Monday, 
December 20, 2010

Part XIII

Department of Transportation

Semiannual Regulatory Agenda
DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary
14 CFR Chs. I-III
23 CFR Chs. I-III
33 CFR Chs. I and IV
46 CFR Chs. I-III
48 CFR Ch. 12
49 CFR Subtitle A, Chs. I-VI and Chs. X-XII

OST Docket 99-5129

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Office of the Secretary, DOT.

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

FOR FURTHER INFORMATION CONTACT: General
You should direct all comments and inquiries on the agenda in general to Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 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. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755-7687.

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SUPPLEMENTARY INFORMATION:

Background
Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). Our regulations should be clear, simple, timely, fair, reasonable, and necessary. They should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. To view additional information about the Department of Transportation's regulatory activities online, go to http://regs.dot.gov. Among other things, this website provides a report, updated monthly, on the status of the DOT significant rulemakings listed in the semi-annual Agenda.

To help the Department achieve these goals and in accordance with Executive Order 12866 “Regulatory Planning and Review” (58 FR 51735; October 4, 1993) and the Department’s Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the Federal Register on April 26, 2010 (75 FR 21840). The next one is scheduled for publication in the Federal Register in spring 2011.

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.

Because publication in the Federal Register is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), 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.

Significant/Priority Rulemakings
The agenda covers all rules and regulations of the Department. We have classified rules as a DOT agency priority in the agenda if they are, essentially, very costly, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decides a rule is subject to its review under Executive Order 12866, we have classified it as significant in the agenda.

Explanation of Information on the Agenda
The format for this agenda is required by a fall 2010 memorandum from the Office of Management and Budget.
First, the agenda is divided by initiating offices. Then, the agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the agenda provides the following information: (1) Its “significance”; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (With minor exceptions, DOT requires an economic analysis for all its rulemakings.); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled “Additional Information.”

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

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

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

Request for Comments
General

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

Reviews

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

Regulatory Flexibility Act

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

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

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable 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.

Ray LaHood,
Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the semiannual agenda, are available through the Internet at http://www.regulations.gov. See Appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE., Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM-1,
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.


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


FRA – Kathryn Shelton, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room W31-214, Washington, DC 20590; telephone (202) 493-6063.

FTA – Linda Ford, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56-202, Washington, DC 20590; telephone (202) 366-4063.

SLSDC – Carrie Mann Lavigne, Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0091.

PHMSA – Patricia Burke, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-4400.

MARAD – Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-5157.

RITA – Robert Monnier, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-5498.


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: 9-5.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866 “Regulatory Planning and Review” and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources permit its use. We are committed to continuing our reviews of existing rules and, if needed, will initiate rulemaking actions based on these reviews.

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” (SEIOSNOSE). It also requires that we publish in the Federal Register each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department’s Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Other Review Plan(s)

All elements of the Department, except for the Federal Aviation Administration (FAA), have also elected to use this 10-year plan process to comply with the review requirements of the Department’s Regulatory Policies and Procedures and Executive Order 12866.

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 Presidential mandate. 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. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010; and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses 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 SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies’ section 610 analyses 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 SEIOSNOSE, we will give a short explanation (e.g., “these rules only establish petition processes that have no cost impact” or “these rules do not apply to any small entities”). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

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

The FAA, in addition to reviewing its rules in accordance with the Section 610 Review Plan, has established a tri-annual process to comply with the review requirements of the Department’s Regulatory Policies and Procedures, Executive Order 12866, and Plain Language Review Plan. The FAA’s latest review notice was published November 15, 2007 (72 FR 64170). In that notice, the FAA requested comments from the public to identify those regulations currently in effect that it should amend, remove, or simplify. The FAA also requested the public provide any specific suggestions where rules could be developed as performance-based rather than prescriptive, and any specific plain language that might be used, and provide suggested language on how those rules should be written. The FAA will review the issues addressed by the commenters against its regulatory agenda and rulemaking program efforts and adjust its regulatory priorities consistent with its statutory responsibilities. At the end of this process, the FAA will publish a summary and general disposition of comments and indicate, where appropriate, how it will adjust its regulatory priorities.

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 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

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Year 1 (fall 2008) List of rules analyzed and a summary of results
49 CFR part 93 — Aircraft Allocation
● Section 610: There is no SEIOSNOSE.
● General: The agency will propose revising this regulation to reflect a transfer of the functions from the Office of Emergency Transportation (OET) to the Office of Intelligence, Security and Response (S-60). OET was absorbed into S-60 and no longer exists as a separate office. The proposed changes will not cause an economic impact.

Year 1 (fall 2008) List of rules with 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
49 CFR part 95—Advisory Committees
49 CFR part 96—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

