable cost. The expected benefit of this proposed rule is an enhanced level of safety resulting in reduced fatalities, injuries, and property damage at airports with scheduled air carrier operations, particularly operations in aircraft configured with 10 to 30 passenger seats. The cost of a single accident of a 30-seat scheduled passenger aircraft is greater than the total cost of the proposal. Other benefits of this proposal include provisions for snow and ice control, wildlife management, and training.

**Risks:** The purpose of this rulemaking is to expand and enhance the safety benefits of the current regulation by providing, to the extent possible, a comparable level of safety at all airports used by air carriers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/00	65 FR 38636
Correction	08/21/00	65 FR 50669
NPRM Comment Period Extended	08/22/00	65 FR 50945
NPRM Comment Period End	09/19/00	
NPRM Comment Period End	11/03/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

ANALYSIS: Regulatory Evaluation, 06/21/00

**Agency Contact:** Linda Bruce, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8553

**RIN:** 2120-AG96

**1869. SPECIAL FLIGHT RULES IN THE VICINITY OF GRAND CANYON NATIONAL PARK**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44704; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 48528 to 47531

**CFR Citation:** 14 CFR 91; 14 CFR 93; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action will further postpone the effective date for the flight-free zones, Special Flight Rules Area, and corridors portions of the December 31, 1996, Grand Canyon final rule until January 31, 2001. The FAA finds that this rule is needed so that it may issue new regulations that will substantially restore natural quiet to the Grand Canyon National Park.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	01/31/00	
Final Rule; Request for Comments	02/03/00	65 FR 5396
Comment Period End	03/06/00	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Reginald C. Matthews, Office of Air Traffic Airspace Management, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591 Phone: 202 267-8783

**RIN:** 2120-AG97

**1870. NOISE CERTIFICATION STANDARDS FOR SUBSONIC JET AIRPLANES AND SUBSONIC TRANSPORT CATEGORY LARGE AIRPLANES**

**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

**CFR Citation:** 14 CFR 36

**Legal Deadline:** None

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**Abstract:** This action proposes changes to the noise certification standards for subsonic jet airplanes and subsonic transport category large airplanes. These proposed changes are based on the joint effort of the FAA, the European Joint Aviation Authorities (JAA), and Aviation Rulemaking Advisory Committee (ARAC), to harmonize the U.S. noise certification regulations and the European Joint Aviation Requirements for subsonic jet airplanes and subsonic transport category large airplanes. These proposed changes would provide nearly uniform noise certifications standards for airplanes certificated in the U.S. and in the JAA countries. The harmonization of the noise certification standards would simplify airworthiness approvals for import and export purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/00	65 FR 42796
NPRM Comment Period End	10/10/00	
Final Action	08/00/02	

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

**Agency Contact:** James Skalecky, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration  
Phone: 202 267-3699

**RIN:** 2120-AH03**1871. +FRACTIONAL OWNERSHIP****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 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 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

**CFR Citation:** 14 CFR 61; 14 CFR 91; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** The FAA proposes to update and revise the regulations governing operations by aircraft in fractional

ownership programs. Current regulations do not adequately define fractional ownership programs nor clearly allocate responsibility and authority for safety and compliance with the regulations. This proposal will define fractional ownership programs and their participants, allocate responsibility and authority for safety of flight operations for purposes of compliance with the regulations, and ensure that fractional ownership program aircraft operations maintain a high level of safety. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/01	66 FR 37520
NPRM Comment Period End	10/16/01	
Final Action	05/00/02	

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

**Agency Contact:** Katherine Hakala Perfetti, Flight Standards Service, Department of Transportation, Federal Aviation Administration  
Phone: 202 267-3760

**RIN:** 2120-AH06**1872. 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	08/00/02	

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

**Additional Information:** Project Number: AEE-94-367A.

**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**1873. ALCOHOL AND ANTIDRUG MISUSE PREVENTION PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES****Priority:** Substantive, Nonsignificant

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

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

**Abstract:** This action proposes to eliminate the need for approval by FAA of antidrug program and alcohol misuse prevention program plans and delete periodic drug testing requirement, and change the pre-employment testing requirements to require pre-hire rather than preemployment drug testing. This proposal will also make other minor or terminological changes to the regulations. The FAA believes that changing or eliminating these requirements would not compromise safety and would lessen a burden on the regulated public.

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/01	66 FR 21492

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Action	Date	FR Cite
NPRM Comment Period End	06/14/01	
Final Action	05/00/02	

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

**Agency Contact:** Diane Wood, Acting Manager, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 366-6710

**RIN:** 2120-AH15**1874. REVISION TO AIRSPEED INDICATING SYSTEM REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action amends the airworthiness standards for transport category airplanes concerning the airspeed indicating system. This rule adds airspeed indication requirements for speeds greater than and less than the speed range for which airspeed indication accuracy requirements currently apply, would add a requirement that airspeed indications not cause the pilot undue difficulty between the initiation of rotation and the achievement of a steady climbing condition during takeoff, and would also add a requirement to limit the effects of airspeed lag. Adopting this rulemaking eliminates a regulatory difference 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	05/15/01	66 FR 26948
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

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

**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-4056

**RIN:** 2120-AH26**1875. ELECTRICAL INSTALLATION, NICKEL CADMIUM BATTERY INSTALLATION, AND NICKEL CADMIUM BATTERY STORAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/01	66 FR 27582
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

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

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

**RIN:** 2120-AH27**1876. DESIGN AND INSTALLATION OF ELECTRONIC EQUIPMENT ON TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26956
NPRM Comment Period End	07/16/01	
Final Action	12/00/02	

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

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

**RIN:** 2120-AH28**1877. ELECTRICAL CABLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701; 49 USC 44702; 49 USC 44704**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This rule amends the airworthiness standards for transport category airplanes concerning electrical cables. This action harmonizes part 25 and JAR-25 requirements concerning cable installations and clarify the cable

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design requirements ensuring that the designer considers the critical conditions, routings, and markings of a proper installation. This rulemaking eliminates regulatory differences between the airworthiness standards of the United States and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/01	66 FR 26942
NPRM Comment Period End	07/16/01	
Final Action	11/00/02	

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

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

**RIN:** 2120-AH29**1878. LOWER DECK SERVICE COMPARTMENTS ON TRANSPORT CATEGORY AIRPLANES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40113**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action proposes to require that two-way voice communication systems between lower deck service compartments and the flight deck remain available following loss of the normal electrical power generating system. Adopting this proposal would 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	01/24/02	67 FR 3456
NPRM Comment Period End	03/25/02	
Final Action	07/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-554.

**Agency Contact:** Jayson Claar, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue, SW  
Phone: 425 227-2194

**RIN:** 2120-AH38**1879. TRANSITION TO AN ALL STAGE 3 FLEET OPERATING IN THE 48 CONTIGUOUS UNITED STATES AND THE DISTRICT OF COLUMBIA****Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506; 49 USC 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 487531

**CFR Citation:** 14 CFR 91**Legal Deadline:** None

**Abstract:** This final rule removes outdated language, revises several sections, and adds one new section to the noise operating regulations. Some revisions are a result of recent statutory changes to the Airport Noise and Capacity Act. The new section defines specific filing procedures and criteria for special flight authorizations. These revisions will make the noise operating regulations consistent with recent statutory provisions.

**Timetable:**

Action	Date	FR Cite
Final Rule; Request for Comments	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: AEE-00-159.

**Agency Contact:** Laurie Fisher, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591

Phone: 202 267-3561

**RIN:** 2120-AH41**1880. 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 U.S. 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; Request for Comments	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: AEE-01-134.

**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-AH42**1881. • DFDR RESOLUTIONS 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 to 44702; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44722; 49 USC 44901; 49 USC 44903 to 44904; 49 USC 44912; 49 USC 46105; 49 USC 44113

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

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**Legal Deadline:** None

**Abstract:** This action allows operators of specified airplanes to operate those airplanes under parts 121, 125, or 135 without meeting the resolution requirements for certain parameters of information recorded by flight data recorders. This action is needed to allow operators of these airplanes to continue operating these airplanes with their current recording capabilities until the FAA is able to determine the appropriate remedy for this problem.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	08/17/01	
Final Rule; Request for Comments	08/22/01	66 FR 44270
Comment Period End	09/21/01	
Final Action	05/00/02	

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

**Additional Information:** Project Number: AFS-01-551-E.

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

**RIN:** 2120-AH46**1882. • +CRIMINAL HISTORY BACKGROUND CHECKS****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44701 to 44702; 49 USC 44706; 49 USC 44901 to 44905; 40 USC 44907; 49 USC 44913 to 44914; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 107; 14 CFR 108**Legal Deadline:** None

**Abstract:** This rule requires each airport operator and aircraft operator that has adopted a security program under part 107 and part 108, respectively, to conduct fingerprint-based criminal history record checks for individuals if they have not already undergone criminal history record checks. This rule will ensure that individuals in these positions do not have disqualifying criminal offenses. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Rule; Request for Comments	12/06/01	66 FR 63473
Final Rule Effective	12/06/01	
Comment Period End	01/07/02	
Comment Period Reopened	01/25/02	67 FR 3810
Comment Period End	03/11/02	
Final Action	05/00/02	

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

**Agency Contact:** Linda Valencia, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3413

**RIN:** 2120-AH53**1883. • ENDURING FREEDOM SPECIAL FEDERAL AVIATION REGULATION (SFAR)****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427

**CFR Citation:** 14 CFR 61; 14 CFR 63; 14 CFR 65**Legal Deadline:** None

**Abstract:** The FAA is issuing a Special Federal Aviation Regulation (SFAR) that allows Flight Standards District Offices (FSDO) to accept expired flight instructor certificates and inspection authorizations for renewals from civilian and military personnel who serve in Operation Enduring Freedom. The effect of this action is to give these airmen extra time to meet certain eligibility requirements in the current rules.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/00/02	

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

**Agency Contact:** John Lynch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591

Phone: 202 267-3844

**RIN:** 2120-AH58**1884. • +SCREENERS, QUALIFICATIONS, TRAINING, AND TESTING****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 5103; 49 USC 40104 to 40105; 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44701 to 44702; 49 USC 44705 to 44706; 49 USC 44712; 49 USC 44716 to 44717; 49 USC 44722; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44935 to 44936; 49 USC 46105

**CFR Citation:** 14 CFR 108; 14 CFR 129; 14 CFR 191**Legal Deadline:** None

**Abstract:** This final rule provides additional qualifications, training, and testing of individuals who screen persons and property that are carried in passenger aircraft. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/00/02	

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

**Agency Contact:** Scott Cummings, Office of Civil Aviation Security, Policy, and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951  
Phone: 202 267-3413

**RIN:** 2120-AH59**1885. • PROCEDURES FOR REIMBURSEMENT OF AIRPORTS, ON-AIRPORT PARKING LOTS AND VENDORS OF ON-AIRFIELD DIRECT SERVICES TO AIR CARRIERS FOR SECURITY MANDATES****Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-71; 115 Stat. 597

**CFR Citation:** 14 CFR 154**Legal Deadline:** None

**Abstract:** The FAA is proposing procedures for certain operators to apply for reimbursement of allowable

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costs incurred to comply with certain security requirements imposed by the FAA or Transportation Security Administration on or after September 11, 2001. These procedures are needed to inform airport operations, on-airport parking lots, and vendors of on-airfield direct services to air carriers how to apply for reimbursement of allowable costs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/01	66 FR 66238
NPRM Comment Period End	01/22/02	
Final Action	05/00/02	

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

**Agency Contact:** Barry Molar, Manager, Airport Compliance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591

Phone: 202 267-3446

RIN: 2120-AH60

**1886. • +ENHANCED SECURITY PROCEDURES FOR OPERATIONS AT CERTAIN AIRPORTS****Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 40101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

**CFR Citation:** 14 CFR 91**Legal Deadline:** None

**Abstract:** This rule requires any person operating an aircraft to or from College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field to conduct those operations in accordance with security procedures approved by

the Administrator. This action is being taken to restore aircraft operations at these airports while attempting to counter possible terrorist threats to the National Capital region. This action is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	02/13/02	
Final Rule; Request for Comments	02/19/02	67 FR 7538
Comment Period End	04/22/02	
Final Action	06/00/02	

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

**Agency Contact:** Bruce Landry, Office of Civil Aviation Security Policy, and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-8320

RIN: 2120-AH62

**Department of Transportation (DOT)  
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**1887. +FUEL SYSTEM VENT FIRE PROTECTION****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 44704; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44721; 49 USC 44722; 49 USC 44901

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 135**Legal Deadline:** None

**Abstract:** This action would amend the airworthiness standards for transport category airplanes to require fuel vent system protection during post-crash ground fires. This proposed rule would apply to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes. This action is considered significant because of substantial public interest and the safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	
NPRM	02/02/95	60 FR 6632
NPRM Comment Period End	06/02/95	
Next Action	Undetermined	

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

**Additional Information:** Docket 24251. Formerly entitled Implementation of SAFER Propulsion System Recommendations. Project Number: ANM-82-050R.

**ANALYSIS:** Regulatory Evaluation, 02/02/95, 60 FR 6632

**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-AA49

**1888. LOW FUEL QUANTITY ALERTING SYSTEM****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** This action would amend the airworthiness standards for transport category airplanes to require a means to alert the flight crew of potentially unsafe low fuel quantities. There have been several fuel depletion incidents involving loss of power or thrust on all engines that could have resulted in forced landings and injury or loss of life. Most of these incidents resulted from improper fuel management techniques. This proposed amendment would require new transport category airplane designs to incorporate a low fuel quantity alert system that would allow for correction of certain fuel

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management errors or provide the flight crew the opportunity to make a safe landing prior to engine fuel starvation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. 25213. Project Number: ANM-83-039R.

ANALYSIS: Regulatory Evaluation, 05/12/87, 52 FR 17890

**Agency Contact:** Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2112

**RIN:** 2120-AB46

**1889. INSTALLATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** NPRM, Statutory, February 3, 1989.

**Abstract:** This preliminary action was initiated to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture resistant and which disconnect and seal in the event of an accident. This notice solicited public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM Comment Period End	10/30/89	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-89-005R.

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

**RIN:** 2120-AC87

**1890. +DRUG ENFORCEMENT ASSISTANCE**

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 13; 14 CFR 47

**Legal Deadline:** Final, Statutory, September 18, 1989.

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270
NPRM Comment Period End	05/11/90	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project No. AFS-89-035R.

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

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

**RIN:** 2120-AD16

**1891. AIRPLANE ENGINE COWLING RETENTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action would amend the airworthiness standards for transport category airplanes to require improved cowling retention devices. A review of a number of inflight incidents where engine cowlings were lost revealed that the largest single cause of such losses was improper latching of the cowlings. If adopted, this proposal would provide additional design standards to detect improperly latched cowlings and ensure the integrity of the latching system.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/89	54 FR 38610
NPRM Comment Period End	03/19/90	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-87-004R.

**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-AD34

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**1892. TYPE CERTIFICATES FOR SOME SURPLUS AIRCRAFT OF THE ARMED FORCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7572; 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 44713; 49 USC 44715; 49 USC 45303**CFR Citation:** 14 CFR 21**Legal Deadline:** None

**Abstract:** Following World War II, a substantial number of surplus military airplanes were offered for sale to the public in order to meet an increased demand for civilian-use aircraft not being met by the civil aircraft industry. The current regulation permits both type and airworthiness certification for surplus military aircraft based on the particular aircraft's safety record and condition. As military aircraft have become increasingly complex and sophisticated, that practice is no longer acceptable. This action would remove the regulations for issuing type certificates for these surplus aircraft and eliminate references to obsolete standards. Surplus military aircraft would still be certificated in the normal, utility, acrobatic, commuter, transport, and restricted categories upon compliance with the applicable regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/94	59 FR 19114
NPRM Comment Period End	06/20/94	
Comment Period End	07/07/94	59 FR 34779
08/26/94		
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Additional Information:** Project Number: AIR-91-354R.

ANALYSIS: Regulatory Evaluation, 04/21/94, 59 FR 19114

**Agency Contact:** Brian Yanez, Policy and Procedures Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591

Phone: 202 267-6561

**RIN:** 2120-AE41**1893. +AIRCRAFT GROUND DEICING AND ANTI-ICING PROGRAM****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**Legal Deadline:** None

**Abstract:** This action establishes a requirement for part 121 certificate holders to develop an FAA-approved ground deicing/anti-icing program and to comply with that program any time conditions are such that frost, ice, or snow could adhere to the aircraft's wings, control surfaces, or propellers. This action is necessary because several accidents and the recent International Conference on Airplane Ground Deicing indicate that, under present procedures, the pilot in command may be unable to effectively determine whether critical airplane components are free of all frost, ice, or snow prior to attempting a takeoff. The action provides an added level of safety to flight operations in adverse weather conditions, and is considered significant because of its safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/92	57 FR 32846
NPRM Comment Period End	08/07/92	
Interim Final Rule	09/29/92	57 FR 44924
Interim Final Rule Effective	11/01/92	
Interim Final Rule Correction	11/09/92	57 FR 53385
Interim Final Rule Comment Period End	04/15/93	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AFS-92-280-R.

A proposed advisory circular providing guidance on the program elements that

should be included in an air carrier's approved ground deicing and anti-icing program was published September 29, 1992, requesting comments (57 FR 44944).

Various documents of this proceeding were erroneously published under RIN 2120-AE51.

ANALYSIS: Regulatory Evaluation, 09/29/92, 57 FR 44924

**Agency Contact:** James Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9579**RIN:** 2120-AE70**1894. 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	
Next Action Undetermined		

**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

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comments on the NPRM issued in 8/94, and the lack of controversy regarding this rule, the FAA does not consider this a significant rulemaking.

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

**Agency Contact:** Joyce Redos, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7158

**RIN:** 2120-AE84

### 1895. +TRAINING AND CHECKING IN GROUND ICING CONDITIONS

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44710 to 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716 to 44717; 49 USC 44722

**CFR Citation:** 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This amendment requires parts 125 and 135 certificate holders to provide pilot training or testing in ground deicing/anti-icing procedures and to check the airplane for contamination by frost, ice, or snow during ground icing conditions. The proposal is intended to provide an added level of safety to flight operations in adverse weather conditions under parts 125 and 135. This rulemaking is significant because it affects a substantial portion of the aviation industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/93	58 FR 49164
NPRM Comment Period End	10/06/93	
Interim Final Rule	12/30/93	58 FR 69620
Advisory Circular Published	12/30/93	58 FR 69631
Interim Final Rule Effective	01/31/94	58 FR 69620
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-93-459R

ANALYSIS: Regulatory Evaluation, 12/30/93, 58 FR 69620

**Agency Contact:** James Gardner, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-9579

**RIN:** 2120-AF09

### 1896. 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	
Next Action Undetermined		

**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

**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

### 1897. BIRD STRIKE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action proposes to develop or revise requirements for the evaluation of transport category airplane structure for in-flight collision with a bird, including the size of the bird and the location of the impact on the airplane. These changes are intended to harmonize the bird strike requirements of the FAR and the Joint Aviation Requirements.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-93-762A. This is an Aviation Rulemaking Advisory Committee project.

**Agency Contact:** Bill Perrella, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2116

**RIN:** 2120-AF80

### 1898. +SECURITY PROGRAMS OF FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S. REGISTERED AIR CARRIERS ENGAGED IN COMMON CARRIAGE

**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; 49 USC 44901 to 44904; 49 USC 44906

**CFR Citation:** 14 CFR 129

**Legal Deadline:** None

**Abstract:** As an action intended to implement the Antiterrorism and

## DOT—FAA

## Long-Term Actions

Effective Death Penalty Act of 1996 (PL 104-132, 4/14/96), the FAA is proposing to amend existing airplane operator security rules for foreign air carriers and foreign operators of U.S. registered aircraft. The proposed amendment would require the Administrator to accept a foreign air carrier's program only if the Administrator finds that the security program provides for identical security measures to those provided by U.S. air carriers serving the same airport. The proposed rule will establish the obligation to use identical security measures. The actual measures to be used will be identified through changes to the nonpublic security program of the foreign air carriers. This rule is considered significant due to substantial public interest and concern of foreign governments.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/98	63 FR 64764
Notice of Public Meeting	11/23/98	63 FR 64764
Second NPRM	03/22/99	64 FR 13880
NPRM Comment Period End	03/23/99	
Second NPRM Comment Period End	05/24/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Project Number: ACP-96-363R.

**Agency Contact:** Moira Lozada, Civil Aviation Security Division, Office of Civil Aviation Security Policy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-3373

**RIN:** 2120-AG13

### 1899. +PROHIBITION OF THE TRANSPORTATION OF DEVICES DESIGNED AS CHEMICAL GENERATORS AS CARGO IN AIRCRAFT

**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; 49 USC 44722; 49 USC 46301

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

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to ban the transportation of devices designed to chemically generate oxygen in certain aircraft, with limited exceptions. This proposed ban applies to newly manufactured chemical oxygen generators that have never been filled with chemicals. It would also apply to devices designated as chemical oxygen generators that have been discharged (spent) or that are past their expiration dates. The FAA believes that newly manufactured chemical oxygen generators might be manufactured in one location and transported to another location to be filled. This could lead to human factors errors in determining whether the device designed as a chemical oxygen generator is actually empty.

In a final rule effective March 1, 2000, the Research and Special Programs Administration (RSPA) prohibited the transportation on an aircraft of a "spent" chemical oxygen generator, i.e., a generator whose means of ignition and all or a part of its chemical contents have been expended. (See RIN 2137-AC92)

This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/98	63 FR 45912
Correction	09/24/98	63 FR 51048
NPRM Comment Period End	10/26/98	
Correction	11/10/98	63 FR 69276
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Project Number: AFS-97-065R

**ANALYSIS:** Regulatory Evaluation, 08/27/98, 63 FR 45912

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

**RIN:** 2120-AG35

### 1900. +REVISED STANDARDS FOR CARGO OR BAGGAGE COMPARTMENTS IN TRANSPORT CATEGORY AIRPLANES

**Priority:** Other Significant

**Legal Authority:** 49 USC 44715 to 44717; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44704; 49 USC 44705; 49 USC 44711 to 44713

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action upgrades the fire safety standards for cargo or baggage compartments in certain transport category airplanes by eliminating Class D compartments altogether. Compartments that could no longer be designated as Class D would have to meet the standards for Class C or Class E compartments, as applicable. Certain other transport category airplanes that would not have to meet these new standards for type certification would have to meet them for use in air carrier, commuter, on-demand, or commercial service. These improved standards are needed to increase protection from possible in-flight fires. This rulemaking is considered significant because of the safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/97	62 FR 32412
NPRM Comment Period End	09/11/97	
Final Rule Request for Comments	02/17/98	63 FR 8032
Final Rule Effective	03/19/98	
Final Rule Comment Period End	06/17/98	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-97-009R

**ANALYSIS:** Regulatory Evaluation, 06/13/97, 62 FR 32412

**Regulatory Evaluation,** 02/17/98, 63 FR 8032

**Agency Contact:** Mahinder Wahi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055-4056  
Phone: 425 227-2589

**RIN:** 2120-AG42

## DOT—FAA

## Long-Term Actions

**1901. 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 U.S. and the Joint Aviation Requirements of Europe, without affecting current industry design practices.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1846
NPRM Comment Period End	03/15/02	
Final Action	07/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Project Number: ANM-00-226.**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056  
Phone: 425 227-4056**RIN:** 2120-AH39**Department of Transportation (DOT)  
Federal Aviation Administration (FAA)**

## Completed Actions

**1902. +FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM****Priority:** Other Significant**Legal Authority:** 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; 49 USC 106(g); 49 USC 40113; 49 USC 40119**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None**Abstract:** This action codifies FAA policy encouraging the voluntary implementation of Flight Operational Quality Assurance (FOQA) programs for the routine analysis of flight data generated during line operations that reveal situations which require corrective action to prevent safety problems. The rule also clarifies the circumstances under which information obtained from voluntary FOQA programs could be used in enforcement actions against air carriers, commercial operators, or airmen. The rule would require air carriers participating in FOQA program to submit aggregate FOQA data to the FAA for use in monitoring safety trends. This rulemaking is significant because of substantial public interest.**Statement of Need:** The primary purpose of a FOQA program is the enhancement of safety. It involves the routine analysis of line operational data to reveal situations that require corrective action and to enable early action before problems occur. Data is collected and aggregated from

numerous operations, which is of more value than the assessment of a single situation or event. A secondary benefit of FOQA is a cost savings to the carriers. The collection of aggregated data may point to certain inefficiencies in operations, such as fuel management.

**Summary of Legal Basis:** The FAA has broad authority and responsibility to regulate the operation of aircraft and the use of the airspace and to establish safety standards for and regulate the certification of airmen, aircraft, and air carriers. Additionally, section 510 of PL 106-181 requires the Administrator to issue a notice of proposed rulemaking proposing "Flight Operations Quality Assurance Rules." The proposed rules in this NPRM respond to section 510 and provide safeguards that will ensure that aviation safety is not compromised.**Alternatives:** One alternative is not to propose such a program. This, however, would mean that the FAA would not be able to collect valuable data that could lead to correction or prevention of safety problems. Another alternative is to obtain the data by other than voluntary means, e.g., monitoring of flight data recorders. This alternative is less desirable since it could lead to an atmosphere of mistrust between the carriers and the FAA. One benefit of FOQA is a communicative and shared interest in safety.**Anticipated Cost and Benefits:** The FAA has determined that the costs associated with this rulemaking would be minimal.**Risks:** The costs associated with this rulemaking would be minimal.**Timetable:**

Action	Date	FR Cite
Policy Statement	12/07/98	63 FR 67505
NPRM	07/05/00	65 FR 41528
NPRM Comment Period End	10/03/00	
Final Action	10/31/01	66 FR 55042
Final Action Effective	11/30/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Project Number: AFS-93-154R**Agency Contact:** Thomas Longridge, Flight Standards Services, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591  
Phone: 202 267-3789**RIN:** 2120-AF04**1903. SAFE DISPOSITION OF LIFE LIMITED AIRCRAFT PARTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 44109; 49 USC 40113 to 40114; 49 USC 44101 to 44105; 49 USC 44107 to 44108; 49 USC 44110 to 44111; 49 USC 44504; 49 USC 44701; 49 USC 44703; 49 USC 44705; 49 USC 45302 to 45303; 49 USC 46104; 49 USC 46304; 49 USC 46306; 49 USC 47122**CFR Citation:** 14 CFR 43; 14 CFR 45**Legal Deadline:** None**Abstract:** This action responds to the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century

## DOT—FAA

## Completed Actions

by proposing that all persons who remove any life-limited aircraft part be required to have a method to prevent the installation of a part that has reached its life limit. Current regulations do not adequately control the disposition of life-limited parts. This action would reduce the risk of life-limited parts from being used beyond their life limits. This final rule also requires that manufacturers of the parts provide marking instructions, when requested.

**Timetable:**

Action	Date	FR Cite
NPRM	10/02/00	65 FR 58879
NPRM Comment Period End	01/30/01	
Final Action	01/15/02	67 FR 2098
Final Action Effective	04/15/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Al Michaels, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7501

RIN: 2120-AH11

**1904. REDUCED VERTICAL SEPARATION MINIMUM IN THE WEST ATLANTIC ROUTE SYSTEM AIRSPACE**

Priority: Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46502; 49 USC 46504; 49 USC 46506 to 46507; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531

CFR Citation: 14 CFR 91

Legal Deadline: None

**Abstract:** This action amends airspace rules where Reduced Vertical Separation Minimum (RVSM) may be applied to include the West Atlantic Route System (WATRS) airspace. RVSM is the reduction of the vertical separation of aircraft from 2,000 feet to 1,000 feet at flight levels (FLs) between FL 290 (29,000 feet) and FL 410 (41,000

feet). RVSM is applied only between aircraft that meet stringent altimeter and autopilot performance requirements. RVSM is currently applied in North Atlantic (NAT) Minimum Navigation Performance Specifications (MNPS) and Pacific airspace.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/00	65 FR 79284
NPRM Comment Period End	02/16/01	
Final Action	12/10/01	66 FR 63888
Final Action Effective	12/10/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Additional Information:** Regulatory Evaluation 12/18/00; 65 FR 79284.

**Agency Contact:** Dave Maloy, Flight Technologies and Procedures Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 866 654-1006

RIN: 2120-AH12

**1905. CIVIL PENALTY INFLATION ADJUSTMENT REVISIONS**

Priority: Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 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; 49 USC 47306; 49 USC 47531 to 47532

CFR Citation: 14 CFR 13

Legal Deadline: None

**Abstract:** This action adjusts for inflation the amount of each statutory civil penalty subject to the Federal Aviation Administration's jurisdiction. This action is issued as a final rule without prior notice and comment because the changes are administrative and required by statute. Also, the immediate adoption of these changes is in the public interest and is necessary for the agency to properly execute its functions.

**Timetable:**

Action	Date	FR Cite
Final Action	02/11/02	67 FR 6364
Final Action Effective	03/13/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Joyce Redos, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
Phone: 202 267-7158

RIN: 2120-AH21

**1906. SECURITY CONTROL OF AIR TRAFFIC**

Priority: Substantive, Nonsignificant

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

CFR Citation: 14 CFR 99

Legal Deadline: None

**Abstract:** This action modifies regulations governing security control of air traffic. Specifically, this action revises the boundaries of the contiguous United States and Alaska air defense identification zones and amends flight plan and communications requirements for those pilots planning flight into, within, or out of any of these zones. This action conforms FAA regulations with Presidential Proclamation No. 5928, supports the Department of Defense in accomplishing its National defense and drug interdiction missions, and assists law enforcement agencies in their efforts to stop the transportation of illegal drugs by aircraft.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/28/01	66 FR 49818
Final Rule Effective	11/13/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Additional Information:** Project Number: ATA-95-294R.

**Agency Contact:** Sheri Edgett Baron, Office of Air Traffic Airspace Management, Department of

## DOT—FAA

## Completed Actions

Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-9354

RIN: 2120-AH25

### 1907. • TEMPORARY EXTENSION OF TIME ALLOWED FOR CERTAIN TRAINING AND TESTING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44113; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44707; 49 USC 44709 to 44711; 49 USC 45102 to 45103; 49 USC 45301 to 45302

**CFR Citation:** 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135; 14 CFR 142

**Legal Deadline:** None

**Abstract:** This final rule extends the time allowed to meet certain qualification requirements. This action will temporarily extend the time allowed to complete the requirements needed to remain qualified or to become qualified to perform certain functions. This action is being taken because the affected persons may not have been able to timely fulfill requirements due to the circumstances in the wake of the September 11, 2001 terrorist attacks.

#### Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/01	
Final Action	10/12/01	66 FR 52278

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kent Stephens, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20951  
Phone: 202 267-9518

RIN: 2120-AH51

### 1908. • +FLIGHTCREW COMPARTMENT ACCESS AND DOOR DESIGNS

**Priority:** Other Significant

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

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action allows airline operators to quickly modify the flightcrew compartment door to delay or deter unauthorized entry to the flightcrew compartment. This action temporarily authorizes variances from existing design standards for the doors and allows for approval for return to service of modified airplanes without prior approved data if the modification constitutes a major alteration. This action is being taken in the wake of the September 11, 2001, terrorist attacks against four U.S. commercial airplanes. This rulemaking is significant because of substantial public interest and safety implications.

#### Timetable:

Action	Date	FR Cite
Final Rule	10/09/01	66 FR 51546
Final Rule Effective	10/09/01	
Final Rule Effective	10/17/01	66 FR 52834

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kimberly Smith, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7424

RIN: 2120-AH52

### 1909. • +FLIGHT CREW DOOR DESIGNS ACCESS

**Priority:** Other Significant

**Legal Authority:** 49 USC 106(g); 49 USC 1153; 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44722; 49 USC 44901; 49 USC 46105

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This rulemaking temporarily authorizes variances from existing design standards for the flightcrew compartment door and allows for approval for return to service of modified airplanes without prior approved data if the modification constitutes a major alteration. This action also clarifies the 90 day and 180 day time frames in earlier versions of this Special Federal Aviation Regulation. This action is significant

because of substantial public interest and safety implications.

#### Timetable:

Action	Date	FR Cite
Final Action	11/21/01	66 FR 58650
Final Action Effective	11/21/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Smith Kimberly, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
Phone: 202 267-7242

RIN: 2120-AH54

### 1910. • +FLIGHT CREWS COMPARTMENT ACCESS AND DOOR DESIGN

**Priority:** Other Significant

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

**Legal Deadline:** None

**Abstract:** This action will allow operators to quickly modify the flightcrew compartment door to delay or deter unauthorized entry to the flightcrew compartment. This action temporarily authorizes variances from existing design standards for the doors and allows for approval for return to service of modified airplanes without prior approved data if the modification constitutes a major alteration. This action further prohibits the possession of flightdeck compartment door keys by other than the flightcrew during flight, unless the flightdeck door has an internal flightdeck locking device installed, operative and in use.

#### Timetable:

Action	Date	FR Cite
Final Rule	01/15/02	67 FR 2112
Final Rule	03/19/02	67 FR 12820
Final Rule Effective	01/15/03	
Final Rule Effective	04/09/03	
	03/19/2002 to	

DOT—FAA

Completed Actions

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Kimberly Smith, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
 Phone: 202 267-7424  
**RIN:** 2120—AH55

**1911. • +SECURITY CONSIDERATIONS IN THE DESIGN OF THE FLIGHTDECK ON TRANSPORT CATEGORY AIRPLANES**

**Priority:** Other Significant  
**Legal Authority:** 31 USC 9701; 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716 to 44717; ...  
**CFR Citation:** 14 CFR 25; 14 CFR 121  
**Legal Deadline:** None

**Abstract:** This action implements two security design requirements governing transport category airplane design. The amendment requires a means to protect the flightdeck from unauthorized intrusion and small arms fire or fragmentation devices. The FAA is also requiring that certain operators of passenger-carrying airplanes comply with this amendment to prevent unauthorized access to the flightdeck. These amendments are being adopted to further enhance air carrier security in response to the heightened threat to U.S. civil aviation. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/15/02	67 FR 2118
Final Rule Effective	01/15/02	
Comment Period End	03/18/02	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**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—AH56

**1912. • +AIRSPACE AND FLIGHT OPERATIONS REQUIREMENTS FOR THE 2002 WINTER OLYMPIC GAMES AT SALT LAKE CITY, UT**

**Priority:** Other Significant  
**Legal Authority:** 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44701; 49 USC 44711; 49 USC 44716; 49 USC 44722; 49 USC 46315; 49 USC 46504; 49 USC 46507; 49 USC 47528 to 47531  
**CFR Citation:** 14 CFR 91  
**Legal Deadline:** None

**Abstract:** This Special Federal Aviation Regulation establishes restrictions for aircraft operations in the vicinity of the 2002 Winter Olympic Games to be held in Salt Lake City, UT. This action also establishes a security process for certain flight arrivals and departures at specified airports in the vicinity of the Olympic Games. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	01/15/02	
Final Action	01/18/02	67 FR 2774

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Cliff Armstrong, Special Operations Division,

Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591  
 Phone: 202 267-9155  
**RIN:** 2120—AH61

**1913. • REMOVAL OF THE PROHIBITION AGAINST CERTAIN FLIGHTS WITHIN THE TERRITORY AND AIRSPACE OF AFGHANISTAN**

**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; 49 USC 44701; 49 USC 44709; 49 USC 44711  
**CFR Citation:** 14 CFR 91  
**Legal Deadline:** None

**Abstract:** This action removes Special Federal Aviation Regulation No. 90, which prohibits flight operations within the territory and airspace of Afghanistan. This action is taken because the heightened threat to civil aviation within the territory and airspace of Afghanistan, which warranted the issuance of the emergency rule, no longer exists.

**Timetable:**

Action	Date	FR Cite
Final Rule Effective	09/19/01	
Final Rule	09/24/01	66 FR 48942
Final Action Effective	02/01/02	
Final Action	02/07/02	67 FR 5888

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** David L. Catey, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591  
 Phone: 202 267-8166  
**RIN:** 2120—AH64

## Department of Transportation (DOT)

Prerule Stage

## Federal Highway Administration (FHWA)

**1914. WORK ZONE MOBILITY AND SAFETY****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 105; 23 USC 106; 23 USC 109; 23 USC 110; 23 USC 115; 23 USC 315; 23 USC 320; PL 102-240, sec 1051; PL 104-59, sec 358**CFR Citation:** 23 CFR 636; 23 CFR 1.32; 49 CFR 1.48; 23 CFR 630**Legal Deadline:** None**Abstract:** The FHWA is proposing to amend its regulations on traffic safety and mobility in highway and street work zones. Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required the Secretary of Transportation (Secretary) to develop and implement

a highway work zone safety program which would improve work zone safety at highway construction sites. This provision of ISTEA was implemented through non-regulatory action.

A notice published in the Federal Register on October 24, 1995 (60 FR 54562) provided an outline of the work zone safety initiative.

