



# Federal Register

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**Monday,  
December 7, 2009**

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**Part XI**

**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). There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. To view additional information about the Department of Transportation's regulatory activities online, go to <http://regs.dot.gov>.

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 May 11, 2009 (74 FR 21970). The next one is scheduled for publication in the **Federal Register** in May 2010.

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 2009 memorandum from the Office of Management and Budget.

First, the agenda is divided by initiating offices. Then, the agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5)

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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.

#### Federalism

Executive Order 13132 requires us to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that

have federalism implications." "Policies that have federalism implications" are defined in the Executive order to include regulations that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we encourage State and local governments to provide us with information about how the Department's rulemakings impact them.

### Purpose

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

**Dated:** October 19, 2009.

**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.

#### *Federal Highway Administration (FHWA)*

Jennifer Outhouse, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

#### *Federal Motor Carrier Safety Administration (FMCSA)*

LaKisha Pearson, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

## DOT

*Federal Railroad Administration (FRA)*

Michelle Silva, Docket Clerk, Federal Railroad Administration, 1200 New Jersey Avenue SE., Room W31-109, Washington, DC 20590; telephone (202) 493-6030.

*National Highway Traffic Safety Administration (NHTSA)*

(Name of contact person), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Federal Transit Administration (FTA)*

(Name of contact person), Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Saint Lawrence Seaway Development Corporation (SLSDC)*

(Name of contact person), Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE., Washington, DC 20590.

*Pipeline and Hazardous Materials Safety Administration (PHMSA)*

(Name of contact person), Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE., Washington, DC 20590.

*Maritime Administration (MARAD)*

Kimberly Lewis, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-5158.

*The Research and Innovative Technology Administration (RITA)*

(Name of contact person), The Research and Innovative Technology Administration (RITA), 1200 New Jersey Avenue SE., Washington, DC 20590.

*Federal Aviation Administration (FAA)*

To obtain a copy of a specific Federal Aviation Administration (FAA) regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address or telephone number listed; access the FAA's Regulations and Policies web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/); call (202) 267-9680; or write to us at Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591.

*Office of the Secretary (OST)*

To obtain a copy of a specific regulatory document or to receive future

copies of the Department's regulatory agenda write to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-4723.

**Appendix B—General Rulemaking Contact Persons**

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

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 Lasley, 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

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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 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

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OFFICE OF THE SECRETARY (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
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 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 93 – Aircraft Allocation
- 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
- 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 that will be analyzed during the next year**

- 48 CFR part 1201 – Federal acquisition regulations system
- 48 CFR part 1202 – Definitions of words and terms
- 48 CFR part 1203 – Improper business practices and personal conflicts of interest
- 48 CFR part 1204 – Administrative matters
- 48 CFR part 1205 – Publicizing contract actions
- 48 CFR part 1206 – Competition requirements
- 48 CFR part 1207 – Acquisition planning
- 48 CFR part 1211 – Describing agency needs
- 48 CFR part 1213 – Simplified acquisition procedures
- 48 CFR part 1214 – Sealed bidding
- 48 CFR part 1215 – Contracting by negotiation
- 48 CFR part 1216 – Types of contracts
- 48 CFR part 1217 – Special contracting methods
- 48 CFR part 1219 – Small business programs
- 48 CFR part 1222 – Application of labor laws to government acquisitions
- 48 CFR part 1223 – Environment, energy and water efficiency, renewable energy technologies, occupational safety, and drug-free workplace
- 48 CFR part 1224 – Protection of privacy and freedom of information
- 48 CFR part 1227 – Patents, data, and copyrights
- 48 CFR part 1228 – Bonds and insurance
- 48 CFR part 1231 – Contract cost principles and procedures
- 48 CFR part 1232 – Contract financing
- 48 CFR part 1233 – Protests, disputes, and appeals
- 48 CFR part 1234 – [Reserved]
- 48 CFR part 1235 – Research and development contracting
- 48 CFR part 1236 – Construction and architect-engineer contracts
- 48 CFR part 1237 – Service contracting
- 48 CFR part 1239 – Acquisition of information technology
- 48 CFR part 1242 – Contract administration and audit services
- 48 CFR part 1245 – Government property
- 48 CFR part 1246 – Quality assurance
- 48 CFR part 1247 – Transportation
- 48 CFR part 1252 – Solicitation provisions and contract clauses
- 48 CFR part 1253 – Forms

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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, 2-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 percent block of the regulations will be analyzed to identify those with a SEIOSNOSE. During the second year (the "review year"), each rule identified in the analysis year as having a SEIOSNOSE 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.

*Tri-Annual Review Plan*

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. Our latest review notice was published November 15, 2007 (72 FR 64170). In that notice, we requested comments from the public to identify those regulations currently in effect that we should amend, remove, or simplify. We 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 we will adjust our regulatory priorities.

**Year 1 (2008) List of rules analyzed and summary of results**

14 CFR part 119 – Certification: Air Carriers and Commercial Operators

- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.

14 CFR part 121 – Operating Requirements: Domestic, Flag, And Supplemental Operations

- Section 610: The Agency conducted a Section 610 Review of this part and found six amendments that could have a SEIOSNOSE.

**Amendment No. 121-216**

Amendment No. 121-216 removed the requirement that windshear flight guidance equipment be installed on older airplanes; amended the provision allowing for an extended compliance period based on an approved airplane retrofit schedule; and provided for acceptance of alternative airplane equipment in the form of an approved airborne windshear detection and avoidance system (predictive systems). The final rule allowed certificate holders to install windshear equipment in coordination with the installation of traffic alert and collision avoidance system (TCAS II) equipment, thereby, reducing the prospect that carriers would have to divert critical maintenance resources from other safety programs.

*Original FAA finding:* This amendment primarily was in response to an Air Transport Association (ATA) petition to the FAA, dated June 1, 1989, to amend the windshear rule to exclude certain older airplanes from the flight guidance systems requirements and to extend the compliance date. The FAA determined that ATA's petition had merit and issued amendment No. 121-216. In doing so, the FAA found that there would be a significant beneficial economic impact on a substantial number of small nonscheduled part 121 certificate holders due to the cost relief

from not having to install the equipment on certain older aircraft.

*Finding of this 5 U.S.C. section 610 analysis and review:* The benefits to small entities of amendment No. 121-216 have probably diminished over time. However, the original FAA finding of a positive SEIOSNOSE should still stand.

