



# Federal Register

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**Monday,  
December 20, 2010**

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**Part XIII**

**Department of  
Transportation**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF TRANSPORTATION (DOT)

## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## 14 CFR Chs. I-III

## 23 CFR Chs. I-III

## 33 CFR Chs. I and IV

## 46 CFR Chs. I-III

## 48 CFR Ch. 12

## 49 CFR Subtitle A, Chs. I-VI and Chs. X-XII

## OST Docket 99-5129

Department Regulatory Agenda;  
Semiannual Summary

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Semiannual regulatory agenda.

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

**FOR FURTHER INFORMATION CONTACT:***General*

You should direct all comments and inquiries on the agenda in general to Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 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](http://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.

## DOT

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.

**Dated:** September 24, 2010.

**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,

## DOT

800 Independence Avenue SW.,  
Washington, DC 20591).

### Appendix B—General Rulemaking Contact Persons

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

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

FHWA – Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-0761.

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

NHTSA – Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-2992.

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

OST – Neil Eisner, Office of Regulation and Enforcement, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-4723.

### Appendix C—Public Rulemaking Dockets

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

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

### 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 Presidentially mandated review. If there is any change to the review plan, we will note the change in the following agenda. For any section 610 review, we will provide the required notice prior to the review.

#### Part II— The Review Process

##### The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the agenda. 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

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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](http://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**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212 .....	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts .....	2009	2010
3	14 CFR parts 213 through 232 .....	2010	2011
4	14 CFR parts 234 through 254 .....	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40 .....	2012	2013
6	14 CFR parts 300 through 373 .....	2013	2014
7	14 CFR parts 374 through 398 .....	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11 .....	2015	2016
9	49 CFR parts 17 through 28 .....	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89 .....	2017	2018

**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 98—Enforcement of Restrictions on Post-Employment Activities
- 49 CFR part 99—Employee Responsibilities and Conduct
- 14 CFR part 200—Definitions and Instructions
- 14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
- 14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
- 14 CFR part 204—Data to Support Fitness Determinations

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- 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

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- 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.
- 48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
  - 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 includes solicitation procedures and contract clauses.
- 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.

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- 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 SEIOSNOSE.
- 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—Comingling 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

**FEDERAL AVIATION ADMINISTRATION  
SECTION 610 REVIEW PLAN**

Year	Regulations to be Reviewed	Analysis Year	Review Year
1	14 CFR parts 119 through 129 and parts 150 through 156 .....	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169 .....	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187 .....	2010	2011
4	14 CFR parts 189 through 198 and parts 1 through 16 .....	2011	2012
5	14 CFR parts 17 through 33 .....	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405 .....	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415 .....	2014	2015
8	14 CFR parts 60 through 77 .....	2015	2016
9	14 CFR parts 91 through 105 .....	2016	2017
10	14 CFR parts 417 through 460 .....	2017	2018

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 SEIONOSE. During the second year (the “review year”), each rule identified in the analysis year as having a SEIONOSE 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 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 142—Training Centers

- 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 145—Repair Stations

- 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 147—Aviation Maintenance Technician Schools

- 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 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 SEISNOSE.

**DOT**

- 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.

**Year 4 (fall 2011) List of rules to be analyzed during the next year**

- 14 CFR part 189—Use of Federal Aviation Administration Communications System
- 14 CFR part 198—Aviation Insurance
- 14 CFR part 1—Definitions and Abbreviations
- 14 CFR part 3—General Requirements
- 14 CFR part 11—General Rulemaking Procedures
- 14 CFR part 13—Investigative and Enforcement Procedures
- 14 CFR part 14—Rules Implementing the Equal Access to Justice Act of 1980
- 14 CFR part 15—Administrative Claims Under Federal Tort Claims Act
- 14 CFR part 16—Rules of Practice for Federally Assisted Airport Enforcement Proceedings