The current proposed regulatory action will further enhance the work zone safety initiative by expanding its focus to include both safety and mobility. The proposed action will incorporate the use of new work zone techniques and technologies, update current policy and regulation, and emphasize issues affecting the safety and mobility of highway workers and highway users.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/06/02	67 FR 5532
ANPRM Comment Period End	06/06/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Scott Battles, Office of Transportation Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4372**RIN:** 2125-AE29

## Department of Transportation (DOT)

Proposed Rule Stage

## Federal Highway Administration (FHWA)

**1915. CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 127; 23 USC 141; 23 USC 315**CFR Citation:** 23 CFR 657**Legal Deadline:** None**Abstract:** The FHWA has resumed consideration of changes in the guidance provided to State agencies for preparing the annual size and weight enforcement certifications. Previous efforts in this area were suspended by the agency in 1994 as a result of a commitment by the Federal Highway Administrator to Congress in June 1994 to conduct a comprehensive study of all aspects of the truck size and weight issue. That study is nearly completed. Accordingly, public comment is again requested on the type of information and data that should be submitted by the States in support of their annual certification of enforcement, and how the FHWA should use the information.**Timetable:**

Action	Date	FR Cite
ANPRM	12/16/93	58 FR 65830
ANPRM Comment Period Extended to 05/18/94	03/15/94	59 FR 11956
ANPRM Comment Period End	03/16/94	

Action	Date	FR Cite
Supplemental ANPRM	09/28/00	65 FR 58233
Supplemental ANPRM Comment Period End	12/27/00	
NPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert E.L. Davis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2997**RIN:** 2125-AC60**1916. ADVANCED CONSTRUCTION OF FEDERAL AID PROJECTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 101(a); 23 USC 104 to 106; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 118; 23 USC 120(e); 23 USC 121(c); 23 USC 125; 23 USC 134; 23 USC 315; 23 USC 320**CFR Citation:** 23 CFR 630; 23 CFR 1.32; 49 CFR 1.48**Legal Deadline:** None**Abstract:** The FHWA is proposing to revise the existing regulations that

prescribe policies and procedures for advancing the construction of Federal-aid highway projects without obligating Federal funds apportioned or allocated to the States. These regulations should be revised to conform to changes made to title 23, United States Code, by technical amendments in the Transportation Equity Act of the 21st Century (TEA-21), Pub. L. 105-178, and changes made by the National Highway System Designation Act of 1995 (NHS), Pub. L. 104-59.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/19/95	60 FR 36991
Interim Final Rule Comment Period End	09/18/95	
NPRM	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Max Inman, Office of Budget and Finance, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2853**RIN:** 2125-AD59

## DOT—FHWA

## Proposed Rule Stage

**1917. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE NATIONAL PARK SERVICE, INCLUDING THE PARK ROADS AND PARKWAYS PROGRAM****Priority:** Other Significant**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Six organizations provided comments on the ANPRM pertaining to the National Park Service (NPS) and the park roads and parkways program. The comments generally supported the development of a separate rule for each agency including one for the NPS. In an NPRM, the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) implementing safety, bridge, pavement, and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the NPS. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47749
ANPRM Comment	11/01/99	
Period End		
NPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486**RIN:** 2125-AE52**1918. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE BUREAU OF INDIAN AFFAIRS, INCLUDING THE INDIAN RESERVATIONS ROAD PROGRAM****Priority:** Other Significant**Legal Authority:** 23 USC 315; PL 105-178; 23 USC 134; 23 USC 135; 23 USC 204**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Eight organizations provided comments on the ANPRM pertaining to the Bureau of Indian Affairs (BIA) and the Indian reservation roads program. The comments generally supported the

development of a separate rule for each agency including one for the BIA. In an NPRM, the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21), for the proposed safety, bridge, pavement, and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the BIA. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47746
ANPRM Comment	11/01/99	
Period End		
NPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486**RIN:** 2125-AE53**1919. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FISH AND WILDLIFE SERVICE, INCLUDING THE REFUGE ROADS PROGRAM****Priority:** Other Significant**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal Land Management

## DOT—FHWA

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agencies are also given the authority to develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program (FLHP). The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Six organizations provided comments on the ANPRM pertaining to the Fish and Wildlife Service (FWS) and the refuge roads program. The comments generally supported the development of a separate rule for each agency including one for the FWS. In an NPRM, the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FWS. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47741
ANPRM Comment Period End	11/01/99	
NPRM	08/00/02	

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

**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486

**RIN:** 2125-AE54

**1920. +FEDERAL LANDS HIGHWAY PROGRAM; MANAGEMENT SYSTEMS PERTAINING TO THE FOREST SERVICE, INCLUDING THE FOREST HIGHWAYS PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 23 USC 135; 23 USC 204; 23 USC 315; PL 105-178; 23 USC 134

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The FHWA was delegated the authority to serve as the lead agency to develop transportation planning procedures pertaining to the National Park Service, the Forest Service, the Fish and Wildlife Service and the Bureau of Indian Affairs that are consistent with the metropolitan and statewide transportation planning processes. The FHWA and the appropriate Federal land management agencies are given the authority to develop safety, bridge pavement, and congestion management systems for roads funded under the Federal lands highways program. The roads funded under the FLHP include park roads and parkways, forest highways, refuge roads and Indian reservation roads.

The FHWA sought public comment on four related ANPRMs that were published on September 1, 1999. The comment period closed on November 1, 1999. Seven organizations provided comments on the ANPRM pertaining to the Forest Service (FS) and the forest highway program. The comments generally supported the development of a separate rule for each agency including one for the FS. In an NPRM, the FHWA will seek public comment on a proposed rule to implement section 1115(d) of the Transportation Equity Act for the 21st Century (TEA-21) for the proposed safety, bridge, pavement and congestion management systems developed by FHWA's Federal Lands Highway program office in consultation with the FS. The NPRM is designated as significant under E.O. 12866 and the DOT regulatory policies and procedures because of the high level of interagency interest in the notices and involved program. The transportation planning procedures will be addressed in a separate NPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/01/99	64 FR 47744

Action	Date	FR Cite
ANPRM Comment Period End	11/01/99	
NPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Butch Wlaschin, Federal Lands Highway Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9486

**RIN:** 2125-AE55

**1921. REVISION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; TRAFFIC CONTROL DEVICES ON FEDERAL-AID AND OTHER STREETS AND HIGHWAYS; STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a); 23 USC 135; 23 USC 217; 23 USC 307; 23 USC 315; 23 USC 402(a)

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

**Legal Deadline:** None

**Abstract:** The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, and is recognized as the national standard for traffic control devices on all public roads. Due to the reorganization of the FHWA and the deletion of 23 CFR 1204.4 by the National Highway Traffic Safety Administration (NHTSA), 23 CFR part 655.603 is outdated. The proposed amendments included herein will bring 23 CFR part 655 up to date.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ernest D.L. Huckaby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

**RIN:** 2125-AE78

## DOT—FHWA

## Proposed Rule Stage

**1922. +RAILROAD-HIGHWAY CROSSING PROJECTS****Priority:** Other Significant**Legal Authority:** PL 91-458**CFR Citation:** 23 CFR 646**Legal Deadline:** None

**Abstract:** The FHWA proposes to amend its regulations on railroad-highway crossing projects to clarify that installation projects for passive crossing control devices, done solely to meet the minimum crossing signing requirements of Federal law or regulation, do not preempt or displace State laws concerning the adequacy of such devices. This proposal is in response to a recent decision by the Supreme Court that held that FHWA's current regulations have broad preemptive effect.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

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

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

**Agency Contact:** Rudolph M. Umbs, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2177

**RIN:** 2125-AE81**1923. LANDSCAPE DEVELOPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 13148; EO 13112**CFR Citation:** 23 CFR 752**Legal Deadline:** None

**Abstract:** This action, which would change the current regulation at 23 CFR 752.4, Landscape Development, is necessary to clarify and reflect FHWA policy change for the improvement of landscaping best management practices. Specifically, two recent Executive orders, E.O. 13148 and E.O. 13112, call for the improvement of Federal landscape development programs and practice. E.O. 13148 encourages the use of native plants as much as practicable. E.O. 13112 warns against the planting of known exotic and invasive plants.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State

**Agency Contact:** Bonnie Harper-Lore, Landscape Architect, Department of Transportation, Federal Highway Administration, Galtier Plaza, Box 75, 175 E. Fifth Street, Suite 500, St. Paul, MN 55101-2904  
Phone: 651 291-6104

**RIN:** 2125-AE85**1924. +NATIONAL BRIDGE INSPECTION STANDARDS****Priority:** Other Significant**Unfunded Mandates:** Undetermined

**Legal Authority:** 23 USC 109(a); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; 23 USC 319; EO 11988; ...

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

**Legal Deadline:** None

**Abstract:** In this action, the FHWA would solicit comments on whether its regulation on National Bridge Inspection Standards (NBIS) should be revised and updated. The FHWA would solicit comment on whether there is a need to update the regulations to incorporate current, state of the art bridge inspection practices which public authorities may be using. A public authority means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with the authority to finance, build, operate, or maintain toll or toll-free facilities. The primary purpose of the NBIS is to identify bridges that need work to ensure the safety of the traveling public. The NBIS regulation was last updated 14 years ago.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49154
ANPRM Comment	12/26/01	
Period End		
NPRM	02/00/03	

**Regulatory Flexibility Analysis****Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**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**1925. COMMERCIAL VEHICLE WIDTH EXCLUSIVE DEVICES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31111; 49 USC 31113

**CFR Citation:** 23 CFR 658**Legal Deadline:** None

**Abstract:** This action responds to two unique requests with respect to the exclusion of certain devices from established truck length and width requirements.

Proposed is an increase from 3 to 4 inches of the distance from the side of a commercial vehicle within which non-cargo carrying devices are excluded from vehicle width measurement.

In a separate matter, the Senate Committee on Appropriations has requested the FHWA consider a special allowance, within reasonable safety limitations, concerning the commercial movement of recreational vehicles (RVs) with incidental appurtenances, such as retractable awnings, that extend beyond current Federal width limitations. A number of States have enacted laws that allow incidental appurtenances on noncommercial RVs to exceed State width limitations.

The FHWA intends to issue a notice of proposed rulemaking inviting public comment and addressing all aspects of these proposed special exclusions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State

**Agency Contact:** Robert E.L. Davis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2997

**RIN:** 2125-AE90

## DOT—FHWA

## Proposed Rule Stage

**1926. DEBT FINANCING****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 122**CFR Citation:** 23 CFR 140**Legal Deadline:** None

**Abstract:** In this action, the FHWA proposes to amend its regulation on reimbursement for bond issue projects to implement the changes made to 23 USC 122 by the National Highway System Designation Act of 1995 (NHS) (Pub. L. 104-59, November 28, 1995, 109 Stat. 568). Section 311 of the NHS amended 23 USC 122 to make debt financing costs related to title 23 projects eligible for Federal reimbursement.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

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

**Agency Contact:** Dale M. Gray, Federal-Aid Financial Management Division, Department of Transportation, Federal Highway Administration, Room 4313, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-0978

**RIN:** 2125-AE91**1927. • MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 109(d); 23 USC 315; 23 USC 402(a)**CFR Citation:** 23 CFR 655, subpart F**Legal Deadline:** None

**Abstract:** The Manual on Uniform Traffic Control Devices contains the Standards, Guidance, and Options for installing all traffic control devices (signs, traffic signals, and pavement markings) on the nation's roadways opened to public travel. By following the Manual drivers, pedestrians, and bicyclists encounter the same uniform signs, traffic signals, and pavement markings, used in identical ways, along their trip. As a result of changes in technology, materials, and management strategies, the devices in the Manual and their uses need to be updated and amended on an annual basis.

This proposed amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of highways.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Amendments	10/00/02	

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

**Agency Contact:** Ernest D. L. Huckaby, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

**RIN:** 2125-AE93**1928. • +DESIGNATION OF DROMEDARY EQUIPPED TRUCK TRACTOR-SEMITRAILERS AS SPECIALIZED EQUIPMENT****Priority:** Other Significant**Legal Authority:** 49 USC 31111(g)**CFR Citation:** 23 CFR 658**Legal Deadline:** None

**Abstract:** The FHWA is requesting comments on this proposal, which would designate dromedary equipped truck tractor-semitrailers, when hauling munitions for the Department of Defense (DOD), as specialized equipment. No State would be able to limit this combination to less than 75 feet.

This proposal is in response to a petition from DOD that would help expedite the hauling of munitions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Tom Klimek, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2212

**RIN:** 2125-AE94

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Highway Administration (FHWA)

**1929. FEDERAL-AID HIGHWAY SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 103(b); 23 USC 103(c); 23 USC 315**CFR Citation:** 23 CFR 470**Legal Deadline:** None

**Abstract:** This regulatory action amends 23 CFR 470 in accordance with legislation enacted in 1991, 1995, and 1998. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) rescinded the Federal-aid

Primary and Secondary and Urban Systems; established an interim National Highway System (NHS); and defined Federal-aid highways. The NHS Designation Act of 1995 (NHS Act) authorized the initial National Highway System and also authorized the Secretary to approve modifications. The Transportation Equity Act for the 21st Century (TEA-21) authorized the initial NHS connectors to major intermodal terminals and recodified 23 U.S.C. 103 (Federal-aid systems). The action also consolidates in appendices all nonregulatory guidance material issued

previously by the FHWA on Federal-aid highway systems.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/19/97	62 FR 33351
Interim Final Rule Effective	07/21/97	
Final Action	12/00/02	

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

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**Additional Information:** The FHWA issued an interim final rule with an opportunity for public comment. This rule amends regulations that the States comply with as part of the Federal-aid highway program. The FHWA has worked closely with the States, and the States have operated under the basic policies covered by this regulation for many years. A number of technical revisions are required as a result of the TEA-21 recodification of 23 U.S.C. 103, including incorporation of the provisions of former 23 U.S.C. 139 (Additions to Interstate System).

**Agency Contact:** Frank Clark, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5006

**RIN:** 2125-AD74

### 1930. RAILROAD HIGHWAY PROJECTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 315; 23 USC 109(e); 23 USC 120(c); 23 USC 130

**CFR Citation:** 23 CFR 140; 23 CFR 646

**Legal Deadline:** None

**Abstract:** The FHWA amends its regulations on railroad highway projects. The amendments now require railroads to submit final billings within one year following completion of work, delete the requirements of a State's certification that work was completed, increase the ceiling for lump sum agreements from \$25,000 to \$100,000 and incorporate changes brought about by ISTEA. The FHWA believes these changes will conform railroad/highway regulations to more recent laws or regulations, and provide State highway agencies clarification and more flexibility in implementing them.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/27/97	62 FR 45326
Interim Final Rule Comment Period End	10/27/97	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Robert Winans, Office of Highway Safety Information, Department of Transportation, Federal

Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4656

**RIN:** 2125-AD86

### 1931. ADMINISTRATION OF ENGINEERING AND DESIGN RELATED SERVICES CONTRACTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 112(b); 23 USC 114(a); 23 USC 302; 23 USC 315; 23 USC 402; 41 USC 253; 41 USC 259

**CFR Citation:** 23 CFR 172; 49 CFR 1.48(b)

**Legal Deadline:** None

**Abstract:** This action would amend procurement procedures on administration of engineering and design related services contracts to reflect the changes made by section 307 of Public Law 104-59, National Highway System Designation Act and section 1205 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, June 9, 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/00	65 FR 44486
NPRM Comment Period End	09/18/00	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Gary E. Moss, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4654

**RIN:** 2125-AE45

### 1932. STANDARDS FOR DEDICATED SHORT RANGE COMMUNICATIONS (DSRC) APPLICATIONS FOR USE BY COMMERCIAL VEHICLES IN INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 307; 23 USC 315; 23 USC 502 note; PL 102-240, sec. 6055(b); PL 105-178, sec. 5206(e)

**CFR Citation:** 23 CFR 1001; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** The FHWA proposes to amend its regulations to require the use

of Dedicated Short Range Communications (DSRC) Standards for ITS commercial vehicle projects using Federal funds. DSRC Systems use microwave communications over very short distances to allow moving vehicles to communicate with fixed roadside locations. In commercial motor vehicle applications, DSRC devices can transfer information regarding vehicle safety, performance, regulatory compliance and credentials from the vehicle to inspection stations.

The use of DSRC standards would promote interoperability among, and enable integration of ITS systems for North American commercial vehicle applications, such as electronic clearance, automated weight stations and border crossings. Interoperability would also encourage institutional integration and cooperation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/99	64 FR 73674
NPRM Comment Period End	02/28/00	
Supplemental NPRM Final Action	12/12/00 01/00/03	65 FR 77534

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William S. Jones, ITS Joint Program Office, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2128

**RIN:** 2125-AE63

### 1933. REVISION OF COLOR SPECIFICATIONS FOR SIGNS AND PAVEMENT MARKING RETROREFLECTIVE MATERIALS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 23 CFR 655

**Legal Deadline:** None

**Abstract:** The FHWA proposes to revise its color specifications for retroreflective sign materials. This revision would include daytime and nighttime specification for both assigned and unassigned colors found in the Manual on Uniform Traffic Control Devices (MUTCD). Color specifications for fluorescent colors and

## DOT—FHWA

## Final Rule Stage

pavement marking material also would be included.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71354
NPRM Comment Period End	06/23/00	
Final Action	07/00/02	

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

**Agency Contact:** Ernest Huckaby, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

**RIN:** 2125-AE67**1934. +DESIGN-BUILD CONTRACTING****Priority:** Other Significant**Legal Authority:** PL 105-178, sec 1307(c); 23 USC 112**CFR Citation:** 23 CFR 635**Legal Deadline:** Final, Statutory, June 9, 2001.

**Abstract:** The FHWA proposes to revise its regulations to implement design-build contracting as mandated by section 1307(c) of the Transportation Equity Act for the 21st Century (TEA-21), enacted on June 9, 1998. TEA-21 requires the Secretary of Transportation to issue regulations to allow design-build contracting for selected projects. The regulations would list the criteria and procedures that will be used by the FHWA in approving the use of design-build contracting by State Transportation Departments (STDs). The regulation would not require the use of design-build contracting but rather would allow it as an optional technique in addition to traditional contracting methods.

The FHWA is soliciting comments on its proposed regulation which would establish prescribed policies and procedures for utilizing the design-build contracting technique for Federal-aid highway projects. This action is significant because of the substantial State and industry interest in the design-build contracting technique.

**Timetable:**

Action	Date	FR Cite
NPRM	10/19/01	66 FR 53288

Action	Date	FR Cite
NPRM Comment Period End	12/19/01	
Final Action	10/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** State

**Additional Information:** The NPRM published at 66 FR 53288 on October 19, 2001, contained an incorrect docket number. The correct docket number for the NPRM is FHWA-2000-7799. A notice of correction was published in the Federal Register on October 31, 2001 (67 FR 54964).

**Agency Contact:** Gerald Yakowenko, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-1562

Carol Jacoby, Office of Program Administration, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-1561

**RIN:** 2125-AE79**1935. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; ACCESSIBLE PEDESTRIAN SIGNALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 109(d); 23 USC 114(a); 23 USC 217; 23 USC 315; 23 USC 402(a); ...**CFR Citation:** 23 CFR 655**Legal Deadline:** None

**Abstract:** The FHWA, in response to comment, amends the 2000 Millennium Edition of the Manual on Uniform Traffic Control Devices (MUTCD) that became effective on January 17, 2001. Section 4E.06 of the MUTCD relates to accessible pedestrian signals. Upon publication of the Millennium Edition, the FHWA was advised that the support and guidance statements relative to evaluation of signalized intersections to accommodate persons with visual disabilities did not adequately address the needs of such persons. Accordingly, the FHWA revises these support and guidance statements.

The FHWA issued an interim final rule to provide an opportunity for the

public to review and make comments on the necessary changes to the pertinent electronic files on the FHWA's MUTCD internet site (<http://mutcd.fhwa.dot.gov>) to comply with section 508 of the Rehabilitation Act of 1973. After reviewing comments regarding these electronic files, the FHWA may modify the interim final rule and issue a final rule.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Amendments	05/17/01	66 FR 27480
Comment Period End	06/18/01	
Interim Final Rule	02/15/02	67 FR 7073
Interim Final Rule Effective	03/18/02	
Interim Final Rule Comment Period End	04/18/02	

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

**Agency Contact:** Ernest D. L. Huckaby, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-9064

**RIN:** 2125-AE83**1936. PLANNING AND RESEARCH PROGRAM ADMINISTRATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 104(f); 23 USC 103(c); 23 USC 115; 23 USC 120; 23 USC 133(b); 23 USC 134(b); 23 USC 303(g); 23 USC 315; 23 USC 505**CFR Citation:** 49 CFR 1.48(b)**Legal Deadline:** None

**Abstract:** The FHWA is updating its regulations for administration of planning and research funds provided to State DOTs under the provisions of title 23, United States Code. The revisions are necessary to reflect current legislation and OMB grant administration circulars.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/01	66 FR 59188
NPRM Comment Period End	01/28/02	
Final Action	06/00/02	

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

## DOT—FHWA

## Final Rule Stage

**Government Levels Affected:** None  
**Agency Contact:** Tony Solury, Program Coordinator, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-5003  
**RIN:** 2125-AE84

### 1937. DISCRETIONARY BRIDGE CANDIDATE RATING FACTOR

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 23 USC 109(a); 23 USC 109(h); 23 USC 144; 23 USC 151; 23 USC 315; ...  
**CFR Citation:** 23 CFR 650  
**Legal Deadline:** None  
**Abstract:** The FHWA proposes to revise its regulation on the discretionary bridge program rating

factor in order to incorporate several administrative considerations that have proven effective in the project selection process. This proposed action would amend the current regulations according to a provision in TEA-21 which requires the Secretary of Transportation to publish both the statutory and regulatory criteria that will apply to the discretionary bridge program.

These proposed changes would require that the candidate projects be ready to begin construction in the fiscal year in which funds are available for obligation; allow leveraged funds from local, State, county, or private sources to be used to reduce the total project cost for use in the rating factor formula; disallow any discretionary allocation to a State that has transferred Highway Bridge Replacement and Rehabilitation

Program funds to other categories of Federal funding in the previous year; and change the definition of one term in the rating factor formula.

#### Timetable:

Action	Date	FR Cite
NPRM	01/22/02	67 FR 2837
NPRM Comment Period End	03/25/02	
Final Action	08/00/02	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None  
**Agency Contact:** Steven Ernst, Office of Bridge Technology, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590  
 Phone: 202 366-4619  
**RIN:** 2125-AE88

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Highway Administration (FHWA)

### 1938. INDIAN RESERVATION ROAD BRIDGE PROGRAM

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 23 USC 120(j) and (k); 23 USC 202; 23 USC 315; PL 105-178, sec 1115; 49 CFR 1.48  
**CFR Citation:** 23 CFR 661  
**Legal Deadline:** None

**Abstract:** Section 1115 of the Transportation Equity Act for the 21st Century establishes a nationwide priority program for improving deficient Indian reservation road (IRR) bridges and reserves \$13 million of IRR funds per year to replace and rehabilitate bridges that are in poor condition. The FHWA, Federal Lands Highway Office (FLH), and the Bureau of Indian Affairs, Division of Transportation (BIADOT), intend to implement the IRR bridge program (IRRBP) to promptly address the deficient IRR bridges. Toward that end, the FLH and the BIADOT, in consultation with Indian tribal governments, have developed project selection/fund allocation procedures for uniform application of the legislation. The FHWA is announcing the project selection/fund allocation procedures for the IRRBP.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/99	64 FR 38565
Interim Final Rule Effective	07/19/99	
Final Action	12/00/03	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No  
**Government Levels Affected:** None

**Additional Information:** Public comment was solicited in a February 12, 1999, Federal Register notice (64 FR 7229). These comments will be addressed in the final rule.

**Agency Contact:** Wade F. Casey, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590  
 Phone: 202 366-9487

**RIN:** 2125-AE57

### 1939. +STATEWIDE AND METROPOLITAN PLANNING

**Priority:** Other Significant

**Legal Authority:** 23 USC 104(f); 23 USC 134; 23 USC 135; 23 USC 217; 23 USC 315; 42 USC 7410 et seq; 49 USC 5305 to 5309

**CFR Citation:** 23 CFR 450; 49 CFR 613; 49 CFR 1.48(b); 49 CFR 1.51

**Legal Deadline:** None

**Abstract:** In this action, the FHWA and the FTA are jointly proposing to revise the regulations governing the development of transportation plans and programs for urbanized (metropolitan) areas and States. These revisions are the product of statutory changes made by the Transportation Equity Act for the 21st Century (TEA-21), which requires a continuous, comprehensive and coordinated process in metropolitan areas and States. The regulation at 23 CFR part 450 would be modified to reflect the impacts of the TEA-21.

**Statement of Need:** The Transportation Equity Act for the 21st Century (TEA-21) amended 23 U.S.C. 134 and 135, which require a continuing, comprehensive and coordinated transportation planning process in metropolitan areas and States. Revisions have been proposed for existing regulatory language to make it consistent with current statutory requirements.

**Summary of Legal Basis:** Sections 1203, 1204, and 1308 of the TEA-21 (Public Law 105-178), amended 23 U.S.C. 134 and 135. Similar changes were made by sections 3004, 3005, and 3006 of the TEA-21 to 49 U.S.C. 5303-5306 which address the metropolitan

## DOT—FHWA

## Long-Term Actions

planning process in the context of the FTA's responsibilities.

The agencies (FHWA and FTA) have received numerous comments to the docket in response to the NPRM. The comments are currently being analyzed by both agencies to determine what action should follow.

**Alternatives:** Recent court decisions and statutory changes direct at least some modification of existing regulations (e.g., reduction in planning factors from 16 to 7). If regulatory changes are restricted to only those required to reconcile existing law and regulations, the remaining changes could be accomplished through guidance.

**Anticipated Cost and Benefits:** The agencies sought comments regarding the potential economic impacts of these proposed rules on small entities and governments. Of specific concern are the additional costs of the incremental changes in regulatory requirements. The agencies believe that these costs have been offset largely by reduced statutory requirements and the flexibility built into the regulations. The agencies have requested comments on these issues.

**Risks:** A failure to issue a regulation could generate increased implementation challenges in working with affected agencies, i.e., difficulty in achieving compliance with expected regulatory outcomes.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33958
NPRM Comment Period Extended	07/07/00	65 FR 41891
NPRM Comment Period End	09/23/00	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** Sheldon M. Edner, Team Leader, Department of Transportation, Federal Highway Administration, Room 3232, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 366-4066

Email: sheldon.edner@fhwa.dot.gov

Charles Goodman, Division Chief, Department of Transportation, Federal

Transit Administration, Room 9413, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1924

**RIN:** 2125-AE62

**1940. +NEPA AND RELATED PROCEDURES FOR TRANSPORTATION DECISIONMAKING; PROTECTION OF PUBLIC PARKS, WILDLIFE AND WATERFOWL REFUGES AND HISTORIC SITES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 4321 et seq; 49 USC 303; 23 USC 109; 23 USC 128; 23 USC 134; 23 USC 138; 23 USC 315; ...

**CFR Citation:** 23 CFR 530; 23 CFR 540

**Legal Deadline:** None

**Abstract:** The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), issued an NPRM proposing to update and revise the National Environmental Policy Act implementing regulation for FHWA and FTA funded or approved projects. The current regulations were issued in 1987 (23 CFR part 771, August 28, 1987) and experience since that time, as well as changes in legislation, most recently by the Transportation Equity Act for the 21st Century (TEA-21), call for an updated approach to implementation of NEPA for FHWA and FTA projects and actions.

The FTA and the FHWA received numerous comments to the docket in response to this NPRM. The agencies are currently reviewing these comments to determine what action should follow.

**Statement of Need:** The current NEPA regulation was issued in 1987 and experience since that time, as well as changes in legislation, most recently by the Transportation Equity Act for the 21st Century (TEA-21), call for an updated approach to implementation of NEPA for FHWA and FTA projects and actions.

**Summary of Legal Basis:** By including the environmental streamlining provision in section 1309 of the TEA-21, (Public Law 105-178, 112 Stat. 108 at 232), the Congress intended that transportation planning and environmental considerations be better coordinated and that project delivery

schedules be improved through a process that is efficient, comprehensive, and streamlined.

**Alternatives:** The existing regulation has not been revised since 1987 and has been overtaken by at least two transportation reauthorization bills. It needs to be comprehensively updated to ensure consistency with current statutes and legal precedent. A minimal nonregulatory approach might achieve some desired outcomes, but would be insufficient. Environmental streamlining outcomes will be achieved largely through interagency coordination among Federal resource and permit agencies, but would be more effective if supported by this revision.

**Anticipated Cost and Benefits:** It is anticipated that the economic impact of this rulemaking will be minimal. Most costs associated with these rules are attributable to the provisions of the TEA-21, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Clean Air Act (as amended) and other statutes, including earlier highway acts. The agencies consider this proposal to be a means to simplify, clarify, and reorganize existing regulatory requirements.

**Risks:** Statutory directives require at least some regulatory changes. Environmental streamlining may be achieved through interagency collaboration, but would be substantially enhanced by the issuance of a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33960
NPRM Comment Period Extended	07/07/00	65 FR 41892
NPRM Comment Period End	09/23/00	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Fred Skaer, Office of Environment and Planning, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2058

**RIN:** 2125-AE64

DOT—FHWA

Long-Term Actions

**1941. REVISIONS TO HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The FHWA is seeking comments regarding improvements that can be made to its regulation outlining the highway bridge replacement and rehabilitation program. In addition, the FHWA is considering the inclusion and/or modification of existing policies so that they provide the flexibility necessary for the State and local governments to better manage their bridge assets. Accordingly, the FHWA intends to publish an advanced notice of proposed rulemaking.

The FHWA is also considering proposed revisions to the discretionary bridge program rating factor, which will be addressed in a separate rulemaking action.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/01	66 FR 49152
ANPRM Comment	12/26/01	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Raymond McCormick, Director, Office of Bridge Technology, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590  
Phone: 202 366-4675

**RIN:** 2125-AE75

**1942. • PLANNING ASSISTANCE AND STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 134

**CFR Citation:** 23 CFR 450.322

**Legal Deadline:** None

**Abstract:** The FHWA is considering amending its regulation on Planning and Assistance Standards, specifically the metropolitan transportation planning process, to provide New York City Metropolitan Area additional time to review and update its transportation

plan in light of the terrorist attacks that occurred on September 11, 2001. The Metropolitan Planning Organization (MPO) for the New York City area is the New York Metropolitan Council (NYMTC). NYMTC occupied office space in the World Trade Towers in New York City. Because NYMTC's offices and files were destroyed on September 11, 2001, it will be impossible for NYMTC to review and update its transportation plan by 2002 as required by 23 CFR 450.322(2). Accordingly, the FHWA is considering proposing to provide NYMTC an additional three years to review and update its transportation plan.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Sheldon M. Edner, Team Leader, Department of Transportation, Federal Highway Administration, Room 3232, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 366-4066  
Email: sheldon.edner@fhwa.dot.gov

**RIN:** 2125-AE92

**Department of Transportation (DOT)  
Federal Highway Administration (FHWA)**

**Completed Actions**

**1943. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 315; 49 USC 31111; 49 USC 31112; 49 USC 31113; 49 USC 31114

**CFR Citation:** 23 CFR 658

**Legal Deadline:** None

**Abstract:** The FHWA is issuing a final rule, under 49 USC 31111 through 31113, stating which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions.

The Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424, 96 Stat. 2097, gave the Secretary of Transportation the authority to determine what safety and energy conservation devices are necessary for

safe and efficient operation of commercial motor vehicles (CMVs), and what could be excluded when measuring vehicle length (section 411(h))(49 U.S.C. 31111(d)), and what could be excluded when measuring width (section 416(b))(49 U.S.C. 31113(b)).

Section 411(h) also provided that no device excluded from length measurement by the Secretary could have, by design or use, the capability to carry cargo.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/26/89	54 FR 52951
ANPRM Comment	03/26/90	
Period End		
ANPRM Comment	06/01/90	
Period Extended		

Action	Date	FR Cite
ANPRM Docket Reopened; Comment Period Extended to 08/21/90	06/22/90	55 FR 25673
NPRM	08/18/00	65 FR 50471
NPRM Comment	11/16/00	
Period End		
Final Action	03/29/02	67 FR 15102
Final Action Effective	04/29/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Tom Klimek, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590

## DOT—FHWA

## Completed Actions

Phone: 202 366-2212

RIN: 2125-AC30

**1944. HIGHWAY BEAUTIFICATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 131; 23 USC 315; 49 USC 1651

**CFR Citation:** 23 CFR 750

**Legal Deadline:** None

**Abstract:** The FHWA has decided not to proceed with this rulemaking action at this time. This in no way precludes the FHWA from pursuing a rulemaking action on this subject in the future.

**Timetable:**

Action	Date	FR Cite
Action Terminated	02/28/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Clyde Johnson, Department of Transportation, Federal Highway Administration, Southern Resource Center, 60 Forsyth Street, SW., Atlanta, GA 30303  
Phone: 404 562-3584

RIN: 2125-AD24

**1945. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MUTCD; MINIMUM RETROREFLECTIVITY REQUIREMENTS FOR TRAFFIC SIGNS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 101; 23 USC 104; 23 USC 105; 23 USC 109(d); 23 USC 114(a); 23 USC 135; 23 USC 217; 23 USC 307; 23 USC 315; 23 USC 402(a); PL 102-388

**CFR Citation:** 23 CFR 1.32; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** The FHWA originally intended to revise the MUTCD to include a standard for a minimum level of retroreflectivity that must be maintained for traffic signs. This minimum level is to ensure that highway users can detect and read the sign during nighttime conditions. Although the MUTCD states that regulatory and warning signs, and some guide signs, need to reflectorize, no level of retroreflectivity is specified. In recognition of this situation, the United

States Congress directed the U.S. Department of Transportation, through the 1993 Department of Transportation Appropriations Act, to revise the MUTCD to include a standard for minimum levels of retroreflectivity that must be maintained.

Since 1993 the Federal Highway Administration has been working with the transportation community on identifying and developing options for implementing the minimum standards for sign retroreflectivity. Likewise, there have been significant changes in the roadway and vehicle environment in the last several years that require the previous research study values to be reconsidered and updated. The minimum levels of sign retroreflectivity need to be revised to address significant changes in vehicle headlamps, older driver population, and changes in vehicle fleet composition.

Therefore, we are removing this item from the agenda until such time as the above mentioned studies have been completed.

**Timetable:**

Action	Date	FR Cite
Action Terminated	02/28/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

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

RIN: 2125-AE39

**1946. ENGINEERING SERVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 315; PL 105-178, sec 1212(a); 23 USC 302

**CFR Citation:** 23 CFR 1; 49 CFR 1.48(b)

**Legal Deadline:** None

**Abstract:** In this action, the FHWA amends its regulation for engineering services by removing a sentence that defined expenditures for the establishment, maintenance, general administration, supervision, and other overhead of the State highway department, or other instrumentality or

entity referred to in the regulation, as ineligible for Federal participation.

This amendment to the regulation stems from a provision in the Transportation Equity Act for the 21st Century (TEA-21) that changed statutory requirements to allow for eligibility of administrative costs for State transportation departments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/00	65 FR 45941
NPRM Comment Period End	09/25/00	
Final Action	11/23/01	66 FR 58665
Final Action Effective	12/24/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Max Inman, Office of Budget and Finance, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2853

RIN: 2125-AE73

**1947. PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 23 USC 109(h); 23 USC 109(i); 42 USC 4331; 42 USC 4332

**CFR Citation:** 23 CFR 772; 49 CFR 1.48(b)

**Legal Deadline:** None

**Abstract:** The FHWA is requesting comments on whether its regulations on noise insulation of private residences should be revised to allow Federal participation when a traffic noise impact occurs, i.e., when predicted traffic noise levels substantially exceed the existing noise levels. Currently, Federal participation in the noise insulation of private residences is allowable only in situations where severe traffic noise impacts exist or are expected, and normal noise abatement measures are physically infeasible or economically unreasonable. In these instances, the FHWA may approve a State's request for unusual or extraordinary abatement measures on a case-by-case basis.

## DOT—FHWA

## Completed Actions

When considering extraordinary abatement measures, the State must demonstrate that the affected activities experience traffic noise impacts to a far greater degree than other similar activities adjacent to highway facilities.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/28/00	65 FR 82301
ANPRM Comment Period End	02/26/01	
Withdrawn	03/26/02	67 FR 13731

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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-AE80

**1948. RIGHT-OF-WAY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 101(a)(3)

**CFR Citation:** 23 CFR 710

**Legal Deadline:** None

**Abstract:** The FHWA amends section 710.203 of its right-of-way regulations for federally assisted transportation projects to provide a clarification. The amendment makes it clear that Federal financial assistance, provided by the FHWA pursuant to title 23, United States Code, may be used in relocation

assistance benefits, provided by State and local agencies pursuant to State law, that are in addition to the relocation benefits prescribed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**Timetable:**

Action	Date	FR Cite
NPRM	05/09/01	66 FR 23636
NPRM Comment Period End	07/09/01	
Final Action	03/20/02	67 FR 12861
Final Action Effective	04/19/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Satorius, Office of Real Estate Services, Department of Transportation, Federal Highway Administration, 555 Zang Street, Lakewood, CO 80228  
Phone: 303 969-5772

**RIN:** 2125-AE82

**1949. DESIGN STANDARDS FOR HIGHWAYS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 109; 23 USC 315; 23 USC 402; PL 102-240, sec 1073; 105 Stat. 1914; 105 Stat. 2012

**CFR Citation:** 23 CFR 625; 49 CFR 1.48(b); 49 CFR 1.48(n)

**Legal Deadline:** None

**Abstract:** The standards, policies, and standard specifications that have been

adopted by the Federal Highway Administration (FHWA) for application on all construction and reconstruction projects on the National Highway System (NHS) are incorporated by reference in 23 CFR 625. The current document specified in paragraph 625.4(a)(1) is "A Policy on Geometric Design of Highways and Streets 1994, AASHTO" (Policy).

AASHTO recently revised the Policy and published the 2001 edition which FHWA proposes to adopt as its policy for design standards for all construction and reconstruction projects on the NHS. The primary reason for development of the new document is to incorporate the results of research since 1994.

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/01	66 FR 48103
NPRM Comment Period End	11/19/01	
Final Action	02/12/02	67 FR 6393
Final Action Effective	03/14/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Seppo I. Sillan, Chief, Geometric and Roadside Design Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-1327

**RIN:** 2125-AE89

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**1950. +QUALIFICATION OF DRIVERS; 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 FMCSA requested comments on the need, if any, to amend its driver qualification requirements relating to the vision standard. A temporary

waiver program was initiated and was concluded on March 31, 1996, to permit the FHWA, predecessor agency to the FMCSA, to observe and collect data on the driving experience of a group of vision-deficient drivers who meet certain preconditions. Additionally, FHWA 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 FMCSA entered into a contract with a medical center to

develop medically-based recommendations for amending the current Federal vision requirements. Recommendations were delivered in October 1998. These recommendations are being evaluated and considered in deciding what, if any, further proposals should be made concerning the vision standard. Based on the findings of the medical panel, the FMCSA anticipates publishing an NPRM to amend its regulation governing the visual field requirement in the vision standard. Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178) enacted

## DOT—FMCSA

## Proposed Rule Stage

effective June 9, 1998, changed the agency's authority to issue waivers and exemptions. Procedures to implement the new authority were published on December 8, 1998 (63 FR 67600). We are, and have been, considering all requests for exemptions from the vision requirements in the Federal Motor Carrier Safety Regulations.

This action is significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/92	57 FR 6793
ANPRM Comment Period End	04/28/92	
Notice Request for Comments	06/05/96	61 FR 28547
Interim Final Rule NPRM	12/08/98 03/00/03	63 FR 67600

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Additional Information:** FHWA adopted a final rule to allow drivers holding valid waivers from both the vision and diabetes standards to continue to operate in interstate commerce after March 31, 1996. See NPRM (61 FR 606, Jan. 8, 1996); Final Rule (61 FR 13338, March 26, 1996); Final Rule; technical correction (61 FR 17253, April 19, 1996). (See notices published February 28, 1992 (57 FR 6793); March 25, 1992 (57 FR 10295); June 3, 1992 (57 FR 22370); October 6, 1994 (59 FR 50887); and November 17, 1994 (59 FR 59386).

**Agency Contact:** Sandra L. Zywockarte, Health and Welfare Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, 400 Seventh Street NW., Washington, DC 20590  
Phone: 202 366-2987

**RIN:** 2126-AA05

### 1951. +COMMERCIAL DRIVER PHYSICAL FITNESS AS PART OF THE CDL PROCESS

**Priority:** Other Significant

**Legal Authority:** PL 106-159, sec. 215; 49 USC 31305; 49 USC 31502

**CFR Citation:** 49 CFR 391; 49 CFR 383; 49 CFR 1.73; 49 CFR 391.11; 49 CFR 391.45

**Legal Deadline:** None

**Abstract:** FMCSA is proposing to include the certification of fitness to operate a CMV in the commercial driver's license (CDL) process. Incorporating the commercial driver fitness determination into State-administered CDL procedures could allow elimination of the requirement that CMV drivers carry a separate medical certificate. The CDL would be evidence that the CMV driver is physically fit as well as operationally qualified to operate CMVs safely. This action addresses the driver's physical qualifications as they relate to the CDL process; it does not address whether those standards are correct or should be changed. This action is significant due to anticipated substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/94	59 FR 36338
ANPRM Comment Period End	11/14/94	
NPRM	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Government Levels Affected:** Undetermined

**Additional Information:** With respect to the advisory committee, please note the following notice publications: 61 FR 18713 (04/29/96); 61 FR 38133 (07/26/96); 61 FR 43725 (08/26/96); 61 FR 52401 (10/07/96); 61 FR 56936 (11/05/96); 61 FR 66250 (12/17/96); and 62 FR 6753 (02/13/96).