**Amendment No. 121-269**

Amendment No. 121-269 upgraded the fire safety standards for cargo or baggage compartments in certain transport category airplanes by

eliminating Class D compartments as an option for future type certification.

*Original FAA finding:* The FAA found that this amendment would have a SEIOSNOSE. The FAA conducted an exhaustive analysis of potential alternatives to seek possible ways of mitigating the burden on small entities and still provide an equivalent level of safety. In its analysis, the Agency considered several alternatives that ranged from relatively low-cost, purely preventive approaches (e.g., banning certain types of material from air transport), to mitigating approaches such as: (1) Retrofit of detection systems

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only; (2) a requirement for detection systems on newly manufactured aircraft only; (3) a requirement for detection and/or suppression systems for extended over water operations only; (4) retrofit of detection and suppression systems; (5) a requirement for detection and suppression systems on newly manufactured aircraft only; and (6) logical combinations of these alternatives.

*Finding of this 5 U.S.C. section 610 analysis and review:* During the comment period, the FAA did not receive any comments that indicated that the amendment would place small part 121 operators at a competitive disadvantage relative to large part 121 operators or that there were alternatives that could provide the same level of safety benefit at reduced costs to small operators. Moreover, no analysis was submitted that indicated that fire safety risks for small part 121 carriers differed from those large part 121 carriers. Therefore, even though this amendment did have a SEIOSNOSE, it was necessary in order to achieve the level of safety sought by this rule action.

#### **Amendment No. 121-282**

Amendment No. 121-282 required design approval holders of certain turbine-powered transport category airplanes, and of any subsequent modifications to these airplanes, to substantiate that the design of the fuel tank system precluded the existence of ignition sources within the airplane fuel tanks. It also required developing and implementing maintenance and inspection instructions to assure the safety of the fuel tank system. For new type designs, this amendment also required demonstrating that ignition sources could not be present in fuel tanks when failure conditions were considered, identifying any safety-critical maintenance actions, and incorporating a means either to minimize development of flammable vapors in fuel tanks or to prevent catastrophic damage if ignition did occur.

*Original FAA finding:* The FAA determined that this amendment would have a SEIOSNOSE. The FAA identified 143 air carriers that would be impacted by this amendment. Of the 143 impacted air carriers, 107 were small airlines.

*Finding of this 5 U.S.C. section 610 analysis and review:* In order to mitigate the costs to the extent possible without

reducing the effectiveness of the amendment, the FAA extended operator compliance time from 18 months to 36 months. In addition, the Agency determined that fewer fuel tank re-inspections would be needed than originally estimated in the NPRM. The net result of these modifications was to reduce the overall cost impact from \$172.2 million to \$126.6 million (in 2000 \$\$), a 26.4 percent reduction. The FAA was not able to identify any other alternatives that could reduce the cost impact to small entities and still achieve the desired safety results. A review of the petition for exemption history revealed that no relief was sought from this amendment since its issuance.

#### **Amendment No. 121-284**

Amendment No. 121-284 (67 FR 72726) required airplanes operated under part 121 to undergo inspections and records reviews by the Administrator or a designated representative after their 14th year in service and at specified intervals thereafter. This amendment also prohibited operation of those airplanes after specified deadlines unless damage-tolerance-based inspections and procedures were included in their maintenance or inspection programs. This amendment represented a critical step toward compliance with the Aging Aircraft Safety Act of 1991.

*Original FAA finding:* The FAA conducted a full regulatory flexibility analysis to assess the impact of this amendment on small entities. The FAA determined that 58 small part 121 carriers would be impacted by this amendment. Two of these were estimated to incur annualized costs greater than 1 percent of annual revenues. A step the FAA took to significantly lower compliance costs on the carriers, including small entities, was to lengthen the time period between required inspections from 5 years to 7 years. This longer period was expected to lower compliance costs to operators by enabling them to schedule the required inspections during heavy maintenance checks. To further assist carriers in complying with the requirements, the FAA also issued an advisory circular to provide guidance for complying with a damage-tolerance supplemental structural inspections program (DT-SSIP).

*Finding of this 5 U.S.C. section 610 analysis and review:* A review of the petition for exemption records indicated

that no one sought relief from these requirements since they were implemented. The FAA took actions to minimize the costs on small entities to the extent that it thought was possible and still meet the objectives of the Aging Aircraft Safety Act. Based on the comments it received in response to this interim final rule, the FAA took further steps in amendment No. 121-284 (70 FR 5517).

#### **Amendment No. 121-297**

Amendment No. 121-297 introduced airplane weight and performance characteristics as the basis for collision avoidance system requirements to capture cargo airplanes weighing more than 33,000 pounds (lbs.) maximum certificated takeoff weight (MCTOW). This action was mandated by the Wendell H. Ford Aviation Investment and Reform Act (AIR-21), enacted April 5, 2000, to take measures to reduce the risk and collateral damage of a mid-air collision involving a cargo airplane.

*Original FAA finding:* The FAA found that this amendment would have a SEIOSNOSE. The FAA identified 24 all cargo turbine-powered fleet operators who would be impacted by this amendment. Eleven, or roughly 46 percent, of these operators were determined to be significantly impacted. The FAA identified seven all cargo piston-powered operators who would be impacted by this amendment. Six, or 86 percent, of these operators were determined to be significantly impacted. The Agency believed that a compliance cost of 2 percent or less of a firm's revenue was affordable. The costs to these firms exceeded this level. Due to the congressional mandate, the FAA was limited in what actions it could take to mitigate the impact on small entities. The Agency was able, however, to reduce the TCAS requirement from TCAS II to TCAS I for piston-powered airplanes to mitigate some of the costs to operators of those airplanes. It also eliminated the requirement for TCAS I in turbine-powered airplanes of less than 33,000 pounds maximum certificated takeoff weight. Finally, the FAA set the rule's compliance date at the latest date allowed by the congressional mandate. Taken together, these measures were viewed as the upper level of the extent to which the FAA could mitigate cost impacts on small entities and still achieve the goals of the legislation.

