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Semiannual Regulatory Agenda

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

[DOT–OST–1999–5129]

Department Regulatory and Deregulatory Agenda; Semiannual Summary**AGENCY:** Office of the Secretary, DOT.**ACTION:** Unified Agenda of Federal Regulatory and Deregulatory Actions (Regulatory Agenda).

SUMMARY: The Regulatory and Deregulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to more effectively participate in the Department's regulatory process. 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 Jonathan Moss, Assistant General Counsel for Regulation, Office of General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, 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.

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SUPPLEMENTARY INFORMATION:**Background**

A primary goal of the U.S. Department of Transportation (Department or DOT) is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. As such, it is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder. The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified. DOT was the first agency to incorporate the Administration's regulatory reform policies permanently, codifying reforms to the Department's rulemaking, guidance, and enforcement practices. The rule codifies regulatory budgeting, the "2-for-1" plan, and the RRTF, as well as additional procedures for the Department's most costly rules, including enhanced opportunities for public participation. It also clarifies that guidance documents do not impose legal obligations and shall not be used as a basis for enforcement. Finally, the rule ensures due process protections for potential subjects of enforcement actions, including open and fair investigations and proceedings.

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 12866, "Regulatory Planning and Review," (58 FR 51735; Oct. 4, 1993) and the Department's "Administrative Rulemaking, Guidance, and Enforcement Procedures" (84 FR 248; Dec. 27, 2019), the Department prepares a semiannual regulatory and deregulatory agenda. It summarizes all

current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

In addition, this Agenda was prepared in accordance with three executive orders issued by President Trump, which directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, Enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. As a result of the RRTF's work, since January 2017, the Department has issued deregulatory actions that reduce regulatory costs on the public by over \$4.3 billion (in net present value cost savings). With the RRTF's assistance, the Department has achieved these cost savings in a manner that is fully consistent with safety. For example, on April 30, 2020, NHTSA published the Safer, Affordable, Fuel-Efficient (SAFE) Vehicles rule in conjunction with the Environmental Protection Agency. The SAFE Vehicles rule increases U.S. competitiveness by reducing regulatory costs by tens of billions of dollars and helps American consumers afford to buy newer, cleaner, and safer vehicles by

reducing the average price of a new vehicle by about \$1,000. In addition, FMCSA recently published a rule that would save the public billions of dollars by providing greater flexibility to drivers subject to FMCSA's hours of service regulations without adversely affecting safety.

While each regulatory and deregulatory action is evaluated on its own merits, the RRTF augments the Department's consideration of prospective rulemakings by conducting monthly reviews across all OAs to identify appropriate deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered.

The Department's ongoing regulatory effort is guided by four fundamental principles—safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. In light of the unprecedented effects of the Coronavirus Disease (COVID-19) public health emergency, these priorities are also grounded in regulatory actions that assist in our Nation's recovery. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and being sure that we do not regress from the successes already achieved. Our planned regulatory actions reflect a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe, reliable, and sustainable transportation system.

For example, the National Highway Traffic Safety Administration (NHTSA) is working on reducing regulatory barriers to technology innovation, including the integration of automated vehicles, while continuing to focus on safety. Automated vehicles are expected to increase safety significantly by reducing the likelihood of human error when driving, which today accounts for the overwhelming majority of accidents on our nation's roadways. NHTSA plans to issue regulatory actions that: (1) allow for permanent updates to current FMVSS reflecting new technology; and (2) allow for updates to NHTSA's regulations outlining the administrative processes for petitioning the agency for exemptions, rulemakings, and

reconsiderations. Similarly, the Federal Aviation Administration (FAA) is working to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System. UAS are expected to continue to drive innovation and increase safety as operators and manufacturers find new and inventive uses for UAS. For instance, UAS are poised to assist human operators with a number of different mission sets such as inspection of critical infrastructure and search and rescue, enabling beneficial and lifesaving activities that would otherwise be difficult or even impossible for a human to accomplish unassisted. The Department has regulatory efforts underway to further integrate UAS safely and efficiently.

Another example is the Department's work on several rulemakings to facilitate a major transformation of our national space program from one in which the Federal government has a primary role to one in which private industry drives growth in innovation and launches. The FAA has proposed a rule that will fundamentally change how FAA licenses launches and reentries of commercial space vehicles moving from prescriptive requirements to a performance based approach.

Explanation of Information in the Agenda

An Office of Management and Budget memorandum, dated January 16, 2020, establishes the format for this Agenda.

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 when a rulemaking document may publish; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact 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; (15) the action's designation under Executive Order 13771 explaining whether the action will have a regulatory or deregulatory effect; and (16) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

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 a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after 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.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. A portion of the Agenda is published in the **Federal Register**, however, because the Regulatory Flexibility Act (5 U.S.C. 602) mandates publication for the regulatory flexibility agenda. Accordingly, DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely

to have a significant economic impact on a substantial number of small entities; and

3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading "Explanation of Information on the Agenda") on these entries is available in the Unified Agenda published on the internet.

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 making 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 (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an account process to ensure "meaningful and timely input" by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have "substantial direct effects" on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes 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.

Elaine L. Chao,

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 Regulatory Agenda, are available through the internet at <http://www.regulations.gov>. See appendix C for more information.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Brandon Roberts, Acting Executive Director, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-9677.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE,

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

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-0596.

NHTSA—Dee Fujita, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-2992.

FRA—Amanda Maizel, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 493-8014.

FTA—Chaya Koffman, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-3101.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764-3200.

PHMSA—Stephen Gordon, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-1101.

MARAD—Gabriel Chavez, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-2621.

OST—Jonathan Moss, Assistant General Counsel for Regulation, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-4723.