Year 2 (fall 2009) List of rules analyzed and a summary of results
48 CFR part 1201—Federal Acquisition Regulations System
• Section 610: There is no SEIOSNOSE.
• General: This rule prescribes Agency control and compliance procedures concerning the proliferation of acquisition regulations and any revisions. M-60’s plain language review of this rule indicates minor editorial changes are needed but no need for substantial revision.
48 CFR part 1202—Definitions of Words and Terms
• Section 610: There is no SEIOSNOSE.
• General: This rule provides definitions of words and terms concerning acquisitions in DOT. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest
• Section 610: There is no SEIOSNOSE.
• General: This rule provides process for reporting suspected violations of the Gratuities clause. M-60’s plain language review of this rule indicates minor editorial changes are needed but no need for substantial revision.
48 CFR part 1204—Administrative Matters
• Section 610: There is no SEIOSNOSE.
• General: This rule provides procedures for closing out contract files and supporting closeout documents. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1205—Publicizing Contract Actions
• Section 610: There is no SEIOSNOSE.
• General: This rule provides methods of disseminating information. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1206—Competition Requirements
• Section 610: There is no SEIOSNOSE.
• General: This rule provides information concerning competition advocates. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1207—Acquisition Planning
• Section 610: There is no SEIOSNOSE.
• General: This rule provides information concerning requirements which will be followed when cost comparisons between Government and Contractor performance are conducted. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1211—Describing Agency Needs
• Section 610: There is no SEIOSNOSE.
• General: This provides information concerning the need to include, as applicable, safeguards to ensure safety, security, and environmental protection in requirements documents. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1213—Simplified Acquisition Procedures
• Section 610: There is no SEIOSNOSE.
• General: This provides DOT procedures for acquiring training services. M-60’s plain language review of this rule indicates no need for revision.
48 CFR part 1214—Sealed Bidding
• Section 610: There is no SEIOSNOSE.
• General: This rule provides for telegraphic bids to be communicated provided procedures have been established by the COCO. M-60’s plain language review of this rule indicates no need for revision.
48 CFR part 1215—Contracting By Negotiation
• Section 610: There is no SEIOSNOSE.
• General: This rule provides information concerning the solicitation and receipt of proposals and information including evaluation. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1216—Types of Contracts
• Section 610: There is no SEIOSNOSE.
• General: This rule provides information concerning Fixed-Price Contracts, Incentive Contracts, Indefinite-Delivery Contracts, and Time-and-Materials, Labor-Hour, and Letter Contracts. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1217—Special Contracting Methods
• Section 610: There is no SEIOSNOSE.
• General: This rule provides procedures for fixed price contracts for vessel repair, alteration, or conversion. M-60’s plain language review of this rule indicates no need for substantial revision.
48 CFR part 1219—Small Business Programs
• Section 610: There is no SEIOSNOSE.
• General: This rule addresses contracting issues associated with subcontracting with Small Business, Small Disadvantaged Business, and Women-Owned Small Business concerns. It also provides some discussion of small business competitiveness demonstration program.

48 CFR part 1222—Application of Labor Laws to Government Acquisitions
• Section 610: There is no SEIOSNOSE.
• General: This rule covers aspects of basic labor policies and labor standards. Particular focus is directed to labor standards involving construction.

• Section 610: There is no SEIOSNOSE.
• General: This rule addresses safety requirements for selected DOT contracts. The emphasis here is on hazardous material identification and material safety data.

48 CFR part 1224—Protection of Privacy and Freedom of Information
• Section 610: There is no SEIOSNOSE.
• General: This rule includes discussion of procedures and appeals processes with a focus on the Freedom of Information Act.

48 CFR part 1227—Patents, Data, and Copyrights
• Section 610: There is no SEIOSNOSE.
• General: This rule includes discussion of procedures and appeals processes.

48 CFR part 1228—Bonds and Insurance
• Section 610: There is no SEIOSNOSE.
• General: This rule covers bonds and other financial protections, insurance, and performance and payment bonds for certain contracts.

48 CFR part 1231—Contract Cost Principles and Procedures
• Section 610: There is no SEIOSNOSE.
• General: This rule discusses contracts with commercial organizations.

48 CFR part 1232—Contract Financing
• Section 610: There is no SEIOSNOSE.
• General: This rule focuses on contract payment processes.

48 CFR part 1233—Protests, Disputes, and Appeals
• Section 610: There is no SEIOSNOSE.
• General: This rule focuses on the protests, disputes, and appeals process with a particular emphasis on CO decisions and alternative dispute resolution.

48 CFR part 1234—[Reserved]
48 CFR part 1235—Research and Development Contracting
• Section 610: There is no SEIOSNOSE.
• General: This rule includes discussion of research and development contracting and provides discussion on research misconduct.

48 CFR part 1236—Construction and Architect-Engineer Contracts
• Section 610: There is no SEIOSNOSE.
• General: This rule covers contract clauses for construction and architect-engineer contracts. It also includes discussion of special precautions for work at operating airports.

48 CFR part 1237—Service Contracting
• Section 610: There is no SEIOSNOSE.
• General: This rule includes information relating to DOT procedures for acquiring training services, and solicitation provisions and contract clauses.

48 CFR part 1239—Acquisition of Information Technology
• Section 610: There is no SEIOSNOSE.
• General: This rule incorporates a discussion of warranties, and warranty terms and conditions.

48 CFR part 1242—Contract Administration and Audit Services
• Section 610: There is no SEIOSNOSE.
• General: This rule includes appropriate contract clauses for use in audit services.

48 CFR part 1245—Government Property
• Section 610: There is no SEIOSNOSE.
• General: This rule focuses on the management of government property, reporting results of inventory, and audit of property control systems.

48 CFR part 1246—Quality Assurance
• Section 610: There is no SEIOSNOSE.
• General: This rule incorporates a discussion of warranties, and warranty terms and conditions.

48 CFR part 1247—Transportation
• Section 610: There is no SEIOSNOSE.
• General: This rule focuses on ocean transportation by U.S.-flag vessels.

48 CFR part 1252—Solicitation Provisions and Contract Clauses
• Section 610: There is no SEIOSNOSE.
• General: This rule includes, but is not limited to, evaluation of offers subject to an economic price adjustment, determination of award, performance evaluation plans, distribution of award fee, settlement of letter contracts, contract performance, subcontracts and liability and insurance.

48 CFR part 1253—Forms
• Section 610: There is no SEIONSNOSE.
• General: This rule includes prescriptions and illustrations of forms.