**Agency Contact:** Teresa Doggett, Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2990

**RIN:** 2126-AA10

### 1952. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 508; 49 USC 31133; 49 USC 31136; 49 USC 31301 et seq; 49 USC 31502; PL 103-311

**CFR Citation:** 49 CFR 382; 49 CFR 383; 49 CFR 390; 49 CFR 391; 49 CFR 1.73

**Legal Deadline:** NPRM, Statutory, January 1999, See PL 105-178, sec 4014.

**Abstract:** FMCSA proposes amending its motor carrier regulations to include minimum safety information that new or prospective employers must seek from former employers during the investigation of a driver's employment record. FMCSA also proposes to increase the time period that carriers must record accident information in the accident register, from one year to three years. The Hazardous Materials Reauthorization Act of 1994 initially mandated this revision. The agency is currently drafting a supplemental notice of proposed rulemaking in response to Small Business Administration (SBA) comments to the docket and section 4014 of TEA-21 (Pub. L. 105-178). SBA had requested more in-depth Paperwork Reduction Act and Regulatory Flexibility Act analyses of the proposal. The TEA-21 provided limited employer protection from liability, strengthened employee due process provisions, and established a new statutory deadline.

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/96	61 FR 10548
NPRM Comment Period End	05/13/96	
Supplemental NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David Goettee, Office of Policy Plans and Regulations, Division of Regulatory Development, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4097

**RIN:** 2126-AA17

### 1953. +UNIFIED REGISTRATION SYSTEM

**Priority:** Other Significant

**Legal Authority:** PL 104-88; 49 USC 13908

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, January 1, 1998.

**Abstract:** Section 103 of the ICC Termination Act of 1995 which added

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49 USC 13908, required the Secretary to initiate a rulemaking proceeding to replace the current USDOT identification number system, the single State registration system, the registration/licensing system, and the financial responsibility system, with a single, on-line Federal system. This action is considered significant due to substantial public interest. The statutory deadline was not met due to range and depth of issues involved.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	06/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal

**Agency Contact:** Nathaniel Jackson, Office of Bus and Truck Standards and Operations, Div. of Driver and Carrier Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-6406

**RIN:** 2126-AA22**1954. SAFETY FITNESS PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31144**CFR Citation:** 49 CFR 385**Legal Deadline:** None

**Abstract:** FHWA, the predecessor agency to the FMCSA, published a final rule of RIN 2125-AC71 on November 6, 1997 (62 FR 60035), which incorporated the safety fitness rating methodology into 49 CFR 385 as appendix B. In that document, FHWA identified its ultimate goal as creating a more performance-based means of determining the fitness of carriers to conduct commercial motor vehicle (CMV) operations in interstate commerce. The ANPRM requested comments on the future of a rating system that could be used both in making safety fitness determinations and meeting the demands of shippers, insurers and other present and

potential users interested in evaluating motor carrier performance.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38788
ANPRM Comment Period End	09/18/98	
NPRM	03/00/03	

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

Undetermined

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

Phone: 202 366-4009

**RIN:** 2126-AA37**1955. RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-159, sec 205**CFR Citation:** 49 CFR 386**Legal Deadline:** None

**Abstract:** FMCSA proposes to adopt procedural rules in order to conduct administrative proceedings under section 205 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). This section provides for the issuance of out-of-service orders. On February 16, 2000, FMCSA issued a final rule amending the Rules of Practice to include violations of commercial regulations. However, this modification to the administrative rules applied only to civil penalty proceedings.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

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

**Agency Contact:** David M. Lehrman, Attorney, Office of Policy Plans and Regulations, Division of Regulatory Development, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0994

**RIN:** 2126-AA63**1956. POSTING OF EMPLOYEE PROTECTIONS INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** FMCSA is considering requiring employers to display a poster to notify commercial motor vehicle (CMV) operators and other employees of their whistleblower rights under 49 U.S.C. 31105. The poster would also provide information on filing a complaint with the Occupational Safety and Health Administration for investigation.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

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

**Agency Contact:** David Goettee, Office of Policy Plans and Regulations, Division of Regulatory Development, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4097

**RIN:** 2126-AA68**1957. • +CERTIFICATION OF COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS)****Priority:** Other Significant

**Legal Authority:** PL 102-240, sec. 1041(b); 105 Stat. 1914; 49 USC 31136; 49 USC 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 393.8**Legal Deadline:** None

**Abstract:** FMCSA proposes to amend the Federal Motor Carrier Safety Regulations so that motor carriers ensure that each commercial motor vehicle (CMV) they operate in interstate commerce displays a label certifying that the vehicle complies with all applicable Federal Motor Vehicle Safety Standards (FMVSS) in effect on the date of manufacture. This rulemaking ensures that all motor carriers operating

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CMVs in the United States use only vehicles that were certified by the manufacturer as meeting all applicable Federal safety performance requirements.

This action is significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12782

Action	Date	FR Cite
NPRM Comment Period End	05/20/02	
<b>Regulatory Flexibility Analysis Required:</b> No		
<b>Small Entities Affected:</b> No		
<b>Government Levels Affected:</b> None		
<b>Agency Contact:</b> Deborah M. Freund, Senior Transportation Specialist, Office of Bus and Truck Standards and		

Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC  
Phone: 202 366-4009  
Email: deborah.freund@fhwa.dot.gov

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

**RIN:** 2126-AA69

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**1958. +RAILROAD-HIGHWAY GRADE CROSSING SAFETY**

**Priority:** Other Significant

**Legal Authority:** PL 102-240; PL 103-311; 49 USC 5101; 49 USC 31136; 49 USC 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 392

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

**Abstract:** This action would prohibit operators of commercial motor vehicles from driving onto a railroad grade crossing unless there is sufficient space to drive completely through the crossing without stopping. This action is required by the Hazardous Materials Transportation Authorization Act of 1994 (Pub. L. 103-311, sec. 112), and it is intended to reduce the incidence of collisions between trains and commercial motor vehicles. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/98	63 FR 40691
NPRM Comment Period End	11/27/98	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David M. Lehrman, Attorney, Office of Policy Plans and Regulations, Division of Regulatory Development, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0994

**RIN:** 2126-AA18

**1959. +HOURS OF SERVICE OF DRIVERS; DRIVER REST AND SLEEP FOR SAFE OPERATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**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 31136; 49 USC 31502; PL 74-255; PL 84-939; PL 98-554; PL 103-311; PL 104-59; PL 104-88; PL 106-159

**CFR Citation:** 49 CFR 1.73; 49 CFR 395

**Legal Deadline:** Other, Statutory, March 1, 1996, ANPRM. PL 104-88, sec 408(a).

NPRM, Statutory, November 5, 1997, PL 104-88, sec 408(b).

Final, Statutory, November 5, 1999, PL 104-88, sec 408(b).

**Abstract:** This action would revise the regulations for commercial motor vehicle driver rest requirements and duty period limitations for safe highway transportation. A broad rulemaking was required by the ICC Termination Act of 1995 (ICCTA), Pub. L. 104-88. Other congressional actions before the ICCTA required modifications to the current rules.

This rulemaking responded to public and congressional interest in regulating commercial motor vehicle driver rest requirements, the NTSB's safety recommendations, petitions for rulemaking, and scientific data. There is substantial public and congressional interest in the regulation of medium-

and heavy-duty truck and bus drivers' sleep, off-duty, and working periods of time. FMCSA proposed new rules based upon comments and scientific data submitted to the advance notice of proposed rulemaking docket. The proposed rule included an initial regulatory flexibility analysis, a cost-benefit analysis, an unfunded mandates analysis, and a paperwork reduction analysis. This action is considered significant because of substantial public and congressional interest.

**Statement of Need:** The motor carrier industry requires 24-hour activities to meet the operational demands of a healthy U.S. economy. Growth in long-haul, regional, overnight, local, for-hire and private carriage operations is increasing with the unprecedented growth of the U.S. economy. Therefore, night work, shift work, and irregular work schedules continue to be commonplace.

The scientific knowledge about sleep, sleep disorders, circadian physiology, fatigue, and performance decrements has also grown. One of the purposes of this rulemaking is to incorporate as much of the scientific knowledge as possible into the applicable regulations.

**Summary of Legal Basis:** Section 31136 of title 49, United States Code, authorizes the Secretary of Transportation to prescribe minimum safety standards for commercial motor vehicles (Motor Carrier Safety Act of 1984, Pub. L. 98-554, Title II, October 30, 1984). Regulations prescribed under this section must ensure that: (1) commercial motor vehicles are operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicle safely (3) the

physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and (4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

Section 31502 of Title 49, United States Code, authorizes the Secretary of Transportation to prescribe maximum hours-of-service and qualifications requirements for operators of motor carriers when needed to promote the safety of operations (Motor Carrier Act of 1935, Pub. L. 74-255, August 9, 1935; and Migrant Farm Workers-Regulation of Interstate Transportation Act, Public Law 84-939, August 3, 1956).

Section 113 of the Hazardous Materials Transportation Authorization Act of 1994 (Pub. L. 103-311, August 26, 1994) requires the Secretary of Transportation to prescribe regulations amending part 395 to improve the compliance by commercial motor vehicle drivers and motor carriers with HOS requirements and the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance.

Section 345 of the National Highway System Designation Act of 1995 (Pub. L. 104-159, November 28, 1995) created four specific exemptions from the hours-of-service-of-drivers requirements of part 395. A fifth exemption applied only to commercial driver licensing-related requirements requiring testing of operators for alcohol and controlled substances. The Secretary of Transportation was authorized to conduct rulemaking, except for the water well drilling hours-of-service exemption, to negate or modify the exemptions upon a determination, after a rulemaking proceeding, that the exemption is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles.

Section 408 of the ICC Termination Act of 1995 (Pub. L. 104-88, December 29, 1995) requires the Federal Highway Administration (functions transferred to the Federal Motor Carrier Safety Administration under Pub. L. 106-159) to issue a final rule dealing with a variety of fatigue-related issues pertaining to commercial motor vehicle safety (including 8 hours of continuous sleep after 10 hours of driving, loading and unloading operations, automated and tamper-proof recording devices, rest and recovery cycles, fatigue and

stress in longer combination vehicles, fitness for duty, and other appropriate regulatory and enforcement countermeasures for reducing fatigue-related incidents and increasing driver-alertness).

**Alternatives:** FMCSA proposed replacing the current rules with an alternative set of rules based upon scientific knowledge and submitted comments. FMCSA also proposed different regulations for different types of drivers and operations.

FMCSA considered modifying the information collection burdens that have been placed upon the motor carrier industry, including the following types of recordkeeping methods: (1) Reducing the required items on the record of duty status (log book); (2) adding electronic on-board recording devices to commercial motor vehicles; (3) eliminating all FMCSA hours-of-service record keeping requirements while relying exclusively on the duplicative hours-of-work record keeping system required by the U.S. Department of Labor under the Fair Labor Standards Act of 1938, as amended.

FMCSA proposed a revision that would require motor carriers to provide their drivers with better opportunities to obtain sleep than the current rules, and thereby reduce the number of fatigue-related crashes involving these drivers. The agency estimated that 755 fatalities and 19,705 injuries occur each year on the Nation's roads because of drowsy, tired or fatigued CMV drivers.

The proposed rules would make three major changes. First, and most importantly, the new rules would be science-based (related to sleep cycles) and put all drivers in a 24-hour daily cycle. Second, they would reduce the total number of hours behind the wheel in a given 24-hour cycle to no more than 12 hours. Under current rules, a driver can reach the 60-hour on-duty limit in 4 days and 4 hours, and the 70-hour limit in less than 5 days. Third, long-haul and regional drivers (who spend one or more nights away from their normal work reporting locations) would be required, eventually, to use electronic on-board recording devices (EOBRs). These proposed changes would abandon a one-size-fits-all approach to work-rest cycles and adopt different rest periods for different types of operations.

FMCSA has received more than 53,000 comments to date. The agency was committed to fully exploring all issues and concerns of stakeholders; we held eight public hearings in May, June and July 2000, and followed up with three public roundtable discussions in September and October 2000.

The roundtables drew broad public participation and elicited in-depth discussion and exchange of supporting data on critical issues, including issues surrounding the economic analyses and assumptions used by the agency. The discussions provided the agency with information requiring careful analysis. This will help FMCSA identify any necessary changes to the proposal that would address stakeholders' divergent concerns and support the development of a successful rule.

The FY 2001 Department of Transportation Appropriations Act, Pub. L. 106-346, included language prohibiting the Department from adopting a final rule before October 1, 2001. As a result, the Department pledged to carefully review and consider the extensive record on the rulemaking before deciding on the next appropriate steps in the rulemaking process.

**Anticipated Cost and Benefits:** FMCSA has placed a Preliminary Regulatory Evaluation (PRE) in the docket. The PRE evaluates five options, based on identified key parameters. The selected option, which divides the industry into different types of motor carrier operations, is projected to save 115 lives and 2,995 injuries per year with a total net benefit of almost \$3.359 billion, assuming that 15 percent of CMV-involved crashes are fatigue-related. For additional information, you may see the PRE and the preamble of the NPRM.

**Risks:** Fatigue is increasingly becoming the focus of possible causes following many crashes. Driver reports of being fatigued to the point of incapacity are not uncommon, and intuitively, it is reasonable, given the sheer volume of traffic, to expect fatigue to be a factor in future crashes if the regulations are not corrected. Fatigue was identified by the industry, public, and government as the highest priority safety issue at a 1995 Truck and Bus Safety Summit in Kansas City, MO.

FMCSA has established a goal to reduce by 50 percent over ten years the number of fatalities from crashes

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involving any commercial motor vehicle. FMCSA anticipates its proposal will reduce fatigue-related crashes by at least 15 percent each year to assist in its efforts to meet its overall goal of 50 percent reduction in deaths. The agency will re-analyze the reduction of fatigue-related crashes in its revised Regulatory Evaluation.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/05/96	61 FR 57251
Notice of Meeting	02/11/97	62 FR 6161
ANPRM Comment Period End	03/31/97	
NPRM	05/02/00	65 FR 25540
Notice of Hearing	05/05/00	65 FR 26166
Notice of Hearing	05/22/00	65 FR 32070
Notice of Change in Hearing Structure	05/26/00	65 FR 34132
NPRM; Correction	05/31/00	65 FR 34904
Notice of Hearing	06/12/00	65 FR 36809
Comment Period Extended	06/19/00	65 FR 37956
Comment Period Extended; Roundtable Meetings	08/15/00	65 FR 49780
NPRM Comment Period End	12/15/00	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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

**Additional Information:** During the agency's broad section 610 review of the 65-year history of the rule and all its amendments and revisions, the agency found that RINs 2125-AD52, 2125-AD81, 2126-AA16, and 2126-AA29 also contain pertinent actions that must be incorporated into this action. Therefore, the agency incorporated them and has published a combined proposal addressing the entire topic of hours-of-service of drivers and related recordkeeping issues.

In the DOT's Docket Management System, this rulemaking is currently identified as docket number FMCSA-1997-2350.

The NPRM is a proposal. The FMCSA has extensively solicited public

comments at 8 public hearings and 3 public roundtable discussions. The agency has received more than 53,000 comments in the docket. FMCSA has reviewed these comments and has made a decision about the next step in the rulemaking process. The agency is proceeding to develop a final rule.

**Agency Contact:** David R. Miller, Office of Policy Plans and Regulations, Division of Regulatory Development, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5011

**RIN:** 2126-AA23

### 1960. DEVELOPMENT OF A NORTH AMERICAN STANDARD FOR PROTECTION AGAINST SHIFTING AND FALLING CARGO

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 393; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** FMCSA is amending its regulations concerning cargo securement requirements for commercial motor vehicles engaged in interstate commerce. The FMCSA intends to adopt new cargo securement guidelines that will be based upon the results of a multi-year comprehensive research program to evaluate current regulations and industry practices.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/17/96	61 FR 54142
ANPRM Comment Period End	12/16/96	
Notice of Meeting	04/21/97	62 FR 19252
NPRM	12/18/00	65 FR 79050
NPRM Comment Period End	03/19/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Phone: 202 366-4009

**RIN:** 2126-AA27

### 1961. TRANSPORTATION OF HOUSEHOLD GOODS; CONSUMER PROTECTION REGULATIONS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 74-255; 49 USC 13301; 49 USC 14104; PL 104-88; PL 106-59; 49 USC 13101; 49 USC 13501 et seq.; 49 USC 14104; 49 USC 14708; 49 USC 14901 et seq.; 49 USC 14912; 49 USC 13301 et seq.

**CFR Citation:** 49 CFR 375; 49 CFR 377; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** FMCSA proposed to amend the regulations governing the transportation of household goods. These regulations protect individual consumers who ship household goods, as defined in 49 USC 13102(10), by commercial motor vehicle. This action is necessary to implement the ICC Termination Act of 1995 (ICCTA), and to update the regulations. The intended effect of this proposal is to make the regulations easier to read and understand, remove an outdated report, address hostage freight problems (situations where non-binding estimates are lower than actual charges and the carrier refuses to deliver freight even after 110 percent of the estimate is paid at the time of delivery), modify a consumer protection publication, consider industry requests to change the rules, and propose conforming and technical amendments.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/98	63 FR 27126
NPRM Comment Period End	07/14/98	
NPRM Extension and Reopening of Comment Period	08/12/98	63 FR 43128
NPRM Comment Period End	10/13/98	
Interim Final Rule	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Lee Payne, Office of Enforcement and Compliance, Division of Insurance, Department of

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Transportation, Federal Motor Carrier Safety Administration, MC-ECI, 400 Virginia Avenue SW., Suite 600, Washington, DC 20024  
 Phone: 202 358-7029  
 Fax: 202 358-7100  
**RIN:** 2126-AA32

**1962. +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; 5 USC 559; 16 USC 1456; 49 USC 13101; 49 USC 13301; 49 USC 13901 et seq; 49 USC 31138; 49 USC 31144

**CFR Citation:** 49 CFR 365; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** This action proposed collection of some new information and also proposed revisions to the registration application form filed by one of the two classes of Mexican carriers. This class of Mexican carriers operates in the U.S. and has operations that go beyond the established border commercial zones. This proposed unified application form would be used by both Mexican property and passenger carriers who provide services pursuant to provisions of NAFTA. This action is intended to increase the information available concerning these Mexican carriers' safety profiles. This action is significant because of substantial public interest.

**Statement of Need:** The Administration has announced its intention to implement the entry provisions of the North American Free Trade Act (NAFTA). Since 1982, there has been a moratorium on the grant of operating authority by the former Interstate Commerce Commission to Mexican motor carriers. The FMCSA proposes changes to its regulations to cover applications by Mexican motor carriers to operate beyond the municipalities and commercial zones at the United States-Mexico border. The FMCSA also proposes changes to the form to be submitted by such applicants. The changes are needed to ensure that FMCSA receives sufficient information to decide whether a Mexican carrier can meet the safety standards established for operating in interstate commerce. The information

would also be used for safety enforcement.

**Summary of Legal Basis:** Under sections 13101, 13301, 13901-13906, 14708, 31138, and 31144 of Title 49, U.S. Code, the FMCSA has authority to set the standards and procedures for the grant of operating authority for motor carriers to operate in interstate commerce in the United States. Under the Motor Carrier Safety Improvement Act of 1999, the FMCSA was created as a separate administration in the Department of Transportation to carry out motor carrier functions previously performed by the Federal Highway Administration and the Interstate Commerce Commission.

In the 2002 Department of Transportation Appropriations Act, Pub. L. 107-87, sec. 350, DOT was limited from obligating or expending funds for the review or processing of applications resulting from this rulemaking until FMCSA and DOT completes specific tasks, including adding requirements within this rulemaking proceeding. These specific requirements have been incorporated in this proceeding.

**Alternatives:** In 1994, the former Interstate Commerce Commission issued regulations to govern the processing of Mexican applications. These regulations were challenged, and they do not cover all the changes to motor carrier regulations since the creation of the FMCSA. The FMCSA could process applications under its existing procedures, but this would not provide sufficient data to determine if the applicants meet the applicable safety standards.

**Anticipated Cost and Benefits:** The FMCSA anticipates that the economic impact of the rulemaking will be minimal; however it prepared a regulatory evaluation. The proposal should not have any impact on small U.S. motor carriers. The FMCSA looked at a range of numbers estimating how many new applicants would apply in the first and subsequent years. Applicants will have to fill out the application and ensure that their operating procedures will satisfy safety standards for operating in interstate commerce in the United States. The benefit of the regulations will include the additional information available to FMCSA for evaluating applications and targeting enforcement.

**Risks:** The proposed regulations are intended to enhance the safety of current regulations by increasing the amount of information available before granting operating authority and in order to take appropriate enforcement actions.

Based on comments to the proposal, the agency has completed an environmental assessment and it will be available for review on the date the interim final rule is published in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22371
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12702
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective	05/03/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2125-AE32.

**Agency Contact:** Joanne Cisneros, Transborder Office, Department of Transportation, Federal Motor Carrier Safety Administration, P.O. Box 530870, San Diego, CA 92153-0870  
 Phone: 909 653-2299

**RIN:** 2126-AA34

**1963. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES**

**Priority:** Other Significant

**Legal Authority:** 49 USC 113; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 5113; 49 USC 31136; 49 USC 31144; 49 USC 31502; Pub. L. 107-87, Sec. 350

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** This action would implement an accelerated safety fitness screen as part of the Motor Carrier Management Information System (MCMIS). A new screening program is being targeted to collect more information on Mexican carriers. The data will be collected and stored using the existing systems and

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information gathering structures that are used for domestic carriers. The data collected will be used to oversee operations of both classes of Mexican motor carriers, those operating in the U.S.-Mexico border commercial zones and those operating in the U.S. pursuant to the various entry provisions of NAFTA. This action is significant due to anticipated public interest and safety-related issues.

**Statement of Need:** The Administration has stated that it intends to implement the entry provisions of the North American Free Trade Agreement (NAFTA). The FMCSA proposes a safety oversight program to ensure that FMCSA can evaluate the performance of new Mexican carriers during the first 18 months of temporary operating authority and take appropriate enforcement action, if necessary.

**Summary of Legal Basis:** Under the Motor Carrier Safety Improvement Act of 1999, the FMCSA was directed to grant conditional operating authority for 18 months in order to assess the safety performance of new entrants before granting permanent authority. The FMCSA is beginning this program with Mexican carriers and will expand it to all new entrants.

The Fiscal Year 2002 Department of Transportation Appropriations Act, Pub. L. 107-87, Sec. 350, limited the DOT from obligating or expending funds for the review or processing of applications resulting from this rulemaking until FMCSA and DOT completes specific tasks, including adding requirements within this rulemaking proceeding. These specific requirements have been incorporated in this proceeding.

**Alternatives:** The FMCSA could treat all new Mexican carriers under existing regulations. This would not assist FMCSA in ensuring that new Mexican carriers develop appropriate safety-based operating procedures or in monitoring the performance of these carriers.

**Anticipated Cost and Benefits:** The proposed regulations would not have a significant economic impact; however the FMCSA prepared a regulatory evaluation. The evaluation discusses a range of numbers for how many Mexican carriers would operate under the regulations costs are expected to fall between \$1 and \$5 million per year. The vast majority of these costs

will be borne by Mexican carriers. The benefits of the regulation would include the additional data available to FMCSA on which to base enforcement strategies, plus an anticipated reduction in crashes from safety audits and increased oversight.

**Risks:** The purpose of the regulations is to enhance safety by providing additional opportunities for FMCSA to monitor performance by new Mexican carriers.

Based on comments to the proposal, the agency has completed an environmental assessment and it will be available for review on the date the Interim Final Rule is published in the Federal Register.

**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
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective	05/03/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joanne Cisneros, Transborder Office, Department of Transportation, Federal Motor Carrier Safety Administration, P.O. Box 530870, San Diego, CA 92153-0870 Phone: 909 653-2299

Michael Lamm, Team Leader, Office of Enforcement and Compliance, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECE, 400 Seventh Street, SW, Washington, DC 20590 Phone: 202 366-9699

**RIN:** 2126-AA35

**1964. OUT-OF-SERVICE CRITERIA**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 31133; 49 USC 31136; 49 USC 31310; 49 USC 31502; PL 104-59

**CFR Citation:** 49 CFR 395; 49 CFR 396; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** This action seeks public comment on the "North American Uniform Out-of-Service Criteria" (OOS Criteria). During roadside inspections, Federal, State, and local safety inspectors use the OOS Criteria as a guide in determining whether to place commercial motor vehicles (CMVs), or their drivers, "out of service." Such a status means that the CMVs or drivers are so unsafe that corrections must be undertaken before operations can resume. The FHWA is seeking public comment on the future scope and effect of the OOS Criteria, which are not part of the Federal Motor Carrier Safety Regulations (FMCSRs). In addition, the FMCSA is seeking information regarding whether it needs to formalize these guidelines pursuant to a notice and comment rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/20/98	63 FR 38791
ANPRM Comment Period End	09/18/98	
Extension of Comment Period	10/09/98	63 FR 54432
Comment Period End	12/08/98	
To Be Terminated	06/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** Transferred from RIN 2125-AE35.

**Agency Contact:** Larry Minor, Chief, Vehicle and Roadside Operations, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC 20590 Phone: 202 366-4009

**RIN:** 2126-AA36

**1965. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS; RULES AND PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31315; PL 105-178, sec 4007

**CFR Citation:** 49 CFR 381

**Legal Deadline:** Final, Statutory, December 9, 1998.

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**Abstract:** FMCSA is adopting regulations to implement section 4007 of the Transportation Equity Act for the 21st Century (TEA-21), concerning waivers and exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs), and the Administration of pilot programs to evaluate innovative alternatives to the regulations. The regulations establish the procedures persons must follow to request waivers and to apply for exemptions from the FMCSRs, and the procedures FMCSA will use to process the requests for waivers and applications for exemptions. The regulations also codify statutory requirements concerning the agency's administration of pilot programs. This rulemaking is intended to provide procedures to ensure the timely processing of requests for waivers and applications for exemptions, and public disclosure of the procedures the agency would use in initiating and managing pilot programs. The predecessor agency to FMCSA, the FHWA, issued an interim final rule with an opportunity for public comment after publication in order to meet the statutory deadline for issuance of a final rule (180 days after date of enactment of TEA-21).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/08/98	63 FR 67600
Interim Final Rule Effective	12/08/98	
Interim Final Rule Comment Period End	02/08/99	
Final Action	03/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** Transferred from RIN 2125-AE48.

**Agency Contact:** Larry M. Minor, Chief, Vehicle and Roadside Operations, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4009

RIN: 2126-AA41

**1966. BRAKE PERFORMANCE REQUIREMENTS FOR CMVS INSPECTED BY PERFORMANCE-BASED BRAKE TESTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 102-240, sec 1041(b); 49 USC 31136; 49 USC 31502**CFR Citation:** 49 CFR 393; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** FMCSA is proposing to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to establish pass/fail criteria for use with performance based brake testers (PBBTs), which measure the braking performance of commercial motor vehicles (CMVs). The specific types of PBBTs addressed in this action are the roller dynamometer, breakaway torque tester, and flat-plate tester. This proposal would allow State and local enforcement officials to issue citations based on PBBT braking force measurements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48660
NPRM Comment Period End	10/10/00	
Final Action	06/00/02	

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

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

Phone: 202 366-4009

RIN: 2126-AA46

**1967. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; SAFETY REQUIREMENTS FOR OPERATORS OF SMALL PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES USED IN INTERSTATE COMMERCE****Priority:** Other Significant

**Legal Authority:** 49 USC 13301; 49 USC 13902; 49 USC 31132; 49 USC 31133; 49 USC 31136; 49 USC 31502; 49 USC 31504; PL 104-88, sec 204

**CFR Citation:** 49 CFR 1.73; 49 CFR 390**Legal Deadline:** Final, Statutory, December 9, 2000, PL 106-159, sec 212.

**Abstract:** FMCSA is proposing to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to require that motor carriers operating commercial motor vehicles (CMVs), designed or used to transport between 9 and 15 passengers (including the driver) in interstate commerce, comply with the FMCSRs when they are directly compensated for such service, and the transportation of any passenger covers a distance greater than 75 air miles (86.3 statute miles or 138.9 kilometers). Motor carriers, drivers, and the vehicles operated by them would be subject to the same safety requirements imposed upon motorcoach operations, with the exception of the commercial driver's license, controlled substances and alcohol testing regulations. The agency is proposing that any requirements implemented be made applicable to these motor carriers 90 days after the effective date of the final rule. This action is in response to section 212 of the Motor Carrier Safety Improvement Act of 1999.

**Timetable:**

Action	Date	FR Cite
NPRM	01/11/01	66 FR 2767
NPRM Comment Period End	04/11/01	
Final Action	06/00/02	

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

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

Phone: 202 366-4009

RIN: 2126-AA52

**1968. COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES; NONCOMMERCIAL MOTOR VEHICLE VIOLATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-159, sec 201(b); PL 106-159, sec 202(h)

**CFR Citation:** 49 CFR 383; 49 CFR 384

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**Legal Deadline:** Final, Statutory, December 9, 2000, PL 106-159, sec 201(b).

**Abstract:** FMCSA proposes regulations specifying that a driver who holds a commercial driver's license (CDL) and is convicted of a drug- or alcohol-related offense or another offense that results in the revocation, cancellation, or suspension of the CDL, while operating a noncommercial motor vehicle, be disqualified from operating a commercial motor vehicle. This action is required by sections 201(b) and 202(h) of the Motor Carrier Safety Improvement Act of 1999.

**Timetable:**

Action	Date	FR Cite
NPRM	05/04/01	66 FR 22499
NPRM Comment Period End	08/02/01	
To be Merged With RIN 2126-AA60	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

Phone: 202 366-5014

**Related RIN:** Merged With 2126-AA60

**RIN:** 2126-AA55

**1969. +NEW ENTRANT SAFETY ASSURANCE PROCESS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 106-159, sec 210

**CFR Citation:** 49 CFR 385

**Legal Deadline:** NPRM, Statutory, PL 106-159, sec 210.

**Abstract:** This action will establish minimum requirements for new entrant motor carriers to ensure that they are knowledgeable about applicable Federal motor carrier safety standards. After ensuring that they are knowledgeable, the new entrants will operate for 18 months in which time they must pass a safety review in order to receive permanent operating authority. This rule is significant because of public and

congressional interest in rules required by MCSIA.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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

Phone: 202 366-4009

**RIN:** 2126-AA59

**1970. COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES; COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-159, sec 103(c); PL 106-159, sec 103(e); PL 106-159, sec 201(c); PL 106-159, sec 202; PL 106-159, sec 203; PL 106-159, sec 208; PL 106-159, sec 214

**CFR Citation:** 49 CFR 350; 49 CFR 383; 49 CFR 384

**Legal Deadline:** None

**Abstract:** This action will amend various provisions of the Commercial Driver's License (CDL) program requirements to implement changes mandated by the Motor Carrier Safety Improvement Act of 1999. Specific issues to be addressed include the following:

- (1) Emergency grants to States in non-compliance with CDL requirements;
- (2) Withholding MCSAP funds from States in non-compliance with CDL requirements;
- (3) Disqualification for driving while suspended; Disqualified and causing a fatality;
- (4) Emergency disqualification of drivers posing an imminent hazard;
- (5) Expanding the definition of serious traffic violations;
- (6) Expanded driver record check;

- (7) New notification requirements;
- (8) Prohibition on hardship license to drivers who lose base license;
- (9) Penalties for violating minimum licensing requirements;
- (10) Maintaining a record of all violations;
- (11) Masking prohibition;
- (12) Decertification of State CDL programs for non-compliance;
- (13) Definition of imminent hazard;
- (14) School bus endorsement.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/01	66 FR 39248
NPRM Comment Period End	10/25/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State

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

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

Phone: 202 366-5014

**Related RIN:** Merged With 2126-AA55

**RIN:** 2126-AA60

**1971. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 102-240, sec 1041(b); 49 USC 31136; 49 USC 31502

**CFR Citation:** 49 CFR 392; 49 CFR 393

**Legal Deadline:** None

**Abstract:** FMCSA is amending part 393 of the Federal Motor Carrier Safety Regulations (FMCSRs), Parts and Accessories Necessary for Safe Operation. The amendments are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor

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Vehicle Safety Standards (49 CFR 571); and codify certain FMCSA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not involve the establishment of new or more stringent requirements but a clarification of existing requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/97	62 FR 18170
NPRM Comment Period Extended	06/12/97	62 FR 32066
NPRM Comment Period End	06/13/97	
Comment Period End	07/28/97	
Public Meeting	02/20/98	63 FR 8606
Final Action	03/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined

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

Phone: 202 366-4009

**RIN:** 2126-AA61

**1972. +CERTIFICATION OF SAFETY AUDITORS, SAFETY INVESTIGATORS, AND SAFETY INSPECTORS**

**Priority:** Other Significant

**Legal Authority:** PL 106-159, sec 211

**CFR Citation:** 49 CFR 385

**Legal Deadline:** NPRM, Statutory, December 9, 2000.

**Abstract:** This rule would require that any safety inspection, audit, or review be conducted by a certified investigator. It would give the FMCSA authority to decertify an investigator, including a third-party investigator for failure to meet the prescribed certification standards. It is required by section 211 of the Motor Carrier Safety Improvement Act of 1999. This rule is significant because of public and congressional interest in rules required by MCSIA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12776
Interim Final Rule Comment Period End	05/20/02	

Action	Date	FR Cite
Interim Final Rule Effective	06/17/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Phone: 202 366-4009

**RIN:** 2126-AA64

**1973. • +LIMITATIONS ON ISSUANCE OF COMMERCIAL DRIVERS' LICENSES WITH A HAZARDOUS MATERIALS ENDORSEMENT**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5103a; PL 107-56, sec. 1012

**CFR Citation:** 49 CFR 383

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Motor Carrier Safety Regulations to prohibit States from issuing, renewing, transferring, or upgrading a Hazardous Materials Endorsement for a CDL: unless and until the U.S. Department of Justice has first conducted a background records check of the applicant; and the U.S. Department of Transportation has determined that the applicant does not pose a security risk which would warrant denial of the Hazardous Materials Endorsement. This interim final action implements Sec. 1012 of the USA Patriot Act of 2001.

This action is significant because of substantial public and congressional interest and safety implications.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** State

**Agency Contact:** Valerie Height, Office of Policy Plans and Regulations, Regulatory Development Division,

Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0901

Email: valerie.height@fhwa.dot.gov

**RIN:** 2126-AA70

**1974. • PENALTIES, INSPECTION, AND DECAL DISPLAY REQUIREMENTS FOR MEXICO-DOMICILED MOTOR CARRIERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 31136; 49 USC 31502; PL 107-87, sec. 350

**CFR Citation:** 49 CFR 386; 49 CFR 396

**Legal Deadline:** None

**Abstract:** FMCSA amends part 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate the requirement, as codified in parts 365 and 385, that all commercial motor vehicles operated by Mexico-domiciled motor carriers holding authority to transport property or passengers beyond the commercial zones of U.S. municipalities on the United States-Mexico border must display a Commercial Vehicle Safety Alliance (CVSA) decal issued by a CVSA-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 rule also clarifies that carriers will be required to obtain the necessary inspection decal before proceeding beyond border ports of entry. By providing for more effective enforcement of the inspection and decal requirements, this rule will help to ensure that these motor carriers operate safe vehicles in the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Joanne Cisneros, Transborder Office, Department of Transportation, Federal Motor Carrier Safety Administration, P.O. Box 530870, San Diego, CA 92153-0870

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Phone: 909 653-2299

RIN: 2126-AA72

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**1975. +COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER****Priority:** Other Significant**Legal Authority:** PL 100-690, sec 9105**CFR Citation:** 49 CFR 383**Legal Deadline:** Final, Statutory, December 31, 1990.

**Abstract:** The Truck and Bus Regulatory Reform Act of 1988 (1) required the DOT Secretary to issue regulations establishing minimum uniform standards for a biometric identification system for commercial motor vehicle (CMV) operators; and (2) authorized the Secretary to use specific funds to implement a pilot demonstration project using such a system. Alternatives including retinal eye scans and advanced fingerprint technologies were considered. After analyzing public comments to the ANPRM and reviewing demonstration project results, the FHWA, predecessor agency to the FMCSA, determined that current technology had not progressed to the point where an identification system could be established nationwide in a cost-effective manner and still provide the benefits for which a system was intended. The FHWA subsequently published an informational notice summarizing the results of the pilot study and the comments to the ANPRM to demonstrate how the technologies studied fell short of the demands in a commercial licensing environment.

Section 4011(c) of the TEA-21, 49 USC 31308 amended, requires each commercial driver's license (CDL) issued by the States after January 1, 2001, to have unique identifiers (which may include biometric identifiers); however, as a minimum, unique identifiers in CDLs must contain the name, address, and physical description of the individual issued the CDL; the social security number or other number or information to identify the individual; the class or type of CMV the individual is authorized to operate; the name of the State that

issued the license, and the dates the license is valid.

FMCSA has established a pilot study to collect over 16,000 sample digital facial images and sets of fingerprints from volunteers. California is the lead State for this study. The estimated date of completion is May 2002. Therefore, no further action will occur until completion of the pilot study.

This action is significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	
Information Notice Next Action Undetermined	03/08/91	56 FR 9925

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State**Agency Contact:** Ronald Finn, Transportation Specialist, State Programs Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ESS, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0647

RIN: 2126-AA01

**1976. COMMERCIAL LEARNER PERMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136; PL 99-570; 49 USC 31102**CFR Citation:** 49 CFR 384; 49 CFR 383; 49 CFR 386; 49 CFR 395; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** The FHWA, predecessor agency to the Federal Motor Carrier Safety Administration (FMCSA), reviewed learner permit practices of the states for processing a driver from the initial non-CDL driver to being a fully

licensed CDL driver. A number of variations in state learner permit practices were found. The FHWA planned to establish more uniform practices, such as: 1) screening drivers before permitting them to initially drive a CMV without having obtained a full CDL; 2) the length of time a state allows the driver to hold a learner's permit; 3) procedures for drivers to obtain CDL training in a state other than their normal residency; 4) supervision requirements for learner permit drivers; 5) commercial driver license information systems (CDLIS) recordkeeping requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	
NPRM Comment Period Extended to 11/30/90	10/23/90	55 FR 42741
Supplemental NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None

**Additional Information:** Because other regulatory changes have been made since the NPRM was published in 1990, the FMCSA intends to issue a supplemental NPRM to solicit comments on including additional requirements consistent with changes in the CDL program.