**FEDERAL HIGHWAY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	None .....	2008	2009
2	23 CFR parts 1 to 260 .....	2009	2010
3	23 CFR parts 420 to 470 .....	2010	2011
4	23 CFR part 500 .....	2011	2012
5	23 CFR parts 620 to 637 .....	2012	2013
6	23 CFR parts 645 to 669 .....	2013	2014
7	23 CFR 710 to 924 .....	2014	2015
8	23 CFR 940 to 973 .....	2015	2016
9	23 CFR parts 1200 to 1252 .....	2016	2017
10	New parts and subparts .....	2017	2018

**Federal-Aid Highway Program**

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. Section 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

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

- 23 CFR part 1—General
  - 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.
- 23 CFR part 140—Reimbursement
  - 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.

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- 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**

- 23 CFR part 420—Planning and Research Program Administration
- 23 CFR part 450—Planning Assistance and Standards
- 23 CFR part 460—Public Road Mileage for Apportionment of Highway Safety Funds
- 23 CFR part 470—Highway Systems

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 372, subpart A, and 381 .....	2008	2009
2	49 CFR parts 386, 389, and 395 .....	2009	2010
3	49 CFR parts 325, 388, 350, and 355 .....	2010	2011
4	49 CFR parts 380 and 382 to 385 .....	2011	2012
5	49 CFR parts 390 to 393 and 396 to 399 .....	2012	2013
6	49 CFR parts 356, 367, 369 to 371, 372, subparts B-C .....	2013	2014
7	49 CFR parts 373, 374, 376, and 379 .....	2014	2015
8	49 CFR parts 360, 365, 366, and 368 .....	2015	2016
9	49 CFR parts 377, 378, and 387 .....	2016	2017
10	49 CFR parts 303, 375, and new parts and subparts .....	2017	2018

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

- 49 CFR part 386—Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings
  - 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

## DOT

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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR 571.223 through 571.500 and parts 575 and 579 .....	2008	2009
2	23 CFR parts 1200 and 1300 .....	2009	2010
3	49 CFR parts 501 through 526 and 571.213 .....	2010	2011
4	49 CFR 571.131, 571.217, 571.220, 571.221, and 571.222 .....	2011	2012
5	49 CFR 571.101 through 571.110, and 571.135, 571.138, and 571.139 .....	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575 .....	2013	2014
7	49 CFR 571.111 through 571.129 and parts 580 through 588 .....	2014	2015
8	49 CFR 571.201 through 571.212 .....	2015	2016
9	49 CFR 571.214 through 571.219, except 571.217 .....	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts .....	2017	2018

**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.
- 23 CFR part 1206—Rules of Procedure for Invoking Sanctions Under the Highway Safety Act of 1966
- 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.

**DOT**

- 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.

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

- 49 CFR part 501—Organization and Delegation of Powers and Duties
- 49 CFR part 509—OMB Control Numbers for Information Collection Requirements
- 49 CFR part 510—Information Gathering Powers
- 49 CFR part 511—Adjudicative Procedures
- 49 CFR part 512—Confidential Business Information
- 49 CFR part 520—Procedures for Considering Environmental Impacts
- 49 CFR part 523—Vehicle Classification
- 49 CFR part 525—Exemptions from Average Fuel Economy Standards
- 49 CFR part 526—Petitions and Plans for Relief Under the Automobile Fuel Efficiency Act of 1980
- 49 CFR 571.213—Child Restraint Systems

**FEDERAL RAILROAD ADMINISTRATION  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 200 and 201 .....	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256 .....	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268 .....	2010	2011
4	49 CFR part 219 .....	2011	2012
5	49 CFR parts 218, 221, 241, and 244 .....	2012	2013
6	49 CFR parts 216, 228, and 229 .....	2013	2014
7	49 CFR parts 223 and 233 .....	2014	2015
8	49 CFR parts 224, 225, 231, and 234 .....	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266 .....	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265 .....	2017	2018

