

# Department of Transportation

## Regulatory Plan and Regulatory Agenda

October 1994

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# Federal Register

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Monday  
November 14, 1994

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Part II

**Regulatory  
Information Service  
Center**

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Statement by the Vice President  
Introduction to the Regulatory Plan and  
the Unified Agenda of Federal  
Regulations  
Agency Regulatory Plans

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Part XIV

**Department of  
Transportation**

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Semiannual Regulatory Agenda

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## DEPARTMENT OF TRANSPORTATION (DOT)

### Statement of Regulatory Priorities

The Department of Transportation (DOT) consists of nine operating administrations and the Office of the Secretary, each of which has responsibility for a wide range of regulations. For example, we regulate safety in the aviation, motor carrier, railroad, mass transit, motor vehicle, maritime, commercial space, and pipeline transportation areas. We regulate consumer and economic issues in aviation and provide financial assistance and write the necessary implementing rules for programs involving highways, airports, mass transit, maritime, railroads, and motor vehicle safety. We write regulations carrying out such disparate statutes as the Americans with Disabilities Act and the Uniform Time Act. We establish tolls and operational requirements for the St. Lawrence Seaway. We regulate the construction and operation of bridges over navigable waters, the prevention of oil pollution, and the security of commercial aviation and passenger vessels. Finally, we have the usual housekeeping regulations governing everything from conflicts of interest to the Privacy Act to seismic standards for building construction.

While it carries this heavy regulatory workload, the Department has long been recognized as a leader in Federal efforts to improve and streamline the regulatory process and ensure that regulations do not impose unnecessary burdens. The Department was the first major Federal agency to establish a comprehensive internal management and review process for new and existing regulations.

This process is codified in the Department's regulatory policies and procedures, which ensure that the Secretary and other appropriate appointed officials review and concur in all significant DOT rules. These policies and procedures emphasize that DOT regulations should be necessary, clear, timely, reasonable, and fair, without imposing unnecessary burdens on individuals, the private sector, or State or local governments.

For virtually all DOT rules, the initiating office must prepare an analysis that includes a discussion of the problem intended to be addressed, the major alternatives, the reasons for choosing one alternative over another, and the economic and other consequences of the action. The Department has management process

that permits key officials to follow closely the development of significant regulatory projects. The process is intended to ensure that these rulemakings are completed in a timely manner and facilitates top management's involvement in these actions.

The Department has also undertaken a number of new initiatives to improve the quality of its rulemaking. A number of examples are worth noting. We have taken a number of steps to streamline our concurrence process to enable us to respond more rapidly with needed regulations. We are attempting to provide better, easier public access to our rulemaking process through such things as more informal public meetings, increased use of telecommunications, and an electronic docket. We are also taking steps to improve public awareness and understanding of our rules through training, seminars, guidance material, electronic bulletin boards, and other techniques; for example, approximately 2,000 people attended a recent series of four conferences DOT held on regulatory requirements for drug and alcohol testing of transportation industry employees. We have been stressing improved coordination with other Federal, State, local, and tribal agencies or governments. We are trying to provide as much flexibility as possible for small entities and actively participated in a recent series of conferences and meetings on this subject cosponsored by the Office of Management and Budget and the Small Business Administration. We have increased our already considerable efforts to review existing regulations, recently identifying 10 new areas for review. We have continued our careful analysis of our rules and reemphasized through recent rulemakings our commitment to use non-command and control requirements, to provide maximum flexibility, and to reduce paperwork burdens; included in our initiative are a number of efforts to improve the harmonization of our new rules with those of other countries or international bodies. Finally, as the first department to use regulatory negotiation, we thought it important to stress our support of this valuable process and have recently identified over a half-dozen possible candidates for negotiation during the next year; the Federal Railroad Administration has already published a notice seeking public comment on its proposal to use regulatory negotiation for one of these candidates, a rulemaking addressing the

hazards railroad workers face along rights-of-way from moving equipment.

Under the leadership of Secretary of Transportation Federico Peña, the Department has adopted a regulatory philosophy that applies to all its rulemaking activities. This philosophy is articulated as follows: Department of Transportation regulations must be clear, simple, timely, fair, reasonable, and necessary. They will be issued only after an appropriate opportunity for public comment, which must provide an equal chance for all affected interests to participate, and after appropriate consultation with other governmental entities. The Department will fully consider the comments received. We will assess the risks addressed by our rules and their costs and benefits, including the cumulative effect. We will consider appropriate alternatives, including nonregulatory approaches. We will also make every effort to ensure that legislation does not impose unreasonable mandates.

The Department will apply this regulatory philosophy to achieving the objectives identified in the Department's January 1994 Strategic Plan. Five of the goals of this plan have regulatory components or implications:

- *Tie America Together* calls for integrating all modes of transportation.
- *Invest Strategically in Transportation Infrastructure* calls for promoting greater opportunities for minority and women owned businesses and identifying opportunities to provide strategic support to new transportation industries (e.g., the commercial space industry). Achieving these objectives calls for creating or improving DOT regulations to assist emerging businesses.
- *Promote Safe and Secure Transportation* involves a variety of activities with important regulatory components. These include enforcing highway safety requirements, improving safety at rail/highway and waterway/bridge intersections, improving the safety of hazardous material and pipeline transportation, and maintaining and advancing aviation, port, and waterway safety.
- *Actively Enhance Our Environment* also involves a variety of activities with important regulatory components. These include setting targets and deadlines for congestion reduction and demand management on highways, as well as implementing the Clean Air Act and Oil Pollution Act.

•*Put People First* calls for ensuring mobility in all transportation modes for Americans with disabilities and making the Metropolitan Planning Organization planning process work. Both these objectives involve major, continuing regulatory activity by the Department.

#### Office of the Secretary of Transportation (OST)

The Office of the Secretary (OST) oversees the regulatory process for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement of top management in regulatory decisionmaking. Through the General Counsel's office, OST is also responsible for ensuring that the Department complies with Executive Order 12866 and other legal and policy requirements affecting rulemaking.

OST is currently leading a major initiative to streamline the Department's regulatory process, to ensure that rulemakings move through the process more quickly and that deadlines are met. This initiative includes greater use of delegation of concurrence and approval authority for regulations; an improved tracking, target date and management reporting system; and greater use of internal rulemaking techniques (such as task forces and early management briefings) and means of getting greater public involvement (such as regulatory negotiation, public meetings, and special science or technical panels) that should expedite and improve rulemaking projects. The initiative also includes a major project to centralize and "computerize" the Department's rulemaking docket functions.

OST continues to provide periodically a 2-day training course on regulatory development and processing for DOT employees. OST also prepares guidance for use of regulatory personnel throughout the Department on such matters as compliance with Executive Orders, economic analyses, paperwork reduction, the Regulatory Agenda and Plan, and other regulatory policy matters.

While OST's principal role concerns making the Department's regulatory process run smoothly, OST also plays an important role in the substance of rulemaking projects having cross-modal significance. OST offices successfully coordinated the Department's effort that led to this year's massive alcohol and drug testing rulemaking. OST continues to coordinate implementation of these

rules as well as work on follow-up rulemakings. OST coordinates the Department's response to requirements under the Americans with Disabilities Act and related statutes, and is currently working on rules concerning the accessibility of over-the-road buses and small commuter aircraft. OST is also leading a multimodal task force that will produce, later this year, a final rule revising the Department's disadvantaged business enterprise program regulation.

The Office of Commercial Space Transportation (OCST) within OST is responsible for providing regulatory guidance to the emerging U.S. commercial space transportation industry. U.S. aerospace companies, which have traditionally constructed launch vehicles and conducted launches as contractors of the U.S. Government, have been successfully marketing commercial services worldwide and are now conducting commercial launches on a regular basis. Newer commercial launch firms are developing and testing innovative vehicle technologies that will serve the important small-payload market. The Department, as the agency authorized by statute to license and otherwise regulate commercial space launch activities, is responsible for ensuring that these activities are conducted in a safe manner. At the same time, the Department must also shape its policies and requirements in a way that does not unduly burden the U.S. commercial space transportation industry. OCST, therefore, is seeking to streamline and further refine its regulatory processes, while continuing to consult with other agencies having responsibilities related to commercial space transportation.

#### United States Coast Guard (USCG)

The United States Coast Guard, an armed force of the United States, has many peacetime missions directly affecting the public. These missions include placing and maintaining aids to navigation, enforcing laws and treaties, protecting the marine environment, performing search and rescue, and ensuring marine safety and security. Various statutes authorize the Coast Guard to issue regulations in connection with these missions. The Coast Guard traditionally provides for pollution prevention and safety of passengers, crew, cargo, and ports through a framework of regulations that apply to U.S. flag vessels and foreign vessels that call at U.S. ports. The Marine Safety Council, a group of senior Coast Guard officers, establishes regulatory policy, reviews each rulemaking project, and

advises the Commandant of the Coast Guard on regulatory matters.

The Oil Pollution Act of 1990 mandated over 30 different rulemaking projects, affecting pollution liability, personnel training and qualification, and vessel construction and equipment requirements. A number of regulations issued under the authority of the Oil Pollution Act of 1990 are now in effect, including requirements for financial responsibility, double-hull construction, and vessel and facility oil spill response plans. Other rulemaking projects, including requirements for hazardous substances response plans and structural and operational measures to prevent pollution from existing tank vessels, are in progress.

The percentage of foreign vessel traffic in U.S. ports has increased significantly over the past several years. As a result, the Coast Guard is shifting its emphasis from "flag state control" directed primarily at U.S. vessels to "port state control." Its goal will be to identify substandard foreign vessels and operators, and ensure deficiencies are corrected. Through Coast Guard initiatives at the International Maritime Organization (IMO), international standards have been raised to a level comparable with domestic requirements. The Coast Guard intends to increase its acceptance of international standards and eliminate or reduce inconsistencies with domestic regulations, while still ensuring an appropriate level of safety.

Additional emphasis will also be placed on sectors of the maritime industry that have previously not been regulated. As a result of recent casualties, legislation and regulations that would improve navigation and operation requirements for uninspected towing vessels are under consideration. Regulatory projects have been initiated to improve equipment and construction standards for uninspected fishing vessels. Legislation that would expand licensing and inspection requirements for fishing vessels is also under consideration.

#### Federal Highway Administration (FHWA)

In 1994-1995, the Federal Highway Administration (FHWA) will continue to promulgate regulatory actions to implement the Intermodal Surface Transportation Efficiency Act of 1991 and other relevant statutes and will revise existing regulations where appropriate. The FHWA will rigorously pursue regulatory reform in areas where project development can be streamlined

or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and the decisionmaking authority of the States can be increased.

The major areas in which the FHWA will initiate or continue to develop significant rulemaking actions in 1994 are in its ongoing zero-base review of the Federal Motor Carrier Safety Regulations and in implementing the Intermodal Surface Transportation Efficiency Act. The goals and objectives of the zero-base review project are to (1) focus on those areas of enforcement and compliance which are most effective in reducing motor carrier accidents, (2) reduce compliance costs, (3) encourage innovation, (4) clearly and succinctly describe what is required, and (5) facilitate enforcement. Through the zero-base review, the FHWA intends to develop a unified, performance-based regulatory system that will enhance safety on our Nation's highways while minimizing the burdens placed on the motor carrier industry. In addition, the FHWA is currently re-drafting the Rules of Practice for Motor Carrier Safety and Hazardous Materials Proceedings. We plan to simplify the current process to facilitate responses by the accused motor carriers and drivers, and to offer alternative means of adjudicating the claims. We also intend to promulgate comprehensive rules covering the entire enforcement process from initial contact with the motor carrier to the final disposition of the claim.

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

The statutory responsibilities of the National Highway Traffic Safety Administration (NHTSA) include improving highway safety, reducing motor vehicle crashes and related fatalities and injuries, providing information and cost savings to consumers, and improving automotive fuel efficiency. The agency endeavors to pursue policies that encourage the development of nonregulatory approaches when appropriate in meeting its statutory mandate; to issue new standards and regulations or amendments to existing standards and regulations when appropriate; to ensure that regulatory alternatives reflect a careful assessment of the problem and a comprehensive analysis of the benefits, costs, and other impacts associated with the proposed regulatory action; and to consider alternatives consistent with the Administration's regulatory principles.

In addition to numerous programs that focus on the safety and performance

of the motor vehicle, the agency is engaged in a variety of programs to improve driver behavior. These programs emphasize the human aspects of motor vehicle safety and recognize the important role of the States in this common pursuit. This goal is accomplished by providing flexibility and encouraging initiatives in such areas as safety belt usage, motorcycle helmet usage, child safety-seat usage, activities aimed at combating drunk driving and driving under the influence of other drugs, and consumer information activities.

Furthering initiatives begun under the National Performance Review, NHTSA is conducting several program evaluations that are designed to review and evaluate the actual benefits, costs, and overall effectiveness of existing standards and regulations.

In its 1994 Regulatory Plan, NHTSA focuses on three significant rulemakings: to consider additional brake performance requirements for passenger cars; to upgrade the current interior impact standard to provide greater head injury protection from contact with upper vehicle interiors; and to establish corporate average fuel economy standards for light trucks for model years 1998-2006.

The actions included in the Regulatory Plan were undertaken in conformance with a congressional mandate, and reflect a continuation of NHTSA's regulatory reform policy objectives. The suggested Regulatory Plan actions on passenger car brakes and head-impact protection in vehicle interiors are supported by extensive research and crash data. Suggested light truck fuel economy standards were discussed in a report by the National Academy of Sciences, and carefully analyzed in a series of ongoing discussions between NHTSA, the Department of Energy and the Environmental Protection Agency.

NHTSA's regulatory program includes additional proposals that will be undertaken in order to allow design flexibility, promote new technology, and encourage market competition and consumer choice.

#### **Federal Railroad Administration (FRA)**

The Federal Railroad Administration (FRA) exercises regulatory authority over all areas of railroad safety. This authority has been delegated to FRA by the Secretary of Transportation. The primary source of the authority is the Federal Railroad Safety Act of 1970, 45 U.S.C. 431 *et seq.*

FRA's general regulatory objective is to develop a regulatory program that meets the basic criteria for such programs set forth in Executive Order 12866 and is based on the regulatory principles enunciated in the Order. FRA's vision is a regulatory program that protects the health and safety of all persons affected by railroading in America and enhances the environment without imposing unreasonable costs on society. In the words of the Order, FRA seeks to create regulations that "are effective, consistent, sensible, and understandable."

More specifically, FRA's objectives are to implement the significant number of pending congressional mandates for railroad safety regulations in the most timely and reasonable manner possible and to address the most important regulatory issues on the agency's own agenda in the same manner.

Our current regulatory priorities include issuance of final rules on several important subjects: maintenance, inspection, and testing of grade crossing warning devices; track safety; power brake inspection and maintenance; and the crashworthiness and inspection of hazardous materials tank cars. (On the last subject, we work jointly with the Research and Special Programs Administration.) Each of these rules will embody cost-effective improvements in the way railroads currently conduct business that will, we believe, significantly increase safety performance in an industry that already has a generally sound safety record.

One especially important FRA initiative planned for the coming year is a proposed rule concerning safety standards for railroad equipment designed for high-speed passenger service. Amtrak, of course, plans to purchase a number of high-speed trainsets in the near future, and other purchases are increasingly likely. The higher speeds at which these trains will operate and their unique features require issuance of standards that address those factors. Such standards will provide the certainty that developers of such systems desire for design and cost estimation purposes. More important, these rules will ensure that important safety features are built into all high-speed equipment designed for use in America.

FRA's regulatory priorities clearly track the President's priorities with respect to the promotion of a safe and efficient transportation system that includes high-speed rail passenger service as a vital component.

**Maritime Administration (MARAD)**

MARAD administers Federal laws and programs designed to promote and maintain a U.S. merchant marine capable of meeting the Nation's shipping needs for both domestic and foreign commerce and national security.

MARAD's regulatory objectives and priorities reflect its promotional mandate. Generally, regulation is undertaken only when required by statute, as was the case recently to implement Administration-sponsored legislation to strengthen America's shipyards, or when it would clearly provide a significant net benefit to the Maritime industry and no effective alternative has been identified. MARAD's entry in the present Regulatory Plan falls in the latter category and is designed to bring government procurement of ocean transport more in line with commercial practices. MARAD has been involved in ongoing discussions with the U. S. Department of Agriculture and the U. S. Agency for International Development concerning the proposed changes. Industry, the government and the public should benefit from the rule.

**Research and Special Programs Administration (RSPA)**

The Research and Special Programs Administration (RSPA) has responsibility for rulemaking under three programs. Through the Associate Administrator for Hazardous Materials Safety, RSPA administers regulatory programs under the Hazardous Materials Transportation Act (HMTA); the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990; and the Sanitary Food Transportation Act. Through the Associate Administrator for Pipeline Safety, RSPA administers regulatory programs under the Natural Gas Pipeline Safety Act of 1968; the Hazardous Liquid Pipeline Safety Act of 1979; and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990. The Associate Administrator for Research, Technology, and Analysis is responsible for collecting, evaluating, and disseminating the necessary tariff, financial, traffic, and consumer information to support the aviation programs of the Department under the Federal Aviation Act of 1958.

In the area of hazardous materials transportation, the regulatory priorities are to complete the rulemaking actions mandated by the 1990 amendments to the HMTA, including extending Federal regulation to the intrastate highway

transportation of hazardous materials and improving hazardous materials identification systems. Other priorities are to issue final rules on detection of flaws in railroad tank cars and crashworthiness protection requirements for tank cars.

The regulatory priorities in the pipeline safety area are to manage the risks inherent in pipeline transportation through strategies directed at prevention, detection, and mitigation activities. Specific regulatory actions to implement these activities include excavation damage prevention programs mandating participation in one-call notification systems; increased inspection requirements using instrumented internal inspection devices; and prescribing the circumstances under which pipeline operators must use emergency flow restricting devices to mitigate spills.