ANALYSIS: Regulatory Evaluation, 08/22/90, 55 FR 34478

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

Phone: 202 366-5014

RIN: 2126-AA03

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**1977. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL TRANSPORTATION OF HAZARDOUS MATERIALS****Priority:** Other Significant**Legal Authority:** 49 USC 5105; 49 USC 5109**CFR Citation:** 49 CFR 390.3; 49 CFR 397; 49 CFR 1.73**Legal Deadline:** Final, Statutory, November 15, 1991.

**Abstract:** This rulemaking will implement the statutory requirements of 49 USC 5109 and 49 USC 5105. Section 5109 addresses the establishment of motor carrier safety permit regulations for motor carriers transporting Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, or highway route controlled quantity radioactive materials. Section 5105 requires inspection of vehicles transporting those radioactive materials before each trip. The proposed rule will incorporate those provisions into the safety permit regulations. This action is considered significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/93	58 FR 33418
NPRM Comment Period End	08/16/93	
Next Action Undetermined		

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

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECH, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2172  
Fax: 202 366-7908  
Email: william.quade@fhwa.dot.gov

**RIN:** 2126-AA07**1978. +MINIMUM TRAINING REQUIREMENTS FOR OPERATORS AND TRAINING INSTRUCTORS OF MULTIPLE TRAILER COMBINATION VEHICLES****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** PL 102-240, sec 4007(b)(2)**CFR Citation:** 49 CFR 383**Legal Deadline:** Final, Statutory, December 18, 1993.

**Abstract:** This action proposes minimum training requirements for operators of multiple trailer combination vehicles and the instructors who train these operators. The training would include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary of Transportation. This action is significant due to public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/15/93	58 FR 4638
ANPRM Comment Period End	03/16/93	
Next Action Undetermined		

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

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

**RIN:** 2126-AA08**1979. +TRAINING FOR ENTRY-LEVEL DRIVERS OF COMMERCIAL MOTOR VEHICLES****Priority:** Other Significant**Legal Authority:** PL 102-240, sec 4007**CFR Citation:** 49 CFR 383

**Legal Deadline:** NPRM, Statutory, December 18, 1992.  
Final, Statutory, December 18, 1993.

**Abstract:** Section 4007 of the Motor Carrier Act of 1991 (title IV of the

Intermodal Surface Transportation Efficiency Act of 1991) required the Department to initiate a rulemaking on the need to require training of all entry-level drivers of commercial motor vehicles. On 02/05/96, the agency submitted a report to Congress on the effectiveness of private sector efforts to ensure adequate training of all entry-level drivers. This report included a cost-benefit study of requiring training of entry-level drivers. Public comments were solicited on the report. This rulemaking action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/21/93	58 FR 33874
ANPRM Comment Period End	08/20/93	
Report to Congress	02/05/96	
Notice of Availability of Report	04/25/96	61 FR 18355
Next Action Undetermined		

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

**Additional Information:** The report is available through the National Technical Information Service (Order No. PB96-141536). For further information, please call 1-800-553-6847.

**Agency Contact:** David M. Lehrman, Attorney, Office of Policy Plans and Regulations, Division of Regulatory Development, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0994

**RIN:** 2126-AA09**1980. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; SLEEPER BERTHS ON MOTOR COACHES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 31136; 49 USC 31502**CFR Citation:** 49 CFR 393; 49 CFR 1.73**Legal Deadline:** None

**Abstract:** Comments have been sought on the suitability of existing driver sleeper berth regulations for motor coaches and possible amendment to

## DOT—FMCSA

## Long-Term Actions

account for design differences between trucks and motor coaches.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/12/94	59 FR 1706
ANPRM Comment Period End	03/14/94	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Philip Hanley, Ofc of Truck and Bus Standards and Operations, Commercial Passenger Carrier Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSB, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-6811

**RIN:** 2126-AA12

### 1981. RULES OF PRACTICE FOR MOTOR CARRIER PROCEEDINGS; INVESTIGATIONS; DISQUALIFICATIONS AND PENALTIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 113; 49 USC 307

**CFR Citation:** 49 CFR 301; 49 CFR 302; 49 CFR 303; 49 CFR 304; 49 CFR 385; 49 CFR 386

**Legal Deadline:** None

**Abstract:** FMCSA proposes to amend its rules of practice for motor carrier safety, hazardous materials, and other enforcement proceedings, motor carrier safety ratings, driver qualification proceedings and its schedule of penalties for violations of the FMCSRs and the Hazardous Materials Regulations. FMCSA further proposes to add provisions on investigative authority and procedures and general motor carrier responsibilities. These rules would increase the efficiency of the procedures, enhance due process and the awareness of the public and regulated community, and accommodate recent programmatic changes. The rules would apply to all motor carriers, other business entities and individuals involved in motor carrier safety and hazardous materials administrative actions on the effective date of the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	04/29/96	61 FR 18866
NPRM Comment Period End	07/29/96	
SNPRM	10/21/96	61 FR 54601
SNPRM Comment Period End	11/20/96	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** A final rule regarding adjustments to civil penalties due to inflation was published under a separate rulemaking action on 3/13/98.

**Agency Contact:** Valerie Height, Office of Policy Plans and Regulations, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0901

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**RIN:** 2126-AA15

### 1982. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; TELEVISION RECEIVERS AND DATA DISPLAY UNITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 102-240; 49 USC 31136; 49 USC 31502

**CFR Citation:** 49 CFR 393; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** The FHWA, predecessor agency to the FMCSA, proposed to amend the Federal Motor Carrier Safety Regulations (FMCSRs) concerning television viewers or screens in commercial motor vehicles. The agency was concerned that the current restrictions on locations of such devices may have the unintended effect of discouraging use of certain Intelligent Transportation System (ITS) technologies, such as collision avoidance and traveler information systems, which could improve the safety and efficiency of commercial vehicle operations. In response to comments to the April 3, 1993 NPRM (61 FR 14733) to rescind the regulation concerning television viewers or screens, FMCSA is considering an SNPRM to propose retaining an explicit

prohibition against television viewers or screens but revising the regulation to ensure that it does not impede the development and use of ITS-related technologies.

**Timetable:**

Action	Date	FR Cite
NPRM	04/03/96	61 FR 14733
NPRM Comment Period End	06/03/96	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Phone: 202 366-4009

**RIN:** 2126-AA19

### 1983. ELECTRONIC FILING OF SURETY BONDS, TRUST FUND AGREEMENTS, INSURANCE CERTIFICATES; CANCELLATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-88; 49 USC 13906

**CFR Citation:** 49 CFR 387.323

**Legal Deadline:** None

**Abstract:** This action proposes requiring all filings of surety bonds, trust fund agreements, insurance certificates and cancellations of these instruments to be accomplished electronically. Optional electronic filing has proven economical and efficient for both the FMCSA and for electronic filers. Given this success, cost of processing paper filings can no longer be justified. Mandatory electronic filings should not impose any significant costs or burdens on either the FMCSA or the filers.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gladys Cole, Chief, Insurance Compliance, Department of Transportation, Federal Motor Carrier

## DOT—FMCSA

## Long-Term Actions

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Washington, DC 20024  
Phone: 202 358-7039  
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RIN: 2126-AA24

#### 1984. GENERAL JURISDICTION OVER FREIGHT FORWARDER SERVICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 13701

**CFR Citation:** 49 CFR 373; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** This action gives notice of the FMCSA's general jurisdiction over all segments of the freight forwarding industry (not just household good freight forwarders), in accordance with the ICC Termination Act of 1995, proposes changes to existing regulations to comport with those mandated by Congress, and clarifies the FMCSA's jurisdiction over freight forwarders in other areas.

##### Timetable:

Action	Date	FR Cite
NPRM	01/28/97	62 FR 4096
NPRM Comment Period End	03/31/97	

Next Action Undetermined

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2125-AE00.

**Agency Contact:** Michael Falk, Office of the Chief Counsel, Department of Transportation, Federal Motor Carrier Safety Administration, MC-CC, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0834

RIN: 2126-AA25

#### 1985. +ENGLISH LANGUAGE REQUIREMENT; QUALIFICATIONS OF DRIVERS

**Priority:** Other Significant

**Legal Authority:** 49 USC 504; 49 USC 31133; 49 USC 31136; 49 USC 31502

**CFR Citation:** 49 CFR 391; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** The current regulation is little changed from the original rule adopted in 1936. The American Civil

Liberties Union (ACLU) has written to the Department asserting that the regulation, as written, is overly broad and subject to arbitrary enforcement, causing potential interference with constitutional guarantees of due process and equal protection. The ACLU requested an opportunity to submit a comprehensive analysis of this issue. The ANPRM was intended to provide the ACLU with such an opportunity and to open this issue for public comment. The FMCSA seeks to modify its current regulation to require drivers to possess the basic functional communication/comprehension ability necessary to ensure safety, consistent with applicable law. This action is considered significant because of substantial public interest.

##### Timetable:

Action	Date	FR Cite
ANPRM	08/26/97	62 FR 45200
ANPRM Comment Period End	10/27/97	

Next Action Undetermined

##### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** Transferred from RIN 2125-AE19.

**Agency Contact:** Robert Schultz, Office of Truck and Bus Standards and Operations, Div. of Driver and Carrier Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSD, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4001

RIN: 2126-AA31

#### 1986. +GENERAL REQUIREMENTS; INSPECTION, REPAIR, AND MAINTENANCE; INTERMODAL CONTAINER CHASSIS AND TRAILERS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 504; 49 USC 31133; 49 USC 31136; 49 USC 31502

**CFR Citation:** 49 CFR 1.73; 49 CFR 390; 49 CFR 396

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking filed by the American Trucking Association, Inc. (ATA) and

the ATA Intermodal Conference (the petitioners), the FHWA, the predecessor agency to the FMCSA, agreed to consider revisions to the requirements in parts 390 and 396 of the Federal Motor Carrier Safety regulations (FMCSRs) that place upon motor carriers the responsibility for maintaining intermodal container chassis and trailers. These regulations provide the requirements for the inspection, repair and maintenance of commercial motor vehicles. This action is considered significant because of substantial public interest.

##### Timetable:

Action	Date	FR Cite
ANPRM	02/17/99	64 FR 7849
ANPRM Comment Period End	04/19/99	
Comment Period End	05/05/99	64 FR 24128
Comment Period Extended	08/30/99	

Next Action Undetermined

##### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC  
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RIN: 2126-AA38

#### 1987. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; ZERO-BASE REVISION

**Priority:** Other Significant

**Legal Authority:** 49 USC 113; 49 USC 501; 49 USC 504; 49 USC 13101; 49 USC 13301; 49 USC 13902; 49 USC 31101; 49 USC 31132; 49 USC 31136; 49 USC 31301; 49 USC 31502; PL 104-88

**CFR Citation:** 49 CFR 325; 49 CFR 393; 49 CFR 398; 49 CFR 399; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** FMCSA is revising the Federal Motor Carrier Safety Regulations (FMCSRs) and related regulations. In 1992, a "Zero-Base Review" was launched to improve the organization, format and clarity of the

## DOT—FMCSA

## Long-Term Actions

FMCSRs and collateral regulations. This proposal represents the most recent phase of a “zero-based” review of motor carrier safety regulations to establish more effective, enforceable requirements. This action is the product of that review. It proposes provisions that could affect public safety and potentially raises novel policy issues concerning federalism.

FMCSA plans to release the new rulebook in an incremental fashion to allow an ordered approach to analyzing comments. We will ensure that the final product is a unified, consistent and compatible rulebook. The completed rulebook would constitute a major rewrite of the FMCSRs, including significant format and organizational changes, as well as a significant decrease in administration, recordkeeping, and paperwork burdens. This action is significant under the regulatory policies and procedures of the DOT because of substantial public interest concerning motor carrier safety issues.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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

**Additional Information:** Previous rulemakings from this comprehensive effort have included removing and redesignating redundant or obsolete safety regulations (RIN 2125-AD55 and RIN 2125-AD28) and more substantive and complex revisions of the FMCSRs (RIN 2125-AD72). This action is also incorporating the issues contained in 2125-AD64.

**Agency Contact:** Valerie Height, Office of Policy Plans and Regulations, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2126-AA39

**1988. +POST-ACCIDENT CONTROLLED SUBSTANCES AND ALCOHOL TEST RESULTS; REPORTING REQUIREMENTS FOR THE FATALITY ANALYSIS REPORTING SYSTEM**

**Priority:** Other Significant

**Legal Authority:** PL 74-255; PL 98-554; PL 99-570; PL 102-143; PL 106-159; 49 USC 31136; 49 USC 31301 et seq; 49 USC 31502

**CFR Citation:** 49 CFR 1.73; 49 CFR 382

**Legal Deadline:** None

**Abstract:** FMCSA is considering amending its controlled substances and alcohol testing regulations to require employers subject to those requirements to report certain information to State-employed Fatality Analysis Reporting System (FARS) analysts concerning fatal crashes/accidents. Currently, only FMCSA and State officials with regulatory authority over the employer or any of its drivers may obtain information concerning controlled substances and alcohol testing results and records.

This rulemaking would propose to require employers to provide information to FARS analysts, irrespective of their State authority, working under contract with the National Highway Traffic Safety Administration (NHTSA). The information employers would be required to submit to the analysts would enable NHTSA, working in conjunction with the FMCSA, to compile and analyze data on the incidence of commercial motor vehicle (CMV) drivers who test positive for controlled substances and/or alcohol use in post-accident tests conducted after fatal crashes.

The data would also be used by FMCSA to help assess the effectiveness of its controlled substances and alcohol testing regulations. This action is intended to improve the FMCSA's and NHTSA's CMV crash data and assess the need for new initiatives to further reduce the use of controlled substances and alcohol by CMV drivers.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, Federal

**Agency Contact:** David R. Miller, Office of Policy Plans and Regulations, Division of Regulatory Development, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PRR, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5011

**RIN:** 2126-AA50

**1989. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; INTERSTATE SCHOOL BUS SAFETY**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 105-178, sec 4024

**CFR Citation:** 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 395

**Legal Deadline:** Other, Statutory, December 9, 1999, PL 105-178, sec. 4024.

**Abstract:** FMCSA is considering making the FMCSRs applicable to all interstate school transportation operations by local educational agencies. This action is in response to sec. 4024 of the Transportation Equity Act for the 21st Century (TEA-21) which mandates the FMCSA to make a determination whether to make the FMCSRs applicable to such operations. The FMCSA requests comments, data, and information to assist the agency in making this determination.

This action is considered significant because of the anticipated substantial interest by the public sector and private sector if the FMCSA expands the applicability of the FMCSRs to government operated school buses in interstate commerce.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/22/01	66 FR 53373
ANPRM Comment Period End	01/22/02	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** State

**Federalism:** Undetermined

**Agency Contact:** Philip Hanley, Ofc of Truck and Bus Standards and Operations, Commercial Passenger Carrier Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSB, 400 Seventh Street SW., Washington, DC 20590

## DOT—FMCSA

## Long-Term Actions

Phone: 202 366-6811

RIN: 2126-AA53

**1990. • SECURITY AND HAZARDOUS MATERIALS REQUIREMENTS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 322; 49 USC 5112 and 5125; 49 USC 31136 and 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 397

**Legal Deadline:** None

**Abstract:** The ANPRM would discuss security concerns involving transporting high risk hazardous materials and steps that DOD and DOE have taken to protect their shipments such as escorts, pre-notification of States, and satellite tracking. It would also discuss other technology such as electronic ignition locks that could improve HM security. FMCSA would ask for comments on the feasibility of mandating one or more of these strategies for some segment (the highest risk) of HM transportation. The agency would also ask for comments on the need for "safe havens" or the need for standards about what can be a safe haven. Currently, there are no standards for safe havens.

**Timetable:**

Action	Date	FR Cite
ANPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECH, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2126-AA71

**1991. • +HAZARDOUS MATERIALS TIRE CHECKS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 31136 and 31502; 49 CFR 1.73

**CFR Citation:** 49 CFR 397

**Legal Deadline:** None

**Abstract:** This action would impose to eliminate the periodic tire inspections for vehicles carrying HM because of technological advances related to tire fires and because of terrorist concerns associated with numerous stops. This action is considered significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECH, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2126-AA74

**1992. • +HAZARDOUS MATERIAL ROUTE PLANS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 322; 49 USC 5112 and 5125; 49 CFR 1.73

**CFR Citation:** 49 CFR 397

**Legal Deadline:** None

**Abstract:** HM carriers would be required to prepare and sign a route plan. The plan must be in the possession of the driver of any Table 1 hazardous material (explosives, radioactive materials, poison by inhalation hazard materials).

This action is significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** William A. Quade, Chief, Hazardous Materials Division, Department of Transportation, Federal Motor Carrier Safety Administration, MC-ECH, 400 Seventh Street SW., Washington, DC 20590

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Email: william.quade@fhwa.dot.gov

RIN: 2126-AA75

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**1993. +REVISION OF REGULATIONS AND APPLICATION FORM FOR MEXICO-DOMICILED MOTOR CARRIERS TO OPERATE IN U.S. MUNICIPALITIES AND COMMERCIAL ZONES ON THE U.S.-MEXICO BORDER**

**Priority:** Other Significant

**Legal Authority:** 49 USC 13907

**CFR Citation:** 49 CFR 368; 49 CFR 1.73

**Legal Deadline:** None

**Abstract:** This action proposed collection of some new information and also proposed revisions to the registration application form filed by one of the two classes of Mexico-domiciled motor carriers that operate in the U.S. This class of carriers operates within the U.S.-Mexico border commercial zones which existed before NAFTA. This action is intended to

increase the information available concerning these Mexican property carriers' safety profiles. This action is significant because of substantial public interest.

**Statement of Need:** The Administration has announced its commitment to implementing the entry provisions of the North American Free Trade Agreement (NAFTA). Changes are necessary so that FMCSA will have

## DOT—FMCSA

## Completed Actions

an accurate data base of carriers that operate solely in the U.S. municipalities and commercial zones adjacent to Mexico in Texas, New Mexico, Arizona, and California. Other changes are necessary to reflect the transfer of motor carrier functions to FMCSA.

**Summary of Legal Basis:** Sections 13301 and 13902 of Title 49 of the U.S. Code authorize the award of certificates of registration to certain Mexico-domiciled motor carriers. Since 1982, significant limitations have been in place concerning operations by Mexico-domiciled motor carriers in the United States. A moratorium on grants of operating authority under the jurisdiction of the former Interstate Commerce Commission has existed. Access outside the ICC's jurisdiction has been allowed only through certificates of registration to operate in the limited areas of municipalities and commercial zones on the United States-Mexico border as well as for certain private carriers and carriers of exempt goods who operate beyond this limited area.

**Alternatives:** One alternative would be to continue using the current, obsolete regulations. This would be confusing for carriers seeking to obtain the correct type of registration. Another alternative would be to have a single application process for all Mexico-domiciled motor carriers. This would make it difficult for FMCSA to maintain useful safety and economic data on two different types of trucking activity.

**Anticipated Cost and Benefits:** This proposal would require all current holders of certificates of registration to refile with FMCSA. We have estimated that between 4500 and 11,787 Mexico-

domiciled carriers may need to respond to the regulations. It is expected that completing the form would take approximately four hours. In addition, these carriers would have to update data every two years. This will allow FMCSA to maintain more accurate data that is increasingly tied to safety enforcement. The overall costs of this rule are expected to be extremely small.

**Risks:** The purpose of this rulemaking is to enhance safety by improving FMCSA's data bases and ability to review the safety performance of the Mexico-domiciled carriers covered by the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22328
Comment Period End	07/02/01	
Final Rule	03/19/02	67 FR 12652
Final Rule Effective	04/18/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joanne Cisneros, Transborder Office, Department of Transportation, Federal Motor Carrier Safety Administration, P.O. Box 530870, San Diego, CA 92153-0870  
Phone: 909 653-2299

**RIN:** 2126-AA33

**1994. MOTOR CARRIER IDENTIFICATION REPORT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-159, sec 217

**CFR Citation:** 49 CFR 385

**Legal Deadline:** Final, Statutory, December 9, 2000, PL 106-159, sec 217.

**Abstract:** FMCSA amended the Federal Motor Carrier Safety Regulations (FMCSRs) to revise the requirements for filing the Motor Carrier Identification Report (MCS-150). This action is in response to the Motor Carrier Safety Improvement Act of 1999 (MCSIA). Section 217 of MCSIA required FMCSA to require periodic updating, not more frequently than once every 2 years, of the Motor Carrier Identification Report filed by each motor carrier conducting operations in interstate or foreign commerce. These motor carriers are required to file this report prior to commencing operations. As a result of this action, motor carriers are required to file an update of their report every 24 months.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/24/00	65 FR 70509
Interim Final Rule Comment Period End	01/23/01	
Final Rule	03/01/02	67 FR 9410
Final Rule Effective	04/01/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Deborah M. Freund, Senior Transportation Specialist, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, MC-PSV, 400 Seventh Street SW., Washington, DC  
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**RIN:** 2126-AA57

## Department of Transportation (DOT)

## Prerule Stage

## National Highway Traffic Safety Administration (NHTSA)

**1995. REVIEW: ODOMETER FRAUD**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 580

**Legal Deadline:** None

**Abstract:** This review involves analysis of the incident rates and costs of odometer fraud and an assessment of State and Federal efforts to combat

odometer fraud. To complete this review, the agency requested permission to collect a sample of odometer readings of registered passenger cars that are less than 10 years old from vehicle dealers, distributors, vehicle title files, and State Department of Motor Vehicle agencies. Congress directed the agency to conduct this review.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/95	
Collection of Information	09/23/96	61 FR 49809
Comment Period End	11/11/96	
Collection of Information	06/06/97	62 FR 31186
Comment Period End	07/07/97	
End Review	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

## DOT—NHTSA

## Prerule Stage

**Government Levels Affected:** None

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

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Email: ckahane@nhtsa.dot.gov

**RIN:** 2127-AF53

### 1996. REVIEW: AMERICAN AUTOMOBILE LABELING ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 32304

**CFR Citation:** 49 CFR 583

**Legal Deadline:** None

**Abstract:** The American Automobile Labeling Act requires new passenger cars and light trucks, beginning October 1, 1994, to bear labels providing information on the extent to which their parts are of domestic origin. The objective of this review is to determine the extent to which new-vehicle buyers know about, understand and use this information, and to estimate the effect of the labels on vehicle production and sales.

**Timetable:**

Action	Date	FR Cite
Begin Review	12/01/95	
Collection of Information	07/24/97	62 FR 39886
Comment Period End	09/22/97	
Collection of Information	02/18/98	63 FR 8249
Collection of Information	02/26/98	63 FR 9897
Technical Report	03/06/01	66 FR 13625
End Review	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** In a survey of 646 recent or imminent new-vehicle buyers, over 75 percent were unaware of the existence of automobile parts content labels. Among those who had read the labels, many said they used the country-of-assembly information, but none said they used the numerical U.S./Canadian parts content score. Overall U.S./Canadian parts content in new cars and light trucks dropped from an average of 70 percent in model year 1995 to 67.6 percent in 1988. However,

it increased from 47 to 59 percent in transplants while dropping from 89 to 84 percent in Big 3 vehicles.

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

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Fax: 202 366-2559

Email: ckahane@nhtsa.dot.gov

**RIN:** 2127-AG18

### 1997. REVIEW: HEAVY TRUCK CONSPICUITY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** The agency is conducting a study to evaluate the safety effects of the conspicuity systems requirement (section 5.7) of Federal Motor Vehicle Safety Standard No. 108. To carry out the study, the agency had special motor vehicle crash data collected by the Florida Highway Patrol and the Pennsylvania State Police.

**Timetable:**

Action	Date	FR Cite
Begin Review	09/01/95	
Collection of Information	07/01/96	61 FR 33891
Comment Period End	08/30/96	
Technical Report	05/04/01	66 FR 22640
End Review	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Retroreflective tape enhances the visibility of heavy trailers in the dark. The tape reduces side and rear impacts by other vehicles into trailers by 29 percent in dark conditions (including dark-not-lighted, dark-lighted, dawn and dusk). In dark-not-lighted conditions, the tape reduces side and rear impacts by 41 percent. When all heavy trailers have the tape, it will prevent an estimated 191-350 fatalities, 3,100-5,000 injuries and 7,800 crashed per year.

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Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Email: ckahane@nhtsa.dot.gov

**RIN:** 2127-AG19

### 1998. MOTORCYCLE MOUNTED REFLEX REFLECTOR HEIGHT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering allowing a lower minimum mounting height for side reflex reflectors on motorcycles. The intent is to harmonize United States lighting safety standards with European and Asian reflector position regulations and improve the flow of trade by creating "windows of harmonization" that will allow manufacturers to market "common" vehicles in global markets.

**Timetable:**

Action	Date	FR Cite
Agency Decision	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

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**RIN:** 2127-AG92

### 1999. CHILD RESTRAINTS FOR OLDER CHILDREN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency requested

## DOT—NHTSA

## Prerule Stage

comments on whether the child restraint standard should be amended to facilitate the production of lap belt-installed booster seats and other child restraints for children weighing over 18 kilograms, such as by allowing use of a tether in some of the compliance tests.

**Timetable:**

Action	Date	FR Cite
Request for Comment	07/07/99	64 FR 36657
Comment Period End	09/07/99	
Agency Decision	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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**RIN:** 2127-AH14

**2000. EJECTION MITIGATION USING ADVANCED GLAZING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** In response to the Intermodal Surface Transportation Efficiency Act of 1991, the agency requested comments on the report titled "Ejection Mitigation Using Advanced Glazing: Status Report II." This report is to inform the public about the agency's research findings to date on advanced glazing materials that may prevent ejection on vehicle occupants through motor vehicle windows during crashes.

**Timetable:**

Action	Date	FR Cite
Request for Comments	07/19/00	65 FR 44710
Comment Period End	11/16/00	
Agency Decision	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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**RIN:** 2127-AH50

**2001. REVIEW: HEAD RESTRAINTS FOR LIGHT 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 571.202

**Legal Deadline:** None

**Abstract:** This standard requires pickup trucks, vans, and sport utility vehicles with gross vehicle weight of 10,000 pounds or less, manufactured after September 1, 1991, to have head restraints or high seatbacks for the driver and right-front passenger. The agency will compare the occupant injury rates in rear-crashes of trucks equipped with head restraints and trucks not equipped with head restraints. The cost of the standard will also be established. This regulation was selected for review of its costs, potential benefits, and public interest.

**Timetable:**

Action	Date	FR Cite
Begin Review	09/29/99	
Technical Report	05/10/01	66 FR 23974
End Review	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2127-AH98

**2002. 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
ANPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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**RIN:** 2127-AI39

**2003. • RETROACTIVE CERTIFICATION (POLICY STATEMENT)**

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

**Legal Authority:** 49 CFR 322; 49 CFR 30111; 49 CFR 30115; 49 CFR 30166; 49 CFR 32502; ...

**CFR Citation:** 49 CFR 567

## DOT—NHTSA

## Prerule Stage

**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	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rebecca MacPherson, Attorney Advisor, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2992

**RIN:** 2127-AI59

**2004. • EVENT DATA RECORDERS**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In the past several years, there has been considerable interest from the safety community in establishing requirements for Event Data Recorders (EDRs). We believe it is timely to consider what role NHTSA should take in implementing EDRs in motor vehicles. Recently, NHTSA received a petition requesting that NHTSA initiate rulemaking to require the installation of EDRs in new vehicles. The agency decided to issue a Federal Register notice asking for comments. NHTSA will decide what to

do after review of comments and other related information.

**Timetable:**

Action	Date	FR Cite
Request for Comments	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Dr. William R.S. Fan, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, Room 5320F, NPS-10, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2127-AI72

## Department of Transportation (DOT)

## Proposed Rule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2005. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

**CFR Citation:** 49 CFR 520

**Legal Deadline:** None

**Abstract:** NHTSA's regulation will be reviewed and revised, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321 et seq.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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-AB79

**2006. SEATING SYSTEMS PERFORMANCE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.207

**Legal Deadline:** None

**Abstract:** Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the seatback performance requirements of the standard in rear impact crashes.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	
Request for Comments	11/23/92	57 FR 54958
Comment Period End	01/22/93	
NPRM	05/00/02	

**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 vehicle seat testing.

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**RIN:** 2127-AD08

## DOT—NHTSA

## Proposed Rule Stage

**2007. 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 will publish the findings and recommendations of the negotiated rulemaking advisory committee and request comments from the public.

**Timetable:**

Action	Date	FR Cite
NPRM	12/03/91	56 FR 61392
NPRM Comment Period End	01/31/92	
Announced Public Meeting	11/17/95	60 FR 57694
Notice of Intent	05/20/99	64 FR 27499
Notice of Formation of Advisory Committee	11/26/99	64 FR 66447
Notice of Meetings	02/07/00	65 FR 5847
Notice	04/19/00	65 FR 20936
SNPRM	09/00/02	

**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

**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-AE27**2008. CONVEX CROSS-VIEW MIRRORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.111**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency requested comments on the issue of rear mounted cross-view mirrors on light and medium duty trucks for the purpose of eliminating the blind spot directly behind the vehicle. The petitioner requested that these mirrors be mandated to eliminate backing accidents where children could be seriously injured or killed. Petition was granted.

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/17/96	61 FR 30586
Comment Period End	10/15/96	
ANPRM	11/27/00	65 FR 70681
ANPRM Comment Period End	01/26/01	
NPRM	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AG41**2009. UPGRADE ROOF CRASHWORTHINESS****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:** In response to a petition for rulemaking, the agency is considering whether to upgrade the roof crashworthiness particularly since a larger percentage of American vehicles consist of light duty and utility vehicles, a class of vehicles more prone to rollover accidents. Petition was granted.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/22/01	66 FR 53376
Comment Period End	12/06/01	
NPRM	08/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roger Saul, Director, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AG51**2010. HYBRID III 95TH PERCENTILE MALE****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; 49 CFR 571.208**Legal Deadline:** None

**Abstract:** The agency is examining the possibility of proposing specifications for a new 95th percentile male Hybrid III size test dummy for possible use in test procedures being proposed in amendments to Federal Motor Vehicle Safety Standard No. 208. The new test dummy and procedures are being proposed to facilitate the development and introduction of new advanced air

## DOT—NHTSA

## Proposed Rule Stage

bags and other types of advanced restraints technologies for crash protection in frontal impacts.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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**RIN:** 2127-AG79

**2011. BUY AMERICAN REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 97-424

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The agency is proposing to exempt certain purchases by grantees from the requirements of the Department of Transportation's Buy American provisions to streamline and improve the grant process. These proposed exemptions will include small purchases not to exceed the current small purchase threshold.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John Donaldson, Senior Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1834

**RIN:** 2127-AG99

**2012. POLITICAL SUBDIVISION PARTICIPATION IN STATE HIGHWAY SAFETY PROGRAMS AND STATE HIGHWAY SAFETY AGENCY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 402

**CFR Citation:** 23 CFR 1250; 23 CFR 1251

**Legal Deadline:** None

**Abstract:** The agency is proposing to amend certain provisions concerning the State Highway Safety Programs to streamline them, address statutory changes, and delete obsolete or unnecessary requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** John Donaldson, Senior Attorney, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1834

**RIN:** 2127-AH00

**2013. DEFINITION OF COMMUNITY TRANSPORTATION VEHICLES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 9 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing to amend various sections of part 571 to create a new vehicle type, tentatively called community transportation vehicles, that will have to meet the crashworthiness standards applicable to school buses, but will not have to meet some of the crash avoidance standards (i.e., stop arms, flashing lights, etc.). This would allow manufacturers to certify vehicles that will be less expensive and as safe as a school bus for transportation of Head Start students because we have tentatively decided that the school bus crash avoidance features are unnecessary when there is no curb-side pickup.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AH23

**2014. METRIC CONVERSION—PHASE III**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; PL 100-418, sec 5164

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** The agency is amending selected Federal motor vehicle safety standards by converting English measurements in those standards to metric measurements. This rulemaking is the third and final in a series that the agency will undertake to implement the Federal policy that the metric system is the preferred system of weights and measures for U.S. trade and commerce. The conversions are not intended to change the stringency of the affected Federal motor vehicles safety standards.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Noble Bowie, Director, Office of Planning and Consumer Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-0842

**RIN:** 2127-AH27

## DOT—NHTSA

## Proposed Rule Stage

**2015. UPGRADE DOOR RETENTION 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 571.206**Legal Deadline:** None

**Abstract:** Based upon annual average estimates from the 1988 through 1996 Fatal Analysis Reporting System (FARS) and the National Automotive Sampling System (NASS), there is an annual average of 2,515 fatalities and 1,882 serious injuries due to door ejections. Side door ejections are the second leading cause of ejections in all crashes, superseded only by ejections through fixed glazing. One of the activities of agency rollover research focuses on reducing injuries and fatalities resulting from side door ejections. This research has led the agency to identify potential significant solutions to mitigating a substantial number of these fatalities and injuries by improving side door retention performance. Therefore, the agency is proposing to upgrade the door retention requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

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**RIN:** 2127-AH34**2016. ADMINISTRATIVE REWRITE OF THE LIGHTING REQUIREMENTS OTHER THAN HEADLAMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** The agency is proposing to rewrite the reflective devices and associated equipment requirements to make the standard more readable and understandable. The standard has grown over the last 30 years by the incorporation of dozens of amendments. The document has become unwieldy to use and the agency decided to rewrite it to separate it into sections that address each lighting function separately. These sections will state the basic performance necessary for each lighting function and for lamp installation on various vehicle types. The rewrite will continue to reference Society of Automotive Engineers (SAE) and other standards and recommended practices for test procedures if too lengthy to incorporate changes. Moreover, it will codify various agency interpretations of its rules to make the standard more explicit and objective. The administrative rewrite of the headlamp regulations can be found under RIN 2127-AG87.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5280  
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**RIN:** 2127-AH37

**2017. EXEMPTION FOR INCONSEQUENTIAL DEFECT OR NONCOMPLIANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30113**CFR Citation:** 49 CFR 556**Legal Deadline:** None

**Abstract:** Present regulation requires a petitioner to submit data "supporting its petition" which advocates excusing it from its notification and remedial obligations. Because the petitioner may have pertinent data relevant to the agency's decision that would not support granting it, the agency is

proposing a clarification that all data pertaining to the subject in the possession of the petitioner be part of the petition. The agency also is proposing the petitioner provide a full and accurate analysis of its petition and certify that it is accurate and complete. NHTSA had deferred action on this rulemaking action on 8/2/01, to allow it to focus its limited resources on the defects and noncompliance related rulemaking actions required by the Transportation Recall Enhancement, Accountability, and Documentation Act of 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2127-AH58

**2018. COMPLIANCE AND ENFORCEMENT****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**Legal Deadline:** None

**Abstract:** The agency is proposing to codify our long-standing general policy that motor vehicles and items of motor vehicle equipment must be capable of satisfying the requirements of each particular standard or regulation with the adjustable components of the vehicle or vehicle equipment adjusted to any position they can occupy while the vehicle is being operated unless the particular standard or regulation specifies otherwise or the manufacturer explicitly warns against placing the equipment or vehicle in that position. The agency is also proposing that where a standard provides manufacturers with more than one compliance option, manufacturers must

## DOT—NHTSA

## Proposed Rule Stage

select which compliance option(s) they are certifying to by the time they certify a vehicle or equipment item.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**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-AH63

**2019. ACCELERATOR CONTROL SYSTEMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.124

**Legal Deadline:** None

**Abstract:** The agency reviewed this standard and published a "Request for Comment" to obtain information on electronic accelerator controls. After reviewing the comments received on this notice, the agency plans to propose a revision of the standard that will make explicit the application of the standard to electronic accelerator controls and the electric vehicles. The proposal will recognize that electronic engine controls vastly increase the ways manufacturers can achieve fail-safe performance in the event of a disconnection or severance of the accelerator control system and will propose a number of alternative compliance tests for fail-safe performance to avoid design restrictions.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/04/95	60 FR 62061
Comment Period End	02/02/96	
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

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**RIN:** 2127-AH71

**2020. +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:** The agency is considering establishing a Federal motor vehicle safety standard for high speed frontal offset crash testing. The frontal offset test is a crash test for automobiles and light trucks in which the subject vehicles are run into a deformable honeycomb barrier. The barrier contacts only 40 percent of the front of the vehicle simulating an off-center frontal collision. The agency is considering adding the offset test to the frontal occupant protection standard to measure vehicle structural integrity and reduce the number and severity of lower-body injuries.

**Statement of Need:** While the Federal motor vehicle safety standards already contain a frontal crash test, injuries and fatalities still occur in various types of frontal crashes. The European Union determined that the best test for frontal occupant protection would be an offset test with belted test dummies. As part of the House of Representatives Conference Report 104-785, to accompany H.R. 3675, the National Highway Traffic Safety Administration was directed on September 16, 1996, to conduct research "...toward establishing a Federal motor vehicle safety standard for frontal offset crash testing." Such a standard would be largely harmonized with the European Union frontal crash standard. Subsequent research results with the 50th percentile male and the 5th percentile female Hybrid III dummies suggest that additional safety benefits

would be provided under the offset test conditions.

**Summary of Legal Basis:** Section 30111, title 49 of the United States Code, states the Secretary shall prescribe motor vehicle safety standards. As part of the House of Representatives Conference Report 104-785, to accompany H.R. 3675, the National Highway Traffic Safety Administration was directed on September 16, 1996, to conduct research "...toward establishing a Federal motor vehicle safety standard for frontal offset crash testing."

**Alternatives:** The agency will focus on existing test procedures. However, the agency is working through the national and international biomechanical engineering community to develop better test devices such as improved dummy legs. Comments will be sought on the best dummy designs in the agency's proposal.

**Anticipated Cost and Benefits:** A report prepared for the Australian Government estimates that adding an offset test may result in a 15 percent reduction in "Harm." Harm is a calculation of the cost of trauma and is the product of the frequency of injury and cost to the community. Most of these benefits would be seen in reduction in lower body and leg injuries. The agency has not determined the specific benefits of this test procedure.

The agency estimates that for vehicles that cannot currently pass this test, vehicle modifications would cost \$14 per vehicle. Based on an estimate that 25 percent of the fleet would need to be modified, the total annual cost to the consumers would be \$60 million dollars.

**Risks:** Current motor vehicles provide numerous occupant protection systems, such as safety belts and strategically-placed energy absorption materials such as foam padding. However, an estimated 3,300 people per year are killed and 400,000 people per year are injured in frontal offset crashes.