Year 3 (fall 2010) List of rules to be analyzed during the next year
14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits
14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only
14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers and Commuter Air Carriers
14 CFR part 216—Commingling of Blind Sector Traffic by Foreign Air Carriers
14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services
14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew
14 CFR part 221—Tariffs
14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers
14 CFR part 223—Free and Reduced-Rate Transportation
14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General

The FAA has elected to use the two-step, two-year process used by most 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 SEIONSNOSE. During the second year (the “review year”), each rule identified in the analysis year as having a SEIONSNOSE 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 3 (fall 2010) List of rules analyzed and summary of results
14 CFR part 141—Pilot Schools
• Section 610: The agency conducted a Section 610 review of this part and found no SEIONSNOSE.
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 142—Training Centers
• Section 610: The agency conducted a Section 610 review of this part and found no SEIONSNOSE.
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 145—Repair Stations
• Section 610: The agency conducted a Section 610 review of this part and found no SEIONSNOSE.
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 147—Aviation Maintenance Technician Schools
• Section 610: The agency conducted a Section 610 review of this part and found no SEIONSNOSE.
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 170—Establishment and Discontinuance Criteria for Air Traffic Control Services and Navigational Facilities
• Section 610: The agency conducted a Section 610 review of this part and found no SEIONSNOSE.
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 171—Non-Federal Navigation Facilities
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• Section 610: 14 CFR part 185 does not affect small entities. Therefore, amendments to it cannot have a SEISNOSE.
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 187—Fees
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 198—Aviation Insurance

Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 171—Non-Federal Navigation Facilities
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 187—Fees
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 198—Aviation Insurance

Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 171—Non-Federal Navigation Facilities
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 187—Fees
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14 CFR part 171—Non-Federal Navigation Facilities
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
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• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

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14 CFR part 171—Non-Federal Navigation Facilities
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
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14 CFR part 187—Fees
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 198—Aviation Insurance

Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 171—Non-Federal Navigation Facilities
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 187—Fees
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 198—Aviation Insurance

Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 171—Non-Federal Navigation Facilities
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
• 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. FAA’s plain language review of these rules indicates no need for substantial revision.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA’s plain language review of these rules indicates no need for substantial revision.
23 CFR part 172—Administration of Engineering and Design-Related Service Contracts
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 180—Credit Assistance for Surface Transportation Projects
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 190—Incentive Payments for Controlling Outdoor Advertising on the Interstate System
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 192—Drug Offender’s Driver’s License Suspension
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 200—Title VI Program and Related Statutes—Implementation and Review procedures
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 230—External Programs
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 260—Education and Training Programs
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA’s plain language review of these rules indicates no need for substantial revision.

YEAR 3 (fall 2010) List of rules that will be analyzed during the next year

- 49 CFR parts 373, 374, 376, and 379 (2009-2010)
- 49 CFR parts 375, 377, and 378 (2010-2011)

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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YEAR 2 (fall 2009) List of rules analyzed and a summary of results
- Section 610: There is SEIOSNOSE, as a significant number of small entities are affected by fees and reporting requirements in the regulation. It was found that the cost of a formal hearing to appeal a decision may have a significant impact on small firms.
- General: The Agency will assess the need for changes once the review of these regulations is complete. FMCSA’s plain language review of these regulations indicates no need for substantial revision.

49 CFR part 395—Hours of Service of Drivers
- This has been postponed, due to initiation of new rulemaking; Agency is set to publish in July 2011.

YEAR 2 (fall 2009) List of rules with ongoing analysis
49 CFR part 389—Rulemaking Procedures — Federal Motor Carrier Safety Regulations

YEAR 3 (fall 2010) List of rules that will be analyzed during the next year
49 CFR part 325—Compliance With Interstate Motor Carrier Noise Emission
49 CFR part 388—Cooperative Agreements With States
49 CFR part 350—Commercial Motor Carrier Safety Assistance Program
49 CFR part 355—Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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Year 2 (fall 2009) List of rules analyzed and a summary of the results
23 CFR part 1200—Uniform Procedures for State Highway Safety Programs
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1205—Highway Safety Programs; Determinations of Effectiveness
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1208—National Minimum Drinking Age
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1210—Operation of Motor Vehicles by Intoxicated Minors
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1215—Use of Safety Belts—Compliance and Transfer-of-Funds Procedures
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1225—Operation of Motor Vehicles by Intoxicated Persons
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1235—Uniform System for Parking for Persons with Disabilities
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1240—Safety Incentive Grants for Use of Seat Belts—Allocations Based on Seat Belt Use Rates
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1250—Political Subdivision Participation in State Highway Safety Programs
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1251—State Highway Safety Agency
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.
23 CFR part 1252—State Matching of Planning and Administration Costs
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1270—Open Container Laws
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1275—Repeat Intoxicated Driver Laws
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1313—Incentive Grant Criteria for Alcohol-Impaired Driving Prevention Programs
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1327—Procedures for Participating in and Receiving Information From the National Driver Register Problem Driver Pointer System
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1335—State Highway Safety Data Improvements
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1340—Uniform Criteria for State Observational Surveys of Seat Belt Use
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1345—Incentive Grant Criteria for Occupant Protection Programs
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1350—Incentive Grant Criteria for Motorcycle Safety Program
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1380—Procedures for Considering Environmental Impacts
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1400—Confidential Business Information
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1425—Vehicle Classification
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1450—Exemptions from Average Fuel Economy Standards
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1500—Information Gathering Powers
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1525—Adjudicative Procedures
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1550—OMI Control Numbers for Information Collection Requirements
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1575—Organization and Delegation of Powers and Duties
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

23 CFR part 1600—Procedures for Considering Environmental Impacts
• Section 610: No SEIOSNOSE. No small entities are affected.
• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.

Year 3 (fall 2010) List of rules that will be analyzed during the next year

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Year 2 (fall 2009) List of rules analyzed and a summary of results

49 FR 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 211—Rules of Practice
- 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 215—Railroad Freight Car Safety Standards
- Section 610: There is a SEIOSNOSE.
- General: No changes are needed. This rule already limits economic impact on small entities through Appendix D of the rule. FRA’s plain language review of this rule indicates no need for substantial revision.

49 CFR part 238—Passenger Equipment Safety Standards
- 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 the rule indicates no need for substantial revision.