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*Finding of this 5 U.S.C. section 610 analysis and review:* Between April 2003 and January 2005, the FAA received five petitions from small entities for exemption from the TCAS requirements of this amendment. Two of these exemptions were denied because they sought relief strictly on the basis of economic impact and did not differ in any material way from other similar requests that had been denied in the past for airplanes involved in non-cargo operations. Three exemptions were granted because they were found to be necessary to ensure that needed services in Alaska would not be disrupted and doing so would not adversely impact safety. The original FAA finding of a SEIOSNOSE held true but should be fully diminished as the compliance date is 4 years past.

**Amendment No. 121-340**

Amendment No. 121-340 established a performance-based set of requirements that set acceptable flammability exposure values in tanks most prone to explosion or required the installation of an ignition mitigation means in an affected fuel tank.

*Original FAA finding:* The FAA determined that this amendment would have a SEIOSNOSE. The FAA identified 14 small air carriers that would be affected. Of these 14, 3 were found to be affected significantly. This determination was based on whether or not the cost to the carrier was equal to or exceeded 2 per cent of its revenue. Three carriers met this criterion. The FAA considered several alternative approaches to this amendment to ease the burden on small carriers. The Agency concluded that this amendment provided the best balance of cost and benefits for the United States society. The FAA argued, further, that the risk is largely the same, regardless of whether the plane was flown by a large or small entity.

*Finding of this 5 U.S.C. section 610 analysis and review:* This amendment still has a SEIOSNOSE. The FAA will need to make a determination regarding the continued need for this regulation. 14 CFR part 125 – Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons on Board Such Aircraft

- Section 610: The Agency conducted a Section 610 Review of this part and

found part 125 itself and five amendments that could have a SEIOSNOSE.

**Part 125**

Part 125 provides a single set of certification and operation rules for U.S.-registered airplanes, which have a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more when used in any non-common (private) carriage operation.

*Original FAA finding:* The economic impacts of part 125 were estimated and documented by a study conducted by the Aerospace Corporation during December 1978 and January 1979 and reflected data available at that time. While their study did not specifically address the economic impact on small entities, their estimate of \$88.28 million in first year total costs (in 1979 dollars, \$222.2 million in current dollars), and \$20.45 million in recurring annual costs (in 1979 dollars, \$51.12 million in current dollars), it can reasonably be concluded that this rule did have a SEIOSNOSE.

*Finding of this 5 U.S.C. section 610 analysis and review:* A review of petitions for exemption from part 125 revealed that relief was generally sought from safety requirements such as collision avoidance systems. The FAA denied these requests because petitioners were never able to provide convincing arguments for why it would be in the public interest to grant them the requested relief. There was no evidence in the record to suggest that part 125 continues to have a SEIOSNOSE.

**Amendment No. 125-10**

Amendment No. 125-10 required digital flight data recorders and cockpit voice recorders (CVRs) to be installed in a broad category of airplanes and rotorcraft operated by air carriers and commuters, as well as, in selected aircraft operated in general aviation.

*Original FAA finding:* The FAA determined that this amendment could have a SEIOSNOSE. In order to mitigate the cost to some extent, the FAA modified its proposal to extend the compliance period from 2 years to 3 years. Given that this rule action was in response to a congressional mandate, the Agency was constrained to take sufficient action to ensure the NTSB had available data in needed for accident

investigation purposes if acquiring that data was technologically feasible.

*Finding of this 5 U.S.C. section 610 analysis and review:* Since this rulemaking was promulgated over 20 years ago, the cost impact has diminished substantially and has approached if not reached a negligible level. This analysis concludes that there is no longer a SEIOSNOSE as a result of this amendment.

**Amendment No. 125-11**

This amendment required the installation and use of a Traffic Alert and Collision Avoidance System (TCAS) in large transport-type airplanes and certain turbine-powered smaller airplanes. The Airport and Airway Safety and Capacity Expansion Act of 1987 directed the FAA to require the installation and operation of TCAS in commercial aircraft flying in the United States.

*Original FAA finding:* The FAA found that this amendment would have a SEIOSNOSE.

*Finding of this 5 U.S.C. section 610 analysis and review:* The FAA estimated the average total cost impact of this amendment on part 125 operators at \$96,000 in 1989 dollars (\$151,000 in current dollars) annualized over the period of 1989 to 2003. The FAA concluded, however, that there were no viable alternatives for small air carriers to adopt that would reduce the cost of compliance and still achieve the levels of protection sought by this amendment. This amendment implemented a congressional mandate, thereby limiting the discretion the Agency had and still has in mitigating the burden on small entities. Moreover, a review of the petition for exemption records indicates that the Agency has been consistent in denying requests for relief from this requirement on safety grounds. This analysis finds, therefore, that a SEIOSNOSE may still exist and the FAA will need to make a determination regarding the continued need for this regulation.

**Amendment No. 125-36**

Amendment No. 125-36 was part of a larger action that required design approval holders of certain turbine-powered transport category airplanes, and any subsequent modifications to these airplanes, to substantiate that the design of the fuel tank system precluded the existence of ignition sources within the airplane fuel tanks. It also required

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developing and implementing maintenance and inspection instructions to assure the safety of the fuel tank system. For new type designs, this amendment also required demonstrating that ignition sources could not be present in fuel tanks when failure conditions were considered, identifying any safety-critical maintenance actions, and incorporating a means either to minimize development of flammable vapors in fuel tanks or to prevent catastrophic damage if ignition did occur.

*Original FAA finding:* The FAA determined that this amendment would have a SEIOSNOSE. The FAA identified 143 carriers that would be impacted by this amendment. Of the 143 impacted air carriers, 107 were small airlines.

*Finding of this 5 U.S.C. section 610 analysis and review:* In order to mitigate the costs to the extent possible without reducing the effectiveness of the amendment, the FAA extended operator compliance time from 18 months to 36 months. In addition, the Agency determined that fewer fuel tank re-inspections would be needed than originally estimated in the NPRM. The net result of these modifications was to reduce the overall cost impact from \$172.2 million to \$126.6 million (in 2000 \$), a 26.4 percent reduction. The FAA was not able to identify any other alternatives that could reduce the cost impact to small entities and still achieve the desired safety results. A review of the petition for exemption history revealed that no relief was sought from this amendment since its issuance.

#### Amendment No. 125-41

Amendment No. 125-41 was part of a larger rulemaking action that introduced airplane weight and performance characteristics as the basis for collision avoidance system requirements to capture cargo airplanes weighing more than 33,000 pounds maximum certificated takeoff weight (MCTOW). This action was mandated by the Wendell H. Ford Aviation Investment and Reform Act (AIR-21) enacted April 5, 2000, to take measures to reduce the risk and collateral damage of a mid-air collision involving a cargo airplane.