In the aviation information area, the regulatory priorities are to examine ways to improve the Passenger Origin-Destination Survey, explore the issue of confidential treatment of domestic market data, fully automate tariff filings by air carriers, and eliminate routine filing of cargo tariffs.

**Federal Aviation Administration (FAA)**

The Federal Aviation Act of 1958, as amended, charges the Administrator of the FAA with promoting safety of flight of civil aircraft in air commerce. The stated FAA mission is to provide a safe, secure, and efficient global aviation system which contributes to national security and the promotion of U.S. aviation. The agency relies on its Regulatory Plan to provide that system.

The FAA currently has a major initiative to improve the regulatory process in the spirit of Executive Order 12866, which charges agencies to promulgate regulations that are effective, consistent, sensible, and understandable. As a matter of policy, the FAA will promulgate no regulation if a nonregulatory solution exists. Other innovations include:

- Involving the aviation community early in the regulatory process to obtain input, both on the rule and the economics, from affected parties prior to publishing a proposed regulation. The Aviation Rulemaking Advisory Committee represents members from all aviation interests and is presently working on the resolution of more than 70 issues.
- Improving the agency's economic analysis process. The agency sponsored a public symposium on

June 28, 1994, to obtain public input for the improvement of the process.

- Harmonizing the U.S. aviation regulations with those of other countries. The harmonization of the U.S. regulations with the European Joint Aviation Regulations (JAA) is the FAA's most comprehensive long-term rulemaking effort. The differences worldwide in certification standards, practices, and procedures, and operating rules and procedures, must be identified and minimized to reduce the regulatory burden on the international aviation system. The differences between the FAA regulations and the requirements of other nations impose a heavy burden on U.S. aircraft manufacturers and operators. Harmonization and standardization should help the U.S. aerospace industry, which contributed approximately \$23 billion in trade surplus for 1990, to remain internationally competitive. While the overall effort to achieve this is global, it will be accomplished by many small, individual, nonsignificant rulemaking projects.
  - Reviewing the regulations to identify those rules that are inconsistent with state-of-the-art technology or current industry practice. To enhance its ability to perform its statutory role without undue economic burden on the aviation industry, the agency announced a comprehensive review on January 10, 1994, asking interested parties to identify those regulations that are believed to be unwarranted or inappropriate. The comments provided in response to this notice will assist the agency in establishing its priorities for future regulatory changes. Other reviews will be conducted periodically.
  - Improving the regulatory process. To improve its internal process, the FAA is experimenting with a new methodology of processing regulations that will require earlier involvement by all interested parties. Also, through an improved prioritization process, top management at the FAA now identifies certain projects that are designated as expedited rulemakings. These are generally simple, relieving rulemakings that are accomplished quickly through a dedication of resources. In addition, the FAA is working on a rulemaking proposal that would allow the use of a finding of equivalent level of safety that could be used in lieu of exemptions.
- Top regulatory priorities of the FAA for 1994-1995 are those affecting security at airports, harmonization of

U.S. regulations with those of other countries, certification and maintenance of aircraft, survival equipment, and drug enforcement. Those rulemaking efforts are described in detail in this edition of the Regulatory Plan of the United States Government.

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**DOT—Office of the Secretary (OST)**

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**PROPOSED RULE STAGE**

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**116. +LICENSING COMMERCIAL SPACE LAUNCH ACTIVITIES**

**Legal Authority:**

49 USC app 2601 to 2623

**CFR Citation:**

14 CFR 400 to 415

**Legal Deadline:**

None

**Abstract:**

The Commercial Space Launch Act of 1984, as amended, grants the Department of Transportation's Office of Commercial Space Transportation authority to license and otherwise regulate commercial launches and the commercial operation of launch sites. The Office must ensure that commercial space launch activities are conducted in a manner that does not jeopardize public health and safety and the safety of property without, however, imposing unnecessary regulatory burdens on the commercial launch industry. The industry has grown in size and complexity since the original regulations were published in 1988, and the Office's licensing program continues to evolve to reflect these changes. This rulemaking would modify the current regulations to reflect a streamlined and more mature licensing regime developed over the past few years. Such changes would benefit the industry by reducing regulatory burdens, thus reducing costs. This rulemaking is significant because of substantial public interest.

**Statement of Need:**

On April 4, 1988, the Office of Commercial Space Transportation (OCST) published final regulations for licensing commercial space launch activities. The regulations include the general administrative procedures of OCST as well as revised and expanded policies for licensing commercial launch activities. The industry has grown in size and complexity since the

licensing regulations were first published in 1988. As a result, the Office has continued to refine its approach to licensing launch proposals in a manner that facilitates private sector launch activities. This rulemaking would modify the current regulations to reflect a more efficient licensing regime. In addition, the rulemaking will address the procedures and requirements applicable to the licensing of commercial spaceport operators.

**Summary of the Legal Basis:**

The Commercial Space Launch Act of 1984, as amended, 49 U.S.C. app. 2601 et seq., confers upon the Department of Transportation the responsibility to license and otherwise regulate launches by the private sector of launch vehicles and the commercial operation of launch sites. The Department's Office of Commercial Space Transportation carries out this responsibility for ensuring that these commercial launch activities do not jeopardize public health and safety, the safety of property, and national security and foreign policy interests of the United States.

**Alternatives:**

No alternatives were considered. OCST is required by the Commercial Space Launch Act to review and act upon applications for licenses to conduct commercial launches and commercial launch site operations. The Act does not permit OCST to follow alternative approaches in carrying out this responsibility. Therefore, although this rulemaking will make further refinements to the licensing process, the basic regulatory approach will not change.

**Anticipated Costs and Benefits:**

The rule should impose no additional costs on the commercial space transportation industry. By streamlining the licensing process that is already in place, the rule should benefit the industry by reducing the regulatory burden. The rule should benefit the Office by establishing a more efficient licensing mechanism, thereby reducing staff time.

**Risks:**

The primary purpose of OCST licensing is to ensure that commercial space launch activities do not jeopardize public health and safety and the safety of property and to ensure compliance with international obligations of the United States. Although the historical safety record of

government and commercial launch firms is excellent, significant risks or hazards are presented by the launch of launch vehicles. Risks or hazards include possible explosions and fires involving liquid or solid rocket propellants and ordnance, as well as the generation of launch vehicle and payload debris. Launch accidents, including in-flight failures of guidance or destruction systems, may result in injury to launch personnel and the public and in damages to or loss of government and private property. The potential maximum probable loss for injuries and damages from a single launch typically is in the tens of millions of dollars. The OCST licensing process, in conjunction with U.S. Government launch facilities' range safety control procedures, are directed at ensuring these launch activities do not jeopardize public safety or U.S. national interests. In addition, OCST imposes financial responsibility requirements on licensees to protect the public and the government, pursuant to the 1988 amendments to the Commercial Space Launch Act.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

Federal

**Analysis:**

Regulatory Evaluation 10/00/94

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**DOT—OST**

**117. +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES**

**Legal Authority:**

49 USC 322; PL 101-336, Americans with Disabilities Act (ADA)

**CFR Citation:**

49 CFR 27

**Legal Deadline:**

Final, Statutory, May 16, 1994.

**Abstract:**

The Department is seeking responses to questions concerning requirements for accessibility of over-the-road buses (OTRBs). DOT is required to consider the recent report of the Office of Technology Assessment in drafting OTRB access rules. This project is considered significant because of substantial public interest.

**Statement of Need:**

This regulation is necessary for the Department to comply with the ADA requirement that it issue a regulation governing accessibility in OTRB service for persons with disabilities.

**Summary of the Legal Basis:**

Under the ADA, the Department must issue regulations concerning OTRBs. OTRBs are buses with a high passenger deck and a below-deck baggage compartment, of the kind used by Greyhound, other intercity and local fixed-route operators, and charter and tour companies.

When Congress enacted the ADA, it directed DOT to establish limited interim regulations for OTRBs. These interim regulations, which DOT published as part of its 1991 ADA rules, call for OTRBs to provide boarding assistance to individuals with disabilities and to carry their wheelchairs in baggage. By statute, these interim rules could not require lifts or other specific boarding devices.

Based on concerns about the economic weakness of the intercity bus industry and the potential for reductions in OTRB service (particularly to rural areas), Congress directed the Office of Technology Assessment (OTA) to study issues relating to demand, technology, cost-effectiveness, and service impacts of implementing OTRB access. OTA published its report in May 1993. OTA took the view that the ADA requires new OTRBs to be lift-equipped and requires passengers to be able to ride in their own wheelchairs (the highest cost approach to achieving OTRB accessibility). Under OTA's interpretation of the statute, DOT would have little regulatory discretion to fashion more flexible requirements.

Because OTA's study left many questions unanswered, DOT issued, in October 1993, an advance notice of proposed rulemaking (ANPRM) to obtain views on the Department's discretion under the statute and technical, cost and service data critical

to the development of a full range of OTRB regulatory options. The Department also held a public workshop, attended by bus industry and disability groups, to discuss OTRB accessibility options.

The gaps in the OTA study, and the Department's consequent need to begin the regulatory process with an ANPRM, have put the Department behind the timetable established in the ADA, which called for a final rule to be issued within one year of the OTA report (i.e., May 1994).

The next step in the process is for the Department to issue a notice of proposed rulemaking (NPRM).

**Alternatives:**

The Department analyzed comments to the docket in an advance notice of proposed rulemaking and held a workshop involving representatives of interested parties to obtain views on the Department's discretion under the statute for achieving accessibility in OTRB device and technical, costs, and service data. As a result of these activities, several options have been suggested for achieving accessible OTRB service. Option I assumes lift equipment of 100 percent of OTRB's. Option II assumes an accessible OTRB system based primarily on station-based lifts plus ramps and a boarding chair on 100 percent of OTRBs vs. one based on Scalamobiles (a powered stair climber device) on 100 percent of OTRBs. Option III assumes 25 percent lift-equipped OTRBs and 75 percent Scalamobiles. All options assume a 10-year implementation period.

**Anticipated Costs and Benefits:**

Cost information is very sparse and our estimates are still in flux. Presently, the anticipated annual cost of option I would be \$67-\$78 million. The high and low cost range reflects differences in lift types, other OTRB and terminal access features, personnel training and forgone revenue from seat and/or package loss. The anticipated annual cost of option II would be \$16-\$19 million. The high and low costs reflect differences between an accessible OTRB system based primarily on station-based lifts plus ramps and boarding chairs on 100 percent of OTRBs vs. one based on Scalamobiles on 100 percent of OTRBs.

Option III annual costs would be estimated at \$40-\$45 million based on 25 percent lift-equipped OTRBs and 75 percent of the fleet with Scalamobiles.

Option I would permit persons with disabilities to schedule trips at the last

minute and they could remain in their mobility devices while traveling. They would not have to transfer to a vehicle seat. This is the option that would be favored by the disability community, but is the most costly option to the OTRB industry. The high cost of complying with this option could drive some companies out of business.

Under option II, OTRB operators would not be required to purchase buses equipped with vehicle-based lifts or securement locations. They would be required to ensure, within a given period of time, that individuals with disabilities, including wheelchair users, could use all services the operator provides. Wheelchair users would transfer to a vehicle seat, rather than riding in their own mobility aids.

Under option III, OTRB operators, within a given period of time, would have to obtain a certain percentage of lift-equipped buses as part of their mix of services to passengers with disabilities. This approach combines the flexibility of option II with a requirement for a modest level of fleet accessibility, which would enable passengers to ride in their own wheelchairs but would require advance notice to schedule trips. This responds partially to concerns of disability community comments on the Department's ANPRM. Bus industry commenters expressed at least qualified support for this approach.

**Risks:**

Because of the economic weakness of the intercity bus industry, the Department is concerned that any one of the options for bringing about accessible OTRB service could potentially bring about a reduction in intercity bus service for all users. This could have a significant negative impact on current intercity bus users, most of whom have low incomes and may not have ready access to other means of affordable transportation.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/12/93	58 FR 52735
ANPRM Comment Period End	11/26/93	
NPRM	10/00/94	

**Small Entities Affected:**

Undetermined

**Government Levels Affected:**

Undetermined

**Analysis:**

Regulatory Evaluation

**Additional Information:**

Telephone number for TDD is (202) 755-7687.

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DOT—OST

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**FINAL RULE STAGE**

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**118. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND IN AIR TRAVEL (AIR CARRIER ACCESS ACT)**

**Legal Authority:**

29 USC 794

**CFR Citation:**

49 CFR 27; 14 CFR 382

**Legal Deadline:**

None

**Abstract:**

This action would amend portions of the rule implementing section 504 of the Rehabilitation Act of 1973 concerning federally assisted airport facilities to comport with 14 CFR 382, implementing the Air Carrier Access Act of 1986. The proposed rule would also apply the section 504 rule to air carriers receiving Federal financial assistance under the essential air service program. In addition, this action would amend 14 CFR 382 to implement the Air Carrier Access Act with respect to lifts for small commuter aircraft and airport facility accessibility. This rulemaking is considered significant because of substantial public interest.

**Statement of Need:**

This rule is necessary to further implement the Air Carrier Access Act of 1986.

**Summary of the Legal Basis:**

In the Department's regulation implementing section 504 of the Rehabilitation Act of 1973, which went into effect in 1979, the Department required federally assisted airports to play a role in boarding assistance for individuals with disabilities.

Each operator at an airport receiving any Federal financial assistance shall assure that adequate assistance is provided for enplaning and deplaning handicapped persons. Boarding by level-entry boarding platforms and by passenger lounges are the preferred methods for movement of handicapped persons between terminal buildings and aircraft at air carrier airports; however, where this is not practicable, operators at air carrier airport terminals shall assure that there are suitable devices available for enplaning and deplaning handicapped passengers.

**Alternatives:**

The Department considered three approaches for assisting persons with disabilities in boarding and deboarding aircraft having fewer than 30 seats at airports where level boarding equipment was not provided. Air carriers and airport operators have the option of using lifts, ramps, or other suitable devices, not normally used for freight, to assist persons with disabilities in enplaning and deplaning small commuter-type aircraft.

**Anticipated Costs and Benefits:**

The estimated annual compliance costs for carriers and airports of the NPRM's requirements would range from \$1.0 to \$8.3 million in 1993 dollars. The estimated cost depends upon the number and type of lift boarding devices assumed to be needed at different size airports.

The benefits that would accrue from removing barriers to boarding and deboarding commuter type aircraft cannot be quantified, but could well include increased employment opportunities for persons with disabilities, as well as an enhanced quality of life associated with expanded travel opportunities. Other potential benefits could include reduced injuries and associated medical cost to airline passengers and to airline employees who hand-carry passengers onto aircraft because there is no other means of boarding assistance available.

**Risks:**

Requiring air carriers and air carrier airports to purchase and maintain boarding assistance equipment could cause financial hardship on these entities. However, not having such equipment available could result in injuries to passengers and employees who continue to hand-carry passengers with disabilities onto aircraft. While hand-carrying persons with disabilities in boarding chairs up and down airstairs on commuter planes (those

with less than 30 seats) is not required by the Department's Air Carrier Access Act regulation, such service is sometimes volunteered by carrier employees.

**Timetable:**

Action	Date	FR Cite
NPRM	03/06/90	55 FR 8081
NPRM Comment Period End	06/04/90	
Second NPRM	09/10/93	58 FR 47681
NPRM Comment Period Extended to 01/07/94	11/30/93	58 FR 63154
Second NPRM Comment Period End	12/09/93	
Final Action	10/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation 03/06/90 (55 FR 8081)

**Additional Information:**

The telephone number for TDD is (202) 755-7687; a taped copy of the NPRM is available on request. The issue of lifts for small commuter aircraft was removed from RIN 2105-AB60 and consolidated into this proceeding.

**Agency Contact:**

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Office of the Secretary  
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Washington, DC 20590  
202 366-9306

RIN: 2105-AB62

DOT—U.S. Coast Guard (USCG)

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**PRERULE STAGE**

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**119. • +FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (94-048)**

**Legal Authority:**

33 USC 1321(j)

**CFR Citation:**

33 CFR 154

**Legal Deadline:**

None

**Abstract:**

This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause substantial or significant and substantial harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. This would be defined as any facility capable of transferring hazardous substances regulated under 46 CFR Subchapters D and O to or from a vessel in quantities of 250 barrels or more. A separate rulemaking under RIN 2115-AE88 would address hazardous response plan requirements for tank vessels. This action is considered significant because of substantial public interest.

**Statement of Need:**

This rulemaking is intended to reduce the impact from hazardous substance spills from vessels and marine transportation-related facilities.

**Summary of the Legal Basis:**

Section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), codified at 33 USC 1321(j)(5), mandates that the President issue regulations requiring the preparation of oil and hazardous substance discharge response plans. Although 4202(b)(4) of OPA 90 established an implementation schedule for these response plans for oil, it did not establish a deadline for submission or approval of hazardous substances response plans. The Coast Guard has issued separate interim rules governing response plan requirements for vessels carrying oil in bulk as cargo and facilities that handle, store, or transport oil in bulk. Under section 1321, "hazardous substances" are designated by the Administrator of the Environmental Protection Agency. The Administrator has designated 297 chemicals as hazardous substances under this section. However, the Coast Guard has identified only 83 hazardous substances currently transferred in bulk by marine transportation-related facilities.

**Alternatives:**

The Coast Guard intends to determine what types of response strategies would be required to address spills of different types of hazardous substances. For some substances, containment and

recovery may be the appropriate response. However, some spilled substances may not be recoverable from the water and other actions may be necessary. Plans would be required, by statute, to address responses to a "worst case discharge." For facilities, a "worst case discharge" is "the largest foreseeable discharge in adverse weather conditions." The Coast Guard is considering requirements for response plans for less than "worst case discharges," similar to the requirements adopted in the vessel and facility response plans rules for oil discharges. Additionally, as in the vessel and facility response plans for oil discharges, owners or operators are required by statute to maintain contracts or other acceptable arrangements with spill-response organizations.