Year 3 (fall 2010) List of rules that will be analyzed during next year

49 CFR part 210—Railroad Noise Emission Compliance Regulations
49 CFR part 212—State Safety Participation Regulations
49 CFR part 214—Railroad Workplace Safety
49 CFR part 217—Railroad Operating Rules
49 CFR part 268—Magnetic Levitation Transportation Technology Deployment Program

FEDERAL TRANSIT ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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<td>49 CFR part 665</td>
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</table>

Year 2 (fall 2009) List of rules analyzed and summary of results

49 CFR part 665—Bus Testing
- Section 610: The Agency has determined that the rule will not have a significant effect on a substantial number of small entities.
- General: This rulemaking amends FTA’s bus testing program to incorporate brake performance and emission tests. The rule also clarifies existing regulatory requirements and was drafted using plain language techniques.

Year 3 (fall 2010) List of rules that will be analyzed during the next year

49 CFR part 605—School Bus Operations
49 CFR part 633—Capital Project Management

MARITIME ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

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#### SECTION 610 AND OTHER REVIEWS

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<td>46 CFR parts 390 through 393</td>
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**Year 2 (fall 2009) List of rules analyzed and a summary of the results**

46 CFR part 221—Regulated Transactions Involving Documented Vessels and Other Maritime Interests
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- General: No changes are needed. Where confusing or wordy language has been identified, revisions will be made.

46 CFR part 232—Uniform Financial Reporting Requirements
- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- General: No changes are needed. Where confusing or wordy language has been identified, revisions will be made.

**Year 3 (fall 2010) List of rules that will be analyzed during the next year**

46 CFR part 249—Approval of Underwriters for Marine Hull Insurance
46 CFR part 251—Application for Subsidies and Other Direct Financial Aid
46 CFR part 252—Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services
46 CFR part 272—Requirements and Procedures for Conducting Condition Surveys and Administering Maintenance and Repair Subsidy
46 CFR part 276—Construction-Differential Subsidy Repayment
46 CFR part 277—Domestic and Foreign Trade; Interpretations
46 CFR part 280—Limitations on the Award and Payment of Operating-Differential Subsidy for Liner Operators
46 CFR part 281—Information and Procedure Required under Liner Operating-Differential Subsidy Agreements
46 CFR part 282—Operating-Differential Subsidy for Liner Vessels Engaged in Essential Services in the Foreign Commerce of the United States
46 CFR part 283—Dividend Policy for Operators Receiving Operating-Differential Subsidy
46 CFR part 287—Establishment of Construction Reserve Funds
46 CFR part 289—Insurance of Construction-Differential Subsidy Vessels, Operating-Differential Subsidy Vessels, and Vessels Sold or Adjusted Under the Merchant Ship Sales Act of 1946
46 CFR part 295—Maritime Security Program (MSP)
46 CFR part 296—Maritime Security Program (MSP)

### PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)
#### SECTION 610 AND OTHER REVIEWS

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<td>49 CFR parts 173 and 194</td>
<td>2017</td>
<td>2018</td>
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</table>

**Year 2 (fall 2009) List of rules analyzed and a summary of results**

49 CFR part 178—Specifications for Packagings
- Section 610: There is no SEIOSNOSE. A substantial number of small entities, particularly those that use performance oriented packagings, may be affected by this rule, but the economic impact on those entities is not significant.
General: This rule prescribes minimum Federal safety standards for the construction of DOT specification packagings, these requirements are necessary to protect transportation workers and the public and to ensure the survivability of DOT specification packagings during transportation incidents. PHMSA’s plain language review of this rule indicates no need for substantial revision.

49 CFR part 179—Specifications for Tank Cars
• Section 610: There is no SEIONSNOSE. This regulation requires the submission of traffic data for operations to or from the United States. This regulation applies to foreign air carriers that operate to or from the United States. Currently 93 percent of the reporting carriers are large foreign air carriers.

49 CFR part 180—Continuing Qualification and Maintenance of Packagings
• Section 610: There is no SEIONSNOSE. This rule prescribes specification requirements as minimum safety standards for rail tank cars used to transport hazardous materials in commerce. Some small entities may be affected, but the economic impact on small entities is not significant.

49 CFR part 180—Uniform System of Accounts and Reports for Large Certificated Air Carriers, Form 41
• General: Specification requirements for tank cars are considered minimum Federal safety standards that are necessary to protect transportation workers and the public and to ensure the survivability of DOT specification packagings during transportation incidents. PHMSA’s plain language review of this rule indicates no need for substantial revision.

49 CFR part 179—Specifications for Tank Cars
• Section 610: There is no SEIONSNOSE. This rule prescribes specification requirements as minimum safety standards for rail tank cars used to transport hazardous materials in commerce. Some small entities may be affected, but the economic impact on small entities is not significant.

49 CFR part 180—Continuing Qualification and Maintenance of Packagings
• Section 610: There is no SEIONSNOSE. This rule prescribes specification requirements as minimum safety standards for rail tank cars used to transport hazardous materials in commerce. Some small entities may be affected, but the economic impact on small entities is not significant.

49 CFR part 180—Uniform System of Accounts and Reports for Large Certificated Air Carriers, Form 41
• General: This rule prescribes requirements for maintaining and verifying the integrity of DOT specification packagings used for the transportation of hazardous materials in commerce. This rule ensures that DOT specification packagings continue to conform to the specifications to which they were originally manufactured and designed. PHMSA’s plain language review of this rule indicates no need for substantial revision.

Year 3 (fall 2010) List of rules that will be analyzed during the next year
49 CFR part 175—Carriage By Aircraft

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<td>14 CFR part 241, schedule T-100, and part 217</td>
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<td>14 CFR part 298</td>
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<td>14 CFR part 374a, ICAO</td>
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Year 1 (fall 2008) List of rules with ongoing analysis
14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers, Form 41

Year 2 (fall 2009) List of rules analyzed and a summary of the results
14 CFR part 241—Schedule T-100
• Section 610: There is no SEIONSNOSE. Part 241 Schedule T-100 applies to only large certificated air carriers.
• General: Part 241 Schedule T-100 is a monthly report of on-flight market and nonstop segment traffic data for flights operated by large certificated air carriers. This regulation is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.