*Original FAA finding:* The FAA found that this amendment would have a SEIOSNOSE. The FAA identified 24 all-cargo turbine-powered fleet operators who would be impacted by this amendment. Eleven, or roughly 46 percent, of these operators were

determined to be significantly impacted. The FAA identified seven all-cargo, piston-powered operators who would be impacted by this amendment. Six, or 86 percent, of these operators were determined to be significantly impacted. The Agency believed that a compliance cost of 2 percent or less of a firm's revenue was affordable. The costs to these firms exceeded that level. Due to the congressional mandate, the FAA was limited in what actions it could take to mitigate some of the costs to operators of those airplanes. It also eliminated the requirement for TCAS I in turbine-powered airplanes of less than 33,000 pounds maximum certificated takeoff-weight. Finally, the FAA set the rule's compliance date at the latest date allowed by the congressional mandate. Taken together, these measures were viewed as the upper level of the extent to which the FAA could mitigate cost impacts on small entities and still achieve the goals of the legislation.

*Finding of this 5 U.S.C. section 610 analysis and review:* Between April 2003 and January 2005, the FAA received five petitions from small entities for exemption from the TCAS requirements of this amendment. Two of these exemptions were denied because they sought relief strictly on the basis of economic impact and did not differ in any material way from other similar requests that had been denied in the past for airplanes involved in non-cargo operations. Three exemptions were granted because they were found to be necessary to ensure that needed services in Alaska would not be disrupted and doing so would not adversely impact safety. The original FAA finding of a SEIOSNOSE holds true but should be fully diminished as the compliance date is 4 years past.

#### Amendment No. 125-55

Amendment No. 125-55 established a performance-based set of requirements that set acceptable flammability exposure values in tanks most prone to explosion or required the installation of an ignition mitigation means in an affected fuel tank.

*Original FAA finding:* The FAA determined that this amendment would have a SEIOSNOSE. The FAA identified 14 small air carriers that would be affected. Of these 14, three were found to be affected significantly. This determination was based on whether or not the cost to the carrier was equal to

or exceeded 2 percent of its revenue. Three carriers met this criterion. The FAA considered several alternative approaches to this amendment to ease the burden on small carriers. The Agency concluded that this amendment provided the best balance of cost and benefits for the United States society. The FAA argued, further, that the risk is largely the same, regardless of whether the plane was flown by a large or small entity.

*Finding of this 5 U.S.C. section 610 analysis and review:* This amendment still has a SEIOSNOSE. The FAA will need to make a determination regarding the continued need for this regulation.

- 14 CFR part 129 – Operations: foreign air carriers and foreign operators of U.S.-registered aircraft engaged in common carriage
- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE because this part does not impact domestic entities
- 14 CFR part 150 – Airport noise compatibility planning
- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.
- 14 CFR part 151 – Federal aid to airports
- Section 610: The Agency conducted a Section 610 Review of this part and found there have not been any amendments to part 151 since the Regulatory Flexibility Act was enacted.
- 14 CFR part 152 – Airport aid program
- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.
- 14 CFR part 153 – Airport operations
- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.
- 14 CFR part 155 – Release of airport property from surplus property disposal restrictions
- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.
- 14 CFR part 156 – State block grant pilot program
- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.

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

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14 CFR part 133 – Rotorcraft external-load operations

- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.

14 CFR part 135 – Operating requirements: Commuter and on demand operations and rules governing persons on board such aircraft

- Section 610: The Agency conducted a Section 610 Review of this part and found three amendments that could have a SEIOSNOSE.

**Amendment No. 135-42**

Amendment No. 135-42 revised the operating rules for air taxi and commercial operators by requiring that all turbine-powered (rather than just turbojet) airplanes with 10 or more seats be equipped with an approved ground proximity warning system.

*Original FAA finding:* The FAA certified that this amendment may have a SEIOSNOSE because the annual cost that would be imposed on small part 135 operators to install a ground proximity warning system on turbine-powered airplanes would exceed the significant impact criteria in place when the rule was promulgated. The FAA concluded after analysis, however, that there were no viable alternatives to the provisions of the amendment and issued the rule in final.

*Finding of this 5 U.S.C. section 610 analysis and review:* Between the period January 2003 and December 2008, the period beyond the analysis period of this final rule, there were no cases of affected parties seeking relief from the provisions of the amendment. The original finding of a possible SEIOSNOSE should be fully diminished as the compliance date was 16 years ago.

**Amendment No. 135-66 (61 FR 69302)**

Amendment No. 135-66 (61 FR 69302) was one part of an overall strategy to further reduce the impact of aircraft noise on the park environment and to assist the National Park Service in achieving its statutory mandate to provide the substantial restoration of natural quiet and experience in Grand Canyon National Park (GCNP).

*Original FAA finding:* The FAA found that this amendment would have a SEIOSNOSE. This amendment affected commercial sightseeing operators

conducting flight over the GCNP under part 135. This amendment was unique in that most of the economic impact fell upon small businesses.

*Finding of this 5 U.S.C. section 610 analysis and review:* Consistent with the spirit and intent of the RFA, the FAA chose a regulatory alternative that tailored most requirements to the size of the firm. In doing so, the Agency believed that the regulatory requirements in this amendment provided the least burdensome way for small entities to accomplish the goals of the final rule—restore natural quiet and preserve the opportunity for the public to enjoy air tours at the GCNP. In addition, the FAA proposed to take further action that would phase out noisier aircraft from air tour service prior to the 2008 deadline imposed by the statute.

**Amendment No. 135-107**

Amendment No. 135-107 set safety and oversight rules for a broad variety of sightseeing and commercial air tour flights. The intended effect of this amendment was to standardize requirements for air tour operators and consolidate air tour safety standards within part 135.

*Original FAA finding:* The FAA determined that there would be a SEIOSNOSE. The FAA estimated that part 135 commercial air tour operators would incur 82 percent of the costs of the rule. The FAA noted that helicopter operators would incur much higher costs than airplane operators due to the requirement to equip their aircraft with floats if they conducted operations over water and to the requirement to prepare helicopter performance plans. The FAA believed, however, that the only way to accomplish the commercial air tour safety needs for helicopter operations was to impose the higher standards on those entities.