**Anticipated Costs and Benefits:**

The potential costs of this rulemaking may include the costs of developing and implementing a hazardous substance response plan, maintaining contracts with spill response organizations, reviewing and updating hazardous substance response plans, maintaining any required equipment, and training and exercising response personnel. Potential benefits include enhanced environmental quality from improved ability to respond to, contain, and recover spilled hazardous substances and a reduction in the severity of the impact of accidental hazardous substance discharges. The Coast Guard does not yet have sufficient information to estimate the potential monetary costs and benefits of this rule. A key element in developing effective regulations for hazardous substance response plans will be the development of an approach for addressing different types of hazardous substances.

**Risks:**

Response plans are required by statute. A response plan will not prevent a discharge of a hazardous substance, but it may improve the response and, in certain cases, help to minimize personal injury and damage to the environment. This rule should not affect the economic viability of facilities involved in transferring hazardous substances in bulk or have a significant impact on the volume of hazardous substances shipped by marine transportation-related facilities. Most facilities involved in transferring hazardous substances in bulk have developed plans, but there have not been requirements for standardization.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/94	

**Small Entities Affected:**

Undetermined

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation

**Agency Contact:**

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RIN: 2115-AE87

**DOT-USCG****120. • +TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (94-032)****Legal Authority:**

33 USC 1321(j)

**CFR Citation:**

33 CFR 155

**Legal Deadline:**

None

**Abstract:**

This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the U.S. that carry bulk hazardous substances regulated under 46 CFR Subchapters D and O. A separate rulemaking under RIN 2115-AE87 would address hazardous substances response plan requirements for marine transportation-related facilities. This action is considered significant because of substantial public interest.

**Statement of Need:**

This rulemaking is intended to reduce the impact from hazardous substance spills from vessels.

**Summary of the Legal Basis:**

Section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), codified at 33 USC 1321(j)(5), mandates that the President issue regulations requiring the preparation of oil and hazardous substance discharge response plans. Although 4202(b)(4) of OPA 90 established an implementation schedule for these response plans for oil, it did not establish a deadline for submission or approval of hazardous substances response plans. The Coast Guard has issued separate interim rules governing response plan requirements for vessels carrying oil in bulk as cargo and facilities that handle, store, or transport oil in bulk. Under section 1321, "hazardous substances" are designated by the Administrator of the Environmental Protection Agency. The Administrator has designated 297 chemicals as hazardous substances under this section. However, the Coast Guard has identified only 83 hazardous substances currently transferred in bulk by marine transportation-related facilities.

**Alternatives:**

The Coast Guard intends to determine what types of response strategies would be required to address spills of different types of hazardous substances. For some substances, containment and recovery may be the appropriate response. However, some spilled substances may not be recoverable from the water and other actions may be necessary. Plans would be required, by statute, to address responses to a "worst case discharge." For vessels, a "worst case discharge" is "a discharge in adverse weather conditions of its entire cargo." The Coast Guard is considering requirements for response plans for less than "worst case discharges," similar to the requirements adopted in the vessel and facility response plans rules for oil discharges. Additionally, as in the vessel and facility response plans for oil discharges, owners or operators are required by statute to maintain contracts or other acceptable arrangements with spill response organizations.

**Anticipated Costs and Benefits:**

The potential costs of this rulemaking may include the costs of developing and implementing a hazardous substance response plan, maintaining contracts with spill-response organizations, reviewing and updating hazardous substance response plans, maintaining any required equipment, and training and exercising response

personnel. Potential benefits include enhanced environmental quality from improved ability to respond to, contain, and recover spilled hazardous substances and a reduction in the severity of the impact of accidental hazardous substance discharges. The Coast Guard does not yet have sufficient information to estimate the potential monetary costs and benefits of this rule. A key element in developing effective regulations for hazardous substance response plans will be the development of an approach for addressing different types of hazardous substances.

**Risks:**

Response plans are required by statute. A response plan will not prevent a discharge of a hazardous substance, but it may improve the response and, in certain cases, help to minimize personal injury and damage to the environment. This rule should not affect the economic viability of vessels involved in transferring hazardous substances in bulk, or have a significant impact on the volume of hazardous substances shipped by vessel. Most vessels carrying hazardous substances in bulk have developed plans, but there have not been requirements for standardization.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/94	

**Small Entities Affected:**

Undetermined

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation

**Agency Contact:**

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RIN: 2115-AE88

DOT-USCG

**PROPOSED RULE STAGE**

**121. +STRUCTURAL AND OPERATIONAL MEASURES TO REDUCE OIL SPILLS FROM EXISTING TANK VESSELS WITHOUT DOUBLE HULLS (91-045)**

**Legal Authority:**

46 USC 3703; PL 101-380

**CFR Citation:**

33 CFR 157

**Legal Deadline:**

Final, Statutory, August 26, 1991.

**Abstract:**

This rulemaking will address the interim measures existing vessels must take to provide substantial protection to the environment. The interim measures will apply to existing vessels until the vessel must comply with the double-hull regulations. No tank vessel without a double hull may operate after January 15, 2015. Interim measures are to include structural and operational standards to provide substantial protection to the environment that are economically and technologically feasible. This rulemaking is considered significant due to substantial public interest and environmental impact.

**Statement of Need:**

This rulemaking is intended to reduce the likelihood of, and impact from, oil spills from existing tank vessels.

**Summary of the Legal Basis:**

Section 4115(b) of OPA 90, codified at 46 USC 3703a, mandates that the Secretary of Transportation "... issue a final rule to require that tank vessels over 5,000 gross tons ... comply until January 1, 2015, with structural and operational requirements that the Secretary determines will provide as substantial protection to the environment as is economically and technologically feasible."

**Alternatives:**

In 1989, the Coast Guard commissioned the National Academy of Sciences to conduct a study of alternative tank vessel designs. The study addressed the feasibility and ramifications of implementing various design options. An advance notice of proposed rulemaking (ANPRM) was published on November 1, 1991, and solicited comments on a number of

possible structural and operational measures. Comments were specifically solicited on the number of vessels affected, technical feasibility, and costs of various measures. Based on comments received and the Coast Guard's own analysis, the range of possible alternatives was narrowed. Remaining options included protectively located noncargo tanks (PL/Spaces), emergency rapid transfer systems, emergency rescue systems, underpressure systems, and hydrostatically balanced loading (HBL). Following publication of a notice of proposed rulemaking (NPRM) on October 22, 1993, the Coast Guard conducted a public meeting and received additional comments. Several comments expressed concern over the effectiveness of some of the proposed structural and operational measures, such as protectively located spaces and hydrostatic balance loading. Therefore, the Coast Guard is considering a three-prong approach. A partial final rule addressed emergency lightering equipment and prearrival notification requirements. Future rulemakings will address the other structural measures and solicit additional comments.

**Anticipated Costs and Benefits:**

The costs of the proposed rule will depend on what combination of alternatives is eventually selected. Costs may range from approximately \$50,000 to create PL/Spaces on a small, pre-MARPOL ship to approximately \$25 million to add a double bottom to a very large crude carrier. Lost cargo capacity may also impose substantial costs for certain alternatives, especially HBL, double sides, and double bottoms. The principal benefit of the proposed rule will be a potential reduction in oil spillage into U.S. waters. This should result in reduced cleanup costs and natural resource damages. The proposed regulation would provide environmental benefits during the period of time that single-hull vessels remain in service.

**Risks:**

The effectiveness of this rulemaking will depend on the combination of alternatives selected.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/01/91	56 FR 56284
ANPRM Comment Period End	12/31/91	
ANPRM Comment Period Extended to	01/13/92	57 FR 1243
	01/30/92	
NPRM	10/22/93	58 FR 54870

Action	Date	FR Cite
NPRM Correction	11/19/93	58 FR 61143
Meeting Notice and Extension of Comment Period to 02/21/94	12/16/93	58 FR 65683
NPRM Comment Period End	12/20/93	
Final Rule; Arrival Notice and Lightering Equipment	08/05/94	59 FR 40186
SNPRM; Operational Measures	03/00/95	
SNPRM; Structural Measures	09/00/95	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation; Environmental Impact

**Additional Information:**

This entry was previously titled Existing Tank Vessel Hull Requirements. The correct docket number is 91-045. The rulemaking project has been divided into three distinct parts: A final rule was published that requires an advance notice of arrival for all tank vessels 5,000 GT or more entering U.S. ports and the carriage of lightering equipment on these vessels. A supplemental notice of proposed rulemaking will be issued for Structural Measures and an SNPRM will be issued for Operational Measures.

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RIN: 2115-AE01

**DOT—Federal Aviation Administration (FAA)**

**PROPOSED RULE STAGE**

**122. +CORROSION CONTROL PROGRAM**

**Legal Authority:**

49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471;

49 USC 1472; 49 USC 1501; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:**

14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

**Legal Deadline:**

None

**Abstract:**

This project would ensure that airplanes used or not used in common carriage in air transportation have a comprehensive corrosion prevention program within their maintenance or inspection program. In April 1988, a commercial transport airplane experienced an in-flight decompression and separation of approximately 18 feet of the fuselage skin and structure at the top of the airplane. The airplane had been in service for 19 years and had flown almost 90,000 flights. The National Transportation Safety Board concluded that the failure of the airline to detect skin disbonding resulted in corrosion and metal fatigue leading to separation of the airplane's skin structure. This rulemaking is considered significant because of substantial public interest.

**Statement of Need:**

The FAA plans to promulgate a rule that would require persons operating certain airplanes in air transportation to include in their maintenance or inspection program an FAA-approved corrosion prevention and control program. This action is necessary to preclude an unsafe condition in airplanes due to the effects of corrosion.

**Summary of the Legal Basis:**

Federal Aviation Act of 1958 (P.L. 95-504, October 24, 1978; P.L. 96-192, February 15, 1980)

**Alternatives:**

The FAA may rely upon airplane operators to develop comprehensive corrosion prevention and control programs as part of their normal maintenance programs or the FAA may rely upon the aviation community to develop comprehensive corrosion prevention and control programs for individual airplane models and recommend rulemaking to implement them in the fleet.

**Anticipated Costs and Benefits:**

The FAA has implemented corrosion prevention and control programs for eleven models of airplane as part of the

aging airplane program. The cost of these programs range from \$3,000 to \$30,000 per year depending upon the construction of the airplane model. The expected benefit of the proposed rule is a reduction in the risk of accidents related to corrosion that might otherwise occur. The FAA holds that the potential benefits of this proposed rule exceed the expected costs.

**Risks:**

The U.S. fleet continues to age and recent accident history may not be representative of future conditions or of future exposure to such conditions. The FAA cannot assess the exact proportion or severity of potential accidents that would be averted by issuance of this proposed rule. It is the FAA's position that the requirements for operators to develop and implement corrosion prevention and control programs would result in more consistent conduct of necessary maintenance and in an associated increase in overall safety.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/95	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation 09/00/95

**Additional Information:**

Project Number: AFS-93-382R

**Agency Contact:**

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Department of Transportation  
Federal Aviation Administration  
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RIN: 2120-AE92

**DOT—FAA**

**FINAL RULE STAGE**

**123. +AIRCRAFT FLIGHT SIMULATOR USE IN PILOT TRAINING, TESTING, AND CHECKING AND AT TRAINING CENTERS**

**Legal Authority:**

49 USC 1301; 49 USC 1303; 49 JSC 1344; 49 USC 1348; 49 USC 1352; 49

USC 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:**

14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 141; 14 CFR 142

**Legal Deadline:**

None

**Abstract:**

This action would amend the pilot and flight instructor certification rules to include additional use of aircraft, aircraft flight simulators, and flight training devices for pilot training, testing, and checking. This notice also would propose a new part 142 that would govern a new concept called training centers. This new concept will emphasize the use of flight simulators in training applicants for pilot certificates. This rulemaking is considered significant because of substantial public interest; it involves a major change in the way industry trains applicants.

**Statement of Need:**

The training roles of several elements of the aviation community have expanded during the past 10 years. In October 1989, an advisory committee studying matters relating to training and qualification recommended that the FAA standardize the use of flight simulators and flight training devices, provide a means to certificate entities called training centers, and permit the training centers to apply for national approval of core curriculums that could be used by individuals receiving training. This rulemaking project responds to this recommendation by including the concept of a certificated training center.

**Summary of the Legal Basis:**

Secs. 601 and 602 of the Federal Aviation Act: Section 601 empowers the Administrator to prescribe the minimum standards governing appliances such as simulators; section 602 empowers the Administrator to issue airmen certificates.

**Alternatives:**

Since the FAA accepted the recommendations of the advisory committee, it will not pursue any nonregulatory options.

**Anticipated Costs and Benefits:**

The total 10-year cost to implement part 142 is estimated to be about \$1.3

million discounted. The benefits of this rule, however, far outweigh its costs. Most of the cost savings come from lowered operations costs. The estimated savings from existing simulator training centers training pilots will be \$808 million, discounted over the next 10 years.

**Risks:**

Flight simulators will expand under the changes in the simulator rule. The future use of simulators should reduce the need for pilot instructional flights and the incidence of instructional flight accidents. Each year many student pilots and their instructors die in instructional flight accidents. In the 10-year period 1983 through 1993, the National Transportation Safety Board reported 307 fatal instructional accidents resulting in 553 fatalities. The FAA estimates the average value of such an accident equals \$4.8 million. Instructional flight accidents are a risk that would follow in the absence of the simulator rule.

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/92	57 FR 35888
NPRM Comment Period End	12/09/92	
SNPRM; Comment Period End	02/19/93	58 FR 9514
Final Action	03/22/93	
	01/00/95	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation 08/11/92 (57 FR 35888)

**Additional Information:**

This project was formerly entitled "Aircraft Simulator Use in Airman Training and Certification." Project Number AFS-83-105R.

The SNPRM clarified or eliminated certain provisions found to be unclear or inappropriate for present consideration.

**Agency Contact:**

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RIN: 2120-AA83

**DOT—FAA****124. +UNESCORTED ACCESS PRIVILEGE****Legal Authority:**

49 USC 1354(a); 49 USC 1356; 49 USC 1357; 49 USC 1358 to 1421; 49 USC 106(g)

**CFR Citation:**

14 CFR 107; 14 CFR 108

**Legal Deadline:**

Final, Statutory, April 24, 1992.

Aviation Security Improvement Act of 1990

**Abstract:**

This action proposed to establish regulations to implement criminal history records checks for air carrier and airport security employees. This rulemaking is considered significant because of substantial congressional and public interest.

**Statement of Need:**

In response to the December 21, 1988, destruction of Pan American Airways Flight 103, former President Bush established a Commission on Aviation Security and Terrorism to assess the overall effectiveness of the U.S. civil aviation security system. The Commission's May 15, 1990, report recommended that Congress enact legislation requiring a criminal history records check for airport employees, identify certain crimes that indicate a potential risk, and enable airport operators to deny employment in positions requiring access to security-sensitive areas. The Commission's recommendations formed the basis of the Aviation Security Improvement Act of 1990.

**Summary of the Legal Basis:**

Aviation Security Improvement Act of 1990, Pub. L. 101-604. Section 105(a) amends section 316 of the Federal Aviation Act of 1958 by adding a new subsection (g) captioned "Air Carrier and Airport Security Personnel."

**Alternatives:**

Because of the statutory mandate, the FAA does not have a nonregulatory option. However, in response to commenters who objected to imposing a background check on all individuals having access to the security identification display area (SIDA), the FAA issued a supplemental notice of proposed rulemaking (Notice 92-3C) that excluded individuals with existing unescorted access privileges. The final

rule will not subject current employees with unescorted access authority to the access investigation.

**Anticipated Costs and Benefits:**

Discounted costs over 10 years are expected to range from \$4.3 million to \$11.1 million. The FAA finds that air terrorist acts are exceedingly expensive; an act such as the destruction of Pan American Airways Flight 103 could exceed \$1.3 billion.

**Risks:**

The FAA finds that this rulemaking will accomplish an appropriate balance between enhancing the effectiveness of the U.S. civil aviation security system and respecting the employment rights of individuals.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/92	57 FR 5352
NPRM Comment	03/12/92	57 FR 8834
Period Extended to	05/15/92	
NPRM Comment	03/16/92	
Period End		
Public Meetings	04/09/92	57 FR 12396
Notice		
SNPRM; Comment	09/18/92	57 FR 43294
Period End	12/17/92	
Final Action	12/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Flexibility Analysis; Regulatory Evaluation 09/18/92 (57 FR 43294)

**Additional Information:**

Project Number ACS-91-076R.

**Agency Contact:**

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RIN: 2120-AE14

**DOT—FAA****125. +AGING AIRCRAFT SAFETY****Legal Authority:**

49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to

1431; 49 USC 1471; 49 USC 1472; 49 USC 1501; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

**CFR Citation:**

14 CFR 39; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

**Legal Deadline:**

Other, Statutory, April 24, 1992.

Aging Aircraft Safety Act of 1991; action must be initiated by 04/24/92.

**Abstract:**

This action would require air carriers of certain aircraft used in air transportation to demonstrate that the aircraft's maintenance has been adequate to ensure the highest degree of safety. This action would require air carriers of 15-year-old or older aircraft with a maximum certificated takeoff weight of 75,000 pounds or more to demonstrate that certain specified maintenance actions have been performed and to make the aircraft available to the Administrator of the FAA for inspection. This rulemaking is considered significant because of substantial public and congressional interest.

**Statement of Need:**

The Federal Aviation Administration (FAA) plans to require operators of 15 year-old or older aircraft, used in air transportation, to verify that all aging aircraft requirements have been met at each heavy maintenance check. The FAA has also proposed a framework for operational limits for aircraft, should such limits be necessary in the future. It has been recognized for many years that as aircraft get older they require increased attention and maintenance. However, the Aloha Airlines accident of April 28, 1988, which involved a structural failure on a relatively old and heavily used aircraft, shocked the Federal Aviation Administration, the aviation industry, and the traveling public. The accident challenged the soundness of a number of assumptions that had guided regulatory policy on aircraft age, structures, inspections, and maintenance. Subsequent to this accident, the Congress directed the FAA to initiate a rulemaking proceeding for the purpose of issuing a rule to assure the continuing airworthiness of aging aircraft.