**DOT**

**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 this rule indicates no need for substantial revision.
- 49 CFR part 256—Financial Assistance for Railroad Passenger Terminals
  - 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 rule(s) 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**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 604, 605, and 633 .....	2008	2009
2	49 CFR parts 661 and 665 .....	2009	2010
3	49 CFR part 633 .....	2010	2011
4	49 CFR parts 609 and 611 .....	2011	2012
5	49 CFR parts 613 and 614 .....	2012	2013
6	49 CFR part 622 .....	2013	2014
7	49 CFR part 630 .....	2014	2015
8	49 CFR part 639 .....	2015	2016
9	49 CFR parts 659 and 663 .....	2016	2017
10	49 CFR part 665 .....	2017	2018

**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**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	46 CFR parts 201 through 205 .....	2008	2009

## DOT

MARITIME ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
2	46 CFR parts 221 through 232 .....	2009	2010
3	46 CFR parts 249 through 296 .....	2010	2011
4	46 CFR part 298 .....	2011	2012
5	46 CFR parts 307 through 309 .....	2012	2013
6	46 CFR part 310 .....	2013	2014
7	46 CFR parts 315 through 340 .....	2014	2015
8	46 CFR parts 345 through 381 .....	2015	2016
9	46 CFR parts 382 through 389 .....	2016	2017
10	46 CFR parts 390 through 393 .....	2017	2018

**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 of 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

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR part 178 .....	2008	2009
2	49 CFR parts 178 through 180 .....	2009	2010
3	49 CFR parts 172 and 175 .....	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16 .....	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195 .....	2012	2013
6	49 CFR parts 174, 177, 191, and 192 .....	2013	2014
7	49 CFR parts 176 and 199 .....	2014	2015
8	49 CFR parts 172 through 178 .....	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193 .....	2016	2017
10	49 CFR parts 173 and 194 .....	2017	2018

**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.

**DOT**

- 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 SEIOSNOSE. 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.
- 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 180—Continuing Qualification and Maintenance of Packagings

- Section 610: There is no SEIOSNOSE. This rule impacts a substantial number of small entities, but when the survivability, durability, and service life of DOT specification packagings covered under this rule are fully considered, the economic impact on those entities is not significant.
- 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 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans

49 CFR part 175—Carriage By Aircraft

**RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA)  
SECTION 610 AND OTHER REVIEWS**

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	14 CFR part 241, form 41 .....	2008	2009
2	14 CFR part 241, schedule T-100, and part 217 .....	2009	2010
3	14 CFR part 298 .....	2010	2011
4	14 CFR part 241, section 19-7 .....	2011	2012
5	14 CFR part 291 .....	2012	2013
6	14 CFR part 234 .....	2013	2014
7	14 CFR part 249 .....	2014	2015
8	14 CFR part 248 .....	2015	2016
9	14 CFR part 250 .....	2016	2017
10	14 CFR part 374a, ICAO .....	2017	2018

**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 SEIONOSE. 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 SEIONOSE. 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

DOT

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	33 CFR parts 401 through 403 .....	2008	2009

**Year 1 (fall 2008) List of rules with ongoing analysis**

- 33 CFR part 401—Seaway Regulations and Rules
- 33 CFR part 402—Tariff of Tolls
- 33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
408	Use of the Seat-Strapping Method for Carrying a Wheelchair on an Aircraft .....	2105-AD87

+ DOT-designated significant regulation

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
409	Disadvantaged Business Enterprise; Potential Program Improvements .....	2105-AD75
410	+Enhancing Airline Passenger Protections—Part 2 ( <b>Reg Plan Seq No. 113</b> ) .....	2105-AD92

+ DOT-designated significant regulation  
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
411	Procedures for Transportation Workplace Drug and Alcohol Testing Programs .....	2105-AD95
412	Posting of Flight Delay Data on Websites ( <b>Completion of a Section 610 Review</b> ) .....	2105-AE02

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
413	+Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers ( <b>Reg Plan Seq No. 114</b> ) .....	2120-AJ00
414	+Air Ambulance and Commercial Helicopter Operations; Safety Initiatives and Miscellaneous Amendments ( <b>Reg Plan Seq No. 115</b> ) .....	2120-AJ53
415	+Operation and Certification of Small Unmanned Aircraft Systems (SUAS) .....	2120-AJ60
416	+Repair Stations .....	2120-AJ61