Appendix C—Public Rulemaking Dockets

All comments via the internet are submitted through the Federal Docket Management System (FDMS) at the following address: <http://www.regulations.gov>. The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at or deliver comments on proposed rulemakings to the Dockets Office at 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590, 1-800-647-5527. Working Hours: 9:00 a.m. to 5:00 p.m.

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 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, "Regulatory Planning and Review," Executive Order 13563, "Improving Regulation and Regulatory Review," 76 FR 3821 (January 18, 2011), Executive Order 13771 "Reducing Regulation and Controlling Regulatory Costs," Executive Order 13777, "Enforcing the Regulatory Agenda," and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the designation of a Regulatory Reform Officer,

the establishment of a Regulatory Reform Task Force, and the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to revise them. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. The Department began a new 10-year review cycle with the Fall 2018 Agenda.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years; and (2) have a “significant economic impact on a substantial number of small entities” (SEISNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department’s Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

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 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. Most agencies provide historical information about the reviews that have occurred over the past 10 years. Thus, Year 1 (2018) begins in the fall of 2018 and ends in the fall of 2019; Year 2 (2019) begins in the fall of 2019 and ends in the fall of 2020, and so on. The exception to this general rule is the FAA, which provides information about the reviews it completed for this year and prospective information about the reviews it intends to complete in the next 10 years. Thus, for FAA Year 1 (2017) begins in the fall of 2017 and ends in the fall of 2018; Year 2 (2018) begins in the fall of 2018 and ends in the fall of 2019, 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 analyses should 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 SEISNOSE 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 listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each Fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEISNOSE, 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 SEISNOSE, 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 pre-rulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each Fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

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. For further information on the pending reviews, see the Agenda entries at www.reginfo.gov. For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting “advanced search”) and, in effect, generate the desired “index” of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99, 14 CFR parts 200 through 212, 48 CFR parts 1201 through 1224.	2018	2019
2	48 CFR parts 1227 through 1253 and new parts and subparts	2019	2020
3	14 CFR parts 213 through 232	2020	2021
4	14 CFR parts 234 through 254	2021	2022
5	14 CFR parts 255 through 298 and 49 CFR part 40	2022	2023
6	14 CFR parts 300 through 373	2023	2024
7	14 CFR parts 374 through 398	2024	2025
8	14 CFR part 399 and 49 CFR parts 1 through 15	2025	2026
9	49 CFR parts 17 through 28	2026	2027
10	49 CFR parts 29 through 39 and parts 41 through 89	2027	2028

Year 1 (Fall 2018) List of Rules That are Under Ongoing Analysis

- 49 CFR part 91—International Air Transportation Fair Competitive Practices
- 49 CFR part 92—Recovering Debts to the United States by Salary Offset
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.

- General: The agency is aware of several outdated references to operating administrations within the Department that need to be updated. OST’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR part 93—Aircraft Allocation

- 49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
- 49 CFR part 99—Employee Responsibilities and Conduct
- 14 CFR part 200—Definitions and Instructions
- 14 CFR part 201—Air Carrier Authority under Subtitle VII of Title 49 of the United States Code [Amended]

- 14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
- 14 CFR part 204—Data to Support Fitness Determinations
- 14 CFR part 205—Aircraft Accident Liability Insurance
- 14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
- 14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
- 14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
- 14 CFR part 211—Applications for Permits to Foreign Air Carriers
- 14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers
- 48 CFR part 1201—Federal Acquisition Regulations System
- 48 CFR part 1202—Definitions of Words and Terms
- 48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest
- 48 CFR part 1204—Administrative Matters
- 48 CFR part 1205—Publicizing Contract Actions
- 48 CFR part 1206—Competition Requirements
- 48 CFR part 1207—Acquisition Planning
- 48 CFR part 1208–1210—[Reserved]
- 48 CFR part 1211—Describing Agency Needs
- 48 CFR part 1212—[Reserved]
- 48 CFR part 1213—Simplified Acquisition Procedures

- 48 CFR part 1214—Sealed Bidding
 - 48 CFR part 1215—Contracting by Negotiation
 - 48 CFR part 1216—Types of Contracts
 - 48 CFR part 1217—Special Contracting Methods
 - 48 CFR part 1218—[Reserved]
 - 48 CFR part 1219—Small Business Programs
 - 48 CFR part 1220–1221—[Reserved]
 - 48 CFR part 1222—Application of Labor Laws to Government Acquisitions
 - 48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
 - 48 CFR part 1224—Protection of Privacy and Freedom of Information
- Year 2 (Fall 2019) List of Rules That Will Be Analyzed During the Next Year
- 48 CFR parts 1227 through 1253 and new parts and subparts
 - 48 CFR part 1227—Patents, Data, and Copyrights
 - 48 CFR part 1228—Bonds and Insurance
 - 48 CFR part 1231—Contract Costs Principles and Procedures
 - 48 CFR part 1232—Contract Financing
 - 48 CFR part 1233—Protests, Disputes, and Appeals
 - 48 CFR part 1235—Research and Development Contracting
 - 48 CFR part 1236—Construction and Architect-Engineer Contracts
 - 48 CFR part 1237—Service Contracting
 - 48 CFR part 1239—Acquisition of Information Technology

- 48 CFR part 1242—Contract Administration and Audit Services
- 48 CFR part 1245—Government Contracting
- 48 CFR part 1246—Quality Assurance
- 48 CFR part 1247—Transportation
- 48 CFR part 1252—Solicitation Provisions and Contract Clauses
- 48 CFR part 1253—Forms