**Summary of the Legal Basis:**

Aging Aircraft Safety Act of 1991  
Public Law 102-143, Oct. 28, 1991 Title IV.

**Alternatives:**

Because of the statutory mandate, the FAA does not have a nonregulatory option.

**Anticipated Costs and Benefits:**

The only direct costs of the proposed rule would result from the requirements that operators (1) notify the FAA at least 30 days prior to an airplane's scheduled heavy maintenance check, and (2) make a maintenance record entry which verifies that the airplane is in compliance with all aging-aircraft-related maintenance program requirements. The FAA estimates that the present-value, 10-year cost of these two activities would equal \$828,000. By comparison, a single recent fatigue and corrosion related accident resulted in an economic loss to society of \$16.7 million.

The expected benefit of the proposed rule is a reduction in the risk of accidents related to fatigue and corrosion that might otherwise occur. This benefit would result from the requirement that operators review their records and verify through a maintenance record entry that their aging airplanes are in full compliance with maintenance program requirements. The FAA holds that the potential benefits of this proposed rule would exceed the expected costs.

**Risks:**

The U.S. fleet continues to age and recent accident history may not be representative of future conditions or of future exposure to such conditions. The FAA cannot assess the exact proportion or severity of potential accidents that would be averted by issuance of this proposed rule. It is the FAA's position that the requirements for operator demonstration of maintenance program compliance would result in more consistent conduct of necessary maintenance and in an associated increase in overall safety.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/93	58 FR 51944
NPRM Comment Period End	02/02/94	
NPRM Comment Period Extended to	02/08/94	59 FR 5741
Final Action	10/00/95	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Flexibility Analysis;  
Regulatory Evaluation 10/05/93 (58 FR 51944)

**Additional Information:**

Project Number AFS-92-029R.

**Agency Contact:**

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RIN: 2120-AE42

**DOT—National Highway Traffic Safety Administration (NHTSA)**

**PROPOSED RULE STAGE**

**126. +EXTEND ANTILOCK BRAKE SYSTEM TO PASSENGER CARS**

**Legal Authority:**

15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:**

49 CFR 571.105; 49 CFR 571.135

**Legal Deadline:**

Final, Statutory, January 4, 1997. Other, Statutory, December 31, 1993.

Other deadline is for an ANPRM.

**Abstract:**

The NHTSA Authorization Act of 1991 directs the agency to publish an ANPRM to consider the need for additional brake performance standards for passenger cars, including antilock brake systems (ABSs). The ANPRM laid out the issues that the agency needs to resolve in order to determine whether to proceed with rulemaking on light vehicle ABSs. This action is considered significant because of substantial public interest.

**Statement of Need:**

This rulemaking is undertaken because the primary benefit of ABS is its ability to prevent loss-of-control accidents caused by wheel lockup during braking by automatically controlling the amount of braking pressure applied to a wheel. This allows the driver to maintain steering control and lateral stability even in panic braking situations. An ABS

typically enhances braking efficiency and as a consequence usually results in shorter stopping distances, particularly on low-friction surfaces, compared to the same vehicle without an ABS. Initial crash test data indicate that braking-induced loss-of-control crashes and inability-to-stop-in-time crashes are especially prevalent on wet or slippery roads, a condition in which ABSs would be most beneficial. In 1991, 11 percent of all fatal crashes and 18 percent of property-damage-only crashes occurred on wet or slippery roads.

**Summary of the Legal Basis:**

In the Intermodal Surface Transportation Efficiency Act (ISTEA), NHTSA is directed to complete a rulemaking to consider the need for any additional brake performance requirements for passenger cars, including antilock brake system (ABS) requirements. Rulemaking is to be completed within 36 months of the ANPRM (1/4/94 59 FR 281).

**Alternatives:**

The primary alternative would be to let the market determine the extent to which the ABS is installed on passenger cars and light trucks. In the 1993 model year, approximately 40 percent of passenger cars and 80 percent of light trucks were equipped with ABS. NHTSA estimates that 85 percent of new passenger cars and all new light trucks will be equipped with at least 2 rear-wheel ABS by model year 1999/2000, even without a requirement for the system.

**Anticipated Costs and Benefits:**

**Costs:**

The unit cost of ABSs for passenger cars is \$526. For light trucks, the incremental cost of four-wheel vs. two wheel ABSs is \$231 per unit. The cost of ABS for the new model year fleet is \$737 million for passenger cars and \$345 million for light trucks, for a total of \$1,082 million.

**Benefits:**

Passenger cars: The agency does not have sufficient data to evaluate the effectiveness of four-wheel antilock brakes on passenger cars. Preliminary analysis of the accident data available at this time does not indicate that a passenger car ABS reduces the number or severity of crashes. However, this analysis only considered early-model applications of ABSs that typically were installed in higher-performance/luxury-model automobiles. As additional and more conventional

passenger cars are equipped with ABSs and become more prevalent in the on-road vehicle population, the agency will further analyze crash data to examine the real-world performance of the systems in a broader spectrum of vehicles and uses.

**Light trucks:** The agency's preliminary evaluation of a rear-wheel ABS indicates that it is effective on light trucks in reducing the number of nonfatal run-off-road crashes--rollovers and side and frontal impacts with fixed objects. Analysis of State accident files found that a rear-wheel ABS was effective in such crashes in reducing the risk of nonfatal rollover and side impacts with fixed objects for almost every type of truck, under any type of road condition. Reductions of rollover were typically in the 30-40 percent range, reductions of side impacts with fixed objects in the 15-30 percent range, and reductions of frontal impacts with fixed objects in the 5-20 percent range. The risk of collisions with pedestrians, animals, bicycles, trains, or on-road objects was also significantly reduced, by about 5-15 percent. The agency does not have sufficient data at this time to evaluate whether rear-wheel antilock is effective in reducing fatal light-truck run-off-road crashes.

**Risks:**

ABS will be directed against the following risks:

For passenger cars, in 1992 there were 402,000 crashes, involving 272,000 injuries and 2,500 fatalities, in which brakes were applied; of these, 140,000 crashes, involving 74,000 injuries and 500 fatalities, occurred when brakes were applied in wet, icy, or snowy conditions.

For light trucks, there were 146,000 crashes, involving 102,000 injuries and 1,400 fatalities, in which brakes were applied; of these, 49,000 crashes, involving 25,000 injuries and 300 fatalities, occurred when brakes were applied in wet, icy, or snowy conditions.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/04/94	59 FR 281
ANPRM Comment Period End	03/07/94	
ANPRM Comment Period Extended to	03/08/94	59 FR 10779
	04/06/94	
NPRM	10/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation

**Additional Information:**

This entry was formerly titled: Passenger Car Brake Performance.

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**DOT—NHTSA**

**127. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS FOR MYS 1998 THROUGH 2006**

**Legal Authority:**

15 USC 1657; 15 USC 2002

**CFR Citation:**

49 CFR 533

**Legal Deadline:**

Final, Statutory, March 1996.

**Abstract:**

The agency is beginning to develop a proposal for light truck average fuel economy standards for model years after 1997 and is requesting comments to assist the agency in developing the proposal. This action is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

**Statement of Need:**

The agency has tentatively determined that it is necessary to change the way it has been setting light-truck corporate average fuel economy (CAFE) standards and establish them far enough in advance to require significant fuel economy improvements. The reasons are: first, the need of the Nation to conserve energy is increasing; second, there is a current lack of consumer demand or other market pressure for manufacturers to improve light-truck fuel economy; third, the continued growth in market share of those vehicles means more of these relatively low-fuel-economy vehicles are being driven; and fourth, there is increased

concern in recent years about the impact of cars, light trucks, and other personal vehicles on global warming.

**Summary of the Legal Basis:**

Under 15 U.S.C. 2002, NHTSA is required to establish light truck CAFE standards for each model year. The standards are required to be established at least 18 months before the beginning of each model year.

**Alternatives:**

No specific alternative levels of light-truck fuel economy standards were proposed in an ANPRM published April 6, 1994. The ANPRM did discuss estimates made by the National Academy of Sciences (NAS) in its April 1992 report, "Automotive Fuel Economy—How Far Should We Go?" The NAS report's estimates of the costs and benefits of "technically achievable" levels of fuel economy should not be taken as NAS' recommendation as to what future fuel economy standards should be. NAS offered two estimates of the "technically achievable" levels of fuel economy for both MYs 2001 and 2006. The lower estimate was given with a high degree of confidence that the light truck fleet could achieve such a level. The higher CAFE level was given with a lower degree of confidence that the fleet could achieve that level due to unidentified uncertainties. The range of values are:

Model Year NAS Technically Achievable:

2001: 24 - 25 mpg; 2006: 26 - 28 mpg.

These estimates did not include large vans and large utility vehicles. While large vans and large utility vehicles combined make up only 7.9 percent of current sales, they represent heavier vehicles with lower fuel economy than the average vehicle considered by NAS. Also, the fleet fuel economy averages do not represent any particular manufacturer's capability, which the agency must consider in setting fuel economy standards.

**Anticipated Costs and Benefits:**

The NAS committee estimated the likely increases in costs to consumers of improved fuel economy. The agency calculated the expected increases in the average price of new light trucks in MY 2006 associated with the technically achievable levels, using the data contained in the NAS study. The agency estimates that, at a higher-confidence fuel economy level, the incremental retail price equivalent for improved fuel economy ranges from \$573 to \$1,331 per vehicle, and at a

lower-confidence fuel economy level, the range is from \$1,205 to \$2,443 per vehicle.

Relative to the MY 1997 standard of 20.7 mpg, at the 24 mpg and 25 mpg levels described in the NAS report as "technically achievable" for light trucks in MY 2001, the per-truck lifetime fuel consumption would be reduced by 1,002 to 1,253 gallons, respectively. At the 26 mpg and 28 mpg levels described in the NAS report as "technically achievable" for light trucks in MY 2006, the per-truck lifetime fuel consumption would be reduced by 1,485 and 1,899 gallons, respectively.

Using recent DOE fuel price projections (and a 7 percent annual discount rate), the present values of the above fuel savings per vehicle would be \$963-\$1,204 at the 24-25 mpg fuel economy levels and \$1,427-\$1,826 at the 26-28 mpg levels.

**Risks:**

If such higher fuel economy levels are attained, there would be substantial petroleum savings for the nation as a whole. A 5-million units/year light truck fleet with an average fuel economy rating of 20.7 mpg would consume about 867 million barrels of petroleum over its operating life. At average fuel economy levels of 24.0-25.0 mpg, this figure would be reduced by 14-17 percent, respectively. At 26.0-28.0 mpg, this figure would be reduced by 20-26 percent, respectively.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/06/94	59 FR 16324
ANPRM Comment Period End	08/04/94	
NPRM	02/00/95	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

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**DOT—NHTSA**

**FINAL RULE STAGE**

**128. +REDUCE HEAD INJURIES DUE TO CONTACT WITH UPPER VEHICLE INTERIOR**

**Legal Authority:**

15 USC 1392; 15 USC 1407

**CFR Citation:**

49 CFR 571.201; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.214

**Legal Deadline:**

NPRM, Statutory, January 31, 1993.  
 Final, Statutory, February 28, 1995.

**Abstract:**

This action concerns improved head impact protection from interior components of passenger cars, that is, from roof rails, pillars, and front headers. This rulemaking action and notice of a publication date for the NPRM are required by the NHTSA Authorization Act of 1991. This action is considered significant because of safety and cost implications.

**Statement of Need:**

This rulemaking is undertaken to alleviate the problem that head impacts with the pillars, roof side rails, windshield header, and rear header result in nearly 3,400 passenger car and light truck occupant fatalities and 26,000 moderate-to-critical passenger car and light truck occupant injuries annually. The vast majority of these fatalities and serious injuries are attributable to impacts with upper interior components in the front of the vehicle, that is, components from the B-pillar forward. Although airbags decrease the number of head impacts with the front header and A-pillars, the agency has found a number of cases with front header and A-pillar strikes even though the air bag deployed.

**Summary of the Legal Basis:**

Many occupant injuries and fatalities result from head impacts with upper vehicle interiors. In 1980, the agency initiated a research program to support upgrading the current interior impact standard to provide occupant protection in these impacts. The agency was then directed by the Intermodal Surface Transportation Efficiency Act (ISTEA) to improve head-impact protection from interior components of passenger cars, that is, from roof rails, pillars, and front headers. A final rule

is to be published within 24 months of the NPRM (2/8/93 58 FR 7506).

**Alternatives:**

Two sets of alternatives were analyzed. The first relates to the injury criteria. The injury criteria are known as Head Injury Criteria (HICs). The higher the HIC, the greater the possibility of serious injury. The first set of alternatives is whether an HIC of 1,000 would be applicable to all components or whether an HIC of 1,000 would be applicable to all components except side components, and an HIC of 800 would apply to side components. A lower HIC for side components may be appropriate since research shows the side of the head is more susceptible to injury than the front of the head. The second set of alternatives relates to whether the amendments would be applicable to both the front and rear seating areas of passenger cars and light trucks.

**Anticipated Costs and Benefits:**

At an HIC of 1,000, costs were estimated at \$29 per passenger car and \$45 per light truck. At HICs of 800/1,000, costs were estimated at \$49 per passenger car and \$68 per light trucks.

Benefits were estimated for the injury-level alternatives. The Abbreviated Injury Scale (AIS) is used to rank injuries by level of severity. An AIS 1 injury is a minor one, while an AIS 6 injury is one that is currently untreatable and fatal. The benefits were estimated as follows:

If an HIC of 1,000 is required, injuries resulting from head impacts in passenger cars per year would be reduced between 862 and 1,114 fatalities and between 575 and 708 AIS 2-5 injuries; injuries in light trucks would be reduced between 276 and 281 fatalities and between 108 to 116 AIS 2-5 injuries.

If an HIC of 800/1,000 is required, head-impact injuries would be reduced for passenger cars between 1,054 and 1,323 fatalities and between 572 and 1,188 AIS 2-5 injuries; injuries in light trucks would be reduced between 291 and 311 fatalities and between 269 and 290 AIS 2-5 injuries.

**Risks:**

Estimated annual head/face injuries from contacting upper interior components are 2,942 fatalities and 22,844 AIS 2-5 injuries in passenger cars and 409 fatalities and 3,162 AIS 2-5 injuries in light trucks; a total of

3,351 fatalities and 26,006 AIS 2-5 injuries.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31712
ANPRM Comment Period End	10/18/88	
Notice of Intent	06/05/92	57 FR 24008
NPRM	02/08/93	58 FR 7506
NPRM Comment Period End	04/09/93	
Final Action	11/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation 02/08/93 (58 FR 7506)

**Additional Information:**

This entry was formerly titled: Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation. The agency published on 10/20/93 (58 FR 54099) a notice of a public hearing and reopened the comment period until 12/01/93. This title has since been revised the second time.

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DOT—Federal Railroad Administration (FRA)

PRERULE STAGE

129. +GENERIC STANDARDS FOR CORRIDORS UP TO 160 MPH

**Legal Authority:**

45 USC 431; 45 USC 438

**CFR Citation:**

49 CFR 209 to 245

**Legal Deadline.**

None

**Abstract:**

FRA intends to amend many of its regulations, not necessarily within one rulemaking entry, to consider issues unique to high-speed operations up to 160 mph. Some issues on track and power brakes are being addressed in pending rulemakings. Other issues, for example, equipment design and inspection, communications, intrusion detection, employee qualifications, and grade crossings, may be dealt with in a comprehensive rulemaking. Issues such as design of high-speed trainsets may require separate rulemakings. These actions are considered significant because novel policy issues are likely to arise from this high-speed-rail initiative.

**Statement of Need:**

The Department's Strategic Plan has as two of its goals the promotion of safe and secure transportation and the creation of a new alliance between the Nation's transportation and technology industries, which includes the promotion of high-speed rail as a viable transportation option in select corridors. Issuance of regulations that will help ensure the safety of the emerging high-speed operations will protect passengers, employees, and other affected persons and at the same time provide certainty and clarity that will assist the designers and developers of these systems to plan. This is an opportunity to build safety into an innovative transportation alternative from the very beginning.

**Summary of the Legal Basis:**

Under the Federal Railroad Safety Act of 1970, the Federal Railroad Administration (by delegation from the Secretary), has regulatory and enforcement authority over all areas of railroad safety. This plenary authority certainly covers the safety of the new high-speed operations. In fact, the statute was amended in 1988 to clarify that this authority extends to all forms of nonhighway ground transportation that run on rails or guideways. There is currently no statutory or judicial requirement to issue regulations in this area.

**Alternatives:**

Because this rulemaking is at such a formative stage, it is premature to discuss alternatives. However, during the process of developing these rules, FRA will consider all reasonable alternatives. Given the very nature of the subject, FRA has made a preliminary determination that some direct regulation in the form of setting

standards will be necessary to ensure public and employee safety.

**Anticipated Costs and Benefits:**

Having not yet decided what specific standards it intends to issue, FRA cannot yet provide an estimate of the costs and benefits of its regulatory action. FRA is quite mindful of the President's regulatory philosophy and principles, as expressed in section 1 of Executive Order 12866. Accordingly, FRA will base any regulation it issues on a reasoned determination that its benefits justify its costs. To some degree, this will require consideration of the societal benefits (greater transportation efficiency, improved environment, etc.) that high speed rail operations are likely to produce.