+ DOT-designated significant regulation  
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
417	+Part 121 Activation of Ice Protection .....	2120-AJ43
418	+Flight and Duty Time Limitations and Rest Requirements ( <b>Reg Plan Seq No. 116</b> ) .....	2120-AJ58

+ DOT-designated significant regulation  
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## DOT

## Federal Aviation Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
419	+Part 121 Exiting Icing Conditions .....	2120-AJ74

+ DOT-designated significant regulation

## Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
420	+Commuter Operations in Very Light Jets (VLJs) .....	2120-AI84
421	+Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate To Support Air Traffic Control Service .....	2120-AI92

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
422	+Unified Registration System .....	2126-AA22
423	+Hours of Service ( <b>Reg Plan Seq No. 119</b> ) .....	2126-AB26
424	+Drivers of Commercial Vehicles: Restricting the Use of Cellular Phones ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 120</b> ) .....	2126-AB29

+ DOT-designated significant regulation

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
425	Brokers of Household Goods Transportation by Motor Vehicle .....	2126-AA84
426	+National Registry of Certified Medical Examiners ( <b>Reg Plan Seq No. 121</b> ) .....	2126-AA97
427	+Commercial Driver's License Testing and Commercial Learner's Permit Standards .....	2126-AB02

+ DOT-designated significant regulation

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

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

Sequence Number	Title	Regulation Identifier Number
428	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....	2126-AA35

+ DOT-designated significant regulation

## Federal Motor Carrier Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
429	+Cargo Insurance for Property Loss or Damage .....	2126-AB21

+ DOT-designated significant regulation

## DOT

## National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
430	+Ejection Mitigation ( <b>Reg Plan Seq No. 125</b> ) .....	2127-AK23

+ DOT-designated significant regulation

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
431	+Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYs 2012-2016 .....	2127-AK50

+ DOT-designated significant regulation

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
432	+Hours of Service: Passenger Train Employees ( <b>Rulemaking Resulting From a Section 610 Review</b> ) ( <b>Reg Plan Seq No. 126</b> ) .....	2130-AC15

+ DOT-designated significant regulation

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
433	+Positive Train Control .....	2130-AC03

+ DOT-designated significant regulation

## Federal Transit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
434	+Capital Project Management .....	2132-AA92

+ DOT-designated significant regulation

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

Sequence Number	Title	Regulation Identifier Number
435	+Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries .....	2137-AE44

+ DOT-designated significant regulation

## Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
436	+Cargo Preference—Compromise, Assessment, Mitigation, Settlement & Collection of Civil Penalties .....	2133-AB75

+ DOT-designated significant regulation

**Department of Transportation (DOT)**  
**Office of the Secretary (OST)**
**Proposed Rule Stage**
**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:**

Action	Date	FR Cite
NPRM	03/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**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  
 TDD Phone: 202 755-7687  
 Fax: 202 366-7152  
 Email: blane.workie@ost.dot.gov

**RIN:** 2105-AD87

**Department of Transportation (DOT)**  
**Office of the Secretary (OST)**
**Final Rule Stage**
**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:**

Action	Date	FR Cite
ANPRM	04/08/09	74 FR 15904
ANPRM Comment Period End	07/07/09	
NPRM	05/10/10	75 FR 25815
NPRM Comment Period End	07/09/10	
Final Rule	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** 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  
 Phone: 202 366-4723  
 TDD Phone: 202 755-7687  
 Email: bob.ashby@ost.dot.gov

**RIN:** 2105-AD75

**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**.

**RIN:** 2105-AD92

**Department of Transportation (DOT)**  
**Office of the Secretary (OST)**
**Completed Actions**
**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:**