Federal Aviation Administration
Section 610 and Other Reviews

The Federal Aviation Administration (FAA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the “analysis year”), all rules published during the previous 10 years within a 10% block of the regulations will be analyzed to identify those with a significant economic impact on a substantial number of small entities (SEISNOSE). During the second year (the “review year”), each rule identified in the analysis year as having a SEISNOSE will be reviewed in accordance with Section 610 (b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 133 through 139 and parts 157 through 169	2019	2020
2	14 CFR parts 141 through 147 and parts 170 through 187	2020	2021
3	14 CFR parts 189 through 198 and parts 1 through 16	2021	2022
4	14 CFR parts 17 through 33	2022	2023
5	14 CFR parts 34 through 39 and parts 400 through 405	2023	2024
6	14 CFR parts 43 through 49 and parts 406 through 415	2024	2025
7	14 CFR parts 60 through 77	2025	2026
8	14 CFR parts 91 through 105	2026	2027
9	14 CFR parts 417 through 460	2027	2028
10	14 CFR parts 119 through 129 and parts 150 through 156	2028	2029

Defining SEISNOSE for FAA Regulations

The RFA does not define “significant economic impact.” Therefore, there is no clear rule or number to determine when a significant economic impact occurs. However, the Small Business Administration (SBA) states that significance should be determined by considering the size of the business, the size of the competitor’s business and the impact the same regulation has on larger competitors.

Likewise, the RFA does not define “substantial number.” However, the legislative history of the RFA suggests

that a substantial number must be at least one but does not need to be an overwhelming percentage such as more than half. The SBA states that the substantiality of the number of small businesses affected should be determined on an industry-specific basis.

This analysis consisted of the following three steps:

1. Review of the number of small entities affected by the amendments to parts 133 through 139 and parts 157 through 169.
2. Identification and analysis of all amendments to parts 133 through 139 and parts 157 through 169 since 2009 to

determine whether any still have or now have a SEISNOSE.

3. Review of the FAA’s regulatory flexibility assessment of each amendment performed as required by the RFA.

Year 2 (2020) List of Rules To Be Analyzed the Next Year

- 14 CFR part 141—Pilot Schools
- 14 CFR part 142—Training Centers
- 14 CFR part 143—Reserved
- 14 CFR part 145—Repair Stations
- 14 CFR part 147—Aviation Maintenance Technician Schools
- 14 CFR part 170—Establishment and Discontinuance Criteria for Air

Traffic Control Services and Navigational Facilities
 14 CFR part 171—Non-Federal Navigation Facilities
 14 CFR part 183—Representatives of the Administrator
 14 CFR part 185—Testimony by Employees and Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
 14 CFR part 187—Fees
 Year 2 (2019) List of Rules To Be Analyzed the Next Year
 14 CFR part 133—Rotorcraft External-Load Operations
 14 CFR part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons on Board Such Aircraft
 14 CFR part 136—Commercial Air Tours and National Parks Air Tour Management
 14 CFR part 137—Agricultural Aircraft Operations
 14 CFR part 139—Certification of Airports
 14 CFR part 157—Notice of Construction, Alteration, Activation, and Deactivation of Airports
 14 CFR part 158—Passenger Facility Charges
 14 CFR part 161—Notice and Approval of Airport Noise and Access Restrictions
 14 CFR part 169—Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon
 Year 1 (2018) List of Rules Analyzed and Summary of Results
 14 CFR Part 133—Rotorcraft External-Load Operations
 • *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.
 14 CFR Part 135—Operating Requirements: Commuter and on Demand Operations and Rules Governing Persons on Board Such Aircraft
 • *Section 610:* The agency conducted a Section 610 review of this part and found *Amendment 135–129, 79 FR 9973, Feb. 21, 2014* section 135.117 Briefing of passengers before flight in 14 CFR 135 promulgated since January 2009 has a SEISNOSE within the meaning of the RFA.
 • *General:* The FAA has considered a number of alternatives and has taken steps to minimize the impact on small entities in attempts to lower compliance costs for small entities, but could not go forward without compromising the safety for the industry. No revisions are needed.
 14 CFR Part 136—Commercial Air Tours and National Parks Air Tour Management
 • *Section 610:* The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
 • *General:* No changes are needed.
 14 CFR Part 137—Agricultural Aircraft Operations
 • *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.
 • *General:* No changes are needed. These regulations are cost effective and impose the least burden.
 14 CFR Part 139—Certification of Airports
 • *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.
 14 CFR Part 157—Notice of Construction, Alteration, Activation, and Deactivation of Airports
 • *Section 610:* The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
 • *General:* No changes are needed.
 14 CFR Part 158—Passenger Facility Charges
 • *Section 610:* The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
 • *General:* No changes are needed.
 14 CFR Part 161—Notice and Approval of Airport Noise and Access Restrictions
 • *Section 610:* The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
 • *General:* No changes are needed.
 14 CFR Part 169—Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon
 • *Section 610:* The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
 • *General:* No changes are needed.

Federal Highway Administration
Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2018	2019
2	23 CFR parts 1 to 260	2019	2020
3	23 CFR parts 420 to 470	2020	2021
4	23 CFR part 500	2021	2022
5	23 CFR parts 620 to 637	2022	2023
6	23 CFR parts 645 to 669	2023	2024
7	23 CFR parts 710 to 924	2024	2025
8	23 CFR parts 940 to 973	2025	2026
9	23 CFR parts 1200 to 1252	2026	2027
10	New parts and subparts	2027	2028

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These

regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of

title 23 of the U.S.C. 145, which expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the

requirements that States must meet to receive Federal funds for 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.