The agency knows of no disadvantages to implementing this requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

## DOT—NHTSA

## Proposed Rule Stage

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roger Saul, Director, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AH73**2021. SPECIAL PURPOSE VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.224**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency is considering whether to amend the standard for new trailers and semitrailers with a Gross Vehicle Weight Rating (GVWR) of 4,536 kilograms (10,000 pounds) or more be equipped with a rear impact guard by revising the definition of "special purpose vehicles." These are vehicles with rear mounted liftgates that operate by swinging through the area or reside in any part of the area that is designated for the horizontal member of the rear impact guard.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and Systems Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AH75**2022. BRAKE HOSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.106**Legal Deadline:** None**Abstract:** In response to a petition for rulemaking, the agency is considering whether to adopt portions of the brake component Federal safety provisions that are now in the Federal Highway Administration regulations into the agency's brake regulation.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** George Soodoo, Division Leader, Vehicle Dynamics Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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Email: gsoodoo@nhtsa.dot.gov**RIN:** 2127-AH79**2023. LOW-SPEED VEHICLE PERFORMANCE REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.500**Legal Deadline:** None**Abstract:** Low-speed vehicles (LSV) have a maximum speed of between 20 and 25 miles per hour (mph). These vehicles are required to have certain equipment some of which does not have any performance requirements. The agency is proposing to set performance criteria for the various safety systems and hardware necessary for use on these vehicles.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

**RIN:** 2127-AH80**2024. HEADLAMP GLARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None**Abstract:** The current standard sets minimum and maximum intensities for headlamps to ensure that the two most important aspects of head lighting performance are balanced. These often conflicting aspects are (1) to assure the driver of the vehicles sees as much of the roadway possible, while (2) minimizing glare for other drivers using the road. The balance the agency has chosen of these two areas has changed very little since 1970. The agency has been receiving a significant number of public complaints about glare from other vehicles' headlamps. In light of significant technological changes, including improved halogen lamps and high intensity discharge lamps, fleet mix changes (nearly half of all new vehicles sold in 1998 were light trucks, with higher-mounted headlamps), and an increase in the age of the population, the agency wants to reexamine the balance it has chosen between seeing distance and glare to see if it is still appropriate. The agency asked the public for comments and information to begin exploring this area more fully.**Timetable:**

Action	Date	FR Cite
Request for Comments	09/28/01	66 FR 49594
Reopen Comment Period	11/30/01	66 FR 59769
Comment Period End	12/22/01	
Comment Period End	01/28/02	
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

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## Proposed Rule Stage

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AH81

### 2025. STOWABLE OR FOLD-AWAY CHILD RESTRAINT ANCHORAGES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.225

**Legal Deadline:** None

**Abstract:** This action proposes requests by petitions for reconsideration to permit stowing and fold-away anchors on vehicles. The proposal would set performance and other requirements for such anchors. This pertains to the requirements established in the final rule published March 5, 1999 (64 FR 10785, RIN 2127-AG50).

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Other issued raised by the petitioners are being addressed in RIN 2127-AH65 - Child Restraint Anchorage Systems - Part 1 and RIN 2127-AH86 - Child Restraint Anchorage Systems - Part 2.

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**RIN:** 2127-AH85

### 2026. DEFECT REPORTING AND NOTIFICATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30102 to 30103; 49 USC 30112; 49 USC 30115 to 30121; 49 USC 30166 to 30167

**CFR Citation:** 49 CFR 573; 49 CFR 576; 49 CFR 577

**Legal Deadline:** None

**Abstract:** The agency is proposing to amend its current regulations on Defect and Noncompliance Reports and Defect and Noncompliance Notification. The amendments are intended to implement the investigative and recall provisions by increasing the availability of information regarding safety related defects and noncompliance and by improving notification to consumers of recalls of defective and noncomplying motor vehicle equipment. NHTSA deferred action on this rulemaking action on 8/2/01, to allow it to focus its limited resources on the defects and noncompliance related rulemaking actions required by the Transportation Recall Enhancement, Accountability, and Documentation Act of 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Jonathan D. White, Chief, Recall Analysis Division, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AH89

### 2027. 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:** In response to a petition for rulemaking, the agency is considering whether to modify the motorcycle

headlamp system height of upper beam and number of headlamp and light source.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

**RIN:** 2127-AH92

### 2028. IMPROVE MOTORCYCLE HELMET HEAD PROTECTION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.218

**Legal Deadline:** None

**Abstract:** In 1998, 2,284 motorcyclists were killed and 49,000 injured in traffic crashes on U.S. highways. The agency believes that helmet usage by motorcyclists is the most effective method to reduce deaths and injuries in motorcycle crashes. In order to improve the head protection for motorcyclists, the agency is proposing to upgrade the performance standards and test procedures to incorporate the technological advancements available in the current market and to review the standard for harmonization with other major helmet standards.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

## DOT—NHTSA

## Proposed Rule Stage

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 RIN: 2127-AI03

**2029. LABEL PLACEMENT ON REAR IMPACT GUARDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.223

**Legal Deadline:** None

**Abstract:** In response to petitions for rulemaking, the agency is proposing to allow trailer manufacturers additional flexibility in the placement of the permanent label on the guard to minimize the probability that the label will be exposed to conditions - environmental, operational, or otherwise - that may damage or destroy the guard while maintaining a location that is easily accessible and visible for inspection and enforcement purposes. Other portions of the petitions are denied.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/02	67 FR 15154
NPRM Comment Period End	05/28/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AI04

**2030. REORGANIZE AND HARMONIZE CONTROLS AND DISPLAYS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.101

**Legal Deadline:** None

**Abstract:** The agency is proposing to reorganize the controls and displays requirements to make them more user-friendly and to harmonize the standard with the Canadian Motor Vehicle Safety Standard No. 101 on the same subject. These proposed changes will list the symbols used in the standard to improve driver recognition of the function of controls and the meaning of telltales.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

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RIN: 2127-AI09

**2031. CONFIDENTIAL BUSINESS INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30166(M)

**CFR Citation:** 49 CFR 512

**Legal Deadline:** None

**Abstract:** This will propose a revision to the agency's confidential business information regulations to reflect a new provision signed into law under the Transportation Recall Enhancement, Accountability and Documentation (TREAD) Act, which provides for the disclosure of confidential business information received under the act under limited circumstances. This NPRM will propose also changes to the regulation that will streamline procedures, eliminate duplication, ensure the use of plain language and update its provision, consistent with current case law.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Heidi L. Coleman, Assistant Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-1834

RIN: 2127-AI13

**2032. +IMPROVING THE SAFETY OF CHILD RESTRAINTS**

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** Final, Statutory, November 30, 2002.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking that will improve the safety of child restraints, including minimizing head injuries from side impact collisions. The agency will consider whether to (1) require more comprehensive tests of child restraints using an array of crash conditions and an updated test seat assembly; (2) use test dummies that represent a greater range of sizes of children and that incorporate current technologies; (3) require improved protection from head injuries in side-and rear-impact crashes; (4) provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis; (5) prescribe clearer and simpler labels and instructions on child restraints; (6) consider restraints for children weighing up to 80 pounds; (7) apply scaled injury criteria performance levels, including neck injury; and (8) include a child restraint in each vehicle crash tested under the New Car Assessment Program.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** George Mouchahoir, Team Leader, Special Vehicles and

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## Proposed Rule Stage

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RIN: 2127-AI34

**2033. SEAT BELT FIT**

**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 reviewing a petition for rulemaking requesting the extension of seat belt length be an option when purchasing a new vehicle and requesting vehicle manufacturers to make seat belt extenders available for all models.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AI36

**2034. 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 retractor.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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RIN: 2127-AI38

**2035. VOLUNTARILY INSTALLED SEAT BELT ASSEMBLY 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 571.210

**Legal Deadline:** None

**Abstract:** In a final rule published June 12, 1998 (63 FR 32143, RIN 2127-AF91), the agency required anchorages for voluntarily installed shoulder belts to comply with the current requirements for 3-point belts. This change applied mainly to seat locations where belts are required, such as the center rear seat in passenger cars. This change did not apply to seats where no seat belt was required. The agency is proposing to extend the anchorage requirement to seats where the entire seat belt assembly is voluntarily installed. This change will mainly affect passenger seats on large buses and large school buses where the customer decides to order the bus with seat belts.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This action is currently in research.

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RIN: 2127-AI40

**2036. IDLE STOP TECHNOLOGY USED IN SOME HYBRID ELECTRIC VEHICLES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.102

**Legal Deadline:** None

**Abstract:** The agency is proposing to amend the standard to clarify the intent of the standard and allow it to accommodate "idle stop technology" used in some hybrid electric vehicles. This will respond to existing interpretations which promised such a modification.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

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RIN: 2127-AI43

**2037. +OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS**

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

**Legal Authority:** PL 106-346, sec 351

**CFR Citation:** 23 CFR 1225

**Legal Deadline:** None

**Abstract:** The Transportation Equity Act for the 21st Century (TEA-21) established a grant program under

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which states could qualify for incentive funds if they enacted and enforced a law that provides that any person with a blood alcohol concentration of .08 percent or greater while operating a motor vehicle in the state is deemed to have committed a per se offense of driving while intoxicated or an equivalent per se offense. The agency published a final rule implementing that incentive grant program. Section 351 of the Department of Transportation (DOT) Appropriations Act for Fiscal Year (FY) 2001 (PL 106-346) contains a new provision requiring the withholding of certain Federal-aid highway funds from a state, beginning in fiscal year 2004, if the state has not enacted and is not enforcing such a law. The agency is proposing to amend the regulation implementing the incentive grant program established in TEA-21 to reflect the new sanctions provisions established in the DOT appropriations set for FY 2001.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

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Marlene Markison, Chief, Program Support, Office of State and Community Services, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2121

**RIN:** 2127-AI44

### 2038. 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	10/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State

**Agency Contact:** Edward Milton, Acting Division Chief, Driver Register and Traffic Records Division,, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 366-4800

**RIN:** 2127-AI45

### 2039. EXPANDING THE AUTO PARTS MARKING REQUIREMENT

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33103**CFR Citation:** 49 CFR 541**Legal Deadline:** None

**Abstract:** In accordance with the Anti Car Theft Act of 1992, the Attorney General was required to report on the effectiveness of expanding the parts marking requirements of the theft prevention standard to the remaining motor vehicle lines. On the basis of the available evidence presented, the Attorney General found that the evidence did not support a finding that requiring parts marking would not substantially inhibit chop shop operations and auto theft and therefore, recommended expanding the parts marking requirements to the remaining motor vehicle lines. Based on the results of the report, the agency is required to conduct a rulemaking to extend the theft prevention standard to the remaining motor vehicle lines.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2127-AI46

### 2040. PARKING BRAKES FOR NON-SCHOOL BUS VEHICLES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.105**Legal Deadline:** None

**Abstract:** The agency is proposing to update the standard to require non-school bus vehicles with a gross vehicle weight rating (GVWR) over 10,000 pounds to be equipped with a hydraulic parking brake system.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** George Soodoo, Division Leader, Vehicle Dynamics Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2127-AI47

### 2041. 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

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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 5th wheel travel trailers. Such labeling will help the consumer make informed decisions during the purchasing process, act as a reference during cargo loading and encourage the recreational vehicle industry to allow for greater cargo carrying capacities which in turn will reduce instances of overloading.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

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**RIN:** 2127-AI50

**2042. 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:** In response to a petition for rulemaking, the agency is considering amending the standard 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
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury

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**RIN:** 2127-AI52

**2043. ENHANCE 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, the agency is considering amending the standard by extending the requirements to MPVs and trucks (independent of their weight) to allow enhanced passenger-side mirror systems.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AI53

**2044. 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	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AI56

**2045. HEAVIER HYBRID III TYPE 6-YEAR-OLD SIZE TEST DUMMY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** The agency is proposing to incorporate a heavier 6-year-old child dummy as part of the Hybrid III test dummy family. This dummy will have weight added to the existing dummy, making it heavier than 60 pounds. The weighted 6-year-old dummy would have application for testing child restraint systems which are rated for weights above the current 6-year-old dummy weight and would serve as an interim device until such time as the Hybrid III 10-year-old dummy has been fully developed.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**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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## DOT—NHTSA

## Proposed Rule Stage

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#### 2046. ● RECORD RETENTION OF RETROACTIVELY CERTIFIED VEHICLES

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**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	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2127-AI60

#### 2047. ● DAYTIME RUNNING LAMPS VOLTAGE AND CONSPICUITY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** The agency is proposing to further lower glare while minimizing the change in conspicuity.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5280

Fax: 202 366-4329

**RIN:** 2127-AI62

#### 2048. ● ALLOW ROLL-BAR DURING BRAKE TESTING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.105

**Legal Deadline:** None

**Abstract:** The agency is proposing to allow vehicles with a gross vehicle weight rating of over 10,000 pounds to use a roll-bar during braking tests.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** George Soodoo, Division Leader, Vehicle Dynamics Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-2720

Fax: 202 366-4329

Email: gsoodoo@nhtsa.dot.gov

**RIN:** 2127-AI63

#### 2049. ● IMPORTATION OF COMMERCIAL MOTOR VEHICLES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30112

**CFR Citation:** 49 CFR 591

**Legal Deadline:** None

**Abstract:** This rulemaking would propose a definition of the term "import".

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12806
NPRM Comment Period End	05/20/02	

**Regulatory Flexibility Analysis**  
**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

**RIN:** 2127-AI64

#### 2050. ● CHILD RESTRAINT SYSTEM WEBBING STRENGTH

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** The agency is proposing to require minimum breaking strengths for child restraint systems webbing.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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**RIN:** 2127-AI66

#### 2051. ● MOTORCYCLE HANDLEBAR LEVER

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.123

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing to allow a handlebar lever instead of a

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foot pedal to control the rear brakes on motorcycles which have no clutch control.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

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**RIN:** 2127-AI67**2052. • +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARD, MODEL YEARS 2005-2010****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 49 USC 329**CFR Citation:** 49 CFR 533**Legal Deadline:** None

**Abstract:** The purpose of this request for comments is to acquire information to assist the agency in developing a proposal for fuel economy standards for light trucks beyond model year 2004. The agency plans to propose standards for some or all of model years 2005 to 2010. The agency is seeking information that will help it assess the extent to which manufacturers can improve light truck fuel economy during the period in question, the benefits and costs to consumers of fuel economy improvements, the benefits to the nation of reducing fuel consumption, and the number of model years that should be covered by the proposal. The agency is also seeking comments on possible modifications and/or reforms to the Corporate Average Fuel Economy program.

**Timetable:**

Action	Date	FR Cite
Request for Comments	02/07/02	67 FR 5767
NPRM	10/00/02	

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

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI70**2053. • STATIC OUT-OF-POSITION TEST REQUIREMENTS AT S23 USING 6-YEAR-OLD 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 571.208**Legal Deadline:** None**Abstract:** In response to petition for rulemaking, the agency is considering:

(a) Defer for 3 years the implementation of the static out-of-position test requirements at S23 using the 6 year old dummy; (b) modify the 300 msec data collection requirement to be 10 msec after dummy interaction with the air bag ceases to allow facilitation of Low Risk Deployment (LRD) as either a compliance option or redundant protection for suppression systems; (c) provide a limited allowance for a manual 3-way override switch (on-off automatic) for 3-position front seating systems; and (d) reduce the first year phase-in from 35 percent to 10 percent.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

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

Phone: 202 366-1740

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Email: rsaul@nhtsa.dot.gov

**RIN:** 2127-AI71**2054. • INSURER REPORTING REQUIREMENTS/LIST OF INSURERS REQUIRED TO FILE REPORTS FOR OCTOBER 2002****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 33112**CFR Citation:** 49 CFR 544**Legal Deadline:** None

**Abstract:** NHTSA proposes to update its lists in appendices A, B, and C of part 544 of passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experience. If these revised appendices are adopted in a final rule, each insurer included in any of these appendices must file a report for the 1998 calendar year not later than October 25, 2002. Further, as long as the insurer remains listed, it must submit reports by each subsequent October 25.

**Timetable:**

Action	Date	FR Cite
Request for Comments	03/12/02	67 FR 11161
NPRM	03/27/02	67 FR 14667
NPRM Comment Period End	05/28/02	

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

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI73**2055. • THEFT DATA FOR CALENDAR YEAR 2000****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 theft data on passenger motor vehicles that occurred in calendar year 2000 for MY 2000 vehicles. The theft data indicate the overall vehicles' theft rate in 2000. Publication of this data fulfills the agency's obligation to periodically

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obtain accurate and timely data and publish the information for review and comment.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Deborah Mazyck, Program Analyst, Department of Transportation, National Highway Traffic Safety Administration, NPS-32, Office of Planning and Consumer Programs, 400 Seventh Street, Room 5320, Washington, DC 20590  
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**RIN:** 2127-AI75

**2056. • GM PETITION ON AMENDING FMVSS NO. 301 AND FMVSS NOS. 208, 212, 219, 303, AND 305**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.208; 49 CFR 571.212; 49 CFR 571.219; 49 CFR 571.301; 49 CFR 571.303; ...

**Legal Deadline:** None

**Abstract:** NHTSA published an NPRM on November 13, 2002, proposing to upgrade the rear and side impact tests in FMVSS No. 301, Fuel System Integrity. The NPRM requested comments on a number of particular issues. One of the requests, item 3.h, proposed to eliminate the second sentence in the standard's S7.11(b), which describes the test vehicle loading conditions. GM submitted comments on the issue and recommended specific changes. In addition, GM petitioned NHTSA to amend FMVSS Nos. 208, 212, 219, 303 and 305 with identical

language that GM recommended for amending FMVSS No. 301.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Roger Saul, Director, Office of Crashworthiness Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2127-AI76

**2057. • SCHEDULE OF FEES AUTHORIZED BY 49 U.S.C. 30141**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30141; 31 USC 9701

**CFR Citation:** 49 CFR Part 594

**Legal Deadline:** None

**Abstract:** NHTSA proposes to amend its regulations establishing fees authorized by 49 U.S.C. 30141 for the purpose of reimbursing the agency for certain costs incurred in administering the vehicle importation program. The amendments will adjust the fees to the level necessary for the agency to recover its actual costs. Section 301419(e) requires the agency to review and adjust these fees at least every two years. The fees were last adjusted in September 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Taylor Vinson, Senior Attorney, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI77

**2058. • EXEMPTION FOR INCONSEQUENTIAL DEFECT OR NONCOMPLIANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30118(d), 30120(h); Delegation of Authority at 49 CFR 1.50

**CFR Citation:** 49 CFR 556

**Legal Deadline:** None

**Abstract:** Amendment to existing rules on inconsequential petitions to address appeals to the agency of denials of petitions for exemptions from notification and remedy requirements on the grounds that the noncompliance or defect is inconsequential as it relates to motor vehicle safety.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Andrew DiMarsico, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW, Washington, DC 20590

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**RIN:** 2127-AI78

**Department of Transportation (DOT)  
National Highway Traffic Safety Administration (NHTSA)**

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**2059. BRAKE LINING**

**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

**Legal Deadline:** None

**Abstract:** Petitions from R. Grabowsky and American Trucking Association (ATA) requested initiation of

rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and

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identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and were granted.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** George Soodoo, Division Leader, Vehicle Dynamics Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AC66

**2060. +PLATFORM LIFT SYSTEMS**

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 571.403; 49 CFR 571.404

**Legal Deadline:** None

**Abstract:** The supplemental notice proposed to establish two new safety standards: an equipment standard specifying requirements for platform lifts; and a vehicle standard for all vehicles equipped with such lifts. This supplemental notice significantly differed from our original proposal in several respects. Most notably, the scope of our proposal expanded to platform lifts installed on all motor vehicles. Other significant changes were additional interlock requirements, improved wheelchair retention and platform slip resistance tests, and, in some instances, lesser compliance standards for lifts installed on vehicles typically used solely for private transport. This action is considered significant due to substantial public interest in transportation of individuals with disabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	02/26/93	58 FR 11562
NPRM Comment Period End	04/27/93	
SNPRM	07/27/00	65 FR 46227

Action	Date	FR Cite
Correction	08/04/00	65 FR 47946
SNPRM Comment Period End	10/25/00	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gayle Dalrymple, Safety Engineer, Vehicle Controls and Adapted Vehicle Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-5559

**RIN:** 2127-AD50

**2061. 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 is proposing a new Federal motor vehicle safety standard regulating new radiator caps and coolant reservoir caps, and new passenger cars, multipurpose passenger vehicles and light trucks with such caps. The agency believes that this new standard, if implemented, would result in fewer scald injuries that occur when people attempt to remove caps from motor vehicle radiators or coolant reservoirs that are under high pressure and contain hot fluids. However, this rulemaking would not require that radiator caps or coolant reservoir caps be provided on any motor vehicle.

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/10/93	58 FR 32503
Comment Period End	08/09/93	
NPRM	06/01/01	66 FR 29747
NPRM Comment Period End	07/31/01	
NPRM Comment Period Extended	08/02/01	66 FR 40176
NPRM Comment Period End	09/28/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AE59

**2062. UPGRADE FUEL INTEGRITY PERFORMANCE REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** An advance notice of proposed rulemaking in 1995 announced the agency's plan to consider upgrading the standard by making the current crash requirements more stringent and by broadening the standard's focus to include mitigation concepts related to fuel system components and environmental and aging tests related to components. The notice also requested comments on the agency's plan to explore a three-phase approach to upgrading the standard, data, methods, and strategies which may assist in the agency's regulatory decisions in defining specific requirements and test procedures for upgrading the standard. Based on the responses to the notice and available data, the agency proposed replacing the current rear impact test procedures with a more stringent test procedure. The agency also proposed replacing the standard's current side impact test requirements with the side impact test requirements of Federal Motor Vehicle Safety Standard No. 214, Side Impact Protection.

**Timetable:**

Action	Date	FR Cite
Request for Comments	12/14/92	57 FR 59041
Comment Period End	02/12/93	
ANPRM	04/12/95	60 FR 18566
ANPRM Comment Period End	06/12/95	
NPRM	11/13/00	65 FR 67693

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Action	Date	FR Cite
NPRM Comment Period End	02/12/01	66 FR 78461
Final Action	06/00/02	

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

**Additional Information:** This action will respond to RIN 2127-AE83. On December 15, 2000, an extension of comment period was published in response to petitions.

**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-AF36

**2063. ALTERNATIVE GEOMETRIC VISIBILITY REQUIREMENTS FOR LAMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed to harmonize the lighting standard's geometric visibility requirements for signal lamps and rear side marker color with those of the ECE. Harmonization of the standard worldwide, without reducing safety, would allow manufacturers to reduce costs by producing to a single world vehicle standard rather than several, thus reducing costs and improving the flow of trade. The agency issued additional/alternative proposals.

**Timetable:**

Action	Date	FR Cite
NPRM	10/26/95	60 FR 54833
NPRM Comment Period End	12/26/95	
SNPRM	12/10/98	63 FR 68233
SNPRM Comment Period End	03/10/99	
Final Action	06/00/02	

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

**Additional Information:** On February 27, 1997 (62 FR 8883), the agency terminated rulemaking in which the agency had asked for comments on whether the performance and installation of front and rear fog lamps should be regulated. In response to these comments, the SAE has established a Fog Lamp Task Force to develop an internationally-acceptable fog lamp standard, on which a Federal standard could be based.

**ANALYSIS:** Regulatory Evaluation, 10/26/95, 60 FR 54833

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AF75

**2064. POWER-OPERATED WINDOWS: ROOF PANELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.118**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to amend the test procedure used to demonstrate compliance by adding an alternative testing specification for a non-contact automatic reversal system, in order to provide a more meaningful and realistic method for evaluating the compliance of such systems which do not rely on contact to sense an obstruction. Petition was granted.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/96	61 FR 28124
Correction	06/14/96	61 FR 30209
NPRM Comment Period End	08/05/96	
Final Action	05/00/02	

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

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

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RIN: 2127-AF83

**2065. DOOR LATCH EXEMPTION FOR VEHICLES EQUIPPED WITH WHEELCHAIR LIFTS AND RAMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.206**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing to modify the "Door Locks and Door Retention Components" requirements by exempting vehicles with wheelchair ramps and to establish uniform requirements for vehicles with wheelchair lifts and ramps. These modifications are necessary because of changes in the types of vehicles equipped with wheelchair lifts/ramps and changes in lift/ramp structural designs which have come to pass in recent years. Petition was granted.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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

**Additional Information:** On 05/31/96 (61 FR 27325), the agency published a grant notice. The agency believes that the suggested changes made by the petitioner merit additional study and research. The agency is currently conducting research to determine if door latch exemptions are still necessary. Simultaneously, the agency is developing a door latch procedure for sliding doors.

**Agency Contact:** Roger Saul, Director, Office of Crashworthiness Standards, Department of Transportation, National

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RIN: 2127-AG16

### 2066. DEALER NOTIFICATION OF DEFECT OR NONCOMPLIANCE DETERMINATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30102; 49 USC 30103; 49 USC 30111; 49 USC 30112; 49 USC 30115; 49 USC 30116; 49 USC 30118; 49 USC 30119; 49 USC 30120; 49 USC 30163; 49 USC 30165

**CFR Citation:** 49 CFR 573; 49 CFR 577

**Legal Deadline:** None

**Abstract:** The rule will implement an amendment to 49 USC chapter 301 which prohibits dealers from selling motor vehicles or motor vehicle equipment that have been determined to contain a safety-related defect or noncompliance with a Federal motor vehicle safety standard until the defect or noncompliance is remedied. It will set forth criteria to govern the timing and content of notifications of defects and noncompliances that manufacturers must send to their dealers.

#### Timetable:

Action	Date	FR Cite
NPRM	09/27/93	58 FR 50314
NPRM Comment Period End	10/27/93	
SNPRM	05/19/99	64 FR 27227
SNPRM Comment Period End	06/18/99	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jonathan D. White, Chief, Recall Analysis Division, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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Fax: 202 366-7882

RIN: 2127-AG27

### 2067. POWER WINDOW SAFETY SWITCHES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.118

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed to require each power operated window, interior partition, and roof panel in a motor vehicle to be equipped with a switch designed so that contact by a form representing a small child's knee would not close window, partition, or panel.

#### Timetable:

Action	Date	FR Cite
NPRM	11/15/96	61 FR 58504
NPRM Comment Period End	01/14/97	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patrick Boyd, Division Chief, Vehicle Controls & Adapted Vehicles Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590

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RIN: 2127-AG36

### 2068. SEAT BELT POSITIONING DEVICES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 575

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed a labeling requirement for seat belt positioning devices. This label would consist of a warning regarding the suitability of these devices for a particular height/weight/age of child.

#### Timetable:

Action	Date	FR Cite
NPRM	08/13/99	64 FR 44164

Action	Date	FR Cite
NPRM Comment Period End	10/12/99	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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RIN: 2127-AG49

### 2069. GLARE REDUCTION FROM DAYTIME RUNNING LAMPS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** The agency proposed to amend the lighting standard to reduce glare from daytime running lamps (DRLs). It would do this in three stages. One year after publication of the final rule, DRLs utilizing the upper headlamp beam would not be permitted to exceed 3,000 candela (cd) at any point, thus becoming subject to the maximum candela permitted for DRLs other than headlamps. This same limit would be applied to the upper half of lower beam DRLs two years after publication of the final rule. Finally, four years after publication of the final rule, all DRLs, except lower beam DRLs, would be subject to a flat 1,500 cd limit. Lower beam DRLs would be limited to 1,500 cd at horizontal or above. This action is intended to provide the public with all the conspicuity benefits of DRLs while reducing glare and is based on research that has become available since the final rule establishing DRLs was published in 1993.

#### Timetable:

Action	Date	FR Cite
NPRM	08/07/98	63 FR 42348

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Action	Date	FR Cite
NPRM Comment Period End	09/21/98	
Final Action	06/00/02	

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

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RIN: 2127-AG86

**2070. ADMINISTRATIVE REWRITE FOR HEADLAMP REQUIREMENTS****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** The agency has proposed to rewrite the sections relating to headlighting. The rewrite is important because of the standard's age and numerous amendments which have made it difficult to read and interpret. The revised standard should reduce burden especially to small manufacturers because of improved clarity. The reorganization of the sections relating to other lamps will be addressed in a separate rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/98	63 FR 63258
NPRM Comment Period Extended to 4/11/99	02/08/99	64 FR 6021
NPRM Comment Period End	02/10/99	
Final	07/00/02	

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

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RIN: 2127-AG87

**2071. 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 (LED). The current requirements have become design restrictive and a service burden for vehicle and signal lamp manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/98	63 FR 34350
NPRM Comment Period Extended	08/03/98	63 FR 41222
NPRM Comment Period End	10/09/98	
Final Action	05/00/02	

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

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RIN: 2127-AG88

**2072. +ALLOCATION OF FUEL ECONOMY CREDITS****Priority:** Other Significant**Legal Authority:** 49 USC 32903**CFR Citation:** 49 CFR 534**Legal Deadline:** None

**Abstract:** The agency is proposing rulemaking to clarify when and how predecessor and successor automobile manufacturers may use the fuel economy credits of the predecessor or

successor. The use of carry forward or carry back credits will be specified for manufacturers that merge. This action is considered significant because it will affect the treatment of the Corporate Average Fuel Economy (CAFE) penalties.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6523
Final Action	06/00/02	

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

**Agency Contact:** Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2992

RIN: 2127-AG97

**2073. PLACEMENT OF WHEELCHAIR RESTRAINTS ON BUSES****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.217**Legal Deadline:** None

**Abstract:** To prevent blocking of the emergency exits, the agency proposed to add a new section to the standard to not allow the placement of wheelchair securement anchorages or other devices that protrude into the aisle of an emergency exit in all buses.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/99	64 FR 10604
NPRM Comment Period End	05/04/99	
Final Action	05/00/02	

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

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

## DOT—NHTSA

## Final Rule Stage

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 RIN: 2127-AH03

#### 2074. INCORPORATE THE 1996 REVISION OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed to incorporate the 1996 revision of the American National Standards Institute (ANSI) standard for safety glazing used in motor vehicles and other minor revisions into the agency's current standard for safety glazing used in motor vehicles.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/99	64 FR 42330
NPRM Comment Period End	10/04/99	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AH08

#### 2075. +HARMONIZATION OF HEAD RESTRAINTS

**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 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322

**CFR Citation:** 49 CFR 571.202

**Legal Deadline:** None

**Abstract:** The agency has proposed to upgrade the current head restraint requirements to increase safety. The proposal also, until the upgraded requirements become effective, allows manufacturers to certify their vehicles either to the existing U.S. requirements or to the Economic Commission for Europe (ECE) Regulation No. 25. The upgrade proposed performance requirements intended to assure that the head restraint, if adjusted, will remain locked in specific height positions and calls for the installation of head restraints in rear seats. This action is considered significant due to the expected high cost to the private sector for the modifications to the standard.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/01	66 FR 967
NPRM Comment Period End	03/05/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AH09

#### 2076. HEAVY VEHICLE ANTILOCK BRAKE SYSTEM (ABS) PERFORMANCE REQUIREMENT

**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:** The agency has proposed performance tests for ABS-equipped single unit trucks and buses. ABS equipment requirements became effective for air-braked single unit trucks, buses, and trailers on March 1, 1998, and for hydraulic-braked trucks and buses becomes effective on March

1, 1999. The agency indicated in prior rulemaking notices that it would consider supplementing these ABS equipment requirements with performance requirements after conducting tests to determine if such testings are practicable and repeatable for trucks and buses.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71377
NPRM Comment Period End	02/22/00	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** George Soodoo, Division Leader, Vehicle Dynamics Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
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RIN: 2127-AH16

#### 2077. UPPER INTERIOR IMPACT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.201

**Legal Deadline:** None

**Abstract:** At the request of the manufacturers' organizations, the agency proposed to amend the upper interior impact requirements (1) to modify the minimum distance between certain targets on vertical surfaces inside a vehicle and (2) add new definitions and test procedures for new-style door frames and vertical seat belt mounting structures.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/00	65 FR 17843
NPRM Comment Period End	06/05/00	
NPRM Comment Period Extended	06/07/00	65 FR 36106
NPRM Comment Period End	07/05/00	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

## DOT—NHTSA

## Final Rule Stage

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AH61

#### 2078. REGISTERED IMPORTERS OF VEHICLES NOT ORIGINALLY MANUFACTURED TO CONFORM WITH THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30141; 49 USC 30147

**CFR Citation:** 49 CFR 592

**Legal Deadline:** None

**Abstract:** The agency proposed to reduce regulatory burdens associated with importation of Canadian vehicles for resale in the United States when those vehicles already comply in essential respects with the Federal motor vehicle safety standards. This proposal would enhance safety by revising application procedures to ensure a higher caliber of registered importers and clarifying existing obligations.

##### Timetable:

Action	Date	FR Cite
NPRM	11/20/00	65 FR 69810
NPRM Comment Period	02/01/01	
Final Action Effective	10/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AH67

#### 2079. 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:** In response to petitions for reconsideration of a final rule published on April 27, 1999 (64 FR 22567, RIN 2127-AF40) that made testing more suitable for vehicles with raised or sloped roof structures, the petitioners requested that the agency modify the portion of the rule that pertains to raised roof vehicles, particularly those vehicles used for transporting disabled persons. The petitioners claim that the test plate position requirement for these vehicles causes the plate's rear edge to contact the raised roof structure in a manner which causes abnormal penetration and failure.

##### Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/00	65 FR 4579
Interim Final Rule Effective	01/31/00	
Final Action	07/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AH74

#### 2080. 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. These revisions were

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	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AH96

#### 2081. GUIDELINES FOR STATES ON ENFORCEMENT OF LIGHT TRANSMISSION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 23 USC 402(a)

**CFR Citation:** 49 CFR 553.21

**Legal Deadline:** None

**Abstract:** The agency is requesting comments to gather information that will help develop uniform guidelines for states to use in the enforcement of the light transmission standards for window glazing on passenger cars and light trucks. This action responds to a statutory directive to establish these guidelines.

##### Timetable:

Action	Date	FR Cite
Request for Comment	10/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Richard VanInderstine, Division Chief, Visibility and Injury Prevention Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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## DOT—NHTSA

## Final Rule Stage

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RIN: 2127-AH97

### 2082. CHILD RESTRAINT ANCHORAGE SYSTEMS—PART 2

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.225

**Legal Deadline:** None

**Abstract:** This action responds to several petitions for reconsideration concerning long-term testing procedures regarding the strength and other issues of universal child restraint anchors. These requirements were established by the final rule on universal child restraint anchorages published on March 5, 1999 (64 FR 10785, RIN 2127-AG50). An earlier action (RIN 2127-AH65) responded to other issues raised by the petitions.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AH99

### 2083. HYBRID III TYPE 6-YEAR-OLD SIZE TEST DUMMY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** The agency is responding to petitions for reconsideration of our final rule published January 13, 2000 (65 FR 2059, RIN 2127-AG76) which established design and performance specifications for a new, more advanced 6-year-old child dummy.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AI00

### 2084. FIFTH PERCENTILE FEMALE TEST DUMMY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** The agency is responding to petitions for reconsideration of our final rule published March 1, 2000 (65 FR 10961, RIN 2127-AG66) which adopted the Hybrid III small female size dummy.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AI01

### 2085. MOVING BARRIER TIRE SPECIFICATION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.214; 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency proposed changing the currently specified G78-15 tires used in the moving barrier test and replacing them with P215-75R15 radial tires. The current tires are not readily available.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/01	66 FR 51629
NPRM Comment Period End	12/10/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AI05

### 2086. EARLY WARNING DEFECT REPORTING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-414

**CFR Citation:** 49 CFR 554; 49 CFR 573

**Legal Deadline:** Final, Statutory, June 30, 2002.

Initiation of rulemaking required not later than March 1, 2001.

**Abstract:** Tread Act requires NHTSA to publish a rule requiring manufacturers of motor vehicles and motor vehicle equipment to report on possible defects in their products, whether in United States or abroad, based on information in the possession of the manufacturer.

## DOT—NHTSA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	01/22/01	66 FR 6532
ANPRM Comment Period End	03/23/01	
NPRM	12/21/01	66 FR 66190
NPRM Comment Period End	02/04/02	
Final Action	06/00/02	

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

**Additional Information:** This will also respond to RIN AI31. This Rulemaking will combine the two RIN's AI25 and AI31 as of 8/2/01.

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**RIN:** 2127-AI25**2087. DEFECTS IN FOREIGN COUNTRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30166(m)**CFR Citation:** 49 CFR 573**Legal Deadline:** None

**Abstract:** Rulemaking to implement statutory requirement that a manufacturer of motor vehicle and equipment report to NHTSA when it determines to conduct a safety-related recall on identical or substantially similar products outside the U.S. and when a foreign government determines that a safety-related campaign should be conducted.

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/01	66 FR 51907
NPRM Comment Period End	12/10/01	
Final Action	07/00/02	

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

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**RIN:** 2127-AI26**2088. ACCELERATION OF MANUFACTURER REMEDY PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 30120(c)**CFR Citation:** 49 CFR 573**Legal Deadline:** None

**Abstract:** Rule to implement Sec. 6(a) of the TREAD Act, PL 106-414 by amending NHTSA's existing regulation on Defect and Noncompliance Reports (49 CFR Part 573) to require manufacturers to accelerate recalls that are not likely to be capable of completion in a reasonable time.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64087
NPRM Comment Period End	02/11/02	
Final Action	10/00/02	

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

**Agency Contact:** Michael Goode, Trial Attorney, Department of Transportation, National Highway Traffic Safety Administration, 5219, NCC-10, 400 Seventh Street, SW, Washington, DC 20590

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**RIN:** 2127-AI27**2089. 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:** Rule to implement section 6(b) of the TREAD Act, PL 106-414 by amending 49 CFR part 573, Defect and Noncompliance Notification, to add requirements that manufacturers' remedy programs concerning safety-related defects and noncompliance include plans for reimbursing owners or purchasers who incurred the cost of

remedy within a "reasonable time" prior to the manufacturer's notification of the defect or noncompliance.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64078
NPRM Comment Period End	02/11/02	
Final Action	11/00/02	

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

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**RIN:** 2127-AI28**2090. DISPOSITION OF REPLACED TIRES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30102 to 30103; 49 USC 30112; 49 USC 30117 to 30121; 49 USC 30166 to 30167; Delegation of authority 49 CFR 1.50

**CFR Citation:** 49 CFR 573**Legal Deadline:** None

**Abstract:** Rule to implement section 7 of the TREAD Act, PL 106-414 49 USC 30120(d) by requiring a manufacturer who conducts a campaign to remedy a safety-related defect or noncompliance that involves the replacement of tires to develop a plan regarding the disposition of the tires that are replaced. The plan would address how to prevent, by means reasonably within the manufacturer's control, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/01	66 FR 65165
Final Action	11/00/02	

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

## DOT—NHTSA

## Final Rule Stage

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**RIN:** 2127-AI29

### 2091. PROHIBITION OF SALE OR LEASE OF EQUIPMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30120(j)

**CFR Citation:** 49 CFR 573; 49 CFR 577

**Legal Deadline:** None

**Abstract:** Rule regarding statutory prohibitions on the sale or lease of noncompliant and defective motor vehicles and equipment.

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/01	66 FR 38247
NPRM Comment Period End	09/21/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AI30

### 2092. IMPROVE TIRE SAFETY INFORMATION

**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:** Other, Statutory, December 1, 2000, Advanced Notice of Proposed Rulemaking, Final, Statutory, June 1, 2002.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to

improve the labeling of tires to assist consumers in identifying tires that may be the subject of a safety recall. Pursuant to that Act, the Agency published an ANPRM stating that the agency is considering amendments to its regulations to improve the tire information and its availability and understandability to consumers. To aid in this effect, the agency sought responses from the public to questions relating to such matters as Tire Identification Number content, readability and location, loading, plies and cords, tread wear indicator, Uniform Tire Quality Grading System, speed rating, run-flat and extended mobility tires, tire inflation pressure, and dissemination of tire safety information.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/01/00	65 FR 75222
ANPRM Comment Period End	01/30/01	
NPRM	12/19/01	66 FR 65535
Comment Period End	02/19/02	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary Versailles, Office of Planning and Consumer Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-2057

**RIN:** 2127-AI32

### 2093. +AUTOMOTIVE FUEL ECONOMY MANUFACTURING INCENTIVE FOR ALTERNATIVE FUEL VEHICLES

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

**Legal Authority:** 49 USC 32905(f); 49 USC 32906(a)(l)(B)

**CFR Citation:** 49 CFR 538

**Legal Deadline:** Final, Statutory, December 31, 2001, Notice to either extend up to four years or discontinue the program after Model Year 2004.