Action	Date	FR Cite
NPRM	02/04/10	75 FR 5722
NPRM Comment Period End	04/05/10	
Final Rule	08/16/10	75 FR 49850
Final Rule Effective	10/01/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Mr. Mark Snider, Senior Policy Advisor, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, W62-300, Washington, DC 20590  
 Phone: 202 366-6367  
 Fax: 202 366-3897  
 Email: mark.snider@dot.gov

**RIN:** 2105-AD95

**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:**

Action	Date	FR Cite
Direct Final Rule; Request for Comments	06/21/10	75 FR 34925
Final Rule Effective	07/21/10	
Direct Final Rule; Confirmation of Effective Date	07/22/10	75 FR 42599

**Regulatory Flexibility Analysis Required:** No

## DOT—OST

## Completed Actions

**Agency Contact:** Blane A. Workie,  
Attorney, Department of  
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1200 New Jersey Avenue SE,  
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Email: blane.workie@ost.dot.gov

**RIN:** 2105-AE02  
**BILLING CODE** 4910-9X-S

**Department of Transportation (DOT)**  
**Federal Aviation Administration (FAA)**

## Proposed Rule Stage

**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

**416. +REPAIR STATIONS**

**Legal Authority:** 49 USC 44701; 49 USC 44702; 49 USC 106(g); 49 USC 40113; 49 USC 44701 to 44702; 49 USC 44707; 49 USC 44709; 49 USC 44717

**Abstract:** This rulemaking would update and revise the regulations for repair stations. The action is necessary because many portions of the current regulations do not reflect current repair station business practices, aircraft maintenance practices, or advances in aircraft technology.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/11	

**Regulatory Flexibility Analysis  
Required:** Yes

**Agency Contact:** John J Goodwin,  
Department of Transportation, Federal  
Aviation Administration, 950 L'Enfant  
Plaza North SW, Washington, DC 20024  
Phone: 202 385-6417  
Email: john.j.goodwin@faa.gov

**RIN:** 2120-AJ61

**Department of Transportation (DOT)**  
**Federal Aviation Administration (FAA)**

## Final Rule Stage

**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 Period End	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

**Department of Transportation (DOT)**  
**Federal Aviation Administration (FAA)**
**Long-Term Actions****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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/11	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Robert Hettman, ANM-112, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue, SW, Renton, WA 98057  
Phone: 425 227-2683  
Email: robert.hettman@faa.gov

**RIN:** 2120-AJ74

**Department of Transportation (DOT)**  
**Federal Aviation Administration (FAA)**
**Completed Actions****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 turbojets, certificated under either part 23 or part 25, configured with nine or fewer passenger seats. The rulemaking would allow multiengine turbojet operators to provide commuter service to the traveling public, thus accommodating new technologies and a new generation of turbojet airplanes that otherwise would not be allowed in part 135 commuter service. Since 1995, turbojets used in scheduled operations must operate under the provisions of part 121. This current rulemaking resulted, 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.

**Timetable:**

Action	Date	FR Cite
Terminated	08/27/10	

**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

**RIN:** 2120-AI84

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/07	72 56947
NPRM Comment Period End	11/19/07	
NPRM Comment Period Extended	01/03/08	
Comment Period Extended	03/03/08	
NPRM Comment Period Reopened	10/02/08	73 57270
Comment Period End	11/03/08	
Final Action	05/28/10	75 30160
Technical Amendment	06/30/10	75 37712
Correction	06/30/10	75 37711
Final Action Effective	08/11/10	
Compliance Date	01/01/20	

**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-AI92

**BILLING CODE** 4910-13-S

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

**Proposed Rule Stage**

**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:**

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End	10/25/96	
NPRM	05/19/05	70 FR 28990
NPRM Comment Period End	08/17/05	
Supplemental NPRM	03/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Valerie Height, Management Analyst, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy Plans and Regulation (MC-PRR), 1200

New Jersey Avenue SE., Washington, DC 20590  
 Phone: 202 366-0901  
 Email: valerie.height@dot.gov