Year 1 (Fall 2018) List of Rules Analyzed and a Summary of Results
None.
Year 2 (Fall 2019) List of Rules That Will Be Analyzed During the Next Year
23 CFR part 1—General
23 CFR part 140—Reimbursement
23 CFR part 172—Procurement, management, and administration of engineering and design related services
23 CFR part 180—Credit assistance for surface transportation projects

23 CFR part 190—Incentive payments for controlling outdoor advertising on the interstate system
23 CFR part 192—Drug offender’s driver’s license suspension
23 CFR part 200—Title VI program and related statutes—implementation and review procedures
23 CFR part 230—External programs
23 CFR part 260—Education and training programs
Federal Motor Carrier Safety Administration
Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 386	2018	2019
2	49 CFR part 385	2019	2020
3	49 CFR part 383 and 384	2020	2021
4	49 CFR parts 382	2021	2022
5	49 CFR part 387	2022	2023
6	49 CFR part 398	2023	2024
7	49 CFR part 392	2024	2025
8	49 CFR part 375	2025	2026
9	49 CFR part 367	2026	2027
10	49 CFR part 395	2027	2028

Year 10 (Fall 2018) List of Rules With Ongoing Analysis

49 CFR Part 395—Hours of Service (HOS) of Drivers

Section 610: FMCSA conducted a review of 49 CFR part 395, and found there was a significant economic impact on a substantial number of small entities (SEIOSNOSE). The rule restricts the number of hours that a commercial driver can operate a commercial motor vehicle (CMV). The SEIOSNOSE is driven by the potential loss of revenue that drivers and motor carriers could experience if they could operate without restriction. The Federal HOS regulations promote safe driving of CMV’s by limiting on-duty driving time; thereby improving the likelihood that drivers have adequate time for restorative rest. Tangible benefits to small businesses include; streamlined operations, reduced operational cost, maximized productivity, lowered insurance, improved vehicle diagnostics, reduced administrative burden, and increased profits.

General: FMCSA currently is engaged in rulemakings that would: (1) Add

flexibilities to the HOS regulations; and (2) clarify the meaning of “agricultural commodities” whose transport is exempt from the HOS regulations if certain requirements are met. Aside from the issues being addressed in these rulemakings, FMCSA has determined that the regulatory value of the HOS regulations is significant and that it should be retained. The rule reduces fatigue related crashes, fatalities, and injuries. These regulations are written consistent with plain language guidelines, and uses clear and unambiguous language. The cost burden imposed on a small business is reasonable when compared to the benefits.

Year 1 (2019) List of Rules With Ongoing Analysis

49 CFR Part 386—Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings

Section 610: FMCSA conducted a review of 49 CFR part 386, and found no SEIOSNOSE. 49 CFR part 386 is a permissive set of rules that establish

procedures and proceedings for respondents, petitioners, and others seeking relief from a determination of non-compliance with Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations. The rule also provides a recourse for commercial drivers to report harassment or coercion. Although not required by the rule, a small business could elect to incur significant attorney and court fees to challenge an unfavorable decision.

General: There is no need for substantial revision. These regulations provide necessary/clear guidance to industry and drivers. The regulations are written consistent with plain language guidelines, are cost effective, and impose the least economic burden to industry.

Year 2 (2020) List of Rules That Will Be Analyzed During the Next Year

49 CFR Part 385—Safety Fitness Procedures

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2018	2019
2	23 CFR parts 1200 and 1300	2019	2020
3	49 CFR parts 501 through 526 and 571.213	2020	2021
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2021	2022
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.136, 571.138 and 571.139	2022	2023
6	49 CFR parts 571.141, 529 through 578, except parts 571 and 575	2023	2024
7	49 CFR parts 571.111 through 571.129 and 580 through 588	2024	2025

Year	Regulations to be reviewed	Analysis year	Review year
8	49 parts CFR 571.201 through 571.212	2025	2026
9	49 parts CFR 571.214 through 571.219, except 571.217	2026	2027
10	49 CFR parts 591 through 595 and new parts and subparts	2027	2028

Year 1 (Fall 2019) List of Rules With Ongoing Analysis

- 49 CFR part 571.223—Rear Impact Guards
- 49 CFR part 571.224—Rear Impact Protection
- 49 CFR part 571.225—Child Restraint Anchorage Systems
- 49 CFR part 571.226—Ejection Mitigation
- 49 CFR part 571.301—Fuel System Integrity
- 49 CFR part 571.302—Flammability of Interior Materials

- 49 CFR part 571.303—Fuel System Integrity of Compressed Natural Gas Vehicles
- 49 CFR part 571.304—Compressed Natural Gas Fuel Container Integrity
- 49 CFR part 571.305—Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection
- 49 CFR part 571.401—Interior Trunk Release
- 49 CFR part 571.403—Platform Lift Systems for Motor Vehicles
- 49 CFR part 571.404—Platform Lift Installations in Motor Vehicles
- 49 CFR part 571.500—Low-Speed Vehicles

- 49 CFR part 575—Consumer Information
- 49 CFR part 579—Reporting of Information and Communications About Potential Defects
- 23 CFR part 1200—Uniform Procedures for State Highway Safety Grant Programs
- 23 CFR part 1300—Uniform Procedures for State Highway Safety Grant Programs

Federal Railroad Administration
Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200, 207, 209, and 210	2018	2019
2	49 CFR parts 211, 212, 213, 214, and 215	2019	2020
3	49 CFR parts 216, 217, 218, 219, and 220	2020	2021
4	49 CFR parts 221, 222, 223, 224, and 225	2021	2022
5	49 CFR parts 227, 228, 229, 230, and 231	2022	2023
6	49 CFR parts 232, 233, 234, 235, and 236	2023	2024
7	49 CFR parts 237, 238, 249, 240, and 241	2024	2025
8	49 CFR parts 242, 243, 244, 250, and 256	2025	2026
9	49 CFR parts 261, 262, 264, 266, and 268	2026	2027
10	49 CFR parts 269, 270, and 272	2027	2028

Year 1 (Fall 2018) List of Rules Analyzed and a Summary of Results

49 CFR Part 200—Informal Rules of Practice for Passenger Service

- *Section 610:* There is no SEIOSNOSE.
- *General:* The rule prescribes procedures under which applications are received and heard and by which rules and orders are issued primarily affecting the Class I railroads and Amtrak, none of which are small entities. FRA’s plain language review of this rule indicates no need for substantial revision.