14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services - Schedule T-100(f)
• Section 610: There is no SEIONSNOSE. This regulation applies to foreign air carriers that operate to or from the United States. Currently 93 percent of the reporting carriers are large foreign air carriers.
• General: This regulation requires the submission of traffic data for operations to or from the United States. This regulation is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.

Year 3 (fall 2010) List of rules that will be analyzed during the next year
14 CFR part 298 Subpart F—Exemptions for Air Taxi and Commuter Air Carrier Operations-Reporting Requirements
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
SECTION 610 AND OTHER REVIEWS

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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

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<td>Use of the Seat-Strapping Method for Carrying a Wheelchair on an Aircraft</td>
<td>2105–AD87</td>
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+ DOT-designated significant regulation

Office of the Secretary—Final Rule Stage

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<td>Disadvantaged Business Enterprise; Potential Program Improvements</td>
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<td>Enhancing Airline Passenger Protections—Part 2 (Reg Plan Seq No. 113)</td>
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+ DOT-designated significant regulation

Office of the Secretary—Completed Actions

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<td>Procedures for Transportation Workplace Drug and Alcohol Testing Programs</td>
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<td>Posting of Flight Delay Data on Websites (Completion of a Section 610 Review)</td>
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Federal Aviation Administration—Proposed Rule Stage

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<td>*Part 121 Activation of Ice Protection ..................</td>
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<td>*Flight and Duty Time Limitations and Rest Requirements (Reg Plan Seq No. 116)</td>
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### Federal Aviation Administration—Completed Actions

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<td>+Commuter Operations in Very Light Jets (VLJs)</td>
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<td>+Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate To Support Air Traffic Control Service</td>
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<td>+Unified Registration System</td>
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<td>+Drivers of Commercial Vehicles: Restricting the Use of Cellular Phones (Section 610 Review) (Reg Plan Seq No. 120)</td>
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<td>+National Registry of Certified Medical Examiners (Reg Plan Seq No. 121)</td>
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<td>+Commercial Driver’s License Testing and Commercial Learner’s Permit Standards</td>
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### Federal Motor Carrier Safety Administration—Completed Actions

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<td>+Cargo Insurance for Property Loss or Damage</td>
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+ DOT-designated significant regulation
### National Highway Traffic Safety Administration—Final Rule Stage

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*DOT-designated significant regulation*

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### National Highway Traffic Safety Administration—Completed Actions

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### Federal Railroad Administration—Proposed Rule Stage

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<td>Hours of Service: Passenger Train Employees (Rulemaking Resulting From a Section 610 Review) (Reg Plan Seq No. 126)</td>
<td>2130–AC15</td>
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*DOT-designated significant regulation*

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### Federal Railroad Administration—Completed Actions

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<td>Capital Project Management</td>
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*DOT-designated significant regulation*

### Pipeline and Hazardous Materials Safety Administration—Final Rule Stage

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<td>435</td>
<td>Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries</td>
<td>2137–AE44</td>
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*DOT-designated significant regulation*

### Maritime Administration—Proposed Rule Stage

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<td>436</td>
<td>Cargo Preference—Compromise, Assessment, Mitigation, Settlement &amp; Collection of Civil Penalties</td>
<td>2133–AB75</td>
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*DOT-designated significant regulation*
### 408. USE OF THE SEAT–STRAPPING METHOD FOR CARRYING A WHEELCHAIR ON AN AIRCRAFT

**Legal Authority:** 49 USC 41705

**Abstract:** This rulemaking would address whether carriers should be allowed to utilize the seat-strapping method to stow a passenger’s wheelchair in the aircraft cabin.

**Timetable:**

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<th>Date</th>
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<tr>
<td>Agency Contact</td>
<td>Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590</td>
<td>Phone: 202 366–9342 TDD Phone: 202 755–7687 Fax: 202 366–7152 Email: <a href="mailto:blane.workie@ost.dot.gov">blane.workie@ost.dot.gov</a></td>
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<td>RIN:</td>
<td>2105–AD87</td>
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### 409. DISADVANTAGED BUSINESS ENTERPRISE; POTENTIAL PROGRAM IMPROVEMENTS

**Legal Authority:** 49 USC 329; 49 USC ch 401, 411, and 417; 49 USC 47107; 49 USC 47113; 49 USC 47123; PL 105—59, sec 101(b)

**Abstract:** This rulemaking would seek comments on alternatives concerning how to count participation by Disadvantaged Business Enterprise (DBE) firms in situations where the firms obtain items used in the performance of a contract from outside sources, including prime contractors. It would also seek comments on means of encouraging “unbundling” of contracts to facilitate participation by DBEs and other small businesses, on improving program forms and program oversight, and on ways of facilitating interstate certification.

**Timetable:**

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<tr>
<td>Agency Contact</td>
<td>Robert C Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590</td>
<td>Phone: 202 366–4723 TDD Phone: 202 755–7687 Email: <a href="mailto:bob.ashby@ost.dot.gov">bob.ashby@ost.dot.gov</a></td>
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### 410. ENHANCING AIRLINE PASSENGER PROTECTIONS—PART 2

**Regulatory Plan:** This entry is Seq. No. 113 in part II of this issue of the Federal Register.

**Timetable:**

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<td>75 FR 42599</td>
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### 411. PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS

**Legal Authority:** 40 USC 102; 40 USC 301; 40 USC 322; 40 USC 5331; 40 USC 20140; 40 USC 31306; 40 USC 31306; 40 USC 54101

**Abstract:** This rulemaking would propose to amend certain provisions of its drug and alcohol testing procedures that will address collection and testing of urine specimens. These changes would affect the role and standards applying to collectors and Medical Review Officers (MROs). The proposed changes are intended to create consistency with requirements established by the U.S. Department of Health and Human Services.