**RIN:** 2126-AA22

**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)**

**Final Rule Stage**

**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.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/22/04	69 FR 76664
ANPRM Comment Period End	02/22/05	
NPRM	02/08/07	72 FR 5947
NPRM Comment Period End	05/09/07	
Final Rule	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**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-AA84

**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

## DOT—FMCSA

## Final Rule Stage

regulatory guidance into the Federal regulations. This rule would also address issues raised in the SAFE Port Act.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19282
NPRM Comment Period Extended	06/09/08	73 FR 32520

Action	Date	FR Cite
NPRM Comment Period End	06/09/08	
Second NPRM Comment Period End	07/09/08	
Final Rule	02/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**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

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

#### 428. +SAFETY MONITORING SYSTEM AND COMPLIANCE INITIATIVE FOR MEXICO-DOMICILED MOTOR CARRIERS OPERATING IN THE UNITED STATES

**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:**

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415

Action	Date	FR Cite
NPRM Comment Period End	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End	04/18/02	
Interim Final Rule Effective	05/03/02	
Notice of Intent To Prepare an EIS	08/26/03	68 FR 51322
EIS Public Scoping Meetings	10/08/03	68 FR 58162

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** 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

## Department of Transportation (DOT)

## Completed Actions

## Federal Motor Carrier Safety Administration (FMCSA)

#### 429. +CARGO INSURANCE FOR PROPERTY LOSS OR DAMAGE

**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:**

Action	Date	FR Cite
Final Rule	06/22/10	75 FR 35318
Final Rule Effective	03/21/11	

**Regulatory Flexibility Analysis Required:** Yes

**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  
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**RIN:** 2126-AB21

**BILLING CODE** 4910-EX-S

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**Department of Transportation (DOT)**  
**National Highway Traffic Safety Administration (NHTSA)**


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**Final Rule Stage****430. +EJECTION MITIGATION**

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

**RIN:** 2127-AK23

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**Department of Transportation (DOT)**  
**National Highway Traffic Safety Administration (NHTSA)**


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**Completed Actions**
**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:**

Action	Date	FR Cite
NPRM	09/28/09	74 FR 49453
NPRM Comment Period End	11/27/09	
Final Rule	05/07/10	75 FR 25324
Final Rule Effective	07/06/10	

**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  
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**RIN:** 2127-AK50

**BILLING CODE** 4910-59-S

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**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**


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**Proposed Rule Stage**
**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

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**Department of Transportation (DOT)**  
**Federal Railroad Administration (FRA)**


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**Completed Actions****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:**

Action	Date	FR Cite
NPRM	07/21/09	74 FR 35950
NPRM Comment Period End	08/20/09	
Final Rule; Request for Comments	01/15/10	75 FR 2598
Final Rule Effective	03/16/10	
Final Rule	09/27/10	75 FR 59108
Final Rule Effective	11/26/10	

**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  
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**RIN:** 2130-AC03

**BILLING CODE** 4910-06-S

**Department of Transportation (DOT)**  
**Federal Transit Administration (FTA)**

**Proposed Rule Stage**

**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:**

Action	Date	FR Cite
ANPRM	09/10/09	74 FR 46515
ANPRM Comment Period End	11/09/09	
ANPRM Comment Period Extended	11/10/09	74 FR 55279

Action	Date	FR Cite
ANPRM Extended Comment Period End	01/08/10	
NPRM	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 2132-AA92

**BILLING CODE** 4910-57-S

**Department of Transportation (DOT)**  
**Pipeline and Hazardous Materials Safety Administration (PHMSA)**

**Final Rule Stage**

**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:**

Action	Date	FR Cite
NPRM	01/11/10	75 FR 1302
NPRM Comment Period End	03/12/10	
Final Rule	01/00/11	

**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  
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**RIN:** 2137-AE44

**BILLING CODE** 4910-60-S

**Department of Transportation (DOT)**  
**Maritime Administration (MARAD)**

**Proposed Rule Stage**

**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:**

Action	Date	FR Cite
NPRM	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 2133-AB75

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**BILLING CODE** 4910-81-S