**Risks:**

Sensible, well-considered regulations will reduce the safety risks associated with rail transportation of passengers at very high speeds. Of course, depending on a variety of factors, the probability of an accident is not necessarily greater at higher speeds. However, the consequences of an accident could be greater merely because of the increased energy to be dissipated in an accident at higher speeds. Passengers and railroad employees should not have to incur any appreciably greater risk using high-speed rail service than they would incur using other modes of transportation or lower-speed rail service. The challenge presented is to reduce the risk to an acceptable level without imposing requirements that stifle development. The solution, which is somewhat technically complex, appears to lie in ensuring that the probability of collisions and other impacts is restrained by appropriate accident avoidance measures while, at the same time, the consequences of any accident are reduced by measures designed to absorb crash energy, protect occupants from secondary risks (such as fire and flying debris), and hasten efficient evacuation and emergency response. Of course, FRA's entire safety regulatory program focuses on reducing risks to safety and health, and the agency must address certain risks more immediately pressing than those posed by operations that have not yet begun. Accordingly, while it is important to ensure that safety is built into high-speed operations, FRA must devote most of its regulatory resources to the more immediate risks posed by current operations, many of which are the subject of pending statutory requirements for regulatory action.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/95	

**Small Entities Affected:**

Undetermined

**Government Levels Affected:**

Undetermined

**Analysis:**

Regulatory Evaluation

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DOT—Federal Transit Administration  
(FTA)

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**FINAL RULE STAGE**


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**130. \*STATE RESPONSIBILITY FOR FIXED-GUIDEWAY SYSTEM SAFETY****Legal Authority:**

49 USC 5330

**CFR Citation:**

49 CFR 659

**Legal Deadline:**

Final, Statutory, October 28, 1992.

**Abstract:**

Former section 28 of the Federal Transit Act, as amended (now 49 USC 5330), directs the Federal Transit Administration to issue a rule requiring States to oversee the safety of rail fixed guideway systems not regulated by Federal Railroad Administration. This rulemaking would improve the safety of rail fixed-guideway systems. This action is considered significant because of substantial public and congressional interest, and the statutory mandate.

**Statement of Need:**

A "patchwork" system of regulation of rail fixed-guideway systems (subways, light rail systems, and monorails) has developed throughout the country; some systems regulate themselves, while others are regulated by State oversight agencies. In 1991 Congress addressed this issue by adding section 28 to the Federal Transit

Act, as amended, and in doing so, instructed the FTA to issue a regulation requiring a State to designate an agency to oversee the safety of rail fixed guideway systems within the State. With this rule, the FTA intends to develop consistency among the States and various transit agencies operating rail fixed guideway systems and ensure that passengers have safe mass transportation.

**Summary of the Legal Basis:**

This rulemaking is required by section 28 of the FT Act (now 49 USC 5330), which applies only to those States in which a rail fixed-guideway system operates that is not regulated by the Federal Railroad Administration (FRA), and requires any such State to designate a State oversight agency to be responsible for overseeing the rail-fixed guideway system's safety practices. FTA is required to issue a rule implementing the program, and may withhold Federal funds if a State fails to implement the rule. The provision was added to the FT Act by the 1991 Intermodal Surface Transportation Efficiency Act.

More specifically, the statute describes the responsibilities of the State, the agency the State designates to provide safety oversight, and the type of activities the agency is expected to carry out. In most instances, this entity will be an agency of the State because most rail fixed-guideway systems operate in only one State, but where a rail fixed-guideway system operates in more than one State, the statute permits the affected States to designate any entity, other than the transit agency itself, to oversee that rail fixed-guideway system.

Whether the oversight agency is a State agency or some other entity, it must require each affected transit agency to create a system safety program plan, which the oversight agency reviews and approves. The oversight agency also must investigate accidents and hazardous conditions. Once a hazardous condition has been discovered, the oversight agency must require the transit agency to correct or eliminate it.

If a State has not met these requirements by September 30, 1994, or has not made adequate efforts to comply with them, the Secretary may withhold up to 5 percent of the fiscal year 1995 (or subsequent year) section 9 apportionment attributable to the State or an affected urbanized area in the State. (The section 9 program, the basic transit program upon which cities

rely for their transportation needs, provides capital and operating assistance to urbanized (50,000 or more in population) areas. Section 9 funds are apportioned by a statutory formula based on population and population density for areas under 200,000 in population; and on population, population density, and transportation data for areas over 200,000 in population.)

**Alternatives:**

Because this rule is mandated by Congress, FTA has not considered any nonregulatory ways to address this issue. Through the rulemaking process, however, we have sought to give the affected States a variety of options, especially since several States have in place an existing oversight system. We note, however, that the statute describes, in some detail, the role of the State oversight agency and we have limited the alternatives to those which meet the requirements of section 28.

The Federal Transit Administration published an advance notice of proposed rulemaking (ANPRM) in the *Federal Register* on June 25, 1992, at 57 FR 28572, and a notice of proposed rulemaking (NPRM) on December 9, 1993, at 58 FR 64856. In the ANPRM, the public was asked to comment about a variety of issues, particularly concerning the role of the State oversight agency. At issue was whether FTA should prescribe in detail the structure and duties of the oversight agency, whether FTA should promulgate general minimum guidelines, or whether FTA should allow the localities to decide for themselves how they would like to structure the oversight agency and the oversight process. We continue to address this issue in the NPRM stage of the rulemaking process.

**Anticipated Costs and Benefits:**

FTA's regulatory evaluation estimated that implementing the rule would save 2 lives and prevent 195 injuries annually and would cost FTA, the State oversight agencies, and the transit agencies \$1,274,300 during the first year, and \$11,352,100 over 10 years. The figures for the first year include the one-time start-up costs for all the agencies involved.

**Risks:**

The primary intent of the rule is to improve the safe operation of rail fixed-guideway systems, which may mean a reduction in the number of accidents and injuries occurring during the operation of a rail fixed-guideway

system and a consequent lowering of health care costs.

Although the intent of section 28 is to increase the safety of rail fixed-guideway systems, it does not authorize the FTA to regulate them, and hence, does not greatly expand FTA's very limited safety authority. Instead, it requires FTA to require rail fixed-guideway systems, through the State oversight agency, to adopt a proactive process to ensure the safe operation of the system. While mass transit is one of the most reliable and safe modes of transportation, the sheer volume of passengers transported at any one time shows the magnitude of the risk of a catastrophic accident—a relatively minor operational or mechanical failure could endanger many transit riders.

#### Timetable:

Action	Date	FR Cite
Public Hearing Notice	06/11/92	57 FR 24768
ANPRM	06/25/92	57 FR 28572
ANPRM Comment	08/24/92	
Period End		
NPRM	12/09/93	58 FR 64856
NPRM Comment	02/07/94	
Period End		
Hearing Notice; Extension of Comment Period to	02/28/94	59 FR 9460
03/08/94		
Final Action	10/00/94	

#### Small Entities Affected:

None

#### Government Levels Affected:

State

#### Analysis:

Regulatory Flexibility Analysis;  
Regulatory Evaluation 12/09/93 (58 FR 64856)

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## DOT—Research and Special Programs Administration (RSPA)

### PROPOSED RULE STAGE

#### 131. +IMPROVEMENTS TO HAZARDOUS MATERIALS IDENTIFICATION SYSTEMS

##### Legal Authority:

49 USC 1803 to 1808

##### CFR Citation:

49 CFR 172

##### Legal Deadline:

Final, Statutory, June 16, 1992, complete rulemaking on central reporting system and computerized telecommunications data center.

Final, Statutory, May 16, 1993, complete rulemaking on continually monitored telephone systems.

Final, Statutory, May 16, 1993, final rule on improving system for placarding vehicles transporting hazardous materials.

##### Abstract:

This rulemaking proposes to determine methods of improving the current system of placarding vehicles transporting hazardous materials; to determine the feasibility and methods for establishing a central reporting system and computerized telecommunications data center for daily hazardous materials shipments in all modes; and to evaluate the need and safety benefits of requiring carriers to establish a continually monitored telephone system to provide information and assistance to emergency responders. This action is required by section 25 of the Hazardous Materials Transportation Uniform Safety Act of 1990. This rulemaking is considered significant because of substantial public interest and safety implications.

##### Statement of Need:

Sections 25 and 26 of the Hazardous Materials Transportation Uniform Safety Act of 1990 require DOT to initiate rulemaking to determine methods of improving the current system of placarding vehicles transporting hazardous materials; to determine methods for establishing and operating a central reporting system and computerized telecommunication data center that can provide information to facilitate responses to accidents and incidents involving the

transportation of hazardous materials; and to study the feasibility of requiring carriers of hazardous materials to establish continually monitored telephone systems equipped to provide emergency response information. Although the National Academy of Sciences, in its report to Congress and DOT, did not support implementation of a central reporting system and computerized data communications center, it did identify certain areas in the current system of hazardous materials identification that could be improved incrementally.

##### Summary of the Legal Basis:

The Hazardous Materials Transportation Uniform Safety Act of 1990 requires DOT to initiate a rulemaking to determine methods of improving the current system of placarding vehicles transporting hazardous materials; to determine methods for establishing and operating a central reporting system and computerized telecommunications data center that can provide information to facilitate responses to accidents and incidents involving the transportation of hazardous materials; and to study the feasibility of requiring carriers of hazardous materials to establish continually monitored telephone systems equipped to provide emergency response information.

##### Alternatives:

In an advance notice of proposed rulemaking, DOT asked a series of 66 questions addressing three primary areas of regulation: improvements to the current hazard communication system, involving labeling and placarding; the need and feasibility of establishing a central reporting system and data communications center; and the need and feasibility of requiring carriers to maintain a 24-hour emergency response telephone number. Various alternatives have been evaluated in the notice of proposed rulemaking, which will propose an incremental increase in improving the current hazard communication system.

##### Anticipated Costs and Benefits:

At this time, RSPA has limited information on the costs and benefits associated with issuing regulations on improvements to the hazard communication system, including placarding, establishment and continuing costs for a central reporting system and computerized data center, or for a continually monitored carrier telephone number for information on hazardous materials accidents and

incidents. Various options are being evaluated, and the costs associated with these options and proposed requirements are included in a draft regulatory evaluation as part of the docket. RSPA will continue to assess the costs and benefits associated with the proposed requirements as additional information is obtained through the rulemaking process.

**Risks:**

Over the last 25 years, DOT has developed a comprehensive hazardous materials transportation regulatory system. This system encompasses various aspects of hazardous materials transportation, including hazardous materials classification criteria, packaging standards for hazardous materials, training of hazardous materials workers, handling requirements for transportation workers, and hazardous communication requirements, including shipping papers, package marking and labeling, vehicle placarding, and emergency response information requirements. The changes proposed in this notice of proposed rulemaking are consistent with the overall approach of DOT to ensure the safe transportation of hazardous materials. These incremental improvements to safety will provide emergency responders with better identification of the hazardous materials involved in the incident and will enable them to better protect themselves and the public.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/09/92	57 FR 24532
ANPRM Comment Period Extended to 10/09/92	08/05/92	57 FR 34542
ANPRM Comment Period End	08/10/92	
NPRM	08/15/94	59 FR 41848
Public Hearing Notice	08/15/94	59 FR 41848
NPRM Correction	08/26/94	59 FR 44230
Correction to Correction	08/26/94 08/30/94	59 FR 44795
NPRM Comment Period End	12/02/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation 08/15/94 (59 FR 41848)

**Additional Information:**

Docket HM-206. Formerly entitled "Improving Hazardous Materials

Identification: Placarding; Reporting/Tracking; and Continually Monitored Telephone Systems."

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**DOT-RSPA**

**132. +INCREASED INSPECTION REQUIREMENTS**

**Legal Authority:**

49 USC 1672(g); 49 USC 2002(k)

**CFR Citation:**

49 CFR 192; 49 CFR 195

**Legal Deadline:**

Final, Statutory, October 24, 1995.

**Abstract:**

This rulemaking would require gas pipelines in high-density population areas and hazardous liquid pipelines in those areas and in environmentally sensitive areas or navigable waterways to be inspected periodically by internal inspection devices or equivalent means. This action is considered significant because of substantial public interest.

**Statement of Need:**

Gas transmission and hazardous liquid pipelines in high-density population areas and hazardous liquid pipelines in environmentally-sensitive areas or navigable waterways expose more people and the environment to the potential hazards of line failures than do similar pipelines in other locations. Many failures in these areas are due to the growth of hidden time-dependent defects, such as material flaws, corrosion, and gouges from excavation damage. Early detection and removal of time-dependent defects in high-risk areas through frequent inspections may be a cost-effective way to prevent accidents and the consequent damage to people and the environment.

**Summary of the Legal Basis:**

Sections 103 and 203 of the Pipeline Safety Act of 1992 require the Secretary to issue regulations requiring operators to inspect periodically certain pipelines, and to specify the circumstances, if any, under which an instrumented internal inspection device shall be used.

**Alternatives:**

The alternatives under consideration are possible definitions of "high-density population area", "environmentally sensitive area, and "navigable waterway", and the means of inspection that may be equivalent to internal inspection devices.

**Anticipated Costs and Benefits:**

The potential costs and benefits of this action have not yet been determined.

**Risks:**

The magnitude of the risk this action is intended to mitigate is illustrated by our latest published statistics. For example, in 1991, at least 74 of 210 accidents involving hazardous liquid pipelines, or 35 percent, involved causes that might have been prevented by timely inspection. (This number excludes accidents where the cause was reported as excavation damage.) For gas transmission, comparable numbers are 18 of 71 accidents, or 25 percent. An example of the risk that could be lessened by this action is the failure on March 28, 1993, near Reston, Virginia, of a 36-inch petroleum pipeline operated by the Colonial Pipeline Company. An unrepaired gouge that had occurred either during construction or later by excavation damage led to a spill of over 30,000 gallons of diesel fuel into the Sugarland Run creek.

The effect of this action in reducing the overall risk of time-dependent defects is still under study. However, it would depend on the proportion of accidents that occur on lines in high-density population areas, environmentally sensitive areas, and navigable waterways, and on the capability and frequency of inspection method. Because the risk of time-dependent defects is caused to some extent by unrepaired excavation damage, the rulemaking on excavation damage prevention programs also may reduce this risk.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation 12/00/94

**Agency Contact:**

L. M. Furrow  
 Department of Transportation  
 Research and Special Programs  
 Administration  
 400 Seventh Street SW.  
 Washington, DC 20590-0001  
 202 366-2392

RIN: 2137-AC38

**DOT—RSPA**

**133. +EMERGENCY FLOW-RESTRICTING DEVICES**

**Legal Authority:**

49 USC 2002

**CFR Citation:**

49 CFR 195

**Legal Deadline:**

Final, Statutory, October 24, 1996.

**Abstract:**

This rulemaking would specify those circumstances under which operators of hazardous liquid pipelines are required to use emergency flow-restricting devices, and other procedures, systems, and equipment to detect and locate pipeline ruptures and minimize releases. This action is considered significant because of substantial public interest.

**Statement of Need:**

The adverse safety and environmental effects of pipeline accidents are often the result of an operator's failure to rapidly detect and locate a leak and to rapidly shut down the pipeline. Quicker response to pipeline leaks through the strategic placement and use of emergency flow-restricting devices, with a reliable leak detection capability, can reduce the amount of liquid spilled into the environment and the consequent damages to life and property.

**Summary of the Legal Basis:**

Section 212 of the Pipeline Safety Act of 1992 requires the Secretary to survey and assess the effectiveness of emergency flow-restricting devices (including remotely controlled valves and check valves) and other equipment used to detect and locate pipeline ruptures and minimize product releases. Section 212 requires the Secretary, within 2 years after completing the survey and assessment, to issue regulations prescribing the circumstances under which operators of hazardous liquid pipeline facilities must use emergency flow-restricting devices or other equipment.

**Alternatives:**

The alternatives under consideration are different types of emergency flow-restricting devices and associated leak detection systems, and the sites that would maximize the usefulness of these devices and systems.

**Anticipated Costs and Benefits:**

The potential costs and benefits of this action have not yet been determined.

**Risks:**

This action addresses the increased risks to safety and the environment that result from the lack of prompt response to a line leak. Although the magnitude of potential risk reduction has not yet been determined, an example of the type of accident that this action might mitigate is the 1989 spill from an Exxon pipeline in the harbor between New York and New Jersey. Over 500,000 gallons of No. 2 fuel oil entered the water from a gash in the pipeline. A leak detection system that had been malfunctioning for 12 years failed to alert the operator to shut down the pipeline immediately.

This action is related to an action required by the Oil Pollution Act of 1990. This other action, now in effect under an interim final rule, but subject to change, requires operators to develop and execute approved oil spill response plans. Both actions are directed toward improving operators' accident response capabilities and minimizing accident consequences.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/19/94	59 FR 2802
ANPRM Comment Period End	04/19/94	
NPRM	12/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

None

**Analysis:**

Regulatory Evaluation

**Agency Contact:**

L. Ulrich  
 Department of Transportation  
 Research and Special Programs  
 Administration  
 400 Seventh Street SW.  
 Washington, DC 20590-0001  
 202 366-2392

RIN: 2137-AC39

**DOT—Maritime Administration (MarAd)**

**PROPOSED RULE STAGE**

**134. +CARGO PREFERENCE—U.S.-FLAG VESSELS; UNIFORM CONTRACTING REQUIREMENTS FOR FEDERAL PROGRAM PARTICIPANTS**

**Legal Authority:**

46 app USC 1241(b)

**CFR Citation:**

46 CFR 381

**Legal Deadline:**

None

**Abstract:**

MARAD is proposing amendments to its cargo preference regulations intended to ensure that U.S.-flag carriers of preference cargoes be allowed to carry such cargoes subject to standard commercial contract and contract tender terms that will allow them to avoid economic harm from discriminatory practices. This is considered a significant regulatory action because it may create a serious inconsistency with an action taken or planned by another agency.

**Statement of Need:**

The NPRM will propose a uniform charter party to be executed by the U.S. vessel owner and the charterer with respect to the carriage of agricultural commodity preference cargoes and would also require MARAD approval of all freight tenders for such preference cargoes. This action is needed to eliminate charter party terms that are at variance with generally accepted commercial terms and which discriminate against U.S.-flag carriers of agricultural commodity preference cargoes.