*Finding of this 5 U.S.C. section 610 analysis and review:* A review of the petition for exemption and petition for rulemaking records since this amendment was issued found that no entities sought relief from the float equipment requirement. The cost impacts from the original estimates remain valid. However, absent requests for relief from the regulated community, the notion espoused by the FAA that a number of options were available to operators to avoid or minimize the costs, may have merit. The FAA noted, for example, that some operators may alter their air tour

routes to avoid the compliance costs. The Agency added that others may elect to only equip part of their fleet to ensure the affordability to their business. This analysis concludes that there continues to be a SEIOSNOSE, but there is no evidence to suggest that small businesses are suffering a hardship.

14 CFR part 136 – Commercial air tours and national parks air tour management

- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.

14 CFR part 137 – Agricultural aircraft operations

- Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.

14 CFR part 139 – Certification of airports

- Section 610: The Agency conducted a Section 610 Review of this part and found one amendment with a SEIOSNOSE.

**Amendment No. 139-94**

Amendment No. 139-94 established certification requirements for airports serving scheduled air carrier operations in aircraft designed for more than 9 passenger seats but less than 31 passenger seats.

*Original FAA finding:* The FAA determined that this amendment would have a SEIOSNOSE. The FAA stated that under SBA's definition of a "small" public entity, there were more than 200 small entity airports that would be affected by this rule action. For each small entity, the FAA estimated the average initial hours required to set up a recordkeeping system, as mandated by this amendment, would be 70 hours and expected a continuing paperwork requirement of about 90 hours annually. Having sought possible alternatives to mitigate the costs on small entities, the FAA, in consultation with industry, concluded that there existed a need to require at least some minimum level of both risk reduction and accident mitigation measures at airports during operations of smaller air carrier airplanes. The FAA believed that the chosen alternative was the only one that was relatively affordable and would achieve the safety objectives of the rule. The Agency recognized the need, however, to provide some flexibility in the implementation of certain safety measures at airports with infrequent air

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carrier service or where local resources were severely limited. The FAA added that other measures at its disposal to mitigate impacts on small airport operators included its authority to permit alternative means of compliance to accommodate local conditions and the use of its statutory authority to grant exemptions from part 139 requirements, as appropriate. Other methods the FAA identified as ways small entity airports could mitigate the economic impact of this amendment included Airport Improvement Program (AIP) funding, which was available for certain capital expenditures that could be required by this amendment. Examples of these requirements were firefighting equipment, airport marking, and signs. Another potential source of revenue to assist small airports in meeting the regulatory requirements of this

amendment was the Essential Air Service (EAS) Program. The FAA believed that, ultimately, most of the costs of these amendments would be borne by the Federal Government through increased subsidies.

*Finding of this 5 U.S.C. section 610 analysis and review:* The original funding still holds true. The flexibility that the FAA afforded airport operators in meeting the requirements of this amendment, combined with numerous avenues for funding support that were and still are available to airport operators, substantially mitigate the impact of this amendment on small entities.

- 14 CFR part 157 – Notice of construction, alteration, activation, and deactivation of airports
  - Section 610: The Agency conducted a Section 610 Review of this part and

found no amendments with a SEIOSNOSE.

- 14 CFR part 158 – Passenger facility charges (PFCs)
  - Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.
- 14 CFR part 161 – Notice and approval of airport noise and access restrictions
  - Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.
- 14 CFR part 169 – Expenditure of Federal funds for nonmilitary airports or air navigation facilities thereon
  - Section 610: The Agency conducted a Section 610 Review of this part and found no amendments with a SEIOSNOSE.

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 through 260 .....	2009	2010
3	23 CFR parts 420 through 470 .....	2010	2011
4	23 CFR part 500 .....	2011	2012
5	23 CFR parts 620 through 637 .....	2012	2013
6	23 CFR parts 645 through 669 .....	2013	2014
7	23 CFR parts 710 through 924 .....	2014	2015
8	23 CFR parts 940 through 973 .....	2015	2016
9	23 CFR parts 1200 through 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 that will be analyzed during the next year**

- 23 CFR part 1 – General
- 23 CFR part 140 – Reimbursement
- 23 CFR part 172 – Administration of engineering and design-related service contracts
- 23 CFR part 180 – Credit assistance for Surface Transportation projects
- 23 CFR part 190 – Incentive payments for controlling outdoor advertising on the Interstate system
- 23 CFR part 192 – Drug offender’s driver’s license suspension
- 23 CFR part 200 – Title VI program and related statutes-implementation and review procedures
- 23 CFR part 230 – External programs
- 23 CFR part 260 – Education and training programs

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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 1 (fall 2008) List of rules analyzed and a summary of results**

49 CFR part 372, subpart A—Exemptions

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

49 CFR part 381 – Waivers, exemptions, and pilot programs

- Section 610: There is no SEIOSNOSE. No small entities are affected.
- General: These regulations are cost effective and impose the least burden. FMCSA's plain language review of these rules indicates no need for substantial revision.

**Year 2 (fall 2009) List of rules that will be analyzed during the next year**

49 CFR part 386 – Rules of practice for motor carrier, broker, freight forwarder, and hazardous materials proceedings

49 CFR part 389 – Rulemaking procedures—Federal motor carrier safety regulations

49 CFR part 395 – Hours of service of drivers

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 1 (fall 2008) List of rules analyzed and a summary of the results**

49 CFR part 571.223 – Rear impact guards

- Section 610: No SEIOSNOSE. No economically significant impact on small business.
- 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.

49 CFR part 571.224 – Rear impact protection

- Section 610: No SEIOSNOSE. No economically significant impact on small business.
- 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.

49 CFR part 571.225 – Child restraint anchorage systems

- 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.

49 CFR part 571.301 – Fuel system integrity

- 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.