**Abstract:** The agency must, by December 31, 2001, publish a notice that either extends the incentive program whereby automotive manufacturers earn Corporate Average

Fuel Economy credits for the production of dual-fuel vehicles for up to four years beyond Model Year 2004, with a maximum allowable increase in average fuel economy per manufacturer of 0.9 miles per gallon, or explains the rationale for not extending the incentive program.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	01/07/02	67 FR 713
NPRM	03/11/02	67 FR 10873
Final Action	07/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AI41

### 2094. TRAILER TEST RIG

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering a technical amendment to the standard to delete a figure which is no longer referenced and to correct several typographical errors and omissions.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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## DOT—NHTSA

## Final Rule Stage

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 RIN: 2127-AI48

### 2095. COMPLIANCE FOR MULTISTAGE MANUFACTURERS AND ALTERERS

**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 agency is responding to a petition for extraordinary relief of the compliance date by which final-stage manufacturers and alterers must install tether anchorages in affected vehicles to comply with our final rule published March 5, 1999 (64 FR 10786, RIN 2127-AG50).

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AI49

### 2096. +IMPROVED TIRE SAFETY

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

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

**CFR Citation:** 49 CFR 571.139

**Legal Deadline:** Final, Statutory, June 1, 2002.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to improve the safety requirements of tires. The agency is proposing a new

tire standard applicable to radial and non-radial tires that are mounted on passenger cars, light truck vehicles, and multipurpose vehicles, but not tires for motorcycles and heavy trucks. The proposed requirements include tests for high speed performance, endurance, low pressure validation, low pressure high speed performance, road hazard impact, resistance to bead unseating and aging.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/02	67 FR 10050
Final Action	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2127-AI54

### 2097. CHILD SAFETY INFORMATION LABELS

**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:** Final, Statutory, November 1, 2002.

**Abstract:** The recently enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to improve the consumer information for child restraints by prescribing clearer and simpler labels and instructions that are required to be placed on child restraints.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/01	66 FR 55623
Correction	11/29/01	66 FR 59549
NPRM Comment	01/02/02	
Period End		
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Mary Versailles, Office of Planning and Consumer Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-2057

RIN: 2127-AI55

### 2098. • LIST OF NONCONFORMING VEHICLES ELIGIBLE FOR IMPORTATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30141

**CFR Citation:** 49 CFR 593

**Legal Deadline:** None

**Abstract:** This final action will amend 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 amendments will add to the list all vehicles that NHTSA has decided are to be eligible for importation since the list was last published on October 1, 2000.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Because this rule only furnishes information and imposes no regulatory requirement, the agency has good cause to dispense with notice and comments on it.

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RIN: 2127-AI61

## DOT—NHTSA

## Final Rule Stage

**2099. • CHILD RESTRAINT SAFETY RATING****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:** NPRM, Statutory, November 1, 2001.

**Abstract:** The recently-enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires a notice of proposed rulemaking be issued to establish a child restraint safety rating consumer information program to provide practicable, readily understandable, and timely information to consumers for use in making informed decisions in the purchase of child restraint systems (CRS).

**Timetable:**

Action	Date	FR Cite
NPRM	11/06/01	66 FR 56048
NPRM Comment Period End	01/07/02	
Final Action	11/00/02	

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

**Additional Information:** On 11/06/2001 (66 FR 56146), the agency published a request for comment notice on a proposed safety rating program for child restraint systems.

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**RIN:** 2127-AI65**2100. • MODIFIED FRONT-OPENING HOOD 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 571.401**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published on August 17, 2001 (66 FR 43113 RIN 2127-AI51) which specifically excluded passenger cars with a back door, such as hatchbacks and station wagons, from the standard and revised the definitions of “trunk lid” and “trunk compartment” to exclude interior storage compartments and sub-compartments within the trunk compartment from the requirements of the standard, the agency is adding a paragraph indicating that in passenger cars with front opening hoods, the interior trunk release must release the primary, but not the secondary, latch when the passenger car is in motion. At all other times, the interior trunk release must completely release all latches.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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

**Agency Contact:** Richard L. Van Iderstine, Division Chief, Visibility and Control Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2127-AI69**2101. • HIGH-THEFT LINES FOR MODEL YEAR 2002****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 CFR 33104**CFR Citation:** 49 CFR 541**Legal Deadline:** None

**Abstract:** This action will list the likely high-theft vehicle lines that are subject to the parts-marking requirements of the theft prevention standard and high theft lines that are exempted from the parts-marking requirements for model year 2003.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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

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**RIN:** 2127-AI74

## Department of Transportation (DOT)

## Long-Term Actions

## National Highway Traffic Safety Administration (NHTSA)

**2102. +CRASHWORTHINESS RATINGS****Priority:** Other Significant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 5**Legal Deadline:** None

**Abstract:** This action would require manufacturers to disseminate crashworthiness performance

information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace. The agency requested public comments on the National Academy of Sciences (NAS) study

titled “Shopping for Safety - Providing Consumer Automotive Safety Information,” (TRB Special Report 248) and how that study should be reflected in the agency’s decision on whether, and if so, how, to proceed with a crashworthiness rating for automobiles.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025

## DOT—NHTSA

## Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	04/22/81	
Request for Comments	05/20/97	62 FR 27648
Comment Period End	08/18/97	
Next Action	Undetermined	

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

**Agency Contact:** Mary Versailles, Office of Planning and Consumer Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2127-AA03

**2103. +FLAMMABILITY OF INTERIOR MATERIALS—SCHOOL BUSES****Priority:** Other Significant

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

**CFR Citation:** 49 CFR 571.302**Legal Deadline:** None

**Abstract:** Advance notice of proposed rulemaking requested comments regarding possible upgrade of Standard 302 to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	
Request for Comments	02/26/91	56 FR 7826
Comment Period End	04/29/91	
Next Action	Undetermined	

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

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RIN: 2127-AA44

**2104. +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:** This standard requires passenger cars manufactured after September 1, 1996, to provide occupant protection when impacted in the side by a moving deformable barrier. The agency has compared the actual risk of occupant injury in side impact crashes of cars meeting the standard to the risk in pre-standard cars. The cost of the standard has been estimated. The Technical Report has been published. This regulation was selected for review because of its costs, potential benefits, and public interest.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/94	
Technical Report: Phase I	12/08/99	64 FR 68717
Comment Period End	04/06/00	
Summary and Discussion of Public Comments sent to Docket (Phase 1)	08/11/00	
End Review	06/00/04	

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

**Additional Information:** The Phase I evaluation report indicates that the test injury criterion TTI(d) has a statistically significant association with fatality risk in actual side-impact crashes on the highway. In model years 1981-93 cars, make models with low TTI(d) on the Federal motor vehicle safety standard no. 214 test tend to have low fatality risk.

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RIN: 2127-AF54

**2105. REVIEW: CHILD SAFETY SEAT REGISTRATION****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; 49 CFR 588**Legal Deadline:** None

**Abstract:** This evaluation involves analysis of the effectiveness of registering child safety seats to increase response to reports of recalled seats. This regulation was selected for review because of public interest in child passenger safety.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	05/00/03	

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

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RIN: 2127-AG93

**2106. REVIEW: AIR BAG ON-OFF SWITCHES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 40 USC 30166

**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

**Abstract:** This standard allows passenger vehicles to be equipped with an on-off switch for the right front passenger air bag if the rear seat cannot accommodate a rear-facing infant seat. The standard also enables vehicle owners to obtain an on-off switch for their passenger and/or driver air bag if they transport people who should not be exposed to an air bag deployment. The agency will determine, by

## DOT—NHTSA

## Long-Term Actions

observation of vehicles in use, the percentage of on-off switches that are being correctly used. This regulation was selected for review because of its public interest and potential benefit.

**Timetable:**

Action	Date	FR Cite
Begin Review	04/01/98	
End Review	06/00/03	

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

**Additional Information:** Preliminary results of the observational survey are that the switches were left on (when they should be off) for 9 percent of infant passengers, 27 percent of child passengers age 1-6, and 56 percent of child passenger age 7-12. They were turned off for 18 percent of teen and adult passengers, depriving them of any potential benefits of air bags.

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**RIN:** 2127-AH12

**2107. 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	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 2127-AH13

**2108. USE OF UNIVERSAL CHILD SEATS IN AIRCRAFT**

**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 action responds to a concern expressed by the Federal Aviation Administration (FAA) regarding some new universal child seats that may be equipped with rigid connectors or prongs. FAA believes that if a universal child seat equipped with non-folding, non-retracting rigid connectors or prongs were installed on an aircraft seat, the connectors or prongs might damage the aircraft seat cushions and might protrude into the leg space and egress path of the passenger sitting immediately behind the child seat.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** See RIN 2127-AG50 for the Uniform Child Restraint Anchorage Systems rule.

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**RIN:** 2127-AH56

**2109. 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-trailers 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
End Review	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2127-AI14

**2110. 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

## DOT—NHTSA

## Long-Term Actions

**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
End Review	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AI15

**2111. +TIRE PRESSURE MONITORING SYSTEM**

**Priority:** Economically Significant

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

**CFR Citation:** 49 CFR 571.138; 49 CFR 571.101

**Legal Deadline:** Final, Statutory, November 30, 2001.

**Abstract:** The recently-enacted Transportation Recall Enhancement Accountability and Documentation (TREAD) Act requires the Secretary of Transportation to initiate rulemaking to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly underinflated. The agency proposed to establish a new standard for Tire Pressure Monitoring System (TPMS) on every new vehicle that uses a passenger car tire. A TPMS would detect low pressure in a tire and alert the driver through a "low tire" warning signal.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/01	66 FR 38982
NPRM Comment Period End	09/06/01	
Final Action	04/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2127-AI33

**2112. CIVIL PENALTIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2461 note; 31 USC 3701 note

**CFR Citation:** 49 CFR 578

**Legal Deadline:** Final, Statutory, March 4, 2001.

Statute requires civil penalty adjustments at least once every 4 years.

**Abstract:** Civil penalties for violations of certain statutes administered by NHTSA are required to be adjusted for inflation at least once every 4 years. They were last increased effective March 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/01	66 FR 27621
Final Rule	08/07/01	66 FR 41149
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2127-AI42

**Department of Transportation (DOT)**

**National Highway Traffic Safety Administration (NHTSA)**

**Completed Actions**

**2113. TRUCK AIR BRAKING 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 571.121

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency has modified the air brake requirements for five of

the ten recommended modifications. These areas are to provide consistency between table I., Stopping Sequence, item 4(b) and S5.7.3(b); provide wording for single-unit vehicles to prevent single-unit axle overloading; clarify emergency brake requirements for trucks and buses; address the misconceptions about the wheel lock provisions as they apply to vehicles with tandem axles; and correct two minor typographical errors. The other five recommendations are denied.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/99	64 FR 5259
NPRM Comment Period End	04/05/99	
Final Action	12/12/01	66 FR 64154
Final Action Effective	01/11/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

## DOT—NHTSA

## Completed Actions

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**RIN:** 2127-AH11

**2114. SCHOOL BUS BODY JOINT 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 571.221

**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published on November 5, 1998 (63 FR 59732 RIN 2127-AC19) which extended the applicability of Standard No. 221, school bus body joint strength, to school buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, narrowed an exclusion of maintenance access panels from the requirements of the standard, and revised testing requirements, the agency has amended the definition of bus body and allowing for the testing of surrogate bus body joint. Changing the definition could exclude those joints in the van cutaway chassis and enhance the possibility of allowing van cutaways to be manufactured into school buses.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/06/00	65 FR 11751
Interim Final Rule Effective	04/05/00	
Final Action	12/13/01	66 FR 64358
Final Action Effective	01/01/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** In response to petitions for reconsideration, this final rule (4/20/01, 66 FR 20199) extends the effective date of the November 5, 1998, final rule to 06/01/2002. Other issues are still under consideration. This final rule was inadvertently published under RIN 2127-AC19.

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**RIN:** 2127-AH84

**2115. HYBRID III TYPE 3-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 has responded to petitions for reconsideration of our final rule published March 22, 2000 (65 FR 15254, RIN 2127-AG77) which established design and performance specifications for a new, more advanced 3-year-old child dummy.

**Timetable:**

Action	Date	FR Cite
Final Action	12/13/01	66 FR 64368
Final Action Effective	01/14/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This action was inadvertently published under RIN 2127-AH02.

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**RIN:** 2127-AI02

**2116. +ADVANCED AIR BAGS**

**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:** The agency has responded to petitions for reconsideration of our final rule published May 12, 2000 (65 FR 30679, RIN 2127-AG70) which required future air bags be designed to create less risk of serious air bag-induced injuries that current air bags, particularly for small women and young children; and provided improved frontal crash protection for all occupants, by means that included advanced air bag technology. This action is considered significant because of substantial public interest and controversy.

**Timetable:**

Action	Date	FR Cite
Announces Technical Workshop	11/14/00	65 FR 68107
Final Action	12/18/01	66 FR 65375
Final Action Effective	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Agency held a technical workshop on December 6, 2000, to give the agency an opportunity to make sure it understands the petitions' issues concerning some of the test procedures for the advanced air bag final rule.

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**RIN:** 2127-AI10

**2117. RECORD RETENTION (AMENDMENT)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 30112; 49 USC 30115 to 30121; 49 USC 30166

**CFR Citation:** 49 CFR 576

**Legal Deadline:** None

**Abstract:** This will propose to amend 49 CFR part 576 (Record Retention) to extend its recordkeeping requirements in order to implement newly enacted requirements under the Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act PL 106-414 signed 11/1/00, codified at 49 USC 30120.

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## Completed Actions

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/28/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** RIN AI31 is being closed out because this rulemaking Action is being combined with RIN AI25 "Early Warning" Defect Reporting Requirements as of 8/2/01.

**Agency Contact:** Enid Rubenstein, Trial 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-AI31

**2118. ELECTRICAL VEHICLE SAFETY****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 322; 49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166**CFR Citation:** 49 CFR 571.305**Legal Deadline:** None

**Abstract:** In this final rule, the agency is responding to petitions for reconsideration of a final rule published on September 27, 2000 (65 FR 57980, RIN 2127-AF34) that established a new safety standard that

addressed safety issues exclusive to electric vehicles (EV). The petitioners requested changes in: (1) the application section to make it clear that the 48 volts applicability was nominal voltage; (2) changes to the battery state of charge requirements to take into account hybrid-electric vehicles that do not contain provisions for external charging; and (3) changes to the electrical isolation test procedure measurement locations.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	12/01/01	
Final Action	12/03/01	66 FR 60157

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Roger Saul, Director, 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: rsaul@nhtsa.dot.gov

RIN: 2127-AI57

**2119. • +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARD, MODEL YEAR 2004****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 49 USC 329**CFR Citation:** 49 CFR 533**Legal Deadline:** None

**Abstract:** The agency is establishing the fuel economy standards for manufacturers of light truck fleets for model year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/02	67 FR 3470
Correction	01/30/02	67 FR 4379
NPRM Comment Period End	02/25/02	
Final Rule	04/04/02	67 FR 16052
Final Rule Effective	05/06/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Rosalind Proctor, Division Chief, Consumer Programs Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0846  
Fax: 202 366-4329  
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RIN: 2127-AI68

**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)****Proposed Rule Stage****2120. LOCOMOTIVE CRASHWORTHINESS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 229

**Legal Deadline:** Final, Statutory, March 3, 1995, Rule or Report to Congress. Report to Congress issued 9/18/96.

**Abstract:** The agency has proposed to address the crashworthiness of locomotives pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated locomotive crashworthiness, as well as a variety of locomotive working conditions (See RIN 2130-AA89) and reported its

finding to Congress. On October 31, 1996, the Railroad Safety Advisory Committee (RSAC) accepted a preliminary planning task to schedule handling of these issues. The Locomotive Crew Safety Working Group met 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 is considering specific recommendations for regulatory action. Originally this project was considered significant; however, it appears likely that important incremental changes in current design standards can be made

without significant disruption or controversy.

**Timetable:**

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
NPRM	09/00/02	

**Regulatory Flexibility Analysis**

Required: Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

**Additional Information:** This rulemaking was originally included in

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## Proposed Rule Stage

RIN 2130-AA89, Locomotive Cab Working Conditions.

**Agency Contact:** Daniel Alpert, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6026

**RIN:** 2130—AB23

### 2121. LOCOMOTIVE EVENT RECORDERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229

**Legal Deadline:** None

**Abstract:** FRA will propose improvements in the crashworthiness of event recorders and will propose additional requirements for data capture and recording for event recorders installed in new and rebuilt locomotives. FRA is awaiting the advice and recommendations of RSAC before taking further regulatory action.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** This rulemaking was previously titled "Crashworthy Event Recorders".

**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6036

**RIN:** 2130—AB34

### 2122. REVISION TO RAILROAD SAFETY ENFORCEMENT PROCEDURES

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

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 209

**Legal Deadline:** None

**Abstract:** This action will revise and update FRA's enforcement procedures. This action is expected to address the

recodification of the railroad safety laws and revise certain administrative hearing procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Kathryn E. Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6063

**RIN:** 2130—AB35

### 2123. RULES OF PRACTICE

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

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 211

**Legal Deadline:** None

**Abstract:** This action will revise and update FRA's rulemaking procedures, and the procedures for participation in the rulemaking process, such as petitions for rulemaking, petitions for reconsideration, and petitions for waiver. These procedures will be modified to reflect the recodification of the railroad safety laws, and changes in the application of FRA's regulatory procedures that have developed over time.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Colleen A. Brennan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6028

**RIN:** 2130—AB36

### 2124. RAILROAD CAR CONSPICUITY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20148

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** FRA is considering requiring that retroreflective tape be applied to all railroad cars. FRA has established a docket so that interested parties may submit relevant information.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John A. Winkle, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6067

**RIN:** 2130—AB41

### 2125. REVISION TO THE ACCIDENT/INCIDENT REPORTING REGULATIONS AND GUIDE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20901; 49 USC 20902

**CFR Citation:** 49 CFR 225

**Legal Deadline:** None

**Abstract:** FRA intends to conform its regulations for accident/incident reporting to revised OSHA regulations, and to make appropriate revisions to the FRA Guide for Preparing Accident/Incident Reports. On January 19, 2001, OSHA published revised regulations for Occupational Injury and Illness Recording and Reporting (66 FR 5965). FRA accident/incident regulations pertaining to occupational injury and illness are patterned after the prior OSHA regulations and must be maintained in general conformity with those regulations to permit compatibility of data and integration of railroad industry data into national statistical databases. OSHA's final rule became effective on January 1, 2002. Accordingly, FRA needs to revise its own injury codes and narratives, cause codes and narratives, and circumstance codes and narratives (as set forth in the

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FRA Reporting Guide) as soon as feasible. Minor administrative issues have also arisen since the last general revision of Part 225 on January 1, 1997 that will be considered in relation to possible amendments to the regulations or the Reporting Guide.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Nancy Friedman, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6034

**RIN:** 2130-AB51

**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**

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**2126. LOCAL RAIL FREIGHT ASSISTANCE TO STATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 22101

**CFR Citation:** 49 CFR 266

**Legal Deadline:** None

**Abstract:** This action is to revise the procedures and requirements for the receipt of financial assistance contained in part 266. These changes are required to reflect statutory modifications resulting from the Local Rail Service Reauthorization Act of 1989. The Local Freight Assistance Program has not been reauthorized after FY 1995. However, final regulations are necessary because States continue to submit applications for new projects to be funded from loan funds repaid to States by previous borrowers. FRA is reconsidering the need for these regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/90	55 FR 49648
NPRM Comment Period End	12/31/90	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

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

**Additional Information:** While this action was to be terminated in October of 1995, the agency reconsidered and decided to move forward with a final rule. FRA is now reconsidering that determination.

ANALYSIS: Regulatory Evaluation, 11/30/90, 55 FR 49648

**Agency Contact:** JoAnne McGowan, Chief, Freight Programs Division, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-3290

**RIN:** 2130-AA60

**2127. +WHISTLE BANS AT HIGHWAY-RAIL GRADE CROSSINGS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 20153

**CFR Citation:** 49 CFR 222

**Legal Deadline:** Final, Statutory, November 2, 1996, subsequent enactment prohibited issuance prior to July 1, 2001.

**Abstract:** This action would govern when train whistles at grade crossings must be sounded. FRA has found that failing to use the locomotive horn can significantly increase the number of collisions with motorists using the crossing. This action is considered significant because of substantial public interest. This action is being taken pursuant to statutory mandate. FRA studied the consequences of the proposed action and prepared a draft environmental impact statement (EIS) for the proposed rule.

**Statement of Need:** This rule is required by the Swift Development Act of 1994 (Act). The Act requires the use of locomotive horns at every public highway-rail grade crossing but gives FRA the authority to make reasonable exceptions. Studies have shown that highway-rail grade crossing accidents increase 62 percent at gated crossings where whistle bans are in effect. Congress amended this law in 1996 to require that FRA take into account the interest of the communities with pre-existing restrictions on locomotive horns. In 2000, Congress prohibited

FRA from issuing a rule before July 1, 2001.

**Summary of Legal Basis:** Issuance of this rule is required by 49 USC 20153.

**Alternatives:** There was no alternative to initiating this rulemaking, as it is required by statute. However, the rule would provide a list of supplementary measures the FRA has determined to be effective substitutes for the locomotive horn in the prevention of highway-rail grade crossing casualties. The rule would also allow for whistle bans if there are alternative safety measures that compensate for the lack of a locomotive horn.

**Anticipated Cost and Benefits:** The problems considered by this rule are collisions and their associated casualties and property damage involving vehicles on public highways and trains at whistle-ban grade crossings.

The costs of this rulemaking will be incurred predominantly by communities. However, there are also costs to railroads and to the Federal Government. At this time, FRA does not know how many businesses would be impacted or the severity of the impact if a community elects to follow the mandate and become subject to whistleblowing at crossings.

**Risks:** As a result of studies conducted on accident rates at crossings at which locomotive horns are banned, FRA has concluded that such crossings generally have a higher risk of accident than crossings at which horns are sounded. FRA has compared the number of collisions occurring within ten different groups of crossings grouped by risk and found that the risk of a collision was 62 percent greater at crossings equipped with automatic gates and flashing lights than at similarly equipped crossings across the nation without bans. FRA analysis also

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indicated that whistle ban crossings without gates, but equipped with flashing light signals and/or other types of active warning devices, on average, experienced 119 percent more collisions than similarly equipped crossings without whistle bans. Congress required that FRA issue a regulation requiring the sounding of locomotive horns at all public highway rail grade crossings. However, an exception to the requirement is permissible in circumstances in which there is not a significant risk of loss of life or serious personal injury, use of the locomotive horn is impractical, or supplementary safety measures fully compensate for the absence of the warning provided by the horn. Issuance of the rule would lower the increased collision risk associated with crossings at which no locomotive horns are sounded.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2230
NPRM Comment Period End	05/26/00	
Final Action	11/30/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

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

**Additional Information:** An Omnibus Bill at the end of the 106th Congress prohibited publication of a final rule before July 2001.

**Agency Contact:** Mark Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6061

**RIN:** 2130-AA71

### 2128. +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:** Consistent with congressional mandate, FRA has continued its commitment to supporting Positive Train Control (PTC) technology development, testing and compatibility; and promoting deployment of PTC technology in the near future. In September 1997, FRA initiated joint fact finding efforts through the Railroad Safety Advisory Committee (RSAC) Working Group on PTC. The advice and recommendations of RSAC formed the basis of an NPRM that would facilitate introduction of advanced technology, including systems that support PTC functions. The NPRM addresses technical standards for all processor-based signal and train control products, amending 49 CFR part 236. The comment period ended 11/08/01, and FRA is now preparing a final rule. After reviewing comments and meeting with RSAC, FRA published its final rule on April 4, 2002. Most of the requirements become effective on June 3, 2002.

**Statement of Need:** Current FRA regulations do not adequately address the use of signal and train control technology that is processor-based. In fact, application of current regulations to processor-based systems can create unnecessarily burdensome requirements. Recently, use of this technology has begun to increase on the general system of North American railroads, placing new demands on agency resources to ensure the safety objectives contemplated by the current regulations are achieved. The existence of federal regulations addressing this subject matter would further encourage safe use of the technology, which would reduce the risk of train-to-train collisions, better enforce speed restrictions, and increase the level of protection to roadway workers and their equipment. These improvements will likely result in fewer fatalities, injuries, and economic damage associated with such risks. Given the potential for substantial safety benefits that this program represents, this initiative is extremely important to the agency.

**Summary of Legal Basis:** FRA is issuing this rule pursuant to its general rulemaking authority. 49 U.S.C. 20103(a). Currently, railroads may discontinue or materially alter a signal system initially required by the Secretary of Transportation only with approval from the Secretary. 49 U.S.C. 20502. Exercise of both of these powers

has been delegated to the FRA Administrator. 49 C.F.R. 1.49.

**Alternatives:** Currently, FRA accepts waiver applications from railroads that seek relief from FRA safety regulations in order to test new signal and train control equipment. Since FRA must consider the safety ramifications of each application on a case-by-case basis, this procedure can take years.

Prior to this action, FRA has considered: (1) leaving the existing regulatory requirement as is, and (2) adopting a single standard for the design of processor-based signal and train control systems. However, agency inaction would hinder introduction of new, safer technology into railroad signal and train control; elimination of all railroad signal and train control system regulation would be a total abdication of the agency's statutory duties; and a single design standard would inhibit innovative signal and train control system designs.

**Anticipated Cost and Benefits:** The proposed rule would provide flexible performance standards for the design of processor-based signal and train control systems, but would not mandate their usage. FRA believes that a railroad would adopt such a system under one or more of the following conditions: (1) the new system is safer; (2) the new system is less expensive; and (3) continued maintenance of the existing system is no longer feasible. The rule would ensure that any replacement system is at least as safe as the current system. Concerning existing processor-based systems, the rule would require railroads to adopt a software management plan, which will ensure proper software configuration, resulting in decreased risk of train accidents due to signal malfunction. FRA has not quantified these benefits because of the difficulties in estimating how many systems are likely to be affected by this rule, what the incremental cost would be, and when the benefits would accrue.

Most of the costs of this proceeding are associated with safety documentation required to demonstrate compliance with the performance standard. As with many performance standards, this rule would require substantial safety documentation from the railroad to demonstrate compliance, both up front and during the life cycle of the system. It appears that the primary cost involved in this rule would be the

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product risk assessment, a one-time expense presently incurred by product suppliers. For current processor-based systems, railroads face the cost of implementing a software management control plan, which is less expensive than attempting to satisfy current requirements, which did not contemplate the use of processor-based technology.

Overall, it appears that the benefits of the rule would outweigh the costs.

**Risks:** The risk category addressed by the proposed rule is that of accidents that occur due to improper train operations and certain types of vandalism. Types of accidents that may be prevented include train-to-train collisions, derailments due to excessive train speed, and trains penetrating the work limits of roadway workers.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/01	66 FR 42351
NPRM Comment Period End	11/08/01	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6064

**RIN:** 2130-AA94

**2129. SMALL RAILROADS; POLICY STATEMENT ON ENFORCEMENT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 601 et seq; PL 104-121; 49 USC 20101 et seq

**CFR Citation:** 49 CFR 209

**Legal Deadline:** Other, Statutory, March 29, 1997, 180 Days to Final Rule.

**Abstract:** The Small Business Regulatory Enforcement Act (SBREFA) of 1996 requires, among other things, that Federal agencies establish communication and enforcement programs to address the unique

concerns and operations of small entities.

Pursuant to SBREFA, FRA published communication and enforcement policies with respect to small entities in an Interim Statement of Agency Policy and undertook an interim definition of "small entity" in this process. Also, FRA invited comment from the public for the purpose of adopting a new definition of "small entity" in the future, and conducted a public meeting with all interested parties to discuss this issue. FRA will issue a Final Statement of Policy.

**Timetable:**

Action	Date	FR Cite
Interim Policy Statement	08/11/97	62 FR 43024
Interim Policy Statement Effective	10/10/97	
Comment Period End	11/30/97	
Final Policy Statement	12/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local

**Additional Information:** A public meeting was held on September 28, 1999. (See 64 FR 46468, 8/25/99.)

**Agency Contact:** Nancy Lummen Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6047

**RIN:** 2130-AB15

**2130. +REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, ACQUISITIONS OF CONTROL AND START-UP OPERATIONS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103; 49 USC 20107; 49 USC 21301; 28 USC 2461

**CFR Citation:** 49 CFR 244; 49 CFR 1.49

**Legal Deadline:** None

**Abstract:** FRA prepared a proposed rule that would require a railroad to file a Safety Integration Plan with the Federal Railroad Administration (1) whenever a Class I railroad, the National Railroad Passenger Corporation, or a railroad providing commuter service proposes to merge,

consolidate or acquire control of one another; (2) whenever an entity proposes to start operations as a railroad; (3) whenever a Class II railroad proposes to consolidate, merge, or acquire control of another Class II railroad with which it would directly interchange freight, or (4) whenever a railroad merger, consolidation or acquisition of control would result in operations that generate revenue in excess of the Class I threshold. The proposed rule prescribed content and subject matter areas that must be addressed in each plan before FRA may approve of such plan. FRA prepared a final rule and coordinated with the Surface Transportation Board to issue rulemaking actions covering these transactions within the framework of each agency's jurisdiction.

**Statement of Need:** This rule is necessary to ensure advance planning of operations to promote rail safety. Given the safety problems encountered in previous transactions and the need for the merging or acquiring railroad to integrate and harmonize information systems, training, operational practices and safety procedures on a massive scale, the need to require detailed plans setting forth the manner in which the parties intend to safely implement integration plans became apparent to FRA.

**Summary of Legal Basis:** Because this rule concerns rail safety, FRA is vested with statutory authority to issue regulations governing these regulated transactions. See 49 USC 20101 et seq.

**Alternatives:** The rule authorizes a railroad carrying out a regulated transaction to petition for a waiver of compliance. The railroad must follow the procedures prescribed in 49 CFR 211 in filing such a petition. FRA may grant the petition if waiver of compliance is consistent with the public interest and railroad safety. FRA does not intend to regulate Class III railroads for the purposes of this rule. Nevertheless, the agency solicited comments from interested parties about whether the rule should cover any Class III railroad seeking to carry out a regulated transaction.

**Anticipated Cost and Benefits:** In this rulemaking action, FRA addressed the costs and benefits of issuing the rule. See 63 FR 72225, 72235 (December 31, 1998). For Class I railroads, the agency estimates that a SIP would cost between \$300,000 and \$800,000 to

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prepare, but will prevent \$1.5 million to \$12 million in accident costs. For Class II railroads, FRA estimates that a SIP would cost between \$50,000 and \$200,000 to prepare, but will prevent between \$60,000 and \$1.2 million in accident costs. The agency added that the safety planning process may save railroads from experiencing substantial service difficulties that correspond to these complex transactions.

**Risks:** The problems that surfaced after the merger of the Union Pacific and the Southern Pacific indicated that safety could be significantly compromised in implementing a consolidation unless the parties addressed the safety issues specifically, formally and systematically, particularly if the merger was large and complex. To address safety-related problems stemming from a merger, FRA needed a projection into the future of the safety consequences of consolidating the systems. To accomplish this, in response to the proposed acquisition of Conrail by Norfolk Southern and CSX Transportation, FRA suggested, and the STB required, that the merger applicants develop and submit well-defined Safety Integration Plans as part of the merger application process. The rule requires, that such Plans be filed by certain railroads in the context of proposed mergers and acquisitions and similar circumstances.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/98	63 FR 72225
NPRM Comment Period Extended	04/21/99	64 FR 19512
Public Hearing - Notice	04/21/99	64 FR 19512
NPRM Comment Period End	05/04/99	
Final Action	03/15/02	67 FR 11582
Final Action Effective	04/15/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** A public hearing on this rulemaking was held on May 4, 1999.

**Agency Contact:** Jon Kaplan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6042

**RIN:** 2130—AB24

**2131. ROADWAY MAINTENANCE MACHINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 214

**Legal Deadline:** None

**Abstract:** FRA proposed regulations governing operational and design safety of on-track equipment used by railroads for track maintenance. The regulations would cover self-propelled rail-mounted non-highway machines where light weight exceeds 7500 pounds. This rulemaking was requested by the Brotherhood of Maintenance of Way Employees (BMWE) as part of the organization's petition requesting revision of the track safety standards. FRA decided to respond to this portion of the BMWE petition in a rulemaking separate from the track safety standards revision. FRA is now preparing the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/01	66 FR 1930
NPRM Comment Period End	03/12/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking is an offshoot of the rulemaking to revise the track safety standards. FRA has changed the title of the current entry to the Unified Regulatory Agenda, which was originally entitled "Roadway Maintenance Machine Safety" to more accurately reflect what this action is expected to address.

**Agency Contact:** Nancy Lummen Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6047

**RIN:** 2130—AB28

**2132. ANNUAL ADJUSTMENT OF MONETARY THRESHOLD FOR REPORTING RAIL EQUIPMENT ACCIDENTS/INCIDENTS**

**Priority:** Routine and Frequent

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 225

**Legal Deadline:** None

**Abstract:** This annual determination establishes the monetary threshold for reporting rail equipment accidents/incidents involving railroad property damage. This action ensures and maintains comparability between different years of data by having the threshold keep pace with fluctuations in equipment and labor costs. It is required by statute. The reporting threshold is based on the formula adopted in a final rule 5/18/96, 61 FR 60632. This agenda entry will be updated each year to show the latest annual determination. Cites for determinations already issued are provided below.

**Timetable:**

Action	Date	FR Cite
Notice	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The 2001 final rule of 12/26/2001, 66 FR 66346, increases the monetary threshold from \$6,600 to \$6,700 for accidents/incidents that occur during the calendar year 2002. After the 1997 final rule of 2/2/97, 62 FR 63675, increased the monetary threshold from \$6,500 to \$6,600, the monetary threshold remained at \$6,600 from calendar years 1998 through 2000. The 1996 final rule of 11/29/96, 61 FR 60632, increased the monetary threshold from \$6,300 to \$6,500.

**Agency Contact:** Nancy Friedman, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6034

**RIN:** 2130—AB30

**2133. DETERMINATION OF MINIMUM TESTING RATE FOR RANDOM DRUG AND ALCOHOL TESTING**

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

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 219

**Legal Deadline:** None

**Abstract:** Each year FRA announces the minimum random drug and alcohol testing rates for the following year for the railroad industry. This determination is based on a review of

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rail industry drug and alcohol management information system data, as well as data from compliance reviews of rail industry drug and alcohol testing programs. Procedures were established in a final rule published on December 2, 1994, 59 FR 62218. For the calendar year 2002, the minimum random drug and alcohol testing rates of covered railroad employees continue to be 25 percent and 10 percent, respectively. This agenda entry will be updated each year to show the latest annual determination. Cites for determinations already issued are provided below.

**Timetable:**

Action	Date	FR Cite
Annual Determination	12/00/02	

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

**Additional Information:** In the notice of determination of January 2, 2002 (67 FR 21), the minimum random drug and alcohol testing rates of covered railroad employees remained at 25 percent and 10 percent, respectively, for calendar year 2002. In the notices of determination of 2/18/98 (63 FR 8143), 12/30/98 (63 FR 71789), 12/27/99 (64 FR 72289), and 12/19/00 (65 FR 79318), the minimum rates remained at 25 percent and 10 percent for calendar years 1998, 1999, 2000 and 2001.

**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue, N.W. STOP-10, Washington, DC 20590

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**RIN:** 2130-AB31**2134. +LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS****Priority:** Other Significant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 241**Legal Deadline:** None

**Abstract:** This interim final rule requires that all railroad operations in the United States be dispatched in the United States, with certain exceptions. This action is considered significant because of substantial interdepartmental concerns.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/11/01	66 FR 63942
Interim Final Rule Effective	01/10/02	
Final Rule	01/00/03	

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

**Agency Contact:** John A. Winkle, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6067

**RIN:** 2130-AB38**2135. PASSENGER EQUIPMENT SAFETY STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20133; 49 USC 20103**CFR Citation:** 49 CFR 216; 49 CFR 238**Legal Deadline:** None

**Abstract:** This action responds to the remaining issues raised in the petitions for reconsideration of FRA's May 12, 1999 final rule, which established comprehensive Federal safety standards for railroad passenger equipment. See 64 FR 25540. This action clarifies and amends the final rule, principally those sections related to fire safety and the structure of railroad passenger equipment. This action follows a response to the petitions for reconsideration related to the inspection, testing, and maintenance of railroad passenger equipment, as well as the movement of defective equipment provisions of the May 12, 1999 final rule. See 65 FR 41284.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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

**Agency Contact:** Daniel Alpert, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6026

**RIN:** 2130-AB48**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)****Long-Term Actions****2136. BLUE SIGNAL AND RELATED PROTECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 20103**CFR Citation:** 49 CFR 218**Legal Deadline:** None

**Abstract:** FRA is in the process of reconsidering amendments to its "Blue Signal" regulations, which prescribe minimum requirements for the protection of railroad employees engaged in the inspection, testing,

repair, and servicing of rolling equipment. This task was assigned to RSAC and the working group met for the first time in October, 2000. There have been six subsequent meetings. Currently, the working group is still considering several issues and, thus, the next action on this rule is undetermined.

**Timetable:**

Action	Date	FR Cite
Final Rule Amendments	03/01/95	60 FR 11047

Action	Date	FR Cite
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Comment Period End	05/01/95	
Comment Period Reopened	06/09/95	60 FR 30469
Next Action	Undetermined	

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

**Additional Information:** The final rule on utility employees was published August 16, 1993 (58 FR 43287), RIN

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2130-AA77. FRA has changed the title of the current entry to the Unified Regulatory Agenda, which was originally titled "Protection of Utility Employees" to more accurately reflect what this action is expected to address.