**Summary of the Legal Basis:**

The legal basis for this action is section 901(b) of the Merchant Marine Act, 1936, as amended, 46 App U.S.C. 1241(b), granting MARAD (by delegation from the Secretary of Transportation) authority to issue regulations that are binding on every department or agency having responsibility for administering cargo preference programs. This authority has been affirmed specifically with respect to the content of this rulemaking by a decision by the Department of Justice, Office of Legal Counsel, dated April 19, 1994

**Alternatives:**

Alternatives to the action would be to allow these discriminatory practices to continue, or to attempt ad hoc negotiation of many individual charter parties with acceptable terms.

**Anticipated Costs and Benefits.**

It is anticipated that the requirement for MARAD approval of all freight tenders and the introduction of a uniform charter party will result in an average savings of \$5/metric ton of agricultural commodities shipped under the agricultural assistance programs, with an annual cost saving of \$30 million, or about 20 percent of

the USDA/DOT 1993 budget for U.S.-flag ocean freight differential of \$155 million.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:**

None

**Government Levels Affected:**

Federal

**Sectors Affected:**

441 Deep Sea Foreign Transportation of Freight

**Analysis:**

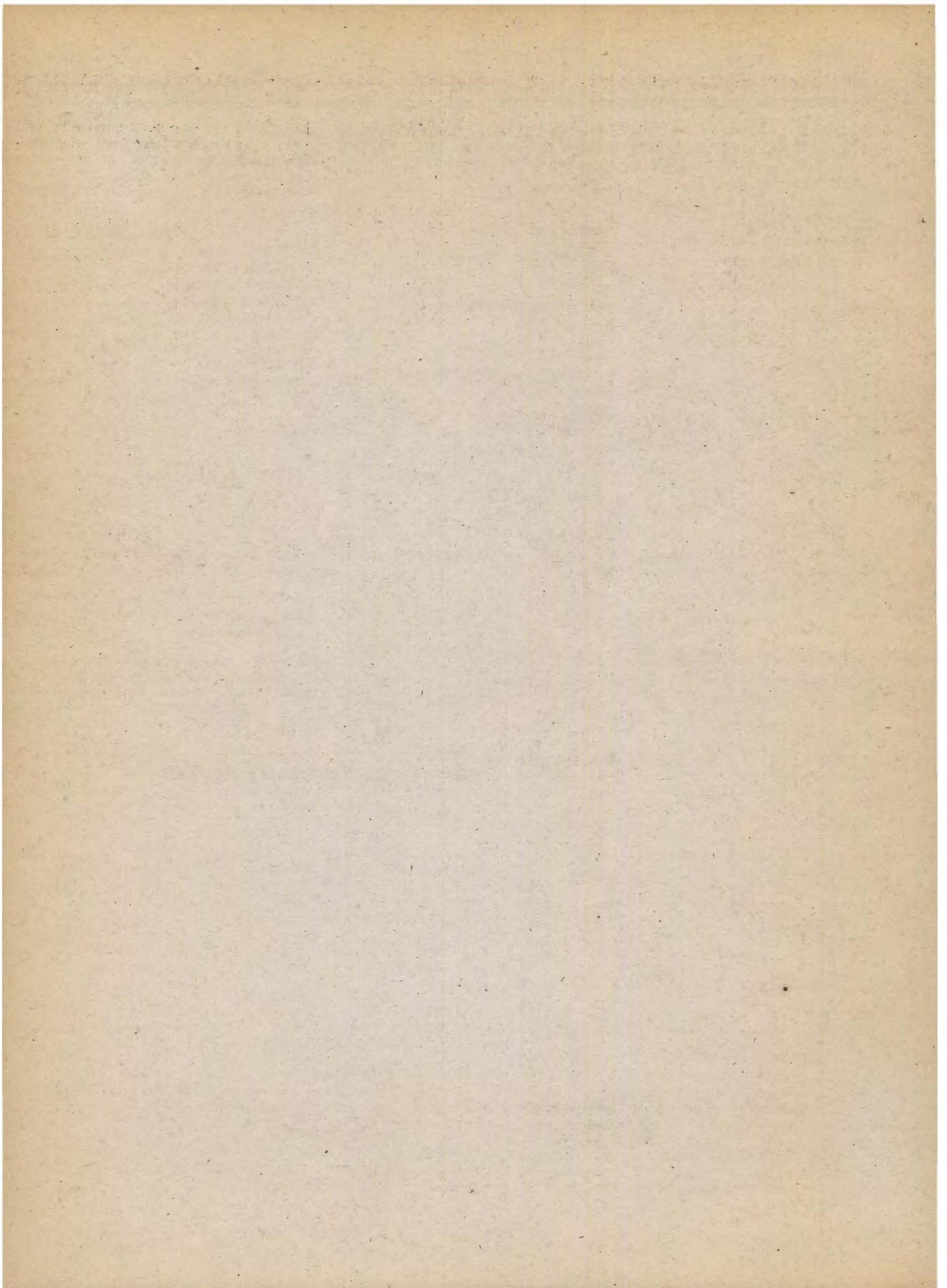
Regulatory Evaluation

**Agency Contact:**

Judith Blackman  
 Director, Office of National Cargo and Compliance  
 Department of Transportation  
 Maritime Administration  
 400 Seventh Street SW.  
 Washington, DC 20590  
 202 366-4610

**RIN:** 2133-AA95

**BILLING CODE** 4910-62-F



# federal register

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Monday  
November 14, 1994

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Part XIV

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

[OST Docket No. 59; Notice 94-12]

## Department Regulatory Plan and Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, DOT.

ACTION: Department regulatory plan and regulations agenda.

**SUMMARY:** The regulations 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 to continuously open regulatory review dockets suggesting items for consideration as part of the Department's ongoing review of existing regulations.

**ADDRESSES:** The mailing address for the initiating offices of the Department which appear in the agenda is 400 7th Street SW., Washington, DC 20590; except for the Federal Aviation Administration, which is located at 800 Independence Avenue SW., Washington, DC 20591, and the U.S. Coast Guard, which is located at 2100 2nd Street SW., Washington, DC 20593.

## FOR FURTHER INFORMATION CONTACT:

*General*

For further information on the agenda in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-4723.

*Specific*

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

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## Supplementary Information:

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## Agenda

## SUPPLEMENTARY INFORMATION:

**Background**

Improvement of Government regulations is a prime goal of the Clinton Administration. 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 help the Department of Transportation (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 regulations agenda for publication in the **Federal Register**. The agenda 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 initiating offices in January and July each year. After these reports are consolidated for and reviewed by the Department Regulations Council, the Department's regulations agenda is prepared and published in the **Federal Register**. The Department's last agenda was published in the **Federal Register** on April 25, 1994 (59 FR 20662). The next one is scheduled for publication in the **Federal Register** in April 1995.

For this edition of the Department's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in Part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the Table of Contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate Sequence Number in Part II. The Regulatory Plan will be included only in the October publications of the Agenda. In the April publications, those entries included within the Plan in October will instead be included within the Agenda.

**Regulatory Flexibility Act**

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Public Law 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared; i.e., those regulations that would have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that, each year, the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding 12 months. The agenda includes those regulations to be

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reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted that, after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities, and a full RFA review will be unnecessary.

**Economic Assessment/Evaluation**

DOT requires an economic analysis for all its rulemakings. A preliminary and final economic assessment (similar to what used to be identified as a "Regulatory Impact Analysis") is required for each proposed and final regulation, respectively, that is likely to be very costly. For other rulemakings, a regulatory evaluation is prepared.

**Definitions**

The agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

*Initiating office* means an operating administration or other organizational element within the Department that formulates regulations.

*Significant rulemaking* means a rulemaking that is very costly, controversial, or of substantial public interest; would have a major impact on another Federal agency; would have a substantial effect on State and/or local or tribal governments; would have a substantial impact on a major transportation safety problem; would initiate a substantial regulatory program or change in policy; would be substantially different from international requirements or standards; would materially alter budgetary impacts; or otherwise involves important legal or policy issues.

**Office of Management and Budget (OMB)/Secretarial Review**

Any rulemaking document OMB identifies as significant is subject to its review and will be classified as significant by DOT. A few rulemakings identified as significant by DOT, but not by OMB, and some rulemaking documents (e.g., extensions of compliance dates), although part of an otherwise significant rulemaking, are not subject to OMB review. All DOT-

significant rulemaking documents are subject to review by the Secretary of Transportation.

**Explanation of Information on the Agenda**

The format for this agenda is required by Office of Management and Budget memorandum of June 8, 1994.

First, the agenda is divided by initiating offices. Then, in accordance with the OMB memorandum, for each initiating office, the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action; (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed (On July 5, 1994, Public Law 103-272 recodified title 49 to include certain general and permanent laws. Because of the constraints of publication deadlines, the revised United States Code citations may not be reflected in this edition of the agenda. They will be revised, where necessary, in subsequent editions.); (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline and, if so, for what type of action (e.g., NPRM, final rule); (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision, on whether to issue the proposed or final regulation or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12866 and the Department's Regulatory Policies and Procedures.); (8) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (9) if there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information" (which will also note any differences between OMB's and DOT's significance classification); (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., an Economic Assessment, an

Environmental Impact Statement (EIS), or a Regulatory Flexibility Analysis; (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the Federal Register which may occur between agenda publications. (Departmental rulemaking documents published in the Federal Register now contain RIN numbers.)

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, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review under Executive Order 12866 must follow such a decision. If any document is issued, publication in the Federal Register would follow within a few days of completion of this review. 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

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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.

#### • Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for, or to obtain copies of, specific regulatory documents, including the Department's semiannual regulations agenda issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's regulations agenda, which will be updated and published in the *Federal Register* every year during April and October. By using the agenda, individuals can determine which notice or advance notice of proposed rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the *Federal Register*, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

#### • General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations,

an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

#### Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

#### Request for Comments

##### Agenda

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 also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

##### Reviews

In an effort to comply further with the spirit of Executive Order 12866 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and, therefore, must be reviewed under the Regulatory

Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary. To ease the process for submission of suggestions of regulations warranting review by departmental entities, each operating administration and the Office of the Secretary maintains a continuously open regulatory review docket. Suggestions should be submitted to the docket section of the relevant modal administration or Office of the Secretary, attention "Regulatory Review Docket," with the following specific rulemaking docket numbers:

Federal Aviation Administration, Docket 26768;

Federal Highway Administration, Docket 92-12;

Federal Railroad Administration, Docket RSS-1-92-1;

Federal Transit Administration, Docket 92A;

Maritime Administration, Docket R-141;

National Highway Traffic Safety Administration, Docket 92-04;

Office of the Secretary, Docket 47978;

Research and Special Programs Administration, Docket RR-1;

Saint Lawrence Seaway Development Corporation, Attn: Marc Owen, Chief Counsel;

United States Coast Guard, Docket 92-005.

The addresses of the docket sections are contained in Appendix C. Multiple copies of the suggestions would be appreciated but are not required.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved.

#### Purpose

The Department is publishing this regulations 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. Knowledge of the nature and scope of

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this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. 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. If further information is desired on any of the items listed in the agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda in general or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC, on September 6, 1994.

**Mortimer L. Downey,**  
*Deputy Secretary of Transportation.*

#### Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Some Administrations within the Department differ in procedures or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of a specific regulatory document to be issued that is listed in this agenda should communicate, either by telephone or by letter, with the contact person listed with the regulation at the addresses below.

##### *United States Coast Guard (USCG)*

(Name of contact person), United States Coast Guard, 2100 2nd Street SW., Washington, DC 20593.

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

(Name of contact person), Federal Highway Administration, 400 7th Street SW., Washington, DC 20590.

##### *Federal Railroad Administration (FRA)*

(Name of contact person), Federal Railroad Administration, 400 7th Street SW., Washington, DC 20590.

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

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street SW., Washington, DC 20590.

##### *Federal Transit Administration (FTA)*

(Name of contact person), Federal Transit Administration, 400 7th Street SW., Washington, DC 20590.

##### *Saint Lawrence Seaway Development Corporation (SLSDC)*

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

##### *Research and Special Programs Administration (RSPA)*

(Name of contact person), Research and Special Programs Administration, 400 7th Street SW., Washington, DC 20590.

##### *Maritime Administration (MARAD)*

James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590, (202) 366-5746.

##### *Federal Aviation Administration (FAA)*

The FAA has a mailing list system for notices and advance notices of proposed rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling (202) 267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue SW., Washington, DC 20591.

##### *Office of the Secretary (OST)*

Persons desiring to receive future copies of the Department's regulations agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address.

These requests should fully identify the document desired.

#### 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.

USCG - Lt. Cdr. Tom Cahill, Marine Safety Council, USCG Headquarters Building, Room 3406, 2100 2nd Street SW., Washington, DC 20593; telephone: (202) 267-6233.

FAA - Donald Byrne, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone: (202) 267-3491.

FHWA - Thomas Holian, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: (202) 366-1383.

FRA - Nancy Goldman, Office of Chief Counsel, 400 7th Street SW., Room 8128, Washington, DC 20590; telephone: (202) 366-6747.

NHTSA - Walter K. Myers, Office of Chief Counsel, 400 7th Street SW., Room 5219, Washington, DC 20590; telephone: (202) 366-2992.

FTA - Dan Duff, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: (202) 366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: (202) 366-0108.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone: (202) 366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590; telephone: (202) 366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street SW., Room 10424, Washington, DC 20590; telephone: (202) 366-4723.

#### Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand-deliver comments on advance notices and notices of proposed rulemaking:

DOT

USCG - Marine Safety Council, 2100 2nd Street SW., Room 3406, Washington, DC 20593. Working Hours: 8:00-3:00 (Monday-Friday).

FAA - Rules Docket (AGC-10), Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street SW., Room 4232, Washington, DC 20590. Working Hours: 8:30-3:30.

FRA - Docket Clerk, 400 7th Street SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street SW., Room 5109, Washington, DC 20590. Working Hours: 9:30-4:00.

FTA - Docket Clerk, 400 7th Street SW., Room 9316, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street SW., Room 8421, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street SW., Room 7300, Washington, DC 20590. Working Hours: 8:30-5:00.

OST - Docket Clerk, 400 7th Street SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2519	Direct Flights .....	2105-AA73
2520	Price Advertising .....	2105-AB25
2521	Implementation of Amendments to the Equal Access to Justice Act .....	2105-AB73

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2522	+Commercial Space Transportation: Financial Responsibility Requirements for Licensed Launch Activities .....	2105-AA26
2523	+Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ..	2105-AB46
2524	+Proposed Policy on Peak Period Pricing of Airport Landing Fees .....	2105-AB63
2525	+Procedures for Transportation Workplace Drug-Testing Programs .....	2105-AB71
2526	+Passenger Manifest Information .....	2105-AB78
2527	+Licensing Commercial Space Launch Activities (Reg Plan Seq. No. 116) .....	2105-AB85
2528	+Accessibility of Passenger Vessels to Individuals With Disabilities .....	2105-AB87
2529	+Transportation for Individuals With Disabilities (Reg Plan Seq. No. 117) .....	2105-AC00
2530	+Limit of Liability for Deepwater Ports .....	2105-AC01
2531	+Transportation for Individuals With Disabilities .....	2105-AC13
2532	Special Event Tours .....	2105-AC03
2533	Domestic Baggage Liability .....	2105-AC07
2534	Exemption from Property Tariff Filing Requirements .....	2105-AC09
2535	Disclosure of Code-Sharing Arrangements .....	2105-AC10
2536	Use of Direct Final Rulemaking .....	2105-AC11
2537	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments .....	2105-AC12
2538	Disinsection of Aircraft .....	2105-AC14
2539	Testimony of Employees of the Department and Production of Records in Legal Proceedings .....	2105-AC15
2540	Disclosure of Change-of-Gauge Services .....	2105-AC17

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

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2541	+Statement of Enforcement Policy on Rebating .....	2105-AB39
2542	+Price Advertising .....	2105-AB50
2543	+New Restrictions on Lobbying .....	2105-AB57
2544	+Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act) .....	2105-AB60
2545	+Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act) .....	2105-AB61
2546	+Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and in Air Travel (Air Carrier Access Act) (Reg Plan Seq. No. 118) .....	2105-AB62
2547	+Aviation Charter Rules .....	2105-AB91

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Office of the Secretary—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2548	+Disadvantaged Business Enterprise (DBE) Regulation; General Update .....	2105-AB92
2549	+Random Drug-Testing Program .....	2105-AB94
2550	+Procedures for Transportation Workplace Drug- and Alcohol-Testing Programs .....	2105-AB95
2551	+Participation by Disadvantaged Business Enterprises in Airport Concessions .....	2105-AB99
2552	+Transportation for Individuals With Disabilities .....	2105-AC06
2553	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs .....	2105-AA09
2554	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers .....	2105-AA40
2555	Air Travelers: Age Discrimination .....	2105-AA45
2556	Policy Statement on Airline Preemption .....	2105-AA46
2557	Diversion of Flights Within a Metropolitan Area .....	2105-AA78
2558	Simplified Aviation Exemption Procedures .....	2105-AA82
2559	Baggage Liability Notices in International Air Transportation .....	2105-AA84
2560	Simplified Airline Counter-Sign Notices .....	2105-AA88
2561	Smoking Aboard Aircraft .....	2105-AB58
2562	Centralization of Formal Hearing Dockets (OST) .....	2105-AB69
2563	Rules of Conduct in DOT Proceedings .....	2105-AB89
2564	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	2105-AC02
2565	Privacy Act Exemptions .....	2105-AC05

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

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2566	+Americans With Disabilities Act Accessibility Guidelines; Detectable Warnings .....	2105-AC08
2567	Transportation Acquisition Regulations .....	2105-AB54
2568	Transportation Acquisition Regulations; Rewrite .....	2105-AB75