**Timetable:**

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<tr>
<td>Agency Contact</td>
<td>Mr. Mark Snider, Senior Policy Advisor, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, W62–300, Washington, DC 20590</td>
<td>Phone: 202 366–6367 Fax: 202 366–3897 Email: <a href="mailto:mark.snider@dot.gov">mark.snider@dot.gov</a></td>
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### 412. POSTING OF FLIGHT DELAY DATA ON WEBSITES (COMPLETION OF A SECTION 610 REVIEW)

**Legal Authority:** 49 USC 329 chs 401 and 417

**Abstract:** This direct final rule amends the time period for uploading flight performance information to an air carrier’s website from anytime between the 20th and 23rd day of the month to the fourth Saturday of the month.

**Timetable:**

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<tr>
<th>Action</th>
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</table>
Agency Contact: Blane A. Workie, Attorney, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590
Phone: 202 366–9342
Fax: 202 366–7152
Email: blane.workie@ost.dot.gov
RIN: 2105–AE02
BILLING CODE 4910—9X—S

Department of Transportation (DOT) Proposed Rule Stage
Federal Aviation Administration (FAA)

413. +QUALIFICATION, SERVICE, AND USE OF CREWMEMBERS AND AIRCRAFT DISPATCHERS

Regulatory Plan: This entry is Seq. No. 114 in part II of this issue of the Federal Register.
RIN: 2120–AJ00

414. +AIR AMBULANCE AND COMMERCIAL HELICOPTER OPERATIONS; SAFETY INITIATIVES AND MISCELLANEOUS AMENDMENTS

Regulatory Plan: This entry is Seq. No. 115 in part II of this issue of the Federal Register.
RIN: 2120–AJ53

415. +OPERATION AND CERTIFICATION OF SMALL UNMANNED AIRCRAFT SYSTEMS (SUAS)

Legal Authority: 49 USC 44701
Abstract: This rulemaking would enable small unmanned aircraft to safely operate in limited portions of the national airspace system (NAS). This action is necessary because it addresses the novel legal or policy issues about the minimum safety parameters for operating recreational remote control model and toy aircraft in the NAS. The intended effect of this action is to develop requirements and standards to ensure that risks are adequately mitigated, such that safety is maintained for the entire aviation community.
Timetable:
Action | Date | FR Cite
--- | --- | ---
NPRM | 03/00/11 | 
Regulatory Flexibility Analysis Required: Yes
Agency Contact: Stephen A Glowacki, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 385–4898
Email: stephen.a.glowacki@faa.gov
RIN: 2120–AJ60

Department of Transportation (DOT) Final Rule Stage
Federal Aviation Administration (FAA)

417. +PART 121 ACTIVATION OF ICE PROTECTION

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44912; 49 USC 46105; 49 USC 44702; 49 USC 44717; 49 USC 44904
Abstract: This rulemaking would amend the regulations applicable to operators of certain airplanes used in air carrier service and certificated for flight in icing conditions. The standards would require either the installation of ice detection equipment or changes to the Airplane Flight Manual to ensure timely activation of the airframe ice protection system. This regulation is the result of information gathered from a review of icing accidents and incidents, and it is intended to improve the level of safety when airplanes are operated in icing conditions.
Timetable:
Action | Date | FR Cite
--- | --- | ---
NPRM | 11/23/09 | 74 FR 61055
NPRM Comment | 02/22/10 | 
Final Rule | 05/00/11 | 
Regulatory Flexibility Analysis Required: Yes
Agency Contact: Jerry Ostronic, Air Carrier Operations Branch, AFS 220, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267–8166
Fax: 202 267–5229
Email: jerry.c.ostronic@faa.gov
RIN: 2120–AJ43

418. +FLIGHT AND DUTY TIME LIMITATIONS AND REST REQUIREMENTS

Regulatory Plan: This entry is Seq. No. 116 in part II of this issue of the Federal Register.
RIN: 2120–AJ58
419. +PART 121 EXITING ICING CONDITIONS

Legal Authority: 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709; 49 USC 44710; 49 USC 44711; 49 USC 44713; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 44912; 49 USC 46105

Abstract: This rulemaking would require detection of ice formation behind the airframe ice protection system and, upon detection, would require the pilot to exit icing conditions. If adopted, this rule would apply to aircraft with a maximum takeoff weight of less than 60,000 pounds. This rulemaking is based on recommendations from an Aviation Rulemaking Advisory Committee working group after reviewing certain accidents and incidents. The intended effect of this action is to avoid similar accidents and incidents in the future.

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420. +COMMUTER OPERATIONS IN VERY LIGHT JETS (VLJS)

Legal Authority: 49 USC 106(g); 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40119; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44912; 49 USC 46105; 49 USC 46306; 49 USC 46316; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 44702; 49 USC 44904; 49 USC 46507

Abstract: This rulemaking would establish a rule to allow passenger-carrying commuter operations to be conducted under the provisions of part 135 using multiengine turboprop aircraft certificated under either part 23 or part 25, configured with nine or fewer passenger seats. The rulemaking would allow multiengine turboprop operators to provide commuter service to the traveling public, thus accommodating new technologies and a new generation of turboprop airplanes that otherwise would not be allowed in part 135 commuter service. Since 1995, turboprops used in scheduled operations must operate under the provisions of part 121. This current rulemaking results, in part, from recommendations from the Aviation Rulemaking Committee for parts 14 CFR 135/125 and covers pilot crew, equipment, training, and dispatch requirements for the safe operation of this new generation airplane.