**Agency Contact:** John A. Winkle, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590  
Phone: 202 493-6067

**RIN:** 2130-AA90

**2137. CRANE SAFETY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, FRA will consider whether to adopt regulations governing functional and design safety of on-track railroad cranes used for track maintenance. FRA is awaiting the advice and recommendations of RSAC before taking further regulatory action.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Christine Beyer, Deputy Assistant Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington DC 20590  
Phone: 202 493-6038

**RIN:** 2130-AB27

**2138. +APPLICATION OF RANDOM TESTING AND OTHER ALCOHOL AND DRUG REGULATIONS TO EMPLOYEES OF FOREIGN RAILROADS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103; 49 USC 20140

**CFR Citation:** 49 CFR 219

**Legal Deadline:** None

**Abstract:** This action would apply FRA's random testing and other alcohol and drug requirements to employees of a foreign railroad whose primary

reporting point is outside the United States, and who perform train service or dispatching service in the United States. Such employees are currently exempt from random testing, pre-employment testing, and requirements for employee self-referral and co-worker report policies. This action is considered significant because of substantial inter-departmental concerns.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/01	66 FR 64000
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 2130-AB39

**2139. +MINIMUM STANDARDS FOR TEMPERATURE IN THE LOCOMOTIVE CAB**

**Priority:** Other Significant

**Legal Authority:** 49 USC 20103; 49 USC 20701 to 20703

**CFR Citation:** 49 CFR 229

**Legal Deadline:** None

**Abstract:** FRA is considering amending current minimum temperature requirements and establishing maximum cab temperature requirements.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6064

**RIN:** 2130-AB46

**2140. IMPROVEMENTS TO THE SYSTEM FOR REPORTING TRAIN ACCIDENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103; 49 USC 20901; 49 USC 20902

**CFR Citation:** 49 CFR 225

**Legal Deadline:** None

**Abstract:** FRA initiated a pilot study to investigate a possible approach for developing a new system of reporting train accidents, potentially leading to a revision of the regulations for reporting rail equipment accidents/incidents involving railroad property damage. Under the current system, railroads are required to report any event involving property damage or injury if the total cost of the event for all railroads involved exceeds a threshold. The cost of repairing the damage therefore acts as a surrogate measure of severity. Repair cost, however, is unsatisfactory as a surrogate measure of severity. Costs can be substantially affected by factors that have no relevancy to severity, such as the newness of any destroyed equipment and facilities. Nevertheless, current regulations mandate that if a locomotive engineer has been found to be at fault for causing an event, he or she can be disqualified only if it is reportable as a train accident. The perceived unfairness of disqualification being only loosely tied to accident severity is something FRA wishes to remedy by changing the reporting requirement to more closely reflect the severity of the event rather than just the book cost.

FRA is also interested in changing the system to reduce time and effort spent by railroads in reporting and recording train accidents. The current reporting system causes substantial inconvenience and places a burden on the railroads. The railroads' initial estimates of repair costs are somewhat subjective, yet they have to decide whether to report an event on the basis of the estimate. In addition, if the actual cost of an event deviates from initial estimates by more than 10% and exceeds the threshold, then the railroad would be required to submit a report if the initial estimate was below the threshold and an amendment if the initial estimate was above. The uncertainty about the status of an event may put undue pressure on railroads

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to report more events as train accidents than necessary.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** The results of the pilot study were insufficient to permit FRA to try out certain aspects of the proposed approach to developing a new system. Further action to be determined.

**Agency Contact:** Nancy Friedman, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6034

**RIN:** 2130—AB50

**2141. • AUTOMATIC TRAIN CONTROL (ATC) AND ADVANCED CIVIL SPEED ENFORCEMENT SYSTEM (ACSES); NORTHEAST CORRIDOR (NEC) RAILROADS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** An order is in effect, but amendments for technical matters or for the phasing of implementation will be added as needed. Through this amendment, FRA granted a second extension of a previously granted exception that allows MBTA to follow temporary operating protocols whenever it cannot dispatch a train equipped with ACSES. This exception, which would have expired on February

1, 2002, now runs through April 5, 2002.

**Timetable:**

Action	Date	FR Cite
Amendment	02/12/02	67 FR 6573
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2130—AB55

**Department of Transportation (DOT)  
Federal Railroad Administration (FRA)**

**Completed Actions**

**2142. FREIGHT CAR SAFETY STANDARDS: MAINTENANCE-OF-WAY EQUIPMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 215

**Legal Deadline:** None

**Abstract:** This action originally proposed to amend the freight car safety standards to subject all maintenance-of-way vehicles to FRA's safety standards, with the exception of stenciled cars not used in revenue service and restricted to a speed of less than 20 miles per hour. This action was originally considered significant because of anticipated public and industry interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/94	59 FR 11238
NPRM Comment Period End	02/27/95	
Notice of Termination	03/27/02	67 FR 14665

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** The original NPRM comment period ended on 4/11/94 but was twice extended; first, to 11/28/94 (59 FR 49374) and then to

02/27/95 (59 FR 67266). Due to various contentious issues raised during the NPRM comment period, FRA believed it might be advantageous to resolve differences in an open forum. Therefore, on September 30, 1997, FRA formally proposed this rulemaking as a new task (Task 97-8) for the Railroad Safety Advisory Committee (RSAC). After discussion, the RSAC declined to accept the task at that time. The need to complete other, higher priority projects has not permitted further action on this rulemaking.

**ANALYSIS:** Regulatory Evaluation, 03/10/94, 59 FR 11238

**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 493-6036

**RIN:** 2130—AA68

**2143. LOCOMOTIVE CAB WORKING CONDITIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 20103

**CFR Citation:** 49 CFR 229

**Legal Deadline:** Final, Statutory, March 3, 1995, Rule or Report to Congress. Report to Congress issued 9/18/96.

**Abstract:** The agency has proposed to address crew working conditions on locomotives, pursuant to the Rail Safety Enforcement and Review Act (1992). FRA investigated a variety of locomotive working conditions, including sanitation, noise and temperature, and reported its findings to Congress. On October 31, 1996, the Railroad Safety Advisory Committee (RSAC) accepted a preliminary planning task to schedule handling of these issues, and established the Locomotive Crew Safety Working Group. The Working Group prepared recommendations addressing sanitation in locomotive cabs. The Working Group presented RSAC with these recommendations and the full RSAC voted to refer them to FRA as the basis for a Notice of Proposed Rulemaking (NPRM). FRA used these recommendations as the basis for an NPRM, which was published January 2, 2001.

**Timetable:**

Action	Date	FR Cite
Open Meeting Notice	07/22/94	59 FR 37528
Report to Congress	09/18/96	
NPRM (Sanitation)	01/02/01	66 FR 136
NPRM Comment Period End	03/05/01	
Final Action	04/04/02	67 FR 16032

**Regulatory Flexibility Analysis**

**Required:** Yes

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Completed Actions

**Small Entities Affected:** Businesses  
**Government Levels Affected:** State  
**Federalism:** This action may have federalism implications as defined in EO 13132.  
**Agency Contact:** Christina McDonald, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 493-6032  
**RIN:** 2130-AA89

**2144. BRIDGE WORKER SAFETY STANDARDS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 49 USC 20103  
**CFR Citation:** 49 CFR 214  
**Legal Deadline:** None  
**Abstract:** In response to a petition for rulemaking, FRA amended the Bridge Worker Safety Rules through promulgation of an interim final rule. The interim final rule prohibits the use of safety belts as fall protection, but would continue to require the use of harnesses, which are more commonly used in present industry practice. The interim final rule also makes technical clarifications to the existing standards. This action is supported by the industry and is consistent with new policies of the Occupational Safety and Health Administration. Data shows that safety belts present unnecessary safety risks, and are generally disfavored by companies involved with working at heights.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/15/02	67 FR 1903

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None  
**Agency Contact:** Cynthia Walters, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2130-AB25

**2145. • BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 49 USC 20103  
**CFR Citation:** 49 CFR 232  
**Legal Deadline:** Other, Statutory, December 31, 1993, Final Rule; Response to Petitions for Reconsideration.  
**Abstract:** Pursuant to the Federal Railroad Safety Enforcement and Review Act of 1992, FRA revised the regulations related to freight power brakes. On January 17, 2001, FRA issued a final rule revising the freight power brake standards (66 FR 4104). On August 1, 2001, FRA issued an initial response to petitions for reconsideration of the final rule related to the periodic maintenance and test requirements contained in subpart D of the final rule (66 FR 39683). This document responds to the remaining issues raised in the petitions for reconsideration of the final rule.

**Timetable:**

Action	Date	FR Cite
Final Rule; Response to Petitions for Reconsideration	04/10/02	67 FR 17556

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 493-6036

**RIN:** 2130-AB52

**2146. • ALCOHOL/DRUG REGULATIONS: TEMPORARY POST-ACCIDENT BLOOD TESTING PROCEDURES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 49 USC 20103; 49 USC 20107; 49 USC 20111; 49 USC 20113; 49 USC 20140; ...  
**CFR Citation:** 49 CFR 1.49(m)  
**Legal Deadline:** None  
**Abstract:** Temporary post-accident blood testing procedures to be followed until all FRA post-accident kits have fresh blood tubes.

**Timetable:**

Action	Date	FR Cite
Notice	12/31/01	66 FR 67623

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1120 Vermont Avenue, N.W. STOP-10, Washington, DC 20590  
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**RIN:** 2130-AB54

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

**Final Rule Stage**

**2147. +CLEAN FUELS FORMULA GRANT PROGRAM**

**Priority:** Other Significant  
**Legal Authority:** PL 105-178, sec 3008; 49 USC 5308  
**CFR Citation:** 49 CFR 624  
**Legal Deadline:** None  
**Abstract:** Section 3008 of the Transportation Equity Act for the 21st

Century establishes the Clean Fuels Formula Grant Program. This grant program will assist transit systems in purchasing or leasing clean fuel vehicles; constructing clean fuel or electrical re-charging facilities; modifying existing garage facilities to accommodate clean fuel vehicles; repowering pre-1993 engines with clean fuel technology which meets the

current bus emission standards; and retrofitting or rebuilding pre-1993 engines before their half-life for rebuilding. This provision requires the Secretary to issue an implementing regulation that sets forth eligibility requirements and an apportionment formula for eligible projects. In FY 1999, all funds were apportioned to earmarked projects. This action is

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## Final Rule Stage

considered significant because of considerable congressional and public interest.

**Statement of Need:** This rulemaking is intended to assist nonattainment and maintenance areas in achieving or maintaining air quality attainment status. The program also seeks to support emerging clean fuel and advanced propulsion technologies for transit buses and to create markets for these technologies.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/01	66 FR 45551
NPRM Comment Period End	10/21/01	
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local

**Agency Contact:** Scheryl Portee, Attorney Advisor, Department of Transportation, Federal Transit

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**RIN:** 2132-AA64

**2148. STATE SAFETY OVERSIGHT; RAIL FIXED GUIDEWAY SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5330

**CFR Citation:** 49 CFR 659

**Legal Deadline:** None

**Abstract:** On the basis of State Safety Oversight audits that the Federal Transit Administration has been conducting over the past year, the agency will propose several amendments to the rule. An NPRM seeking comments to amend the regulation will be published. Additionally, a direct final rule is being issued to change the definition of "accident" to "major incident", as defined in the National Transit Database. This regulation was previously reported under RIN 2132-AA39 and RIN 2132-AA59.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/03/02	67 FR 15725

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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

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Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2132-AA69

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

## Long-Term Actions

**2149. +BUS TESTING**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5323(c)

**CFR Citation:** 49 CFR 665

**Legal Deadline:** None

**Abstract:** This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established pursuant to 49 USC 5318. This regulation is significant because of the large amount of public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158
Comment Period Reopened	11/30/89	54 FR 49297
Interim Final Rule - Second	10/09/90	55 FR 41174
Interim Procedures	09/13/91	56 FR 46572
Interim Final Rule - New Vehicle Types	07/28/92	57 FR 33394

Action	Date	FR Cite
Interim Final Rule - Partial Effectiveness Postponed	10/13/92	57 FR 46814
Interim Final Rule - Comment Period Reopened to 01/29/93	01/07/93	58 FR 2989
Interim Final Rule - Partial Effectiveness Postponed	02/23/93	58 FR 10989
Notice of Meeting Next Action Undetermined	02/26/93	58 FR 11549

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Former section 12(h) of the FT Act, as amended (now 49 USC 5302(a)(9)), defines a "new bus model" as a bus model which has not been used in mass transportation service in the United States before the date of production of such model, or a bus model which has been used in such service, but which is being produced with a major change in

configuration or components. A third interim final rule, published on 07/28/92, added two new categories of buses required to be tested. On 10/13/92 FTA published a notice postponing the application of the interim final rule for these vehicle types until 02/10/93. FTA's fourth interim final rule, issued on 11/3/93, established four subcategories of small vehicles to facilitate the phase-in of testing.

Initially, FTA had intended to issue a final rule. However, FTA now believes that prior to the issuance of a final rule, the public should have the opportunity to provide additional comment, especially considering advances in technology and developments within the industry during the period that the interim final rule has been in effect.

**ANALYSIS:** Regulatory Evaluation, 07/28/92, 57 FR 33394

**Agency Contact:** Bruce Walker, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2132-AA30

**2150. +NEPA AND RELATED PROCEDURES FOR TRANSPORTATION DECISIONMAKING; PROTECTION OF PUBLIC WORKS, WILDLIFE AND WATERFOWL REFUGES AND HISTORIC SITES****Priority:** Other Significant**Legal Authority:** 23 USC 109, 128, 134, 138 and 315; 42 USC 2000d-2000d-4, 4321 et seq. and 7401 et seq.; 49 USC 303, 5301(e), 5303, 5309 and 5324(b) and (c); 49 CFR 1.48 and 1.51; 33 CFR 115.60(b); 40 CFR 1500 to 1508**CFR Citation:** 23 CFR 771; 23 CFR 1420; 23 CFR 1430; 49 CFR 622; 49 CFR 623**Legal Deadline:** None**Abstract:** The Federal Transit Administration and the Federal Highway Administration issued an NPRM to propose updating and revising the National Environmental Policy Act (NEPA) implementing regulation for FTA- and FHWA-funded or approved projects. The current regulations were issued in 1987 (23 CFR part 771, August 28, 1987) and experience since that time as well as changes in legislation, most recently by the Transportation Equity Act for the 21st Century (TEA-21), call for an updated approach to implementation of NEPA for FTA and FHWA projects and actions.

The FTA and the FHWA received numerous comments to the docket in response to this NPRM. The agencies are currently reviewing these comments to determine what action should follow.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33960
NPRM Comment Period Extended	07/07/00	65 FR 41892
NPRM Comment Period End	09/23/00	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** The corresponding FHWA RIN is 2125-AE64. This incorporates the issues contained in RIN 2125-AD32.**Agency Contact:** Scott Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0952  
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RIN: 2132-AA43

**2151. BUY AMERICA REQUIREMENTS; AMENDMENT TO CERTIFICATION PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-178, sec 3020(b)**CFR Citation:** 49 CFR 661.11; 49 CFR 661.13**Legal Deadline:** None**Abstract:** This action would amend FTA's Buy America regulation, 49 CFR 661 in accordance with section 3020(b) of the Transportation Equity Act for the 21st Century. Section 3020(b) amended 49 USC 5323(g) to allow a bidder on an FTA-funded contract to correct an incomplete certification or a certification of noncompliance with Buy America resulting from an inadvertent or clerical error.**Timetable:**

Action	Date	FR Cite
NPRM	02/18/99	64 FR 8051
NPRM Comment Period End	04/19/99	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local**Agency Contact:** Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590

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RIN: 2132-AA62

**2152. +STATEWIDE METROPOLITAN PLANNING****Priority:** Other Significant**Legal Authority:** 23 USC 134; 23 USC 135; 23 USC 315; 42 USC 7410 et seq.; 49 USC 5303 to 5305; 49 CFR 1.48 and 1.51**CFR Citation:** 23 CFR 450; 23 CFR 1410; 49 CFR 613; 49 CFR 621**Legal Deadline:** None**Abstract:** In this action, FTA and FHWA are jointly proposing to revise the regulations governing the development of transportation plans and programs for urbanized (metropolitan) areas and States. These revisions are the product of statutory changes made by the Transportation Equity Act for the 21st Century (TEA-21), which requires a continuous, comprehensive, and coordinated process in metropolitan areas and States. The regulations at 23 CFR part 450 and 49 CFR part 613 would be modified to reflect the impacts of TEA-21.

The agencies (FTA and FHWA) have received numerous comments to the docket in response to the NPRM. The comments are currently being analyzed by both agencies to determine what action should follow.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33922
NPRM Comment Period Extended	07/07/00	65 FR 41891
NPRM Comment Period End	09/23/00	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local**Additional Information:** The corresponding FHWA RIN is 2125-AE62.**Agency Contact:** Scott Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
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RIN: 2132-AA66

**2153. SCHOOL BUS OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5323(f)**CFR Citation:** 49 CFR 605**Legal Deadline:** None**Abstract:** This rulemaking amends the definition of "tripper" service, which

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is mass transportation service modified to meet the needs of school students and personnel. The amended definition will prohibit the use of certain signage without the express written permission of the FTA Administrator, and provides that tripper buses must stop only at stops that are marked as available to the public. In the previous agenda, FTA had stated that it intended to withdraw the proposed amendment. However, upon further consideration, the agency has decided to hold this matter in abeyance pending reauthorization of the Transportation Equity Act for the 21st Century (TEA-21).

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23590
NPRM Comment Period End	07/02/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local**Agency Contact:** Elizabeth S. Martineau, Attorney Advisor,

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**RIN:** 2132-AA67**2154. BUY AMERICA REQUIREMENTS; PERMANENT WAIVER FOR MICROCOMPUTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 97-424**CFR Citation:** 49 CFR 661**Legal Deadline:** None

**Abstract:** Section 165(b)(2) of the Surface Transportation Assistance Act of 1982 provides that a waiver of the Buy America requirements may be granted if materials and products being procured are not produced in the United States in sufficient and reasonable quantities and of satisfactory quality. Such a waiver was permanently granted in 1986 for microcomputers, as FTA grantees were experiencing difficulty in purchasing domestically produced microcomputer equipment appropriate to their needs. At that time, FTA reserved the right

to reassess the need for a waiver based on the changing market for microcomputers. Since both the international and domestic market for microcomputers has changed since the permanent waiver was issued, FTA is soliciting comments as to whether this waiver should be revoked, modified or retained.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/08/99	64 FR 54855
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** Meghan Ludtke, Attorney Advisor, Department of Transportation, Federal Transit Administration, Room 9316, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-4011

Fax: 202 366-3809

**RIN:** 2132-AA68

## Department of Transportation (DOT)

## Federal Transit Administration (FTA)

## Completed Actions

**2155. +REQUIREMENT FOR THIRD-PARTY CONTRACTING WITH FTA RECIPIENTS****Priority:** Other Significant**Legal Authority:** 49 USC 322(a); 49 USC 5301 et seq; 49 USC 107(c); 49 CFR 18 and 19**CFR Citation:** 49 CFR 635**Legal Deadline:** None

**Abstract:** Federal Transit Administration had proposed putting FTA Circular 4220.1D, "Third-Party Contracting Requirements" into regulatory form, based on the belief that

these procurement regulations would make the third-party contracting process more equitable and understandable. Upon further consideration and in consultation with industry representatives, FTA has determined that there is no clear need for this regulation at this time. Consequently, FTA will be terminating this rulemaking action.

**Timetable:**

Action	Date	FR Cite
Withdrawn	04/30/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** Richard Wong, 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-AA70

## Department of Transportation (DOT)

## Completed Actions

## Saint Lawrence Seaway Development Corporation (SLSDC)

**2156. • SEAWAY REGULATIONS AND RULES: BALLAST WATER****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 983(a); 33 USC 984(a); 49 CFR 1.52**CFR Citation:** 33 CFR 401**Legal Deadline:** None

**Abstract:** Under agreement with the Saint Lawrence Seaway management Corporation of Canada, the SLSDC is proposing to amend the joint Seaway Regulations and Rules to make compliance with applicable Great Lakes shipping industry codes for ballast water management and practices a mandatory prerequisite for clearance of a commercial vessel for transit of the seaway system.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/02	67 FR 3465
NPRM Comment Period End	02/25/02	
Final Action	02/27/02	67 FR 8885
Final Action Effective	03/26/02	

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

**Agency Contact:** Marc C. Owen, Chief Counsel, Department of Transportation, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-6823

Fax: 202 366-7147

Email: marc.owen@sls.dot.gov

**RIN:** 2135-AA13

Management Corporation jointly publish and administer the Seaway Tariff of Tolls. This rule amends the tariff to reflect the Canadian only fees and charges for the 2002 navigation season.

**Timetable:**

Action	Date	FR Cite
Final Action	02/14/02	67 FR 6869
Final Action Effective	03/18/02	

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

**Agency Contact:** Marc C. Owen, Chief Counsel, Department of Transportation, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-6823

Fax: 202 366-7147

Email: marc.owen@sls.dot.gov

**RIN:** 2135-AA14**2157. • SEAWAY TARIFF OF TOLLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 983(a), 984(a)(4), 988; 49 CFR 1.52**CFR Citation:** 33 CFR 402**Legal Deadline:** None

**Abstract:** Under international agreement, the Saint Lawrence Seaway Development Corporation (SLSDC) and the Canadian Saint Lawrence Seaway

## Department of Transportation (DOT)

## Prerule Stage

## Research and Special Programs Administration (RSPA)

**2158. HAZARDOUS MATERIALS: REVISION OF REQUIREMENTS FOR CARRIAGE BY AIRCRAFT****Priority:** Substantive, Nonsignificant**Legal Authority:** 48 USC 5101 to 5127**CFR Citation:** 49 CFR 175**Legal Deadline:** None

**Abstract:** Part 175 is being revised and rewritten in order to simplify and clarify the requirements, further align them with the international

requirements (ICAO) and eliminate obsolete requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/26/02	67 FR 8769
ANPRM Comment Period End	05/31/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Organizations, Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** Docket No. HM-228.

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD18

## Department of Transportation (DOT)

## Proposed Rule Stage

## Research and Special Programs Administration (RSPA)

**2159. PIPELINE SAFETY: GAS GATHERING LINE DEFINITION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 192**Legal Deadline:** Final, Statutory, October 24, 1994.

**Abstract:** The existing definition of "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

Action	Date	FR Cite
Electronic Public Meeting	04/13/99	64 FR 12147
Extension of Comment Period	04/30/99	64 FR 23256
Comment Period Ends NPRM	07/07/99 12/00/02	64 FR 23256

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

## DOT—RSPA

## Proposed Rule Stage

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-98-4868 (Formerly PS-122).

**ANALYSIS:** Regulatory Evaluation, 09/25/91, 56 FR 48505

**Agency Contact:** L.E. Herrick, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5523

**RIN:** 2137-AB15

### 2160. 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:** This rulemaking proposes to revise and clarify certain manufacturing, maintenance and use requirements pertaining to cargo tank motor vehicles that may be used for hazardous materials transportation. FMCSA inspections have resulted in a preliminary determination that these regulations need to be amended to make them more practical, understandable, and enforceable.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/01	66 FR 63905
NPRM Comment Period Extended	02/01/02	67 FR 4941
NPRM Comment Period End	04/04/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** HM-213

**Agency Contact:** Michael Johnsen, 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-AC90

### 2161. PIPELINE SAFETY: FURTHER REGULATORY REVIEW; GAS PIPELINE SAFETY STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** This action would change miscellaneous gas pipeline safety standards to provide clarity, eliminate unnecessary or overly burdensome requirements, and foster economic growth. The proposed changes result from RSPA's further review of the standards and changes recommended by the National Association of Pipeline Safety Representatives (NAPSR) in its November 1992 report on the standards and by the State Industry Regulatory Review Committee in its April 26, 1999 report. The proposed changes would reduce costs in the pipeline industry without compromising safety.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. PS-124. The NAPSR report was published November 9, 1993, at 58 FR 59431, as part of the earlier review of the standards.

Early in 1992, RSPA began an extensive review of the federal gas pipeline safety regulations (49 CFR 192) and invited the public to participate (57 FR 4745; February 7, 1992). RSPA published a Notice of Proposed Rulemaking (NPRM), proposing changes to 38 regulations in part 192 (Notice 1: 57 FR 39572; August 31, 1992). In addition, the National Association of Pipeline Safety Representatives (NAPSR) reported on a separate but related review of part 192. Because the NAPSR report concerned a few of the regulations covered by the NPRM and had similar objectives, we published the report and requested public comment on its various recommended rule changes (Notice 2: 58 FR 59431; November 9, 1992) and later extended the comment period (Notice 3: 58 FR 68382; December 27, 1993). A final rule was published on June 6, 1996.

However, not all the changes suggested by the commenters were incorporated in the final rule. A further review of the regulations in Part 192, based on the record in this docket, was initiated in late 1996. This review identified proposals from the Gas Piping Technology Committee (GPTC), the ASME B31.8 (gas pipeline safety standards) committee, and NAPSR that have not yet been addressed.

In October 1997, NAPSR and the gas pipeline industry formed the State Industry Regulatory Review Committee (SIRRC), to discuss the regulatory proposals of NAPSR and other issues. On May 3, 1999, the SIRRC provided OPS a report on outcome of the discussion on 39 proposed changes in the gas pipeline safety regulations.

Most of the SIRRC recommendations will be addressed in a subsequent notice of proposed rulemaking. However, the welding recommendations are being adopted in the periodic update (Docket No. RSPA-99-6106 RIN 2137-AD35). And, the corrosion control recommendations are being considered in a review of the gas pipeline corrosion regulations in (RIN 2137-AD63)

**Agency Contact:** L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559

**RIN:** 2137-AD01

### 2162. +PIPELINE SAFETY: RECOMMENDATIONS TO CHANGE HAZARDOUS LIQUID PIPELINE SAFETY STANDARDS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 60101 to 60128

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** In 1995, the National Association of Pipeline Safety Representatives (NAPSR) completed its review of the hazardous liquid pipeline safety regulations. NAPSR provided RSPA with 28 recommendations for changes to 49 CFR part 195, the hazardous liquid pipeline regulations. NAPSR's recommendations are aimed at making the regulations more explicit, understandable, and enforceable. This

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## Proposed Rule Stage

action would address the need to change part 195 as NAPS recommended.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-97-2717.

**Agency Contact:** L. M. Furrow, Regulations Manager, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559

**RIN:** 2137-AD10

**2163. 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 (HMR) to continue 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. The proposed action is intended to improve safety for transportation workers, emergency responders, and the public. The effect of the proposed regulatory action would be to simplify, clarify, correct, or provide relief from certain regulatory requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-206B

**Agency Contact:** Helen Engrum, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD28

**2164. HAZARDOUS MATERIALS: AIR CARRIER EMERGENCY TELEPHONE NUMBER REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172; 49 CFR 175

**Legal Deadline:** None

**Abstract:** The rulemaking addresses safety recommendations from the National Transportation Safety Board to require that air carriers transporting hazardous materials have the means, 24 hours per day, to quickly retrieve and provide to emergency responders consolidated specific information about the identify and location of all hazardous materials on an aircraft in a timely manner.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/15/00	65 FR 49777
ANPRM Comment Period End	11/13/00	
NPRM	02/13/02	67 FR 6669
NPRM Comment Period End	04/26/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-206C

**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

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Email: rules@rspa.dot.gov

**RIN:** 2137-AD29

**2165. +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 will 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
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** HM Docket: HM-213B.

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD36

**2166. HAZARDOUS MATERIALS: ADOPTION OF LATEST IAEA AND OTHER MISCELLANEOUS REVISIONS AND CLARIFICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to harmonize the requirements for the packaging and transportation of Class 7 (radioactive) materials with the International Atomic Energy Agency (IAEA) regulations for the safe transportation of radioactive material and the UN recommendations.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/28/99	64 FR 72633

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Action	Date	FR Cite
ANPRM Comment Period Extended	03/01/00	65 FR 11028
ANPRM Comment Period End	03/29/00	
ANPRM Comment Period End	06/29/00	
NPRM	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-230.

**Agency Contact:** Charles E. Betts, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD40

**2167. PIPELINE SAFETY: PRODUCER-OPERATED OUTER CONTINENTAL SHELF GAS AND HAZARDOUS LIQUID PIPELINES THAT CROSS DIRECTLY INTO STATE WATERS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 et seq**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

**Abstract:** This proposed rule would implement a provision of the December 10, 1996 Memorandum of Understanding (MOU) between the Department of the Interior (DOI) and the Department of Transportation (DOT) regarding Outer Continental Shelf (OCS) Pipelines. This rule would address producer-operated pipelines that cross into State waters without first connecting with a transporting operator's facility on the OCS. It is complementary to the Direct Final Rule that addressed OCS oil or gas pipelines located upstream of the points at which operating responsibility for the pipelines transfers from a producing operator to a transporting operator (62 FR 61692, November 19, 1997; and 63 FR 126598, March 16, 1998). The proposed rule also would address the procedures by which producer and transportation pipeline operators would petition for permission to operate under either DOT or DOI regulations governing pipeline design, construction, operation, and

maintenance according to the operational circumstances of their respective pipelines.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-99-6132.

**Agency Contact:** L.E. Herrick, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-5523

**RIN:** 2137-AD42

**2168. HAZARDOUS MATERIALS: MISCELLANEOUS AMENDMENTS FOR UNLOADING IM PORTABLE TANKS ON A TRANSPORT VEHICLE - PETITION FOR RULEMAKING**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 177**Legal Deadline:** None

**Abstract:** RSPA is proposing a rule in response to a petition for rulemaking regarding the requirements applicable to the unloading of Intermodal (IM) portable tanks while on a transport vehicle.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8220
NPRM Comment Period End	04/08/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-218A.

**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-AD44

**2169. HAZARDOUS MATERIALS: TRANSPORTATION OF LITHIUM BATTERIES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172 to 175**Legal Deadline:** None

**Abstract:** RSPA is revising requirements applicable to lithium batteries for consistency with international requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-224C

**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

**2170. PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH CONSEQUENCE AREAS (GAS TRANSMISSION PIPELINE OPERATORS)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5121; 49 USC 60102 to 60104; 49 USC 60108, 60117, 60118, 60124; 49 CFR 1.53**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** An October 21, 1999, notice announced a public meeting to consider the need for additional safety and environmental regulations for gas transmission lines, hazardous liquid pipelines, and distribution pipelines in high-density population areas, commercially navigable waterways, and areas unusually sensitive to environmental damage. The public meeting was held on November 18-19, 1999 in Herndon, Virginia. The meeting was to determine the extent to which operators now have integrity management programs, to explore

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## Proposed Rule Stage

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).

Consideration of a similar gas rule is underway. A public meeting was held on February 12-14, 2001 to present information on integrity requirements for gas transmission pipelines. Additional information was requested June 27, 2001 (66 FR 34318). Rulemakings addressing gas transmission line high consequence areas, direct assessment, and overall integrity management program will be published in 2002.

**Timetable:**

Action	Date	FR Cite
NPRM Integrity Management Program	07/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-00-7666.

**Agency Contact:** Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4571  
Email: mike.israni@rspa.dot.gov

RIN: 2137-AD54

**2171. HAZARDOUS MATERIALS: FRANGIBLE DISCS ON TANK CARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 173**Legal Deadline:** None

**Abstract:** RSPA proposed to clarify current inspection requirements for frangible discs in pressure relief devices on rail tank cars used to transport hazardous materials.

**Timetable:**

Action	Date	FR Cite
Undetermined	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** HM Docket: HM-216A

**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-AD57

**2172. PIPELINE SAFETY: HAZARDOUS LIQUID PIPELINE OPERATOR ANNUAL REPORTS****Priority:** Substantive, Nonsignificant**Legal Authority:** and 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	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-01-9832.

**Agency Contact:** Roger Little, Department of Transportation, Research and Special Programs Administration  
Phone: 202 366-4569

RIN: 2137-AD59

**2173. ● HAZARDOUS MATERIALS: HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS, INTERNATIONAL MARITIME DANGEROUS GOODS CODE, AND INTERNATIONAL CIVIL AVIATION ORGANIZATION TECHNICAL INSTRUCTIONS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 171 to 180**Legal Deadline:** None

**Abstract:** To amend the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to maintain alignment with international standards by incorporating numerous changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket HM-215E.

**Agency Contact:** Joan McIntyre, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

RIN: 2137-AD66

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**2174. • HAZARDOUS MATERIALS: SECURITY REQUIREMENTS FOR OFFERORS AND TRANSPORTERS OF HAZARDOUS MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 107; 49 CFR 172; 49 CFR 173; 49 CFR 177; 49 CFR 397**Legal Deadline:** None**Abstract:** This interim final rule will establish certain requirements designed to enhance the security of hazardous materials in transportation.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket HM-232.**Agency Contact:** Susan Gorsky, 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-AD67**2175. • PIPELINE SAFETY: ANNUAL UPDATE OF STANDARDS INCORPORATED BY REFERENCE****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, and 60118**CFR Citation:** 49 CFR 191; 49 CFR 193; 49 CFR 195**Legal Deadline:** None**Abstract:** More than 70 voluntary consensus technical standards are

incorporated by reference in the Federal gas pipeline, hazardous liquid pipeline, and liquefied natural gas (LNG) safety regulations. The Office of Pipeline Safety will propose to incorporate updated standards early in each calendar year.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Docket No RSPA-02-11457.**Agency Contact:** Richard Huriaux, Manager - Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4565**RIN:** 2137-AD68

## Department of Transportation (DOT)

## Final Rule Stage

## Research and Special Programs Administration (RSPA)

**2176. +HAZARDOUS MATERIALS: REQUIREMENTS FOR CYLINDERS****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172; 49 CFR 173; 49 CFR 178**Legal Deadline:** None**Abstract:** This rulemaking proposed to amend the Hazardous Materials Regulations (HMR) by updating and consolidating requirements for the manufacture, maintenance, requalification, repair, and use of compressed gas cylinders. Because of significant adverse comment, this rulemaking will be terminated. RSPA will address the proposals in this rulemaking applicable to maintenance, requalification and repair of DOT specification cylinders; approval for cylinder requalifiers, independent inspection agencies, and non-domestic chemical analyses and tests in a final rule under RIN 2137-AD58. Cylinder manufacturing issues will be addressed in a separate rulemaking action.**Summary of Legal Basis:** Section 5103 of title 49 U.S.C. specifies that the Secretary shall prescribe regulations for the safe transportation of hazardous

materials in intrastate, interstate, and foreign commerce. These regulations apply to persons transporting or causing to transport hazardous materials in commerce, and persons manufacturing, fabricating, marking, maintaining, repairing or testing packagings that are represented, marked, certified, or sold by such persons as qualified for use in transporting hazardous materials in commerce.

**Risks:** Improving the integrity of cylinders will reduce the risk of leakage in overturns and other accidents. In addition, simplifying the regulations will reduce misunderstandings and the possibility of processing errors that may adversely affect safety.**Timetable:**

Action	Date	FR Cite
NPRM	10/30/98	63 FR 58460
NPRM Comment Period Extended to 09/30/1999	05/28/99	64 FR 28065
NPRM Comment Period End	05/28/99	
Termination Notice Final Action	02/13/02	67 FR 6667
	10/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Additional Information:** Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders. Docket No. HM-220.**Agency Contact:** Charles 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-AA92**2177. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 178**Legal Deadline:** None**Abstract:** Certain DOT 3AL cylinders made of aluminum alloy 6351 have developed cracks during service, and occasionally leaks developed resulting

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in loss of contents. The ANPRM was intended to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. Safety issues will be handled and this rulemaking addressed under RIN 2137-AD58.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No. HM-176A. Safety issues originally considered by this action are being addressed in Docket HM-220D, RIN 2137-AD58.

ANALYSIS: Regulatory Evaluation

**Agency Contact:** Charles 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-AB51

### 2178. +PIPELINE SAFETY: RESPONSE PLANS FOR ONSHORE OIL PIPELINES

**Priority:** Other Significant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 194

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The interim final rule established regulations requiring response plans for certain onshore oil pipelines. Those regulations are mandated by the Federal Water Pollution Control Act as amended by the Oil Pollution Act of 1990 (Pub. L. 101-380). Pipeline operators filed response plans under this interim final rule, and numerous tabletop exercises and area exercises have been conducted to validate the planning process. The

purpose of these requirements is to improve response capabilities and minimize the impact of onshore oil spills from pipelines. This rule is significant because of substantial public and congressional interest. Because of time that has passed since issuance of interim final rule, an advisory bulletin and an interpretation will be issued to address technical issues. Subsequently, a new NPRM will be issued to update record and support issuance of a final rule later in 2001.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/05/93	58 FR 244
Interim Final Rule Comment Period End	02/19/93	
Notice of Public Meeting	06/15/94	59 FR 30755
Notice of Public Hearing	11/29/96	61 FR 60679
Correction	01/21/97	62 FR 2989
Final Rule	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Docket No. PS-130.

ANALYSIS: Regulatory Evaluation, 01/05/93, 58 FR 244

**Agency Contact:** James Taylor, Response Plans Officer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8860

**RIN:** 2137-AC30

### 2179. HAZARDOUS MATERIALS: RETENTION OF SHIPPING PAPERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 172; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

**Legal Deadline:** None

**Abstract:** This action proposes to amend the Hazardous Materials Regulations by requiring shippers and carriers to retain a copy of the hazardous material shipping paper or an electronic image of the shipping paper for a period of 375 days. A one-year retention of shipping papers is a current statutory requirement in 49 U.S.C. 5110(e); this rule will make the

public, which relies almost exclusively on the HMR, aware of this requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/01	66 FR 47443
NPRM Comment Period End	11/13/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-207B.

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AC64

### 2180. HAZARDOUS MATERIALS: REVISIONS TO STANDARDS FOR INFECTIOUS SUBSTANCES AND GENETICALLY MODIFIED MICROORGANISMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1321; 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177; 49 CFR 178

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to amend the Hazardous Materials Regulations to provide for the transport of infectious medical waste in bulk packagings, remove the blanket exception for transporting biological products and diagnostic specimens and revise the definition, hazardous communication, and packaging requirements for other infectious substances and genetically modified microorganisms to make them consistent with international transportation requirements. RSPA held a public meeting on the ANPRM via the internet.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/02/98	63 FR 46844

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Action	Date	FR Cite
ANPRM Comment Period End	12/01/98	
NPRM NPRM Comment Period End	01/22/01 04/23/01	66 FR 7942
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** Docket No. HM-226. DMS Docket No. RSPA- 98-3971.

**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-AD13**2181. HAZARDOUS MATERIALS: REVISED AND CLARIFIED HAZARDOUS MATERIALS SAFETY RULEMAKING AND PROGRAM PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 106; 49 CFR 107**Legal Deadline:** None

**Abstract:** This rulemaking will make minor substantive changes to 49 CFR parts 106 and 107 of the hazardous materials procedural regulations, and will result in a revision of those parts in language that is easier to understand. This action is being taken in order to update RSPA's hazardous materials procedural regulations and to rewrite the current requirements in a new question and answer format that will be more user-friendly.

**Timetable:**

Action	Date	FR Cite
NPRM NPRM Comment Period End	12/11/98 02/09/99	63 FR 68624
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Undetermined**Additional Information:** Docket No. RSPA-98-3974. (RSP-4)

**Agency Contact:** Karin Christian, Attorney, Room 8407, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4400  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD20**2182. 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 reviews 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 ANPRM Comment Period End	03/23/99 06/21/99	64 FR 13943
NPRM NPRM Comment Period End	07/03/01 10/01/01	66 FR 35155
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal**Additional Information:** Docket No. HM-229.