49 CFR part 571.302 – Flammability of interior materials

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- 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.
- 49 CFR part 571.303 – Fuel system integrity of compressed natural gas vehicles
- 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.
- 49 CFR part 571.304 – Compressed natural gas fuel container integrity
- 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.
- 49 CFR part 571.305 – Electric-powered vehicles: electrolyte spillage and electrical shock protection
- 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.
- 49 CFR part 571.401 – Interior trunk release
- 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.
- 49 CFR part 571.403 – Platform lift systems for motor vehicles
- Section 610: No SEIOSNOSE. No economically significant impact on small business.
- 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.
- 49 CFR part 571.404 – Platform lift installations in motor vehicles
- Section 610: No SEIOSNOSE. No economically significant impact on small business.
- 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.
- 49 CFR part 571.500 – Low-speed vehicles
- Section 610: No SEIOSNOSE. No economically significant impact on small business.
- 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.
- 49 CFR part 575 – Consumer information
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA’s plain language review of these rules indicates no need for substantial revision.
- 49 CFR part 579 – Reporting of information and communications about potential defects
- 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 2 (fall 2009) List of rules that will be analyzed during the next year**

- 23 CFR part 1200 – Uniform procedures for State highway safety programs
- 23 CFR part 1204 – [Reserved]
- 23 CFR part 1205 – Highway safety programs; determinations of effectiveness
- 23 CFR part 1206 – Rules of procedure for invoking sanctions under the Highway Safety Act of 1966
- 23 CFR part 1208 – National minimum drinking age
- 23 CFR part 1210 – Operation of motor vehicles by intoxicated minors
- 23 CFR part 1215 – Use of safety belts-compliance and transfer-of-funds procedures
- 23 CFR part 1225 – Operation of motor vehicles by intoxicated persons
- 23 CFR part 1235 – Uniform system for parking for persons with disabilities
- 23 CFR part 1240 – Safety incentive grants for use of seat belts-allocations based on seat belt use rates
- 23 CFR part 1250 – Political subdivision participation in State highway safety programs
- 23 CFR part 1251 – State highway safety agency
- 23 CFR part 1252 – State matching of planning and administration costs
- 23 CFR part 1270 – Open container laws
- 23 CFR part 1275 – Repeat intoxicated driver laws

**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

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FEDERAL RAILROAD ADMINISTRATION (Continued)  
SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
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

**Year 1 (Fall 2008) List of rules analyzed and a summary of results**

49 CFR part 200 – Informal rules of practice for passenger service

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

49 CFR part 201 – Formal rules of practice for passenger service

- Part 201 was removed from the CFR on May 27, 2009.

**Year 2 (Fall 2009) List of rule(s) that will be analyzed during next year**

49 CFR part 207 – Informal rules of practice for passenger safety

49 CFR part 209 – Railroad safety enforcement procedures

49 CFR part 211 – Rules of practice

49 CFR part 215 – Railroad freight car safety standards

49 CFR part 238 – Passenger equipment safety standards

49 CFR part 256 – Passenger assistance for railroad passenger terminals

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 1 (fall 2008) List of rules analyzed and summary of results**

49 CFR part 604 – Charter service

- Section 610: The Agency has determined that the rule will not have a significant effect on a substantial number of small entities.
- General: This rule clarifies and sets forth provisions to protect private charter operators from unfair competition by public transit agencies. The rule was drafted using plain language techniques.

49 CFR part 661 – Buy America

- 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 Buy America requirements by adding bi-metallic rail to the list of traction power equipment. The rule was drafted using plain language techniques.

**Year 2 (fall 2009) List of rules that will be analyzed during the next year**

49 CFR part 605 – School bus operations

49 CFR part 633 – Program management oversight

49 CFR part 665 – Bus testing

DOT

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
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 1 (fall 2008) List of rules analyzed and a summary of the results**

- 46 CFR part 201 – Rules of practice and procedure
  - 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 202 – Procedures relating to review by Secretary of Transportation of actions by Maritime Subsidy Board
  - 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 203 – Procedures relating to conduct of certain hearings under the Merchant Marine Act, 1936
  - 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 204 – Claims against the Maritime Administration under the Federal Tort Claim Act
  - 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 205 – Audit appeals; policy and procedure
  - 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 2 (fall 2009) List of rules that will be analyzed during the next year**

- 46 CFR part 221 – Regulated transactions involving documented vessels and other maritime interests
- 46 CFR part 232 – Uniform financial reporting requirements

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

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

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

- 49 CFR part 178 – Specifications for packaging

**Year 2 (fall 2009) List of rules that will be analyzed during the next year**

- 49 CFR part 178 – Specifications for packagings
- 49 CFR part 179 – Specifications for tank cars
- 49 CFR part 180 – Continuing qualification and maintenance of packagings

DOT

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, 49 CFR 1420 .....	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 that will be analyzed during the next year**

14 CFR part 217 – Reporting traffic statistics by foreign air carriers in civilian scheduled, charter, and nonscheduled services

14 CFR part 241 – Uniform system of accounts and reports for large certificated air carriers, Schedule T-100

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
406	Use of the Seat-Strapping Method for Carrying a Wheelchair on an Aircraft .....	2105-AD87
407	+Enhancing Airline Passenger Protections—Part 2 ( <b>Reg Plan Seq No. 111</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**.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
408	+Flight Crewmember Duty Limitations and Rest Requirements .....	2120-AI93
409	+Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers ( <b>Reg Plan Seq No. 113</b> ) .....	2120-AJ00
410	+Activation of Ice Protection .....	2120-AJ43
411	+Air Ambulance and Commercial Helicopter Operations; Safety Initiatives and Miscellaneous Amendments ( <b>Reg Plan Seq No. 114</b> ) .....	2120-AJ53
412	+Flight and Duty Time Limitations and Rest Requirements ( <b>Reg Plan Seq No. 115</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—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
413	+Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate To Support Air Traffic Control Service ( <b>Reg Plan Seq No. 116</b> ) .....	2120-AI92

+ 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—Completed Actions

Sequence Number	Title	Regulation Identifier Number
414	+Pilot Age Limit .....	2120-AJ01
415	+Production and Airworthiness Approvals .....	2120-AJ44

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
416	+Unified Registration System .....	2126-AA22

+ DOT-designated significant regulation

Federal Motor Carrier Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
417	+National Registry of Certified Medical Examiners ( <b>Reg Plan Seq No. 119</b> ) .....	2126-AA97
418	Interstate Van Operations .....	2126-AA98
419	+Commercial Driver’s License Testing and Commercial Learner’s Permit Standards ( <b>Reg Plan Seq No. 120</b> ) .....	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
420	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States .....	2126-AA35

+ DOT-designated significant regulation

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
421	Early Warning Reporting Information .....	2127-AK28

## DOT

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
422	+Hours of Service—Passenger Train Employees ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	2130-AC15