49 CFR Part 207—Railroad Police Officers

- *Section 610:* There is no SEIOSNOSE.
- *General:* No changes are needed. These regulations are cost effective and impose the least burden. FRA’s plain language review of this rule indicates no need for substantial revision.

49 CFR Part 209—Railroad Safety Enforcement Procedures

- *Section 610:* There is no SEIOSNOSE.

- *General:* No changes are needed. These regulations are cost effective and impose the least burden. FRA’s plain language review of this rule indicates no need for substantial revision.

49 CFR Part 210—Railroad Noise Emission Compliance Regulations

- *Section 610:* There is no SEIOSNOSE.
- *General:* To support high-speed rail operations, FRA has identified substantive changes to the regulations.

Year 2 (Fall 2019) List of Rules(s) That Will Be Analyzed During Next Year

- 49 CFR part 211—Rules of Practice
- 49 CFR part 212—State Safety Participation Regulations
- 49 CFR part 213—Track Safety Standards
- 49 CFR part 214—Railroad Workplace Safety
- 49 CFR part 215—Railroad Freight Car Safety Standards

Federal Transit Administration
Section 610 and Other Reviews

The Regulatory Flexibility Act of 1980 (RFA), as amended (sections 601

through 612 of title 5, United States Code), requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which include small businesses, organizations, and governmental jurisdictions. Section 610 requires government agencies to periodically review all regulations that will have a significant economic impact on a substantial number of small entities (SEISNOSE).

In complying with this section, the Federal Transit Administration (FTA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes. As such, FTA has divided its rules into 10 groups as displayed in the table below. During the analysis year, the listed rules will be analyzed to identify those with a SEISNOSE. During the review year, each rule identified in the analysis year as having a SEISNOSE will be reviewed in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize the impact on small entities.

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 624	2018	2019
2	49 CFR parts 609 and 640	2019	2020
3	49 CFR part 633	2020	2021
4	49 CFR part 611	2021	2022
5	49 CFR part 655	2022	2023
6	49 CFR parts 602 and 614	2023	2024
7	49 CFR parts 661 and 663	2024	2025
8	49 CFR parts 625, 630, and 665	2025	2026
9	49 CFR parts 613, 622, 670 and 674	2026	2027
10	49 CFR parts 650, 672 and 673	2027	2028

Year 1 (2019) List of Rules Analyzed and Summary of Results

49 CFR Part 609—Transportation for Elderly and Handicapped Persons

- *Section 610:* FTA conducted a Section 610 review of 49 CFR part 609 and determined that it would not result in a SEISNOSE within the meaning of the RFA. The rule ensures that applicants for financial assistance under section 5307 of title 49, United States Code, as a condition of receiving such assistance, provide half-fares for elderly and handicapped persons during non-peak hours for transportation utilizing or involving the facilities and

equipment of the project financed with FTA assistance.

- *General:* No changes are needed. FTA estimated the costs and projected benefits of the rule and believes it is cost-effective and imposes the least burden. FTA’s plain language review of this rule indicates no need for substantial revision.

49 CFR Part 640—Credit Assistance for Surface Transportation Projects

- *Section 610:* FTA conducted a Section 610 review of 49 CFR part 640 and determined that it would not result in a SEISNOSE within the meaning of the RFA. The regulation is a cross-reference to the Department of

Transportation’s Credit Assistance for Surface Transportation Projects regulation at 49 CFR part 80. FTA does not own the cross-referenced regulation and, accordingly, cannot make changes or determine whether it is a SEISNOSE within the meaning of the RFA.

- *General:* No changes are needed. The regulation is a cross-reference to a DOT regulation.

Year 2 (2020) List of Rules To Be Analyzed the Next Year

49 CFR Part 633—Project Management Oversight

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205, 46 CFR parts 315 through 340, 46 CFR part 345 through 347, and 46 CFR parts 381 and 382.	2018	2019
2	46 CFR parts 221 through 232	2019	2020
3	46 CFR parts 249 through 296	2020	2021
4	46 CFR parts 221, 298, 308, and 309	2021	2022
5	46 CFR parts 307 through 309	2022	2023
6	46 CFR part 310	2023	2024
7	46 CFR parts 315 through 340	2024	2025
8	46 CFR parts 345 through 381	2025	2026
9	46 CFR parts 382 through 389	2026	2027
10	46 CFR parts 390 through 393	2027	2028

Year 1 (2018) List of Rules With Ongoing Analysis

- 46 CFR part 201—Rules of Practice and Procedure
- 46 CFR part 202—Procedures relating to review by Secretary of Transportation of actions by Maritime Subsidy Board
- 46 CFR part 203—Procedures relating to conduct of certain hearings under the Merchant Marine Act, 1936, as amended
- 46 CFR part 204—Claims against the Maritime Administration under the Federal Tort Claims Act
- 46 CFR part 205—Audit Appeals; Policy and Procedure
- 46 CFR part 315—Agency Agreements and Appointment of Agents
- 46 CFR part 317—Bonding of Ship’s Personnel

- 46 CFR part 324—Procedural Rules for Financial Transactions Under Agency Agreements
- 46 CFR part 325—Procedure to Be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant to Provisions of NSA Order No. 47
- 46 CFR part 326—Marine Protection and Indemnity Insurance Under Agreements with Agents
- 46 CFR part 327—Seamen’s Claims; Administrative Action and Litigation
- 46 CFR part 328—Slop Chests
- 46 CFR part 329—Voyage Data
- 46 CFR part 330—Launch Services
- 46 CFR part 332—Repatriation of Seamen
- 46 CFR part 335—Authority and Responsibility of General Agents to

