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§ 106.85 Requesting a public meeting.

(a) You may ask for a public meeting by filing a written request with PHMSA no later than 20 days before the expiration of the comment period specified in the rulemaking document. Send your request for a public meeting to: Docket Management System, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(b) PHMSA will review your request and, if you have shown good cause for a public meeting, we will grant it and publish a notice of the meeting in the FEDERAL REGISTER.

[67 FR 42954, June 25, 2002, as amended at 72 FR 55682, Oct. 1, 2007]

§ 106.90 Other rulemaking proceedings.

During a rulemaking proceeding, PHMSA may invite you to do the following:

(a) Participate in a conference at which minutes are taken.

(b) Make an oral presentation.

(c) Participate in any other public proceeding to ensure that PHMSA makes informed decisions during the rulemaking process and to protect the public interest, including a negotiated rulemaking or work group led by a facilitator.

PETITIONS FOR RULEMAKING

§ 106.95 Requesting a change to the regulations.

You may ask PHMSA to add, amend, or delete a regulation by filing a petition for rulemaking as follows:

(a) For regulations in 49 CFR parts 110, 130, 171 through 180, submit the petition to: Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, Attn: PHH–10, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(b) For regulations in 49 CFR parts 105, 106, or 107, submit the petition to: Office of the Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Attn: PHC–10, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

[70 FR 56089, Sept. 23, 2005, as amended at 72 FR 55683, Oct. 1, 2007; 76 FR 56310, Sept. 13, 2011]

§ 106.100 Required information for a petition for rulemaking.

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

(1) A summary of your proposed action and an explanation of its purpose.

(2) The language you propose for a new or amended rule, or the language you would delete from a current rule.

(3) An explanation of your interest in your proposed action and the interest of anyone you may represent.

(4) Information and arguments that support your proposed action, including relevant technical and scientific data available to you.

(5) Any specific cases that support or demonstrate the need for your proposed action.

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

(1) The costs and benefits of your proposed action to society in general, and identifiable groups within society in particular.

(2) The direct effects, including preemption effects under section 5125 of Federal hazardous materials transportation law, of your proposed action on States, on the relationship between the Federal government and the States, and on the distribution of power and responsibilities among the various levels of government. (See 49 CFR part 107, subpart C, regarding preemption.)

(3) The regulatory burden of your proposed action on small businesses, small organizations, small governmental jurisdictions, and Indian tribes.

(4) The recordkeeping and reporting burdens of your proposed action and whom they would affect.

(5) The effect of your proposed action on the quality of the natural and social environments.

§ 106.105 PHMSA response to a petition for rulemaking.

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

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

APPEALS

§ 106.110 Appealing a PHMSA Action.

You may appeal the following PHMSA actions:

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

(b) Any PHMSA decision on a petition for rulemaking.

§ 106.115 Required information for an appeal.

(a) *Appeal of a final rule or withdrawal of a notice of proposed rulemaking.* If you appeal PHMSA's issuance of a final rule or PHMSA's withdrawal of a notice of proposed rulemaking, your appeal must include the following:

(1) The docket number of the rulemaking you are concerned about, clearly set out at the beginning of your appeal.

(2) A brief statement of your concern about the final rule or the withdrawal of notice of proposed rulemaking at issue.

(3) An explanation of why compliance with the final rule is not practical, reasonable, or in the public interest.

(4) If you want PHMSA to consider more facts, the reason why you did not present those facts within the time given during the rulemaking process for public comment.

(b) *Appeal of a decision.* If you appeal PHMSA's decision on a petition for rulemaking, you must include the following:

(1) The contested aspects of the decision.

(2) Any new arguments or information.

§ 106.120 Appeal deadline.

(a) *Appeal of a final rule or withdrawal of a notice of proposed rulemaking.* If you appeal PHMSA's issuance of a final rule or PHMSA's withdrawal of a proposed rulemaking, your appeal document must reach us no later than 30 days after the date PHMSA published the regulation or the withdrawal notice in the FEDERAL REGISTER. After that time, PHMSA will consider your appeal to be a petition for rulemaking under § 106.100.

(b) *Appeal of a decision.* If you appeal PHMSA's decision on a petition for rulemaking, your appeal document must reach us no later than 30 days from the date PHMSA served you with written notice of PHMSA's decision.

[70 FR 56089, Sept. 23, 2005]

§ 106.125 Filing an appeal.

Send your appeal to: Docket Management System, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

[67 FR 42954, June 25, 2002, as amended at 72 FR 55682, Oct. 1, 2007]

§ 106.130 PHMSA response to an appeal.

Unless PHMSA provides otherwise, filing an appeal will not keep a final rule from becoming effective. We will handle an appeal according to the following procedures:

(a) *Appeal of a final rule or withdrawal of a notice of proposed rulemaking.* (1) We may consolidate your appeal with other appeals of the same rule.

(2) We may grant or deny your appeal, in whole or in part, without further rulemaking proceedings, unless granting your appeal would result in the issuance of a new final rule.