+ DOT-designated significant regulation

## Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
423	+Positive Train Control ( <b>Reg Plan Seq No. 126</b> ) .....	2130-AC03

+ DOT-designated significant regulation

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

## Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
424	Bus Testing: Phase-In of Brake Performance and Emissions Testing, and Program Updates ( <b>Completion of a Section 610 Review</b> ) .....	2132-AA95
425	Buy America; Petition for Rulemaking ( <b>Completion of a Section 610 Review</b> ) .....	2132-AA99
426	School Bus Operations ( <b>Completion of a Section 610 Review</b> ) .....	2132-AB00

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

Sequence Number	Title	Regulation Identifier Number
427	+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
428	+Cargo Preference—Compromise, Assessment, Mitigation, Settlement and Collection of Civil Penalties ( <b>Reg Plan Seq No. 129</b> ) .....	2133-AB75

+ DOT-designated significant regulation

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.Department of Transportation (DOT)  
Office of the Secretary (OST)

## Proposed Rule Stage

**406. • USE OF THE SEAT-STRAPPING METHOD FOR CARRYING A WHEELCHAIR ON AN AIRCRAFT**

**Legal Authority:** The Department has authority and responsibility under the ACAA (49 USC 41705) to; ensure that US and foreign air carriers do not discriminate against air traveler; on the basis of disability

**Abstract:** This rulemaking would address whether or not 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	12/00/09	

**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

DOT—OST

Proposed Rule Stage

Email: blane.workie@dot.gov

RIN: 2105-AD87

**407. • +ENHANCING AIRLINE PASSENGER PROTECTIONS—PART 2**

**Regulatory Plan:** This entry is Seq. No. 111 in part II of this issue of the **Federal Register**.

RIN: 2105-AD92

BILLING CODE 4910-9X-S

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

Proposed Rule Stage

**408. +FLIGHT CREWMEMBER DUTY LIMITATIONS AND REST REQUIREMENTS**

**Legal Authority:** 49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701 to 44703; 49 USC 44705; 49 USC 44709 to 44713; 49 USC 44712; 49 USC 44713; 49 USC 44715 to 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44912; 49 USC 44904

**Abstract:** This rulemaking would withdraw a previously published NPRM (RIN 2120-AF63) that proposed to establish one set of duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. The NPRM also proposed to establish consistent and clear duty period limitations, flight time limitations, and rest requirements for domestic, flag, supplemental, commuter and on-demand operations. This action is necessary, because (1) the NPRM is outdated and (2) there were many significant issues commenters raised.

**Timetable:**

Action	Date	FR Cite
Notice of Withdrawal	12/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20951

Phone: 202 267-9360  
Email: larry.youngblut@faa.gov

RIN: 2120-AI93

**409. +QUALIFICATION, SERVICE, AND USE OF CREWMEMBERS AND AIRCRAFT DISPATCHERS**

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

RIN: 2120-AJ00

**410. +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	12/00/09	

**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

**411. • +AIR AMBULANCE AND COMMERCIAL HELICOPTER OPERATIONS; SAFETY INITIATIVES AND MISCELLANEOUS AMENDMENTS**

**Regulatory Plan:** This entry is Seq. No. 114 in part II of this issue of the **Federal Register**.

RIN: 2120-AJ53

**412. • +FLIGHT AND DUTY TIME LIMITATIONS AND REST REQUIREMENTS**

**Regulatory Plan:** This entry is Seq. No. 115 in part II of this issue of the **Federal Register**.

RIN: 2120-AJ58

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

**Final Rule Stage**

**413. +AUTOMATIC DEPENDENT SURVEILLANCE—BROADCAST (ADS-B) EQUIPAGE MANDATE TO SUPPORT AIR TRAFFIC CONTROL SERVICE**

**Regulatory Plan:** This entry is Seq. No. 116 in part II of this issue of the Federal Register.

**RIN:** 2120-AI92

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

**Completed Actions**

**414. +PILOT AGE LIMIT**

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

**Abstract:** This rulemaking would correct the language of the Code of Federal Regulations to bring it into conformance with recent legislation raising the upper age limit for pilots serving in domestic, flag, and supplemental operations until they reach their 65th birthday. Congress enacted legislation, effective December 13, 2007, mandating an Age-65 limit for pilots for purposes of Title 49 USC.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/15/09	74 FR 34229
Final Rule Effective	07/15/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20951  
 Phone: 202 267-9360  
 Email: larry.youngblut@faa.gov

**RIN:** 2120-AJ01

**415. +PRODUCTION AND AIRWORTHINESS APPROVALS**

**Legal Authority:** 42 USC 7572; 49 USC 106(g); 49 USC 40105; 49 USC 40113; 49 USC 44701; 49 USC 44704; 49 USC 44707; 49 USC 44709; 49 USC 44711; 49 USC 44713; 49 USC 44715; 49 USC 45303; 49 USC 44702

**Abstract:** This rulemaking would amend the certification procedures and identification requirements for aeronautical products and articles. These amendments would update and standardize those requirements for production approval holders (PAHs), revise export airworthiness approval requirements to facilitate global manufacturing, move all part-marking requirements from part 21 to part 45,

and amend the identification requirements for products and articles. The intent of these changes is to continue to promote safety by ensuring that aircraft, and products and articles designed specifically for use in aircraft, wherever manufactured, meet appropriate minimum standards for design and construction. This rulemaking was split from RIN 2120-AI78.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/16/09	74 FR 53368
Final Rule Effective	10/14/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Barbara Capron, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591  
 Phone: 202 267-3343  
 Email: barbara.capron@faa.gov

**RIN:** 2120-AJ44

**BILLING CODE** 4910-13-S

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

**Proposed Rule Stage**

**416. +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, will be addressed separately.

**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	04/00/10	

**Regulatory Flexibility Analysis Required:** Yes

## DOT—FMCSA

## Proposed Rule Stage

**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

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Motor Carrier Safety Administration (FMCSA)

**417. +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS**

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

**RIN:** 2126-AA97

designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, in interstate commerce, regardless of the distance traveled. Currently the safety regulations apply to such vans when the vehicle is operated beyond a 75 air-mile radius of the driver's work reporting location. This action is in response to SAFETEA-LU.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Thomas Yager, Driver and Carrier Operations Division,