- Undertake Emergency Repairs in Foreign Ports
- 46 CFR part 336—Authority and Responsibility of General Agents to Undertake in Continental United States Ports Voyage Repairs and Service Equipment of Vessels Operated for the Account of The National Shipping Authority Under General Agency Agreement
- 46 CFR part 337—General Agent’s Responsibility in Connection with Foreign Repair Custom’s Entries
- 46 CFR part 338—Procedure for Accomplishment of Vessel Repairs Under National Shipping Authority Master Lump Sum Repair Contract—NSA-Lumpsumrep
- 46 CFR part 339—Procedure for Accomplishment of Ship Repairs Under National Shipping Authority

Individual Contract for Minor Repairs—NSA-Worksmalrep 46 CFR part 340—Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations 46 CFR part 345—Restrictions Upon the Transfer or Change in Use or In Terms Governing Utilization of Port Facilities	46 CFR part 346—Federal Port Controllers 46 CFR part 347—Operating Contract 46 CFR part 381—Cargo Preference—U.S.-Flag Vessels 46 CFR part 382—Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels Year 2 (Fall 2019) List of rules that will be analyzed during the next year	46 CFR parts 221 and 232 46 CFR part 221 Regulated Transactions Involving Documented Vessels and Other Maritime Interests 46 CFR part 232 Uniform Financial Reporting Requirements Pipeline and Hazardous Materials Safety Administration (PHMSA) <i>Section 610 and Other Reviews</i>
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Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2018	2019
2	49 CFR parts 178 through 180	2019	2020
3	49 CFR parts 172 and 175	2020	2021
4	49 CFR part 171, sections 171.15 and 171.16	2021	2022
5	49 CFR parts 106, 107, 171, 190, and 195	2022	2023
6	49 CFR parts 174, 177, and 199	2023	2024
7	49 CFR parts 176, 191 and 192	2024	2025
8	49 CFR parts 172 and 178	2025	2026
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2026	2027
10	49 CFR parts 173 and 194	2027	2028

Year 2 (Fall 2020) List of Rules Analyzed and a Summary of Results
 49 CFR Part 178—Specifications for Packaging, 49 CFR Part 179—Specifications for Tank Cars, 49 CFR part 180—Continuing Qualification and Maintenance of Packaging’s

- *Section 610*: PHMSA conducted a review of this part and found no SEISNOSE.
- *General*: PHMSA has reviewed these parts and found that while these parts do not have SEISNOSE, they could be streamlined to reflect new technologies and updated to reflect current practices. Therefore, even though the review indicated that the economic impact on small entities is not significant, PHMSA has initiated multiple deregulatory rulemakings to reduce the compliance burdens of parts 178, 179, and 180. Further, PHMSA’s plain language review of these parts indicates no need for substantial revision. Where confusing or wordy language has been identified, PHMSA plans to propose or finalize revisions in the upcoming modal rulemaking as well as other deregulatory rulemakings.

As an example, the Modal Regulatory Reforms Initiatives, 2137–AF41, rulemaking action is part of PHMSA’s response to clarify current regulatory requirements and address public comments received to the Department’s regulatory reform and infrastructure notices. This rulemaking also proposes to address a variety of petitions for rulemaking, specific to modal stakeholders, and other issues identified by PHMSA during its regulatory review.

The impact that the 2137–AF41 rulemaking will have on small entities is not expected to be significant. The rulemaking is based on PHMSA’s initiatives and correspondence with the regulated community, and PHMSA working in conjunction with its modal partners, including FMCSA, FRA, and the United States Coast Guard (USCG). The proposed changes are generally intended to provide relief or clarity and, as a result, positive economic benefits to shippers, carriers, and packaging manufacturers and testers, including small entities. In conclusion, many companies are expecting to realize economic benefits, because of the

proposed amendments in the 2137–AF41 rulemaking. The proposed amendments are expected to result in an overall net cost savings and ease the regulatory compliance burden for shippers, carriers, manufacturers, and equalifiers, specifically those modal-specific packaging and requalification requirements. This rulemaking is one example of PHMSA’s review of rulemakings which ensures that our rules do not have a significant economic impact on a substantial number of small entities.

Year 3 (Fall 2021) List of Rules That Will Be Analyzed During the Next Year

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

49 CFR part 175—Carriage by Aircraft

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	2018	2019

* The review for these regulations is recurring each year of the 10-year review cycle (currently 2018 through 2027).

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year
 33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls
 33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
161	Defining Unfair or Deceptive Practices	2105-AE72
162	+ Accessible Lavatories on Single-Aisle Aircraft: Part I (Rulemaking Resulting From a Section 610 Review).	2105-AE88

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
163	+ Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization).	2120-AK26

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
164	+ Pilot Records Database (HR 5900)	2120-AK31

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
165	+ Airport Safety Management System	2120-AJ38
166	+ Registration and Marking Requirements for Small Unmanned Aircraft	2120-AK82
167	+ Operations of Small Unmanned Aircraft Over People	2120-AK85

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
168	+ Regulation Of Flight Operations Conducted By Alaska Guide Pilots	2120-AJ78
169	+ Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120-AK09
170	+ Aircraft Registration and Airmen Certification Fees	2120-AK37
171	+ Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) ..	2120-AK57
172	Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review).	2120-AK77

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
173	+ Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License (Section 610 Review).	2126-AC11

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
174	+ Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126-AA35

+ DOT-designated significant regulation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
175	Tariff of Tolls (Rulemaking Resulting From a Section 610 Review)	2135-AA47
176	Seaway Regulations and Rules: Periodic Update, Various Categories (Rulemaking Resulting From a Section 610 Review).	2135-AA48

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
177	+ Pipeline Safety: Amendments to Parts 192 and 195 to require Valve installation and Minimum Rupture Detection Standards.	2137-AF06

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
178	+ Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018).	2137-AF20

+ DOT-designated significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Final Rule Stage