**Agency Contact:** Michael Johnsen, 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**2183. PIPELINE SAFETY: PERIODIC UPDATES TO PIPELINE SAFETY REQUIREMENTS (1999)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 et seq**CFR Citation:** 49 CFR 190; 49 CFR 191; 49 CFR 192; 49 CFR 195**Legal Deadline:** None

**Abstract:** This periodic update revises and updates the pipeline safety regulations to provide clarity and remove unnecessary burdens to the regulated pipeline community. Revisions include updated references to voluntary specifications and standards incorporated by reference in the pipeline safety regulations, and various clarifications and grammatical corrections. These updates reflect the most recent editions of each specification and standard incorporated by reference. These updates enable pipeline operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing economic growth.

**Timetable:**

Action	Date	FR Cite
NPRM NPRM Comment Period End	03/22/00 05/22/00	65 FR 15290
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-99-6106

**Agency Contact:** Richard Huriaux, Manager - Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4565

**RIN:** 2137-AD35

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**2184. HARMONIZATION WITH 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 180**Legal Deadline:** None

**Abstract:** RSPA proposed to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards, promulgated by the United Nations, the International Maritime Organization, the International Civil Aviation Organization, and the International Atomic Agency, by incorporating numerous changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air-transport quantity limitations and vessel stowage requirements.

In a final rule published in the Federal Register on February 1, 2001, RSPA adopted some of the standards proposed in the NPRM. In a subsequent final rule, RSPA intends to adopt the other proposed standards.

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/00	65 FR 63294
NPRM Comment Period End	12/23/00	
Final Rule	02/01/01	66 FR 8644
Final Rule	06/21/01	66 FR 33316
Correction	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-215D. Docket No. RSPA-00-7702.

**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-AD41**2185. REVISIONS; DEFINITION OF ADMINISTRATOR****Priority:** Info./Admin./Other**Legal Authority:** 33 USC 1321; 49 USC 5101 to 5127, 44701, 60101 et seq; PL 104-121, sec 212 to 213; 49 CFR 1.45 and 1.53**CFR Citation:** 49 CFR 171 to 180; 49 CFR 190 to 199**Legal Deadline:** None

**Abstract:** Modifies or adds the definition of "Administrator" for clarification and consistency within the RSPA regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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

**Agency Contact:** Astrid Lopez-Goldberg, Attorney, Department of Transportation, Research and Special Programs Administration  
Phone: 202 366-4400

**RIN:** 2137-AD43**2186. HAZARDOUS MATERIALS: REVISION OF THE REQUIREMENTS FOR HAZARDOUS WASTE MANIFESTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101-5127**CFR Citation:** 49 CFR 172**Legal Deadline:** None

**Abstract:** The NPRM proposed to update the Hazardous Waste Manifest requirements to accommodate changes the Environmental Protection Agency has proposed, including the use of electronic versions of the Hazardous Waste Manifest and electronic signatures.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/01	66 FR 41490
NPRM Comment Period End	10/04/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** HM Docket: HM-206E

**Agency Contact:** Michael Johnsen, 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**2187. HAZARDOUS MATERIALS: REDUCTION OF REGISTRATION FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 107**Legal Deadline:** None

**Abstract:** RSPA proposed to reduce the hazmat registration fee for all persons who transport or offer for transportation certain categories and quantities of hazmat, replace the reference to the standard industrial classification (SIC) code with the North American Industry Classification System (NAICS), and clarify the registration fee for not-for-profit organizations. RSPA is delaying final action on these proposals because of their interaction with final action on the FY 2003 Federal budget.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76890
NPRM Comment Period End	02/02/01	
NPRM; Status	05/02/01	66 FR 22080
Partial Final Rule	09/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Docket No. HM-208D.

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AD53

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**2188. HAZARDOUS MATERIALS: REQUIREMENTS FOR MAINTENANCE, REQUALIFICATION, AND REPAIR OF DOT SPECIFICATION CYLINDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 107; 49 CFR 171 to 173; 49 CFR 177 to 178; 49 CFR 180**Legal Deadline:** None

**Abstract:** The rulemaking will make changes to the Hazardous Materials Regulations to revise the requirements for maintenance, requalification and repair of all DOT specification cylinders. In addition it will revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and nondomestic chemical analysis and tests, and revise certain requirements in certain cylinder inspections. Certain cylinder manufacturing proposals will be handled in a separate rulemaking action. The NPRM was under RIN 2127-AA92.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/98	63 FR 38460
NPRM Comment Period End	09/30/99	64 FR 28965
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** HM Docket: HM-220D

**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-AD58**2189. ● PIPELINE SAFETY: HIGH CONSEQUENCE AREAS FOR GAS TRANSMISSION OPERATORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60109, 60118 and 49 CFR 1.53**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** The Office of Pipeline Safety (OPS) considers “high consequence” areas (HCA) to be areas where the potential consequences of a gas pipeline accident may be significant, including the risk of significant harm to people and property. For gas transmission pipelines, this rulemaking proposes to define HCAs to include all Class 3 and 4 areas (as specified in part 192); any areas within 660 feet of the pipeline (or within 1,000 feet where the pipeline is greater than 30 inches in diameter and operates at MAOP of 100 psig or greater) where there are hospitals, schools, day-care centers, retirement homes, prisons, or other hard to evacuate places occupied by 20 or more persons; and any area within 660 feet of the pipeline (or within 1,000 feet where the pipeline is greater than 30 inches in diameter and operates at MAOP of 100 psig or greater) where at least 20 people congregate at least 50 days in any 12 month period (such as beaches, recreational facilities, camping grounds and museums, etc.).

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/02	67 FR 1108
Final Action	08/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** Docket No. RSPA-00-7666. This proceeding relates to RIN 2137-AD54.

**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-AD64**2190. ● HAZARDOUS MATERIALS: HAZARDOUS SUBSTANCES - ADDITIONS, REVISIONS AND DELETIONS.****Priority:** Routine and Frequent**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172**Legal Deadline:** None

**Abstract:** RSPA is making minor revisions, additions, and deletions to the Hazardous Substances Reportable Quantities (RQ) Table to reflect changes in the 42 CFR section 302.4 table which designates hazardous substances and their reportable quantities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This action is necessary to comply with the Superfund Amendments and Reauthorization Act (LSARA) of 1986 which amended CERCLA (1980) to mandate RSPA to regulate, under the HMR, all hazardous substances designated by the Environmental Protection Agency (EPA).

**Timetable:**

Action	Date	FR Cite
Final Action	03/05/02	67 FR 9926
Final Action Effective	10/01/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-145M.

**Agency Contact:** Michael Johnsen, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 2137-AD65

Department of Transportation (DOT)  
 Research and Special Programs Administration (RSPA)

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**2191. 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:** A final rule (59 FR 17275; April 12, 1994) amended the gas and hazardous liquid pipeline safety regulations to require that new and certain replacement pipelines be designed and constructed to accommodate the passage of instrumented internal inspection devices ('smart pigs'). This action was in response to a mandate in the pipeline Safety Reauthorization Act of 1988. The intended effect of amended regulations was to improve the safety of gas, hazardous liquid, and carbon dioxide pipelines by permitting their inspection by 'smart pigs' using the latest technology for detecting and recording abnormalities in the pipe wall. This rule required new and replacement pipelines to be capable of passing a 'pig' for internal inspection.

In response to two petitions for reconsideration, Notice 2 (59 FR 49896; September 30, 1994) was published to extend the compliance date for existing gas transmission lines and to modify the requirements for modification of line sections based on partial replacement of gas transmission pipelines located offshore and in rural areas. Subsequently, Notice 3 (60 FR 7133; February 7, 1995) was published to suspend enforcement of the final rule requirements for new and existing offshore gas transmission lines and for modifications to line segments based on partial replacement of pipe in existing onshore gas transmission lines. Nonetheless, hazardous liquid pipelines, carbon dioxide pipelines, new onshore gas transmission lines, and the actual replaced components in existing onshore gas transmission lines must comply with the final rule of April 1994. The next action is undetermined.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/92	57 FR 54745
NPRM Comment Period End	01/19/93	
Final Rule	04/12/94	59 FR 17275
NPRM	09/30/94	59 FR 49896
NPRM Correction	10/19/94	59 FR 52863

Action	Date	FR Cite
Limited Suspension of Enforcement	02/07/95	60 FR 7133
Next Action	Undetermined	

**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. The final rule (59 FR 17275; April 12, 1994) amended the gas and hazardous liquid pipeline safety regulations to require that new and certain replacement pipelines be designed and constructed to accommodate the passage of instrumented internal inspection devices ('smart pigs'). This action was in response to a mandate in the Pipeline Safety Reauthorization Act of 1988. The intended effect of these amended regulations was to improve the safety of gas, hazardous liquid, and carbon dioxide pipelines by permitting their inspection by 'smart pigs' using the latest technology for detecting and recording abnormalities in the pipe wall. This rule required new and replacement pipelines to be capable of passing a 'pig' for internal inspection.

**ANALYSIS:** Regulatory Evaluation, 04/12/94, 59 FR 17275

**Agency Contact:** Richard Huriaux, Manager - Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-4565

**RIN:** 2137-AB71

**2192. +SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 5701 to 5714

**CFR Citation:** 49 CFR 1

**Legal Deadline:** Final, Statutory, August 1, 1991.

**Abstract:** The Sanitary Food Transportation Act of 1990 (49 USC 5701 et seq.) requires the Secretary of Transportation, in consultation with the Secretaries of Agriculture and Health and Human Services and the Administrator of the Environmental Protection Agency, to issue regulations

concerning the transportation of food, food additives, drugs, devices, and cosmetics in motor and rail vehicles also used to transport nonfood products that could pose an unreasonable danger to human or animal health when so transported. This rulemaking will implement the statutory requirements. This rulemaking is significant because of substantial public and congressional interest. RSPA's next action is undetermined because it has requested personnel resources from Congress necessary to perform these food safety functions.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
04/29/91	03/21/91	56 FR 11982
NPRM	05/21/93	58 FR 29698
Notice of Public Hearing	05/21/93	58 FR 29698
NPRM Comment Period End	10/18/93	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** ANALYSIS: Regulatory Evaluation, 05/21/93, 58 FR 29698

**Agency Contact:** Michael Johnsen, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

Phone: 202 366-8553

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**RIN:** 2137-AC00

**2193. PIPELINE SAFETY: PERIODIC UNDERWATER INSPECTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** Final, Statutory, October 24, 1995.

**Abstract:** This action would require operators of natural gas and hazardous liquid pipelines to conduct periodic underwater inspections of offshore pipelines and those in navigable waterways. This action would also define what constitutes an exposed

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underwater pipeline and what constitutes a hazard to navigation.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No. RSPA-97-3001. This action could include requirements for the reburial of exposed pipelines. Under an OPS contract, Texas A&M University completed a study of the issues related to burial depth and inspection requirements for underwater pipelines.

An NPRM is being drafted that will incorporate the Texas A&M recommendation for a risk-based approach.

**Agency Contact:** L.E. Herrick, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590  
Phone: 202 366-5523

**RIN:** 2137-AC54

#### 2194. +APPLICABILITY OF THE HAZARDOUS MATERIALS REGULATIONS TO LOADING, UNLOADING, AND STORAGE

**Priority:** Other Significant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 106 to 107; 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking proposes 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.

**Statement of Need:** In recent years, RSPA has issued interpretations and administrative decisions on a case-by-case basis about whether particular activities are in "transportation" and therefore subject to regulation under the HMR. Because of increasing State and local regulation of hazardous materials, RSPA concluded that an overall rulemaking is appropriate, rather than just case-by-case decisions. RSPA believes that better overall definitions of the applicability of the HMR will reduce uncertainty by the regulated community and other regulatory agencies (both Federal and non-Federal) as to which agency has regulatory authority. Greater certainty in this regard should promote improved compliance with the HMR and also with the requirements of other regulatory agencies.

**Summary of Legal Basis:** Section 5103 of title 49 U.S.C. specifies that the Secretary shall prescribe regulations for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce applicable to, among others, any person who offers hazardous materials for transportation or who transport hazardous materials in commerce. In addition, section 5125 of title 49 U.S.C. sets forth the circumstances under which differing non-Federal requirements are preempted.

**Alternatives:** Commenters to the ANPRM and SANPRM suggested alternative ways to describe the applicability of the HMR. One suggestion is to describe the applicability of the HMR in relationship to specific transportation functions. Another is to describe the applicability of the HMR over specific regulated entities, such as those who offer hazardous materials for transportation or those who transport hazardous materials. RSPA is considering each of the alternatives proposed.

**Anticipated Cost and Benefits:** RSPA made a preliminary determination that there is neither an increase nor decrease in the costs of compliance with the HMR for persons who offer hazardous materials for transportation or transport hazardous materials in

commerce. The preliminary regulatory evaluation was entered into the docket and is available for review.

**Risks:** Clarifying the applicability of the HMR should reduce uncertainty as to which regulatory agency's requirements apply to any particular activity involving hazardous materials and improve compliance with the HMR, the requirements of EPA and OSHA, and non-Federal requirements. This should result in improved compliance with the applicable regulatory requirements, and improve hazardous materials transportation safety, reduce risks to the environment from hazardous materials, and promote workplace safety at facilities that manufacture or handle hazardous materials.

#### Timetable:

Action	Date	FR Cite
ANPRM	07/29/96	61 FR 39522
ANPRM Comment Period End	11/30/96	
SANPRM	04/27/99	64 FR 22718
SANPRM Comment Period End Extended to 08/25/1999	07/26/99	
NPRM	06/14/01	66 FR 32420
NPRM Comment Period Extended to 08/02/2001 & Public Meetings	08/02/01	66 FR 40174
NPRM Comment Period End	11/30/01	
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

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

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

**Additional Information:** Docket No. HM-223. As a result of comments received to the ANPRM, we have upgraded this rulemaking to significant.

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**RIN:** 2137-AC68

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## Long-Term Actions

**2195. PIPELINE SAFETY: ENFORCEMENT PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 190.209; 49 CFR 190.213**Legal Deadline:** None

**Abstract:** This action will revise RSPA's pipeline safety enforcement procedures to minimize paperwork in uncontested cases where a person pays a proposed civil penalty or agrees to a proposed compliance order. The procedures will be changed to show that both responses are considered offenses in determining any future civil penalty assessments. These changes will streamline the enforcement process.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/99	64 FR 43972
NPRM Comment Period End	10/12/99	

Next Action Undetermined

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

**Additional Information:** Docket No. RSPA-98-4284. The changes to part 190 modify agency rules of practice and procedure.

**Agency Contact:** Linda Daugherty, Enforcement Officer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4577  
Email: daugherll@rspa.dot.gov

**RIN:** 2137-AD22**2196. PIPELINE SAFETY: PRESSURE TESTING OLDER PIPELINES IN TERMINALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 60101 to 60125**CFR Citation:** 49 CFR 195.302**Legal Deadline:** None

**Abstract:** Certain older pipelines in terminals and tank farms must be pressure tested before December 7, 2003. Based on a petition, RSPA is

reconsidering this testing requirement in light of the risk and low operating stress of these pipelines. RSPA has stayed enforcement of the testing requirement against pipelines designed not to operate above 20 percent of specified minimum yield strength.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

**Additional Information:** Docket No.

RSPA-98-4316. Notice requesting comment 2/10/98 (63 FR 6677) in Docket No. PS-121. Enforcement Stay (63 FR 63210; November 12, 1998).

**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  
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**RIN:** 2137-AD26**2197. +HAZARDOUS MATERIALS SAFETY: TRANSPORTATION OF OXYGEN CYLINDERS AND OXYGEN GENERATORS ABOARD AIRCRAFT****Priority:** Other Significant**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 172; 49 CFR 175**Legal Deadline:** None

**Abstract:** RSPA proposes to amend the Hazardous Materials Regulations to require oxygen cylinders and oxygen generators, when transported aboard aircraft, to be packed in an outer packaging that meets prescribed thermal and heat resistance requirements. These requirements will increase the level of safety associated with transportation of oxidizing gases by air. This rule has no impact on the use of passenger-owned oxygen cylinders. This rule is significant due to public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

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

Undetermined

**Additional Information:** HM Docket: HM-224B. A separate rulemaking addressing the use of passenger owned cylinders of oxygen during a flight is under RIN 2105-AC29. Previously titled Hazardous Materials Safety: Transportation of oxygen cylinders on Aircraft.

**Agency Contact:** John A. Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW, Washington, DC 20590

Phone: 202 366-8553

Email: rules@rspa.dot.gov

**RIN:** 2137-AD33**2198. HAZARDOUS MATERIALS: CARGO TANK ROLLOVER REQUIREMENTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 5101 to 5127**CFR Citation:** 49 CFR 178**Legal Deadline:** None

**Abstract:** The purpose of this advance notice of proposed rulemaking is to request comments concerning the need, if any, for amending the Hazardous Materials Regulations with regard to standards for cargo tank rollover protection devices on specification DOT 406, 407 and 412 cargo tank motor vehicles.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/16/99	64 FR 62161
ANPRM Comment Period End	05/15/00	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** HM Docket: HM-213A

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, Washington, DC 20590

Phone: 202 366-8553

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**RIN:** 2137-AD34

## DOT—RSPA

## Long-Term Actions

**2199. PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH CONSEQUENCE AREAS (HAZARDOUS LIQUID OPERATORS WITH LESS THAN 500 MILES OF PIPELINE)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5121; 49 USC 60102 to 60104; 49 USC 60117 to 60118; 49 USC 60124; 49 CFR 1.53**CFR Citation:** 49 CFR 195**Legal Deadline:** None

**Abstract:** The rule will apply to hazardous liquid pipeline operators who own or operate less than 500 miles of pipelines. The rule will require integrity assessment of pipeline segments that could affect high consequence areas, and consideration of additional preventive and mitigative actions to protect these locations from pipeline spills. OPS is proposing that an operator develop and follow an integrity management program that continually assesses and evaluates the integrity of those pipelines that could affect a high consequence area, through internal inspection or pressure testing, and data integration and analysis.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/01	66 FR 15821
NPRM Comment Period End	05/21/01	
Final Action	01/16/02	67 FR 2136
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-00-7408.

**Agency Contact:** L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559

**RIN:** 2137-AD49**2200. PIPELINE SAFETY: INTEGRITY MANAGEMENT COMMUNICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60110, 601132, 60118; 49 CFR 1.53**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** None

**Abstract:** In connection with the series of rules Pipeline Integrity Management in High Consequence Areas, the Office of Pipeline Safety (OPS) may propose related rules governing operator communications with local public officials and agencies. To assist in this effort, the OPS Technical Advisory Committees created an Integrity Management Communications Subcommittee to focus on communications issues. The Subcommittee has equal representation from the public, government agencies, and the pipeline industry. It provides feedback, insight, and information to the advisory committee on the content and delivery of information conveyed to local officials and public about pipeline operations, systems, and the risks they pose in or near high consequence areas. The Subcommittee is also assisting OPS in finalizing a primer to educate local officials on pipelines and their operations. It held its first meeting on August 28, 2000, to discuss the content and delivery of pipeline information to be conveyed to local officials and members of the public in or near high consequence areas.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-00-7795.

**Agency Contact:** Mike Israni, General Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590

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**RIN:** 2137-AD62**2201. PIPELINE SAFETY: CONTROLLING CORROSION ON GAS PIPELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60109, 60113, 60118; 49 CFR 1.53**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** The corrosion-control regulations for gas pipelines will be revised to incorporate the latest safety practices for corrosion protection of steel pipe. Updated criteria for corrosion protection will be incorporated into the federal pipeline safety regulations including, if possible, the incorporation by reference of voluntary consensus standards. Any change will be designed to improve the corrosion protection of new and existing piping for corrosion and to control any deleterious effects. Any changes will be comparable to the requirements for hazardous liquid and carbon dioxide pipelines in 49 CFR Part 195.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-01-10337. Information in Docket No. RSPA-97-2762 (RIN 2137-AD24) will be considered in this proceeding.

**Agency Contact:** L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559

**RIN:** 2137-AD63

**Department of Transportation (DOT)**  
**Research and Special Programs Administration (RSPA)**

**Completed Actions**

**2202. QUANTITY LIMITATIONS  
 ABOARD AIRCRAFT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 175

**Legal Deadline:** None

**Abstract:** This action responded to a petition for rulemaking that proposed to remove the fifty-pound limit on the quantity of hazardous materials that may be stowed in an inaccessible cargo location on passenger-carrying aircraft. Comments to the NPRM indicated that further evaluation is needed. RSPA has decided to withdraw this proposal and consider the petition for rulemaking in its overall revision of 49 CFR part 175, in HM-228, RIN 2317-AD18.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	
Withdrawn	02/26/02	67 FR 8769

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** This project was formerly entitled: Limitation Aboard Aircraft. Docket HM-192. A related rulemaking is "Prohibition of Oxidizers Aboard Aircraft," HM-224A, RIN 2127-AC92. The proposal was terminated under M-228, RIN 3217-AD18.

**ANALYSIS:** Regulatory Evaluation, 02/13/85, 50 FR 6013

**Agency Contact:** Deborah Boothe, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-8553  
 Email: rules@rspa.dot.gov

**RIN:** 2137-AA85

**2203. +MAPS AND RECORDS OF  
 PIPELINE LOCATIONS AND  
 CHARACTERISTICS; NOTIFICATION  
 OF STATE AGENCIES; PIPE  
 INVENTORY**

**Priority:** Other Significant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** Final, Statutory, November 1, 1989.

**Abstract:** This action proposes to equalize as far as possible the requirements that gas and hazardous liquid pipeline operators keep maps and records to show the location and other characteristics of pipelines. Operators would be required to keep an inventory of pipe and periodically report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of congressional and State concerns about the need for appropriate public officials to have pipeline information.

**Timetable:**

Action	Date	FR Cite
Public Notice	05/07/97	62 FR 25013
Notice and Request for Comments	08/26/97	62 FR 45287
Public Workshops	07/01/98	63 FR 36030
Withdrawn	01/25/02	67 FR 3675

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Docket No. RSPA-97-2426. In furtherance of this rulemaking, the Department of Transportation's Office of Pipeline Safety (OPS) is working with other Federal and State agencies and pipeline industry to create a voluntary national pipeline mapping system. This system, when complete, will show the location and selected attributes of the major natural gas and hazardous liquid pipelines and liquefied natural gas facilities operating in the United States. OPS will add additional data layers into the system, including layers on population densities, unusually sensitive areas, natural disaster probability and high consequence areas, hydrography, and transportation networks. OPS will use the system to depict pipelines in relation to the public and the environment, and to

work with other government agencies and industry during an incident.

A joint government/industry Mapping Quality Action Team (MQAT II) drafted national pipeline mapping standards that are being used to create the digital pipeline layer. These include standards for electronic data submissions, paper map submissions, and metadata (data on the data). The team also drafted standards that are being used by the pipeline mapping repository receiving the pipeline information. The team has pilot tested the draft standards and established relationships with State agencies, industry, and others to exchange data that meets the standards.

The National Pipeline Mapping System (NPMS) is a full-featured geographic information system that allows the Office of Pipeline Safety (OPS), for the first time, to accurately view pipelines in relation to the communities and environments they cross. The pipeline data layers being assembled cover both interstate and intrastate natural gas transmission pipelines and hazardous liquid trunk lines. In conjunction with the pipeline data layers, the NPMS contains layers depicting population, urbanized areas, political boundaries, roads, railroads, hydrography, consequence and hazard areas, and usually sensitive areas. The NPMS will eventually include three accurate base data layers of differing scale derived from USGS hard-copy quads. The base layers not only provide an accurate base on which to view the location of pipelines but also contain important textual information such as places, roads, contours, and hydrography.

OPS has worked with the interstate natural gas transmission and hazardous liquid trade associations to identify a mapping contact for each operator. The operators have been contacted and OPS is assisting them in preparing their data for submission. Many of these operators have data in a digital format, which theoretically is easier and less time-consuming to process than hard-copy maps. OPS is currently working with the intrastate natural gas trade associations to recruit widespread participation in the NPMS by intrastate natural gas transmission pipeline companies.

The NPMS currently consists of a single National Repository and twelve state repositories located in Alabama, California, Connecticut, Kansas, Kentucky, Louisiana, Maine,

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## Completed Actions

Minnesota, New Jersey, Oklahoma, Pennsylvania, and Texas. OPS published two more Commerce Business Daily announcements in February 2000 - one for additional state repositories and the other for a regional repository.

OPS is collecting the liquid trunk line and natural gas transmission pipeline data. OPS regulates approximately 157,000 miles of liquid trunk line and 352,000 miles of natural gas transmission pipelines for a total of 509,000 miles.

Operators are submitting data to the NPMS.

**Agency Contact:** Christina Sames, Petroleum Engineer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4561

**RIN:** 2137-AB48

#### 2204. FILLING OF PROPANE CYLINDERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 173

**Legal Deadline:** None

**Abstract:** In an ANPRM, RSPA solicited comments on the merits of a petition for rulemaking to require registration and training of persons who fill propane cylinders, certification of filling equipment operators, and proof of financial responsibility. The petition would also allow filling of propane cylinders by volume rather than by weight, which is currently required by the Hazardous Materials Regulations. This action was terminated and the petition for rulemaking was denied because, based on the comments, there is no safety justification for imposing the costs of a registration, training and financial responsibility program for cylinder fillers.

#### Timetable:

Action	Date	FR Cite
ANPRM	09/23/96	61 FR 43515
ANPRM Comment Period End	11/21/96	
Termination Notice	01/08/02	67 FR 852

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-220C.

**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-AC86

#### 2205. PIPELINE SAFETY: CONTROLLING CORROSION ON HAZARDOUS LIQUID AND CARBON DIOXIDE PIPELINES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 60101 to 60125

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** The corrosion-control regulations for hazardous liquid and carbon dioxide pipelines will be revised to reflect the latest safety practices for corrosion protection of steel pipe. Specific criteria for cathodic protection will be adopted.

#### Timetable:

Action	Date	FR Cite
Notice of Public Meeting	04/07/99	64 FR 16885
NPRM	12/08/00	65 FR 76968
NPRM Comment Period End	02/06/01	
Final Action	12/27/01	66 FR 66993

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** Docket No. RSPA-97-2762. Notice of public meeting 10/29/97 (62 FR 56141). The docket contains comments and recommendations on gas pipeline corrosion control that will be considered in RIN 2137-AD63.

**Agency Contact:** L.M. Furrow, Manager, Regulations, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4559

**RIN:** 2137-AD24

#### 2206. HAZARDOUS MATERIALS: REVISED AND CLARIFIED HAZARDOUS MATERIALS EXEMPTIONS PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 107

**Legal Deadline:** None

**Abstract:** This proposed rulemaking will not be pursued at the present time and is being withdrawn. We have limited agency resources devoted to pending substantive rulemaking actions; therefore our plan is to improve the clarity and the regulations as they are being substantively revised, rather than to separately re-write existing regulations.

#### Timetable:

Action	Date	FR Cite
Withdrawn	03/12/02	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Undetermined

**Additional Information:** This is follow-on rulemaking to Docket No. RSPA-98-3974 (RSP-4).

**Agency Contact:** Karin V. Christian, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-4400  
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**RIN:** 2137-AD30

#### 2207. HAZARDOUS MATERIALS: LIMITED EXTENSION OF REQUIREMENTS FOR LABELING CERTAIN SHIPMENTS OF MATERIALS POISONOUS BY INHALATION (PIH)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 5101 to 5127

**CFR Citation:** 49 CFR 171; 49 CFR 172

**Legal Deadline:** None

**Abstract:** In an interim final rule, RSPA provided a limited exception, until October 1, 2001, from the requirements for PIH labels on certain packages intended for transportation in international commerce. The interim final rule was intended to facilitate

## DOT—RSPA

## Completed Actions

international commerce and to provide more time for the UN Committee of Experts to consider U.S. proposals for adopting the PIH labels and placards. The final rule responds to two comments received on the interim final rule and addresses further exceptions from PIH labeling and placarding requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/16/99	64 FR 50260
Interim Final Rule Effective	10/01/99	
Interim Final Rule Comment Period End	11/15/99	
Final Rule Effective Date	08/22/01	66 FR 44251
	10/01/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM-206D

**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-AD37**2208. PIPELINE SAFETY: HAZARDOUS LIQUID PIPELINE ACCIDENT REPORTING REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60109, 60118; 49 CFR 1.53**CFR Citation:** 49 CFR 195**Legal Deadline:** None

**Abstract:** This rulemaking will amend the pipeline safety regulations to lower the reporting threshold for hazardous liquid pipeline spills from 50 barrels to 5 gallons with an accompanying revision to the hazardous liquid accident report form to improve its usefulness. New reporting for spills for less than 5 gallons will require reporting minimal information, whereas any spill in water of 5 gallons or more, or where otherwise reportable according to existing reporting criteria as outlined in CFR 195.50, will require completion of the entire new proposed accident report.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/01	66 FR 15681
NPRM Comment Period End	05/21/01	
Final Action	01/08/02	67 FR 831

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-01-8663.

**Agency Contact:** Roger Little, Department of Transportation, Research and Special Programs Administration  
Phone: 202 366-4569

**RIN:** 2137-AD56**2209. HAZARDOUS MATERIALS REGULATIONS: EDITORIAL CORRECTIONS AND CLARIFICATIONS****Priority:** Routine and Frequent**Legal Authority:** 49 USC 49 5101 to 5127**CFR Citation:** 49 CFR 107; 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 176; 49 CFR 177; 49 CFR 178; 49 CFR 179; 49 CFR 180; ...**Legal Deadline:** None

**Abstract:** The purpose of this Final Rule is to correct editorial errors and to enhance the clarity of certain provisions in the Hazardous Materials Regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	08/28/01	66 FR 45177
Final Action Effective	10/01/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** HM Docket: HM-189S

**Agency Contact:** Michael Stevens, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, Washington, DC 20590  
Phone: 202 366-8553  
Email: rules@rspa.dot.gov

**RIN:** 2137-AD60**2210. PIPELINE SAFETY: PIPELINE INTEGRITY MANAGEMENT IN HIGH CONSEQUENCE AREAS (REPAIR CRITERIA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 5103, 60102, 60104, 60108, 60109, 60118; 49 CFR 1.53**CFR Citation:** 49 CFR 195**Legal Deadline:** None

**Abstract:** The final rule on integrity management for hazardous liquid pipelines with 500 or more miles of pipelines (December 1, 2000, 65 FR 75378) requires operators to assess, evaluate, repair, and validate through comprehensive analysis the integrity of hazardous liquid pipeline segments that, in the event of a leak, could affect high consequence areas. An operator must develop a schedule that prioritizes defects for evaluation and repair, including time frames for promptly reviewing and analyzing the integrity assessment and completing the repairs. An operator must also provide additional protection for these pipeline segments through other remedial actions, and preventive and mitigative measures. This additional action is required because OPS completely restructured the section of the rule pertaining to actions an operator must take to address pipeline integrity issues and allowed 60 days for comments on the provisions in section 195.452(h). We are now evaluating these comments and will likely issue an additional final rule to modify the repair requirements or notice stating that the section stands as written.

**Timetable:**

Action	Date	FR Cite
Final Action	01/14/02	67 FR 1650

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket No. RSPA-99-6355.

**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  
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**RIN:** 2137-AD61

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

**Proposed Rule Stage**

**2211. +CARGO PREFERENCE REGULATIONS—CARRIAGE OF AGRICULTURAL EXPORTS**

**Priority:** Other Significant

**Legal Authority:** 46 app USC 1101; 1114(b), 1122(d), 1241

**CFR Citation:** 46 CFR 381; 49 CFR 1.66

**Legal Deadline:** None

**Abstract:** This action proposes to clarify the Maritime Administration's cargo preference regulations governing the carriage of agricultural exports. The rulemaking will concern, among other issues, (1) incorporating into part 381 MARAD's existing rules on priority of service of various U.S.-flag services; (2) clarifying how shipper agencies should comply with the existing provisions of the regulations regarding geographic areas and booking cargo on U.S.-flag vessels before foreign-flag vessels; (3) redefining certain terms for clarity to bring them in line with commercial practices; and other related issues. This rule is significant because of public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/28/99	64 FR 4382
ANPRM Comment Period End	03/29/99	
NPRM	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas W. Harrelson, Director, Office of Cargo Preference, Room 8118, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-5515

**RIN:** 2133-AB37

**2212. • REQUIREMENTS TO DOCUMENT U.S.-FLAG FISHING INDUSTRY VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH AND TO HOLD PREFERRED MORTGAGE ON SUCH VESSELS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-20

**CFR Citation:** 46 CFR 356

**Legal Deadline:** None

**Abstract:** The Maritime Administration is soliciting public comments on amendments to its regulations at 46 CFR part 356 which implement the U.S. citizenship requirements set forth in the American Fisheries Act of 1998 (AFA) for vessels of 100 feet or greater in registered length for which a fishery endorsement to the vessel's documentation is sought.

On July 24, 2001, Congress passed a package of amendments to the AFA as part of the Supplemental Appropriations Act, 2001, section 2202, PL 107-20. This NPRM proposes to implement those new statutory requirements for owners and mortgagees of Fishing Vessels, Fish Processing Vessels and Fish Tender Vessels of 100 feet or greater (collectively referred to as "Fishing Industry Vessels"), amends the requirements to hold a preferred mortgage on such Fishing Industry Vessels, and makes other minor amendments to the regulations to address issues that arose during the early stages of MARAD's implementation of the new AFA regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/02	67 FR 18547
NPRM Comment Period End	06/17/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John T. Marquez Jr., Attorney Advisor, Division of Maritime Assistance Programs, Room 7228, Department of Transportation, Maritime

Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-5320  
 Email: john.marquez@marad.dot.gov  
**RIN:** 2133-AB46

**2213. • AMENDMENT OF MARAD'S REGULATIONS ESTABLISHING AND ADMINISTERING DEPOSIT FUNDS AUTHORIZED BY SECTION 1109 OF MERCHANT MARINE ACT, 1936, AS AMENDED**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-107

**CFR Citation:** 46 CFR 298

**Legal Deadline:** None

**Abstract:** Recent legislation amended section 1109 of the Merchant Marine Act, 1936, as amended. Section 1109 now authorizes the Secretary of Transportation to deposit with the United States Treasury and invest in Treasury obligations, funds belonging to Title XI obligors as collateral for the United States. As a consequence, MARAD will no longer deposit Title XI funds (held as collateral) in private banks. This notice of proposed rulemaking will propose changes to existing procedures for establishing Construction Funds and Reserve Funds. The intended effect of the amendments would be to simplify, reduce costs of, and expedite Title XI closings.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard M. Lorr, Assistant Chief Counsel for Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh St., SW, Washington, DC 20590  
 Phone: 202 366-5882  
 Fax: 202 366-7485  
 Email: richard.lorr@marad.dot.gov

**RIN:** 2133-AB47

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**
**Completed Actions**
**2214. ELIGIBILITY OF U.S.-FLAG VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH TO OBTAIN FISHERY ENDORSEMENT TO VESSEL'S DOCUMENTATION**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 app USC 12102; PL 105-277; 49 CFR 1.66

**CFR Citation:** 46 CFR 356

**Legal Deadline:** None

**Abstract:** The Maritime Administration (MARAD) published an interim final rule amending regulations implementing the new U.S. citizenship requirements set forth in the American Fisheries Act of 1998 (AFA). This new

regulation will allow MARAD to waive any procedural requirement if there is good cause to do so and if the waiver would not be inconsistent with the AFA and the intent of 46 CFR part 356. The final rule is the final action in this rulemaking.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/31/01	66 FR 45945
Interim Final Rule Effective	08/31/01	
Interim Final Rule Comment Period End	10/01/01	
Final Action	03/18/02	67 FR 11939
Final Action Effective	03/18/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Murray A. Bloom, Chief, Division of Maritime Aids, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590  
 Phone: 202 366-5164

**RIN:** 2133-AB45

**Department of Transportation (DOT)**  
**Bureau of Transportation Statistics (BTS)**
**Prerule Stage**
**2215. MODERNIZING THE PASSENGER ORIGIN-DESTINATION SURVEY**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41708; 49 USC 41709

**CFR Citation:** 14 CFR 241

**Legal Deadline:** None

**Abstract:** Historically, the source document for the Passenger Origin-Destination Survey was the auditor's coupon of the ticket. Until recently, these coupons provided all the information that was needed for the Survey. In the last few years, the carriers have begun using trip passes in conjunction with the tickets, thereby eliminating some of the data that is

required to be reported in the Survey. Other innovations used by the industry, such as change-of-gauge flights and code-sharing, have impacted the Survey and obscured some of the data that is required to be reported, such as change of planes and junction points. This rulemaking will explore whether there are alternative sources for the data and modernize the collection system to keep pace with the industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/00/02	
NPRM	11/00/02	

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This action is related to and may be affected by RIN 2105-AC71. This action was formally under RIN 2137-AB92 but is now being administered by the Bureau of Transportation Statistics (BTS) under RIN 2139-AA01 since the Office of Aviation Information has been transferred to BTS from RSPA.

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**RIN:** 2139-AA01

**Department of Transportation (DOT)**  
**Bureau of Transportation Statistics (BTS)**
**Final Rule Stage**
**2216. AMENDMENT TO DEFINITIONS OF REVENUE AND NONREVENUE PASSENGERS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 329

**CFR Citation:** 14 CFR 217; 14 CFR 241; 14 CFR 298

**Legal Deadline:** None

**Abstract:** This action would revise definitions of revenue passenger and nonrevenue passenger. It would specify that a passenger traveling on a ticket or voucher received as compensation

for denied boarding or as settlement of a consumer complaint is considered to be a revenue passenger. The revised definitions will harmonize Departmental regulations with those adopted by the International Civil Aviation Organization (ICAO). This will prevent air carriers from being required to keep two sets of traffic enplanement statistics.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/00	65 FR 50946

Action	Date	FR Cite
NPRM Comment Period End	10/23/00	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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## DOT—BTS

## Final Rule Stage

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**RIN:** 2139-AA07

**2217. AIR CARRIER TRAFFIC AND  
CAPACITY DATA BY NONSTOP  
SEGMENT AND ON-FLIGHT MARKET**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 41708

**CFR Citation:** 14 CFR 217; 14 CFR 241;  
14 CFR 291; 14 CFR 298

**Legal Deadline:** None

**Abstract:** The Department of Transportation is considering modifying certain parts of the Traffic Reporting System to require operating carriers to report joint-service operations. This proposal would require a report change for small certificated, commuter, and all-cargo air carriers on their air traffic activity. This would also require U.S. carriers to report the detailed market and segment information for all their military, domestic all-cargo, and domestic charter flights.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/01	66 FR 45201

Action	Date	FR Cite
NPRM Comment	11/26/01	
Period End		
Final Action	06/00/02	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2139-AA08

**2218. +AMENDMENT TO PART 234 TO  
COLLECT CAUSAL INFORMATION  
FOR AIRLINE DELAYS AND  
CANCELLATIONS**

**Priority:** Other Significant

**Legal Authority:** PL 106-181, sec 227

**CFR Citation:** 14 CFR 234

**Legal Deadline:** None

**Abstract:** DOT proposes to collect information on the causes of airline delays and cancellations. The

information will be used by the Office of the Secretary, the Federal Aviation Administration, air carriers and airport operators to identify specific problem areas within the national aviation system. With this knowledge, the appropriate party or parties can take action to reduce or rectify the problem.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66833
NPRM Comment	02/25/02	
Period End		
Final Action	06/00/02	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2139-AA09

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