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Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alberta Brown, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 267–8321
Email: robert.hettman@faa.gov

RIN: 2120–AJ74

421. +AUTOMATIC DEPENDENT SURVEILLANCE—BROADCAST (ADS–B) EQUIPAGE MANDATE TO SUPPORT AIR TRAFFIC CONTROL SERVICE

Legal Authority: 49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g); Articles 12 and 29 of 61stat.1180; 49 USC 46507

Abstract: This rulemaking would add equipage requirements and performance standards for Automatic Dependent Surveillance-Broadcast (ADS-B) Out avionics on aircraft operating in specified classes of airspace within the U.S. National Airspace System. This action facilitates the use of ADS-B for aircraft surveillance by FAA and Department of Defense (DOD) air traffic controllers to safely and efficiently accommodate aircraft operations and the expected increase in demand for air transportation. This rule would also provide aircraft operators with a platform for additional flight applications and services.

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<td>75 37712</td>
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<td>Compliance Date</td>
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Regulatory Flexibility Analysis Required: Yes

Agency Contact: Vincent Capezzuto, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591
Phone: 202 385–8637
Email: vincent.capezzuto@faa.gov

RIN: 2120–Al84

BILLING CODE 4910–13–S
Department of Transportation (DOT)
Federal Motor Carrier Safety Administration (FMCSA)

422. +UNIFIED REGISTRATION SYSTEM

Legal Authority: PL 104–88; 109 Stat 803, 888 (1995); 49 USC 13908; PL 109–159, sec 4304

Abstract: This rulemaking would replace three current identification and registration systems: the US DOT number identification system, the commercial registration system, and the financial responsibility system, with an online Federal unified registration system (URS). This program would serve as a clearinghouse and depository of information on, and identification of, brokers, freight forwarders, and others required to register with the Department of Transportation. The Agency is revising this rulemaking to address amendments directed by SAFETEA-LU. The replacement system for the Single State Registration System, which the ICC Termination Act originally directed be merged under URS, was addressed separately in RIN 2126-AB09. The cargo insurance portion of this rulemaking has been split off into RIN 2126-AB21.

Timetable:

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<td>03/00/11</td>
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423. +HOURS OF SERVICE

Regulatory Plan: This entry is Seq. No. 119 in part II of this issue of the Federal Register.

RIN: 2126–AB26

424. +DRIVERS OF COMMERCIAL VEHICLES: RESTRICTING THE USE OF CELLULAR PHONES (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 120 in part II of this issue of the Federal Register.

RIN: 2126–AB29

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

425. BROKERS OF HOUSEHOLD GOODS TRANSPORTATION BY MOTOR VEHICLE

Legal Authority: 49 USC 13501; SAFETEA–LU sec 4212; 49 USC 13901; 49 USC 13902

Abstract: FMCSA amends its regulations to require brokers that arrange the transportation of household goods in interstate or foreign commerce for consumers comply with certain consumer protection requirements. Brokers must provide: their U.S. DOT number on their advertisements and internet web sites; estimates of expected moving charges and brokerage fees; FMCSA pamphlets containing tips for successful moves and the consumer’s rights and responsibilities; and the broker’s policies concerning deposits, cancellations, and refunds. This rulemaking is in response to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and a petition for rulemaking from the American Moving and Storage Association. This rulemaking is intended to ensure that individual shippers who arrange for transportation of household goods through brokers receive necessary information regarding their rights and responsibilities in connection with interstate household goods moves.

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426. +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS

Regulatory Plan: This entry is Seq. No. 121 in part II of this issue of the Federal Register.

RIN: 2126–AA97

427. +COMMERCIAL DRIVER’S LICENSE TESTING AND COMMERCIAL LEARNER’S PERMIT STANDARDS

Legal Authority: PL 109–347, sec 703; 49 USC 31102; PL 105—178, 112 Stat 414 (1998); PL 99—570, title XII, 100 Stat.3207 (1086); PL 102—240, sec 4007(a)(1), Stat 1914, 2151; PL 109—59 (2005), sec 4122; 49 USC 31136

Abstract: This rulemaking would establish revisions to the commercial driver’s license knowledge and skills testing standards as required by section 4019 of TEA-21, implement fraud detection and prevention initiatives at the State driver licensing agencies as required by the SAFE Port Act of 2006, and establish new minimum Federal standards for States to issue commercial learner’s permits (CLPs), based in part on the requirements of section 4122 of SAFETEA-LU. In addition to ensuring the applicant has the appropriate knowledge and skills to operate a commercial motor vehicle, this rule would establish the minimum information that must be on the CLP document and the electronic driver’s record. The rule would also establish maximum issuance and renewal periods, establish a minimum age limit, address issues related to a driver’s State of Domicile, and incorporate previous
Regulatory guidance into the Federal regulations. This rule would also address issues raised in the SAFE Port Act.

**Timetable:**

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**Agency Contact:** Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590
Phone: 202 366–5014
Email: robert.redmond@dot.gov
RIN: 2126–AB02

**Legal Authority:** PL 107–87, sec 350; 49 USC 113; 49 USC 31136; 49 USC 31144; 49 USC 31502; 49 USC 504; 49 USC 5113; 49 USC 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. FMCSA will determine the next steps to be taken after enactment of any pending legislation authorizing cross border trucking.

**Timetable:**

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**Agency Contact:** Dominick Spataro, Chief, Borders Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590
Phone: 202 266–2995
Email: dom.spataro@dot.gov
RIN: 2126–AA35

**Legal Authority:** 49 USC 13906

**Abstract:** This final rule would eliminate the requirement for most for-hire motor carriers of property and freight forwarders to maintain cargo insurance in prescribed minimum amounts and file evidence of this insurance with FMCSA. Household goods motor carriers and household goods freight forwarders would continue to be subject to this cargo insurance requirement. This rule was split from RIN 2126-AA22.