161. Defining Unfair or Deceptive Practices

E.O. 13771 Designation: Deregulatory.
Legal Authority: 49 U.S.C. 41712
Abstract: This rulemaking would define the phrase “unfair or deceptive practice” found in the Department’s aviation consumer protection statute. The Department’s statute is modeled after a similar statute granting the Federal Trade Commission (FTC) the authority to regulate unfair or deceptive practices. Using the FTC’s policy statements as a guide, the Department has found a practice to be unfair if it causes or is likely to cause substantial harm, the harm cannot reasonably be avoided, and the harm is not outweighed by any countervailing benefits to consumers or to competition. Likewise, the Department has found a practice to be deceptive if it misleads or is likely to mislead a consumer acting reasonably under the circumstances with respect to a material issue (one that is likely to affect the consumer’s decision with regard to a product or service). This rulemaking would codify the Department’s existing interpretation of “unfair or deceptive practice,” and seek comment on any whether changes are needed. The rulemaking would also require the Department to articulate in future enforcement orders the basis for concluding that a practice is unfair or

deceptive where no existing regulation governs the practice in question, state the basis for its conclusion that a practice is unfair or deceptive when it issues discretionary aviation consumer protection regulations, and apply formal hearing procedures for discretionary aviation consumer protection rulemakings. In addition, this rulemaking would codify the longstanding practice of the Department to offer airlines and ticket agents the opportunity to be heard and present relevant evidence before any determination is made on how to resolve a matter involving a potential unfair or deceptive practice.

Timetable:

Action	Date	FR Cite
NPRM	02/28/20	85 FR 11881
NPRM Comment Period End.	04/28/20	
Final Rule	11/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590 *Phone:* 202–366–9342, *Fax:* 202–366–7153, *Email:* blane.workie@ost.dot.gov.

RIN: 2105–AE72

162. +Accessible Lavatories on Single-Aisle Aircraft: Part I (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 41705; FAA Reauthorization Act of 2016, Pub. L. 114–190, 130 Stat. 615, 622

Abstract: This rulemaking would require airlines to take steps to improve the accessibility of lavatories on single-aisle aircraft short of increasing the size of the lavatories. The rulemaking would ensure the accessibility of features within an aircraft lavatory, including but not limited to, toilet seat, assist handles, faucets, flush control, attendant call buttons, lavatory controls and dispensers, lavatory door sill, and door locks. The rulemaking would also consider standards for the on-board wheelchair to improve its safety/ maneuverability and easily permit its entry into the aircraft lavatory.

Timetable:

Action	Date	FR Cite
NPRM	01/02/20	85 FR 27
NPRM Comment Period End.	03/02/20	
Final Rule	12/00/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Blane A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–9342, *Fax:* 202–366–7153, *Email:* blane.workie@ost.dot.gov.

RIN: 2105–AE88

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)
Prerule Stage

163. +Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, Phone: 202 267-5749, Email: dale.roberts@faa.gov.
RIN: 2120-AK26

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)
Proposed Rule Stage

164. +Pilot Records Database (HR 5900)

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C.

45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111-216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Timetable:

Action	Date	FR Cite
NPRM	03/30/20	85 FR 17660
NPRM Comment Period End.	06/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher Morris, Department of Transportation, Federal Aviation Administration, 6500 S MacArthur Boulevard, Oklahoma City, OK 73169, Phone: 405 954-4646, Email: christopher.morris@faa.gov.
RIN: 2120-AK31

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)
Final Rule Stage

165. +Airport Safety Management System

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Rule	12/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Schroeder, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, Phone: 202 267-4974, Email: james.schroeder@faa.gov.
RIN: 2120-AJ38

166. +Registration and Marking Requirements for Small Unmanned Aircraft

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110 to 44113, and 44701

Abstract: This rulemaking would provide an alternative, streamlined and simple, web-based aircraft registration process for the registration of small unmanned aircraft, including small unmanned aircraft operated as model aircraft, to facilitate compliance with the statutory requirement that all aircraft register prior to operation. It would also provide a simpler method for marking small unmanned aircraft that is more appropriate for these aircraft. This action responds to public comments received regarding the proposed registration process in the Operation and Certification of Small Unmanned Aircraft notice of proposed rulemaking, the request for information regarding unmanned aircraft system registration, and the recommendations from the Unmanned Aircraft System Registration Task Force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	

Action	Date	FR Cite
OMB Approval of Information Collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Final Rule	12/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bonnie Lefko, Department of Transportation, Federal Aviation Administration, 6500 S MacArthur Boulevard, Registry Building 26, Room 118, Registry Building 26, Room 118, Oklahoma City, OK 73169, *Phone:* 405 954-7461, *Email:* bonnie.lefko@faa.gov.

RIN: 2120-AK82

167. +Operations of Small Unmanned Aircraft Over People

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 40101; 49 U.S.C. 40103(b); 49 U.S.C. 44701(a)(5); Pub. L. 112-95, sec. 333

Abstract: This rulemaking would address the performance-based standards and means-of-compliance for operation of small unmanned aircraft systems (UAS) over people not directly participating in the operation or not under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft. This rule would provide relief from certain operational restrictions implemented in the Operation and Certification of Small Unmanned Aircraft Systems final rule (RIN 2120-AJ60).

Timetable:

Action	Date	FR Cite
NPRM	02/13/19	84 FR 3856
NPRM Comment Period End.	04/19/19	
Final Rule	12/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Guido Hassig, Department of Transportation, Federal Aviation Administration, 1 Airport Way, Rochester, NY 14624, *Phone:* 585-436-3880, *Email:* guido.hassig@faa.gov.

RIN: 2120-AK85

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

168. +Regulation of Flight Operations Conducted by Alaska Guide Pilots

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 106(g) ; 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Stat. 1180; Pub. L. 106-181, sec. 732

Abstract: The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (Pub. L. 106-181).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 385-9615, *Email:* jeffrey.smith@faa.gov.