MC-PSD, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590  
Phone: 202 366-4325  
Email: tom.yager@dot.gov

**RIN:** 2126-AA98

**418. INTERSTATE VAN OPERATIONS**

**Legal Authority:** PL 109-59 (2005), Sec 4136

**Abstract:** This rulemaking would make the requirements concerning driver qualifications; driving of CMVs; parts and accessories necessary for safe operations; hours of service; and inspection, repair, and maintenance applicable to the operation of vehicles

**419. +COMMERCIAL DRIVER'S LICENSE TESTING AND COMMERCIAL LEARNER'S PERMIT STANDARDS**

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

**RIN:** 2126-AB02

## Department of Transportation (DOT)

## Long-Term Actions

## Federal Motor Carrier Safety Administration (FMCSA)

**420. +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
NPRM Comment Period End	07/02/01	

Action	Date	FR Cite
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

BILLING CODE 4910-EX-S

## Department of Transportation (DOT)

## Completed Actions

## National Highway Traffic Safety Administration (NHTSA)

**421. EARLY WARNING REPORTING INFORMATION****Legal Authority:** 49 USC 30166**Abstract:** This rulemaking would amend certain provisions of the early warning reporting (EWR) rule published pursuant to the Transportation Recall, Enhancement, Accountability and Documentation (TREAD) Act. This rulemaking would modify the threshold for submitting quarterly EWR reports for some

manufacturers and add new requirements to maintain the consistency of the EWR data from quarter to quarter.

**Timetable:**

Action	Date	FR Cite
NPRM	12/05/08	73 FR 74101
NPRM Comment Period End	02/03/09	
Final Action	09/17/09	74 FR 47740
Final Action Effective	10/19/09	

**Regulatory Flexibility Analysis Required:** Yes**Agency Contact:** Christina Morgan, Chief, Early Warning Reporting, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590  
Phone: 202 366-4238  
Email: tina.morgan@dot.gov**RIN:** 2127-AK28**BILLING CODE** 4910-59-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Federal Railroad Administration (FRA)

**422. • +HOURS OF SERVICE—PASSENGER TRAIN EMPLOYEES (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)****Legal Authority:** PL 110-432, Div A, 122 Stat 4848 et seq; Rail Safety Improvement Act of 2008; sec 108(e) (49 USC 21109)**Abstract:** This rulemaking would establish hours of service requirements

for train employees engaged in commuter and intercity passenger rail transport.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/10	

**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  
Phone: 202 493-6063  
Email: kathryn.shelton@fra.dot.gov**RIN:** 2130-AC15

## Department of Transportation (DOT)

## Final Rule Stage

## Federal Railroad Administration (FRA)

**423. • +POSITIVE TRAIN CONTROL****Regulatory Plan:** This entry is Seq. No. 126 in part II of this issue of the Federal Register.**RIN:** 2130-AC03**BILLING CODE** 4910-06-S

## Department of Transportation (DOT)

## Completed Actions

## Federal Transit Administration (FTA)

**424. BUS TESTING: PHASE-IN OF BRAKE PERFORMANCE AND EMISSIONS TESTING, AND PROGRAM UPDATES (COMPLETION OF A SECTION 610 REVIEW)****Legal Authority:** 49 USC 5318(a)**Abstract:** This rulemaking modifies the Bus Testing rule to incorporate tests for brake performance and emissions. This rulemaking also updates and clarifies the existing regulation found at 49 CFR 665.**Timetable:**

Action	Date	FR Cite
NPRM	09/30/08	73 FR 56781

Action	Date	FR Cite
NPRM Comment Period End	12/01/08	
Final Rule	10/05/09	74 FR 51083
Final Rule Effective	01/01/10	

**Regulatory Flexibility Analysis Required:** No**Agency Contact:** Richard Wong, Attorney-Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590  
Phone: 202 366-6067  
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**RIN:** 2132-AA95**425. BUY AMERICA; PETITION FOR RULEMAKING (COMPLETION OF A SECTION 610 REVIEW)****Legal Authority:** 49 USC 5323(j)**Abstract:** This rulemaking reclassifies bi-metallic aluminum rail under FTA's Buy America rule. Both running rail (carrying the weight of the train) and power rail (carrying the electric power supply) were treated alike under the Buy America regulation, i.e., all rail products must be produced in the

## DOT—FTA

## Completed Actions

United States, including all manufacturing processes, except metallurgical processes involving refinement of steel additives. FTA now classifies bi-metallic aluminum rail as "traction power equipment," subject to a 60/40% domestic/nondomestic content requirement and final assemble in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/08	73 FR 70950
NPRM Comment Period End	01/23/09	
Final Rule	06/25/09	74 FR 30237
Final Rule Effective	07/27/09	

**Regulatory Flexibility Analysis**

**Required:** No

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**RIN:** 2132-AA99

**426. SCHOOL BUS OPERATIONS (COMPLETION OF A SECTION 610 REVIEW)**

**Legal Authority:** 49 USC 5323(f)

**Abstract:** This rulemaking would have amended the regulations that govern the provision of services to school students and personnel by recipients of Federal funds from the Federal Transit Administration for consistency with the statutory provisions enacted by SAFETEA-LU regarding penalties for violations of the regulations. This rulemaking would also have clarified the existing requirements for

differentiating permissible services from prohibited services to school students and personnel. FTA, however, recently determined that withdrawal of the NPRM is appropriate in consideration of public misconceptions with FTA's regulatory proposal.

**Timetable:**

Action	Date	FR Cite
Withdrawn	06/26/09	74 FR 30499

**Regulatory Flexibility Analysis**

**Required:** No

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**RIN:** 2132-AB00

**BILLING CODE** 4910-57-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Pipeline and Hazardous Materials Safety Administration (PHMSA)

**427. • +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	01/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 2137-AE44

**BILLING CODE** 4910-60-S

## Department of Transportation (DOT)

## Proposed Rule Stage

## Maritime Administration (MARAD)

**428. +CARGO PREFERENCE — COMPROMISE, ASSESSMENT, MITIGATION, SETTLEMENT AND COLLECTION OF CIVIL PENALTIES**

**Regulatory Plan:** This entry is Seq. No. 129 in part II of this issue of the **Federal Register**.

**RIN:** 2133-AB75

[FR Doc. E9-28604 Filed 12-04-09; 8:45 am]

**BILLING CODE** 4910-81-S