**Timetable:**

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**Agency Contact:** Brodie Mack, Lead Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590
Phone: 202 385–8045
Email: brodie.mac@dot.gov
RIN: 2126–AB21
### Department of Transportation (DOT) Final Rule Stage

#### National Highway Traffic Safety Administration (NHTSA)

**430. +EJECTION MITIGATION**

**Regulatory Plan:** This entry is Seq. No. 125 in part II of this issue of the Federal Register.

**RIN:** 2127—AK23

### Department of Transportation (DOT) Completed Actions

#### National Highway Traffic Safety Administration (NHTSA)

**431. +PASSENGER CAR AND LIGHT TRUCK CORPORATE AVERAGE FUEL ECONOMY STANDARDS MYS 2012–2016**

**Legal Authority:** 49 USC 32902; delegation of authority at 49 CFR 1.50

**Abstract:** This rulemaking would address Corporate Average Fuel Economy (CAFE) standards for light trucks and passenger cars for model years 2012—2016. CAFE standards must be set at least 18 months prior to the start of a model year.

**Timetable:**

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<td>75 FR 25324</td>
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**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Stephen Wood, Director, Rulemaking Division, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590

Phone: 202 366–2992

Email: steve.wood@nhtsa.dot.gov

**RIN:** 2127–AK50

**BILLING CODE 4910—59—S**

### Department of Transportation (DOT) Proposed Rule Stage

#### Federal Railroad Administration (FRA)

**432. +HOURS OF SERVICE: PASSENGER TRAIN EMPLOYEES (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Regulatory Plan:** This entry is Seq. No. 126 in part II of this issue of the Federal Register.

**RIN:** 2130—AC15

### Department of Transportation (DOT) Completed Actions

#### Federal Railroad Administration (FRA)

**433. +POSITIVE TRAIN CONTROL**

**Legal Authority:** PL 110—432, sec 104 (Codified at 49 USC 20157); Rail Safety Improvement Act of 2008

**Abstract:** This rulemaking would regulate the submission of Positive Train Control plans; the implementation of the Positive Train Control Systems; and the qualification, installation, maintenance and use of the these systems required under 49 USC 20157 or specifically required by the Federal Railroad Administration. A Final Rule with Request for comments was issued on 01/16/2010 and FRA is currently preparing responses to the comments received.

**Timetable:**

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<th>Action</th>
<th>Date</th>
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<tr>
<td>NPRM</td>
<td>07/21/09</td>
<td>74 FR 35950</td>
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<td>08/20/09</td>
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<tr>
<td>Final Rule; Request for Comments</td>
<td>01/15/10</td>
<td>75 FR 2598</td>
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<td>Final Rule Effective</td>
<td>03/16/10</td>
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<tr>
<td>Final Rule</td>
<td>09/27/10</td>
<td>75 FR 59108</td>
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<td>Final Rule Effective</td>
<td>11/26/10</td>
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**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590

Phone: 202 493–6063

Email: kathryn.shelton@fra.dot.gov

**RIN:** 2130–AC03

**BILLING CODE 4910—06—S**
Department of Transportation (DOT)
Federal Transit Administration (FTA)

434. +CAPITAL PROJECT MANAGEMENT

Legal Authority: 49 USC 5327(e)

Abstract: The Federal Transit Administration (FTA) is proposing to transform its Project Management Oversight rule at 49 CFR part 633 into a Project Management rule governing all major capital projects funded under 49 U.S.C. chapter 53. As the first step in the rulemaking process, this rulemaking will obtain the views of the industry, other stakeholders, and the public on a number of subjects, including, specifically, the appropriate scope of such a rule; the definition of “major capital project”; the technical capacity and capability of project sponsors; the requirements for Project Management Plans; readiness criteria for major capital projects; the role of risk assessments in project development; and financial plans for major capital projects.

Timetable:

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<td>74 FR 46515</td>
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<td>74 FR 55279</td>
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Department of Transportation (DOT)
Pipeline and Hazardous Materials Safety Administration (PHMSA)

435. +HAZARDOUS MATERIALS: REVISIONS TO REQUIREMENTS FOR THE TRANSPORTATION OF LITHIUM BATTERIES

Legal Authority: 49 USC 5101 et seq

Abstract: This rulemaking would amend the Hazardous Materials Regulations to comprehensively address the safe transportation of lithium cells and batteries. The intent of the rulemaking is to strengthen the current regulatory framework by imposing more effective safeguards, including design testing to address risks related to internal short circuits, and enhanced packaging, hazard communication, and operational measures for various types and sizes of lithium batteries in specific transportation contexts. The rulemaking responds to several recommendations issued by the National Transportation Safety Board.

Timetable:

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<td>75 FR 1302</td>
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Regulatory Flexibility Analysis
Required: Yes

Agency Contact: Kevin Leary, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 Phone: 202 366–8553 Email: kevin.leary@dot.gov

RIN: 2137–AE44
BILLING CODE 4910–60–S

Department of Transportation (DOT)
Maritime Administration (MARAD)

436. +CARGO PREFERENCE—COMPROMISE, ASSESSMENT, MITIGATION, SETTLEMENT & COLLECTION OF CIVIL PENALTIES

Legal Authority: PL 110—417

Abstract: This rulemaking would establish part 383 of the Cargo Preference regulations. This rulemaking would cover Public Law 110–417, section 3511 National Defense Authorization Act for FY2009 statutory changes to the cargo preference rules, which have not been substantially revised since 1971. The rulemaking also would include compromise, assessment, mitigation, settlement, and collection of civil penalties.

Timetable:

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Regulatory Flexibility Analysis
Required: Yes

Agency Contact: Christine Gurland, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 Phone: 202 366–5157 Email: christine.gurland@dot.gov

RIN: 2133–AB75
[FR Doc. 2010–30462 Filed 12–17–10; 8:45 am]
BILLING CODE 4910–81–S