RIN: 2120-AJ78

169. +Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is a statutory mandate under section 308(d) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
NPRM	06/00/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Julia Brady, Program Analyst, Program Policy Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-8083, *Email:* julia.brady@faa.gov.

RIN: 2120-AK09

170. +Aircraft Registration and Airmen Certification Fees

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 31 U.S.C. 9701; 4 U.S.T. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108-297, 118 Stat. 1095

Abstract: This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This

rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

Timetable:

Action	Date	FR Cite
NPRM	06/00/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8994, *Email:* isra.raza@faa.gov.

RIN: 2120–AK37

171. +Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105

Abstract: This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as to develop standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aide in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue to see the unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Holliday, Department of Transportation, Federal Aviation Administration, 801 Pennsylvania Avenue NW, Washington, DC 20024, *Phone:* 202 267–4552, *Email:* chris.holliday@faa.gov.

RIN: 2120–AK57

172. Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review)

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190).

Timetable:

Action	Date	FR Cite
NPRM	06/00/21	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Sheri Edgett-Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–9354.

RIN: 2120–AK77

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

173. +Controlled Substances and Alcohol Testing: State Driver’s Licensing Agency Downgrade of Commercial Driver’s License (Section 610 Review)

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 31136 (a); 49 U.S.C. 31305 (a).

Abstract: FMCSA proposes to prohibit State Driver’s Licensing Agencies (SDLAs) from issuing, renewing, upgrading, or transferring a commercial driver’s license (CDL), or commercial learner’s permit (CLP), for individuals prohibited under current regulations from driving a commercial motor vehicle (CMV) due to controlled substance (drug) and alcohol program violations. The CMV driving ban is intended to keep these drivers off the road until they comply with return-to-duty (RTD) requirements. FMCSA also seeks comment on alternate proposals

establishing additional ways that SDLAs would use information, obtained through the Drug and Alcohol Clearinghouse (Clearinghouse), to increase compliance with the CMV driving prohibition. Further, the Agency proposes to revise how reports of actual knowledge violations, based on a citation for Driving Under the Influence (DUI) in a CMV, would be maintained in the Clearinghouse. These proposed changes would improve highway safety by increasing compliance with existing drug and alcohol program requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4844, *Email:* juan.moya@dot.gov.

RIN: 2126–AC11

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

174. +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States

E.O. 13771 Designation: Regulatory.
Legal Authority: Pub. L. 107–87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY–2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of

Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003.

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	
Notice of Intent To Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dolores Macias, Acting Division Chief, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-2995, *Email:* dolores.macias@dot.gov.

RIN: 2126-AA35

DEPARTMENT OF TRANSPORTATION (DOT)

Saint Lawrence Seaway Development Corporation (SLSDC)

Completed Actions

175. Tariff of Tolls (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Deregulatory. *Legal Authority:* 33 U.S.C. 981 *et seq.* *Abstract:* The Saint Lawrence Seaway Development corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC.

Timetable:

Action	Date	FR Cite
Final Rule	03/20/20	85 FR 15951
Final Rule Effective.	03/20/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 315 764-3231, *Email:* carrie.mann@dot.gov. *RIN:* 2135-AA47

176. Seaway Regulations and Rules: Periodic Update, Various Categories (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Deregulatory. *Legal Authority:* 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories.

Timetable:

Action	Date	FR Cite
Final Rule	03/20/20	85 FR 15949
Final Rule Effective.	03/31/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 315 764-3231, *Email:* carrie.mann@dot.gov. *RIN:* 2135-AA48

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

177. +Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

E.O. 13771 Designation: Regulatory. *Legal Authority:* 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is proposing to revise the Pipeline Safety Regulations applicable to newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times in high consequence and select non-high consequence areas. The proposed rule defines certain pipeline events as “ruptures” and outlines certain performance standards related to rupture identification and pipeline segment isolation. PHMSA also proposes specific valve maintenance and inspection requirements, and 9-1-1 notification requirements to help operators achieve better rupture response and mitigation. The rule addresses congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the serious consequences of large-volume, uncontrolled releases of natural gas and hazardous liquids.

Timetable:

Action	Date	FR Cite
NPRM	02/06/20	85 FR 7162
NPRM Comment Period End.	06/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SW, Washington, DC 20590, *Phone:* 202 366-4595, *Email:* robert.jagger@dot.gov. *RIN:* 2137-AF06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

178. +Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018)

E.O. 13771 Designation: Regulatory. *Legal Authority:* 49 U.S.C. 44701; 49 U.S.C. 5103(b); 49 U.S.C. 5120(b)

Abstract: This rulemaking amends the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) to (1) prohibit the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) require all lithium ion cells and batteries to be shipped at not more than a 30 percent state of charge on cargo-only aircraft; and (3) limit the use of

alternative provisions for small lithium cell or battery to one package per consignment. The amendments will not restrict passengers or crew members from bringing personal items or electronic devices containing lithium cells or batteries aboard aircraft, or restrict the air transport of lithium ion cells or batteries when packed with or contained in equipment. To accommodate persons in areas potentially not serviced daily by cargo aircraft, PHMSA is providing a limited exception for not more than two replacement lithium cells or batteries specifically used for medical devices to be transported by passenger aircraft and at a state of charge greater than 30 percent, under certain conditions and as approved by the Associate

Administrator. This rulemaking is necessary to meet the FAA Reauthorization Act of 2018, address a safety hazard, and harmonize the HMR with emergency amendments to the 2015–2016 edition of the International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions).

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/19	84 FR 8006
Interim Final Rule Effective.	03/06/19	
Interim Final Rule Comment Period End.	05/06/19	

Action	Date	FR Cite
Final Rule	10/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shelby Geller, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–8553, *Email:* shelby.geller@dot.gov.

RIN: 2137–AF20

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