\* DOT-designated significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2569	+Facility Response Plans for Hazardous Substances (94-048) ( <b>Reg Plan Seq. No. 119</b> ) .....	2115-AE87
2570	+Tank Vessel Response Plans for Hazardous Substances (94-032) ( <b>Reg Plan Seq. No. 120</b> ) .....	2115-AE88
2571	Regulated Navigation Area: Oliver Lock and Dam; Black Warrior River—MM 338 .....	2115-AE79

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

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2572	+Structural and Operational Measures To Reduce Oil Spills From Existing Tank Vessels Without Double Hulls (91-045) ( <b>Reg Plan Seq. No. 121</b> ) .....	2115-AE01
2573	+User Fees for Approvals of Equipment, Laboratories, and Servicing Facilities (92-013) .....	2115-AE18
2574	+Federal Agency Access to the Oil Spill Liability Trust Fund (CGD 92-074) .....	2115-AE34
2575	+Great Lakes Pilotage (93-019) .....	2115-AE52
2576	+Escort Vessels in Certain U.S. Waters (91-202a) .....	2115-AE56
2577	+Establishment of Lightering Zones (93-081) .....	2115-AE90
2578	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089) .....	2115-AB99
2579	Domestic Load Lines (86-013) .....	2115-AC37

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## U.S. Coast Guard—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2580	Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205)	2115-AC51
2581	Regattas and Marine Parades (CGD 87-087)	2115-AC84
2582	Anchorage Regulations (86-079)	2115-AC96
2583	Controlling the Marine Asbestos Hazard (88-103)	2115-AD16
2584	General Revisions to Stability Regulations (Subchapter S) (89-038)	2115-AD34
2585	Tank Level or Pressure Monitoring Devices (CGD 90-071)	2115-AD69
2586	Criminal Record Reviews and Access to the National Driver Register (91-212)	2115-AD93
2587	Suspension and Revocation of Licenses, Certificates of Registry, and Merchant Mariners' Documents (91-213)	2115-AD94
2588	Manning Standards for Foreign Tank Vessels (91-215)	2115-AD97
2589	Reporting Marine Casualties (91-216)	2115-AD98
2590	Damage Stability Standards for Double-Hulled Tank Vessels (91-206)	2115-AE11
2591	State Access to the Oil Spill Liability Trust Fund (92-014)	2115-AE19
2592	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (92-026)	2115-AE22
2593	Lifeboats, Rescue Boats, and Associated Equipment and Materials (93-021)	2115-AE40
2594	Prince William Sound Automated Dependent Surveillance System Incorporation by Reference (93-022)	2115-AE41
2595	Inspection and Certification Standards for OSRVs (93-031)	2115-AE43
2596	Inspection of Great Lakes Barges (93-017)	2115-AE49
2597	Certification of Seamen (92-042)	2115-AE53
2598	Approval of Inflatable Personal Flotation Devices (PFDs) for Recreational Boaters (93-055)	2115-AE58
2599	Facilities Transferring Oil and Hazardous Material in Bulk (93-056)	2115-AE59
2600	Stability Criteria for Bulk Grain Vessels (93-059)	2115-AE60
2601	Shipboard Fumigation (93-061)	2115-AE61
2602	International Load Lines (86-013a)	2115-AE70
2603	Revision of Damage Stability Requirements for New Passenger Ship Designs (94-010)	2115-AE75
2604	Aleutian Trade Act (94-025)	2115-AE77
2605	Inland Waterways Navigation Regulations; Wrangell Narrows, AK (94-026)	2115-AE78
2606	Vessel Rebuild Determinations (94-040)	2115-AE85
2607	Navigation Safety Equipment for Towing Vessels (94-020)	2115-AE91

References in boldface appear in the Regulatory Plan in Part II of this issue of the Federal Register.  
 † DOT-designated significant regulation.

## U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2608	+Offshore Supply Vessel Regulations (82-004 and 86-074)	2115-AA77
2609	+Licensing of Pilots—Manning of Vessels (84-060)	2115-AB67
2610	+Lifesaving Equipment—Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
2611	+Small Passenger Vessel Inspection and Certification (CGD 85-080)	2115-AC22
2612	+Implementation of the Commercial Fishing-Industry Vessel Safety Act (88-079)	2115-AD12
2613	+Double Hull Standards for Vessels Carrying Oil in Bulk (CGD 90-051)	2115-AD61
2614	+Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068)	2115-AD66
2615	+Security for Passenger Vessels and Passenger Terminals (91-012)	2115-AD75
2616	+Financial Responsibility for Water Pollution (Vessels) (CGD 91-005)	2115-AD76
2617	+Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels (91-030)	2115-AD78
2618	+Tank Vessel Response Plans (91-034)	2115-AD81
2619	+Facility Response Plans (91-036)	2115-AD82
2620	+Overfill Devices (CGD 90-071a)	2115-AD87
2621	+Drug Testing of Individuals Applying for Issuance or Renewal of Licenses, Certificates of Registry, or Merchant Mariners' Documents (91-223)	2115-AE29
2622	+Great Lakes Pilotage Rate Methodology (92-072)	2115-AE45
2623	Tankermen (79-116)	2115-AA03
2624	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
2625	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
2626	Safety Standards for New Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
2627	Safety/Security Zone Regulations	2115-AA97
2628	Anchorage Area Regulations	2115-AA98
2629	Fire Protection Regulations (CGD 83-026)	2115-AB36

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## U.S. Coast Guard—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2630	Incorporation of Amendments to the International Convention for Safety of Life at Sea, 1974 (83-043) .....	2115-AR41
2631	Emergency Position Indicating Radio Beacons (EPIRBs) and Visual Distress Signals for Uninspected Vessels (87-016) .....	2115-AC69
2632	Carriage of Bulk Solid Materials Requiring Special Handling (87-069) .....	2115-AD02
2633	Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Gases (88-049) .....	2115-AD06
2634	Permits for the Transportation of Municipal and Commercial Wastes (89-014) .....	2115-AD23
2635	Vessel Identification System (89-050) .....	2115-AD35
2636	Regulated Navigation Area; Puget Sound, Washington (13-90-03) .....	2115-AD86
2637	Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035) .....	2115-AD90
2638	Regulated Navigation Area: Puget Sound and Strait of Juan de Fuca, WA; Grays Harbor, WA; Columbia River and Willamette River, OR; Yaquina Bay, OR; Umpqua River, OR; Coos Bay, OR (13-90-28) .....	2115-AE06
2639	Alteration of Obstructive Bridges (91-063) .....	2115-AE15
2640	Federal Pilotage Requirement for Foreign Trade Vessels (92-061) .....	2115-AE28
2641	New York Vessel Traffic Service (CGD 92-052) .....	2115-AE36
2642	Amendments to Hull Identification Number Regulations and New Requirements for Certificates of Origin (CGD 92-065) .....	2115-AE37
2643	Implementation of Regulation 26 of Annex I of MARPOL 73-78 Relating to the Development of Shipboard Oil Pollution Emergency Plans (93-030) .....	2115-AE44
2644	Regatta Regulations .....	2115-AE46
2645	Drawbridge Regulations .....	2115-AE47
2646	Simplified Process for Pollution Violation Cases (93-079) .....	2115-AE68
2647	Inland Navigation Rules; Lighting Provisions (94-011) .....	2115-AE71
2648	Amendment to 46 CFR 14: Revise Recordkeeping of Shipping Articles and Certificates of Discharge (94-004) .....	2115-AE72
2649	Regulations for the Control of Ballast Water Discharges From Ships in the Hudson River (94-003) .....	2115-AE76
2650	Regulated Navigation Area; Mississippi River, Miles 88 to 240 Above Head Of Passes (08-94-006) .....	2115-AE81
2651	Notice of Hazardous Conditions (94-027) .....	2115-AE82
2652	Regulated Navigation Areas .....	2115-AE84
2653	Immediate Reporting of Casualties (94-030) .....	2115-AE89
2654	Radar-Observer Endorsement for Operators of Uninspected Towing Vessels (94-041) .....	2115-AE92

+ DOT-designated significant regulation.

## U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2655	+Escort Vessels for Certain Tankers (91-202) .....	2115-AE10
2656	Traffic Separation Schemes and Shipping Safety Fairways off the Coast of California (83-032) .....	2115-AB29
2657	Posting Requirements on Inspected Vessels (87-031) .....	2115-AC68
2658	Written Warnings by Coast Guard Law Enforcement Officers (88-074) .....	2115-AD13
2659	Chesapeake Bay Traffic Separation Scheme (90-039) .....	2115-AD43
2660	National Vessel Traffic Service (VTS) Regulations (90-020) .....	2115-AD56
2661	New Terms of Validity for Certificates of Registry and Merchant Mariners' Documents (91-211) .....	2115-AD92
2662	Unnecessary Drawbridge Opening (91-059) .....	2115-AE14
2663	Refuse Recordkeeping for Ships (92-071) .....	2115-AE17
2664	Classifying, Packaging, and Communicating About Explosives (92-050) .....	2115-AE27
2665	Recreational Vessel Fee Amendments (92-066) .....	2115-AE32
2666	Bulk Hazardous Materials (92-100) and Noxious Liquid Substances List (92-100a) .....	2115-AE35
2667	Authorization for NTSB Officials To Be Allowed in the Pilothouse or on the Navigation Bridge of Merchant Vessels While Underway (CGD 91-023) .....	2115-AE38
2668	Proof of Commitment To Employ Aboard U.S. Merchant Vessels (93-051) .....	2115-AE54
2669	Bridge-to-Bridge Radiotelephone Regulations; Inland Navigation Regulation (93-072) .....	2115-AE66
2670	Expansion of Safety Zone at Louisiana Offshore Oil Port (93-080) .....	2115-AE69
2671	Upgrades to the Bulk Hazardous Materials Tables (94-900) .....	2115-AE73
2672	Upgrades to the Noxious Liquid Substances List (94-901) .....	2115-AE74
2673	Regulated Navigation Area; Providence River, Providence, RI (01-93-030) .....	2115-AE80
2674	Documentation of Vessels (94-008) .....	2115-AE83

+ DOT-designated significant regulation.

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Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2675	Sightseeing Operations .....	2120-AF07

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2676	+Fuel System Vent Fire Protection .....	2120-AA49
2677	+Revision of Medical Standards and Certification Procedures .....	2120-AA70
2678	+Repair Station and Repairmen Certification Rules .....	2120-AC38
2679	+Air Carrier Training Programs .....	2120-AC79
2680	+Sole Radio Navigation System; Minimum Standards for Certification .....	2120-AD26
2681	+Fatigue Test Requirements for Aging Aircraft .....	2120-AD43
2682	+Revision of Part 108, Airplane Operator Security .....	2120-AD45
2683	+Revision of Part 107, Airport Security .....	2120-AD46
2684	+Alternative Means of Compliance .....	2120-AD66
2685	+Child Restraint Systems .....	2120-AD90
2686	+Reduced Altitude Separation .....	2120-AE51
2687	+Airport Land Use Compatibility Planning—Proposed Revisions .....	2120-AE64
2688	+Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules .....	2120-AE71
2689	+Anti-Drug and Alcohol Misuse Prevention Programs for Employees of Foreign Air Carriers Engaged in Specified Aviation Activities .....	2120-AE79
2690	+Mode S Transponder Requirement for Part 135 Operators .....	2120-AE81
2691	+Civil Penalty Assessment Procedures .....	2120-AE84
2692	+Corrosion Control Program (Reg Plan Seq. No. 122) .....	2120-AE92
2693	+Advanced Qualification Program .....	2120-AF00
2694	+Revised Access to Type III Exits .....	2120-AF01
2695	+Revision of Emergency Evacuation Demonstration Procedures to Improve Participant Safety .....	2120-AF21
2696	+Suspension of Certain Aircraft Operations From the Transponder With Automatic Pressure Altitude Reporting Capability Requirement .....	2120-AF30
2697	+Operations of Jet Aircraft in Commuter Slots at LaGuardia Airport and John F. Kennedy International Airport .....	2120-AF31
2698	+Procedures for Complaints Involving Federally Assisted Airports .....	2120-AF43
2699	+Overflights of Units of the National Park System .....	2120-AF46
2700	Composite Propellers .....	2120-AB05
2701	Review of Part 47, Aircraft Registration, and Part 49, Recording of Aircraft Titles and Security Documents .....	2120-AC17
2702	Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines .....	2120-AC87
2703	Maintenance Recordkeeping Requirements .....	2120-AD25
2704	High Intensity Radiated Fields Protection Standards for Aircraft Electrical and Electronic Systems .....	2120-AD32
2705	1-G Stalling Speed as a Basis for Compliance With Part 25 of the Federal Aviation Regulations .....	2120-AD40
2706	Cost of Services and Transfer of Fees to Part 187 from Parts 47, 49, 61, 63, 65, and 143 .....	2120-AD91
2707	Visual Descent Points .....	2120-AE34
2708	Access Into the Cockpit .....	2120-AE35
2709	Airport Runway Incursion .....	2120-AE38
2710	Non-Federal Navigation Facilities .....	2120-AE54
2711	Persons Authorized To Perform Maintenance, Preventive Maintenance, Rebuilding, and Alterations .....	2120-AE57
2712	JAR/FAR Harmonization Initiatives—Systems and Equipment .....	2120-AE59
2713	JAR/FAR Harmonization Initiatives—Propulsion .....	2120-AE60
2714	JAR/FAR Harmonization Initiatives—Flight .....	2120-AE61
2715	JAR/FAR Harmonization Initiatives—Airframe .....	2120-AE62
2716	Part 71 Review: Airspace Designations .....	2120-AE65
2717	Stage 2 Airplane Operations in Hawaii .....	2120-AE83
2718	State Block Grant Program .....	2120-AE90
2719	Nashville, TN, Class B Airspace .....	2120-AE93
2720	Niagara Falls .....	2120-AE95
2721	Cincinnati, OH, Class B Airspace .....	2120-AE97
2722	Flight Attendant English Language Proficiency .....	2120-AE98
2723	Flight Operational Quality Assurance Program .....	2120-AF04
2724	Simulator Instructor—Medical Certificates .....	2120-AF08

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## Federal Aviation Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2725	Changes in Type Design of Helicopters .....	2120-AF10
2726	Los Angeles, CA, Class B Airspace .....	2120-AF16
2727	Orlando, FL, Class B Airspace .....	2120-AF17
2728	Tampa, FL, Class B Airspace .....	2120-AF18
2729	Minimum Altitudes for the Use of an Autopilot .....	2120-AF19
2730	Raleigh/Durham, NC, Class B Airspace .....	2120-AF20
2731	Revision of Certification Requirements: Mechanics and Repairmen .....	2120-AF22
2732	Aviation Insurance .....	2120-AF23
2733	Revised Discrete Gust Load Design Requirement; Transport Category Airplanes .....	2120-AF27
2734	Advanced Simulation Plan Revisions .....	2120-AF29
2735	Future Harmonized Rotorcraft Rulemaking; Normal Category Maximum Weight .....	2120-AF33
2736	Emergency Medical Kits: Protective Glove Requirement .....	2120-AF37
2737	Powerplant Instruments; Fuel Pressure Indication .....	2120-AF41
2738	Sensitive Security Information .....	2120-AF49

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

+ DOT-designated significant regulation.

## Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2739	+Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers (Reg Plan Seq. No. 123) .....	2120-AA83
2740	+Improved Standards for Determining Rejected Takeoff and Landing Performance .....	2120-AB17
2741	+Elimination of Airport Delays .....	2120-AB42
2742	+Passenger-Carrying and Cargo Air Operations for Compensation or Hire .....	2120-AC08
2743	+Flight Attendant Requirements .....	2120-AC32
2744	+Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes .....	2120-AC43
2745	+Improved Survival Equipment for Inadvertent Water Landings .....	2120-AC72
2746	+Retrofit of Improved Seats in Air Carrier Transport Category Airplanes .....	2120-AC84
2747	+Drug Enforcement Assistance .....	2120-AD16
2748	+Airworthiness Standards; Occupant Protection Standards for Commuter Category Airplanes .....	2120-AD27
2749	+Fatigue Evaluation of Structure .....	2120-AD42
2750	+Crew Pairing Requirements .....	2120-AD88
2751	+Unescorted Access Privilege (Reg Plan Seq. No. 124) .....	2120-AE14
2752	+Aging Aircraft Safety (Reg Plan Seq. No. 125) .....	2120-AE42
2753	+Aircraft Ground Deicing and Anti-Icing Program .....	2120-AE70
2754	+Training and Checking in Ground Icing Conditions .....	2120-AF09
2755	+Traffic Alert and Collision Avoidance System (TCAS 1) .....	2120-AF24
2756	Objects Affecting Navigable Airspace .....	2120-AA09
2757	Miscellaneous Amendments .....	2120-AA50
2758	Airworthiness Standards; Crash Resistant Fuel Systems .....	2120-AA57
2759	Part 95 Instrument Flight Rules .....	2120-AA63
2760	Airworthiness Directives .....	2120-AA64
2761	Standard Instrument Approach Procedures .....	2120-AA65
2762	Airspace Actions .....	2120-AA66
2763	Standards for Approval for High Altitude Operation of Subsonic Transport Airplanes .....	2120-AB18
2764	Airworthiness Standards; Transport Category Rotorcraft Performance .....	2120-AB36
2765	Low Fuel Quantity Alerting System .....	2120-AB46
2766	Aircraft Engines: Fuel and Induction Systems .....	2120-AB76
2767	Airworthiness Standards; Turboshaft Engine Rotor Burst Protection .....	2120-AB91
2768	Airworthiness Standards; Aircraft Engines; Proposal for New One-Engine-Inoperative Ratings, Definitions, and Type Certification Standards .....	2120-AD21
2769	Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins .....	2120-AD28
2770	Airplane Engine Cowling Retention .....	2120-AD34
2771	Allowable Carbon Dioxide Concentration in Transport Category Airplane Cabins .....	2120-AD47
2772	Centralization of Formal Hearing Dockets (FAA) .....	2120-AD63
2773	Protective Breathing Equipment; Cargo-Only Airplanes .....	2120-AD74

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## Federal Aviation Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2774	Type Certificates for Some Surplus Aircraft of the Armed Forces .....	2120-AE41
2775	Amend Part 34: Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes .....	2120-AE55
2776	Communication Systems: Removal of Fee Provisions .....	2120-AE68
2777	Fees for Certification Services Performed Outside the United States .....	2120-AE72
2778	Accelerated Stalls in Commuter Category Airplanes .....	2120-AE86
2779	Manned Free Balloons .....	2120-AE87
2780	Occupant Protection in Normal and Transport Category Rotorcraft .....	2120-AE88
2781	Holiday Give-Back Slots .....	2120-AE94
2782	Charlotte, NC, Class B Airspace .....	2120-AF02
2783	Extended Overwater Operations With a Single High-Frequency Communication System (HF) and a Single Long-Range Navigation System (LRNS) .....	2120-AF12
2784	Revision of Certain Flight Airworthiness Standards to Harmonize with European Airworthiness Standards for Transport Category Airplanes .....	2120-AF25
2785	Recent Flight Experience - Pilot in Command .....	2120-AF32
2786	Notification to ATC of Deviations from ATC Clearance and Instructions in Response to Traffic Alert and Collision Avoidance System Resolution Advisories .....	2120-AF35
2787	Streamlined Enforcement Process Test Program .....	2120-AF36

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

+ DOT-designated significant regulation.

## Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2788	+Civil Supersonic Aircraft Noise Type Certification Standards and Operating Rules .....	2120-AC22
2789	+Emergency Locator Transmitters .....	2120-AD19
2790	+Temporary Flight Restrictions .....	2120-AD55
2791	+Relief From Transponder-On Requirement for Aircraft With Limited Electrical Systems .....	2120-AE67
2792	+Anti-Drug Program for Personnel Engaged in Specified Aviation Activities .....	2120-AE82
2793	+Flight Attendant Duty Period Limitations and Rest Requirements .....	2120-AE91
2794	+Extension of Compliance Date for Installation of Digital Flight Data Recorders on Stage 2 Airplanes .....	2120-AF34
2795	+Prohibition Against Flights Within the Territory and Airspace of Afghanistan .....	2120-AF38
2796	+Prohibition Against Flights Within the Territory and Airspace of Yemen .....	2120-AF39
2797	+Prohibition Against Certain Flights Between the United States and Haiti .....	2120-AF40
2798	Airworthiness Standards; New Rotorcraft 30-Second/2-Minute One-Engine-Inoperative Power Ratings .....	2120-AB90
2799	Airworthiness Standards; Crash Resistant Fuel Systems in Normal and Transport Category Rotorcraft .....	2120-AC68
2800	Electrical and Electronic Systems Lightning Protection .....	2120-AC81
2801	Airworthiness Standards; Emergency Exit Provisions for Normal, Utility, Acrobatic, and Commuter Category Airplanes .....	2120-AD33
2802	Design Standards for Airplane Jacking and Tie-Down Provisions .....	2120-AD38
2803	Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions .....	2120-AD75
2804	Model Rocket Operations .....	2120-AD84
2805	Exit Seating for On-Demand Operations .....	2120-AE44
2806	Part 145 Review: Repair Stations .....	2120-AE58
2807	Renewal of Flight Instructor Certificates .....	2120-AF13
2808	Medical Standards (Final Rule; Emergency Amendment) .....	2120-AF42
2809	Review of Part 169 - Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon .....	2120-AF44
2810	Offshore Airspace Reconfiguration; Valparaiso, FL, Terminal Area .....	2120-AF45
2811	Review of Part 47 - Aircraft Registration .....	2120-AF50
2812	Review of Part 49 - Recording of Aircraft Titles and Security Documents .....	2120-AF51

+ DOT-designated significant regulation.

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## Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2813	+Commercial Driver Physical Fitness as Part of the CDL Process .....	2125-AD20
2814	+Qualification of Drivers; Epilepsy .....	2125-AD34
2815	Acquisition of Real Property for Rights-of-Way .....	2125-AC17
2816	Value Engineering .....	2125-AD33

+ DOT-designated significant regulation.

## Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2817	+Commercial Driver's License Standards; Biometric Identifier .....	2125-AC24
2818	+Weight Threshold Adjustments for Commercial Motor Vehicles .....	2125-AC27
2819	+Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking .....	2125-AC28
2820	+Qualification of Drivers; Vision .....	2125-AC62
2821	+Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials .....	2125-AC78
2822	+Training for All Entry-Level Drivers of Commercial Vehicles .....	2125-AD05
2823	+Qualifications of Drivers: Hearing Deficiencies .....	2125-AD22
2824	+Department of Transportation (FHWA, FTA, and FRA) Environmental Impact and Related Procedures .....	2125-AD32
2825	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Report Requirements .....	2125-AB15
2826	Truck Length and Width Exclusive Devices .....	2125-AC30
2827	Amendments to the Periodic Inspection Requirements .....	2125-AC47
2828	Commercial Driver Instruction Permits .....	2125-AC54
2829	Certification of Size and Weight Enforcement .....	2125-AC60
2830	Revision of Medical Examination Form and Procedures .....	2125-AC63
2831	Parts and Accessories Necessary for Safe Operation: Intermodal Cargo Containers .....	2125-AC74
2832	Longer Combination Vehicles—Driver Training .....	2125-AC92
2833	Highway Beautification .....	2125-AD24
2834	Parts and Accessories Necessary for Safe Operation; Sleeper Berths on Motor Coaches .....	2125-AD25
2835	Parts and Accessories Necessary for Safe Operation; Lighting Devices, Reflectors, and Electrical Equipment .....	2125-AD27
2836	Parts and Accessories Necessary for Safe Operation: Automatic Brake Adjusters and Brake Adjustment Indicators .....	2125-AD37
2837	Design Standards for Highways; A Policy on Geometric Design of Highways and Streets; Design and Construction Criteria .....	2125-AD38

+ DOT-designated significant regulation.

## Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2838	+Qualification of Drivers; Diabetes .....	2125-AB91
2839	+Safety Fitness Procedures; Safety Ratings .....	2125-AC71
2840	+Transportation of Hazardous Materials; Highway Routing .....	2125-AC80
2841	+Management and Monitoring Systems .....	2125-AC97
2842	+Controlled Substances and Alcohol Use and Testing; Foreign-Based Motor Carriers and Drivers .....	2125-AD11
2843	+Federal Motor Carrier Safety Regulations; General; Intermodal Transportation .....	2125-AD14
2844	Centralization of Formal Hearing Dockets (FHWA) .....	2125-AC59
2845	Transportation of Hazardous Materials; Preemption Determination .....	2125-AD00
2846	Administration of Engineering and Design-Related Service Contracts; Private Sector Involvement Program .....	2125-AD03
2847	Removal of Obsolete and Redundant Regulations and Appendices .....	2125-AD28
2848	Motor Carrier Safety Assistance Program (MCSAP) Allocation Formula .....	2125-AD30
2849	Utility Relocations, Adjustments, and Reimbursement .....	2125-AD31
2850	Quality Assurance Procedures for Construction .....	2125-AD35
2851	Traffic Surveillance and Control; Technical Amendment .....	2125-AD36

+ DOT-designated significant regulation.

## DOT

## Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2852	+State Compliance With CDL Program .....	2125-AC53
2853	Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes on Mexican Commercial Motor Vehicles .....	2125-AC49
2854	Truck Size and Weight; Restrictions on Longer Combination Vehicles and Vehicles With Two or More Cargo-Carrying Units .....	2125-AC86
2855	Violations of Out-of-Service Orders—CDL Disqualifications .....	2125-AC93
2856	Erosion and Sediment Control on Highway Construction Projects .....	2125-AD08
2857	Removal of Obsolete and Redundant Right-of-Way Requirements .....	2125-AD09
2858	Forest Highway Portion of Public Lands Highway Program .....	2125-AD13
2859	Parts and Accessories Necessary for Safe Operation; Warning Devices for Stopped Vehicles .....	2125-AD17
2860	Parts and Accessories Necessary for Safe Operation; Protection Against Shifting or Falling Cargo .....	2125-AD18
2861	State Planning and Research Program Administration .....	2125-AD21
2862	Design Standards for Highways; Interim Selected Metric Values for Geometric Design; Design and Construction Criteria .....	2125-AD23
2863	Truck Size and Weight; National Network .....	2125-AD26

+ DOT-designated significant regulation.

## National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2864	+Review: Passenger Car Front Seat Occupant Protection (Federal Motor Vehicle Safety Standard No. 208) .....	2127-AD82
2865	Review: Lamps, Reflective Devices, and Associated Equipment .....	2127-AB76
2866	Brake Lining .....	2127-AC66
2867	Standard 105; Hydraulic Brake .....	2127-AC94
2868	Review: Glass-Plastic Windshields .....	2127-AD29
2869	Rulemaking To Delete "Due Care" Provisions From the Occupant Crash Protection Standard .....	2127-AD54
2870	Brake Hoses and Fluids .....	2127-AD70
2871	Radiator Safety Cap .....	2127-AE59
2872	Lateral Performance Requirements for Fuel System Integrity .....	2127-AE83
2873	Accelerometer Mounting Arrangements .....	2127-AE84
2874	Review: Passenger-Car Back Seat Occupant Protection .....	2127-AE95
2875	Materials Used in Tests .....	2127-AF22
2876	Compressed Natural Gas (CNG) .....	2127-AF29
2877	Upgrade Performance Requirements .....	2127-AF36
2878	Test Device Placement .....	2127-AF40

+ DOT-designated significant regulation.

## National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2879	+Extend Antilock Brake System to Passenger Cars (Reg Plan Seq. No. 126) .....	2127-AE47
2880	+Light Truck Average Fuel Economy Standards for MYs 1998 Through 2006 (Reg Plan Seq. No. 127) .....	2127-AF16
2881	+Manual Cutoff Switches for Air Bags .....	2127-AF30
2882	Procedures for Considering Environmental Impacts .....	2127-AB79
2883	Seating Systems Performance .....	2127-AD08
2884	Standardized Display of Certification Labels .....	2127-AE71
2885	Uniform Guidelines for State Highway Safety Programs .....	2127-AE90
2886	Passenger Motor Vehicle Theft Data for Model Year (MY) 1992 .....	2127-AE92
2887	Insurer Reporting Requirements for October 1994 .....	2127-AE94
2888	Redefine Replaceable Bulb Headlamps .....	2127-AF00
2889	Tires on New Trailers .....	2127-AF05
2890	Compressed Natural Gas (CNG) Fuel Containers .....	2127-AF14
2891	Uniform Tire Quality Grading .....	2127-AF17
2892	Equivalent Measurements for Gaseous Fuels .....	2127-AF18
2893	Fractional Balance Headlamp Aim .....	2127-AF24

DOT

## National Highway Traffic Safety Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2894	Rigid Plastics in Windows .....	2127-AF28
2895	Improved Back Door Latch .....	2127-AF35
2896	Driving Range Determination for Dual Fuel Electric Passenger Automobiles .....	2127-AF37
2897	Driving Range for Dual Energy and Natural Gas Dual Energy Passenger Automobiles .....	2127-AF38
2898	Increase Femur Flexion Motion of the Hybrid III Test Dummy .....	2127-AF41
2899	Electric Vehicle Safety .....	2127-AF43
2900	Insurance Cost Information Regulation .....	2127-AF44

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

## National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2901	+Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) .....	2127-AA00
2902	+Crashworthiness Ratings .....	2127-AA03
2903	+Truck Rear Underride Protection .....	2127-AA43
2904	+Flammability of Interior Materials - School Buses .....	2127-AA44
2905	+Reduce Head Injuries Due to Contact With Upper Vehicle Interior ( <b>Reg Plan Seq. No. 128</b> ) .....	2127-AB85
2906	+Lighting Simplification—Potential Amendments on Long-Term Issues .....	2127-AB87
2907	+School Bus Body Joint Strength .....	2127-AC19
2908	+Rollover Protection .....	2127-AC64
2909	+Film Transmittance of Glazing Materials .....	2127-AC85
2910	+Wheelchair Lifts .....	2127-AD50
2911	+Dynamic Testing of Light Trucks and Vans for Side Impact .....	2127-AE49
2912	+Highway Safety Programs, Determination of Effectiveness .....	2127-AE89
2913	Proposed New Standard 135; Passenger-Car Brake System .....	2127-AA13
2914	Fuel Spillage .....	2127-AC62
2915	Incentive Grant Criteria for Drunk-Driving-Prevention Programs (Section 410) .....	2127-AD01
2916	Air Brake Systems, Stopping-Distance Performance .....	2127-AD07
2917	Issuance, Amendment, and Revocation of Rules: Procedural Regulations .....	2127-AD78
2918	Enforcement of the National Traffic and Motor Vehicle Safety Act .....	2127-AD83
2919	Stopping Distance Performance Requirements .....	2127-AE21
2920	Seat Adjustment Position .....	2127-AE22
2921	Emergency Exit Requirements for Non-School Buses .....	2127-AE25
2922	Certification Requirements of Multistage Vehicles .....	2127-AE27
2923	Optical Coatings and Heat Degradations .....	2127-AE38
2924	Vehicles Equipped With Long-Stroke Brake Chambers .....	2127-AE54
2925	Referee Material .....	2127-AE58
2926	Consumer Information Regulation - Vehicle Stopping Distance .....	2127-AE61
2927	Bus Window Emergency Exit .....	2127-AE62
2928	Antilock Warning Signals .....	2127-AE75
2929	Define Major Component Parts of a Vehicle .....	2127-AE85
2930	Define Designated Seating Position .....	2127-AE96
2931	Miniature and Nonfilament Light Sources .....	2127-AE97
2932	Test Procedures for Transmission and Key Locking Requirements .....	2127-AE99
2933	Air-Over-Hydraulic Brake System .....	2127-AF01
2934	Test Dummies and Requirements for Testing Child Restraint Systems .....	2127-AF02
2935	Conversion of Measurements From English Units to Metric Units .....	2127-AF03
2936	Replaceable Light Source Information .....	2127-AF07
2937	Heavy Vehicle Burnish Procedures .....	2127-AF13
2938	Maximum Inflation Pressure for Tires .....	2127-AF19
2939	Pneumatic Timing and Balance for Trailer Brake Systems .....	2127-AF23
2940	School Bus Driving Mirrors .....	2127-AF31
2941	Strobe Lights on School Bus Stop Arms .....	2127-AF32
2942	Seat Belt Anchorages in Small Buses .....	2127-AF33
2943	Air Bag Warning Label Requirements .....	2127-AF39

## DOT

## National Highway Traffic Safety Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2944	Requirements for Use of Compressed Natural Gas .....	2127-AF42

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

## National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2945	+Compressed Natural Gas (CNG) .....	2127-AD48
2946	+Certification of Speed Limit Enforcement .....	2127-AE52
2947	+American Automobile Labeling Act Requirements .....	2127-AE63
2948	+Light Truck Average Fuel Economy Standards for Model Years (MY) 1996 and 1997 .....	2127-AE91
2949	Emergency Locking Retractors .....	2127-AC57
2950	Seating Systems Test Procedure .....	2127-AD09
2951	Tire Labeling, FMVSS 109, 110, 117, 119, 120; Parts 569, 574, 575 .....	2127-AD28
2952	Controls and Displays and Windshield Defrosting and Defogging Systems for Electric Vehicles .....	2127-AE29
2953	Head Injury Criterion and Use of Neck Injury Criterion .....	2127-AE34
2954	Child Booster Seats .....	2127-AE39
2955	Safety Belt Design .....	2127-AE48
2956	Petitions and Plans for Relief Under the Automobile Fuel Efficiency Act of 1980 .....	2127-AE65
2957	Procedures for Selecting Lines To Be Covered by the Theft Prevention Standard .....	2127-AE67
2958	Maximum Inflation Pressure .....	2127-AE70
2959	Data Code Requirements .....	2127-AE74
2960	Automatic Brake Adjustment Limits .....	2127-AE76
2961	Applicability of Warning Devices .....	2127-AE78
2962	Belt Labeling Requirements .....	2127-AE79
2963	Center High Mounted Stop Lamps for Light Trucks .....	2127-AE98
2964	Dynamic Testing for Built-In Child Restraint Systems .....	2127-AF04
2965	Exemption of Vehicles Used by the Handicapped .....	2127-AF09
2966	Replacement Seat Belt Assemblies Installation Instructions .....	2127-AF10
2967	Specifications for Light Emitting Diode .....	2127-AF20
2968	Trailer Conspicuity .....	2127-AF21
2969	Advanced Brake Light Warning System .....	2127-AF25
2970	Anthropomorphic Test Dummy .....	2127-AF26
2971	Final Listing of High-Theft Lines for Model Year (MY) 1995 .....	2127-AF34

+ DOT-designated significant regulation.

## Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2972	+Whistle Bans at Highway-Rail Grade Crossings .....	2130-AA71
2973	+Generic Standards for Corridors up to 160 MPH (Reg Plan Seq. No. 129) .....	2130-AA88
2974	+Locomotive Crashworthiness and Working Conditions .....	2130-AA88

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

## Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2975	+Power Brake Regulations; Miscellaneous Revisions .....	2130-AA73
2976	+Track Safety Standards .....	2130-AA75
2977	+Rules on Protection of Maintenance-of-Way Employees .....	2130-AA86

## DOT

## Federal Railroad Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2978	+Environmental Impact and Related Procedures (FRA, FTA, FHWA) .....	2130-AA93
2979	Railroad Accident Reporting .....	2130-AA58
2980	Alcohol/Drug Regulations; Miscellaneous Technical Amendments and Corrections .....	2130-AA63
2981	Qualification and Certification of Locomotive Engineers .....	2130-AA74
2982	Locomotive Conspicuity; Minimum Standards for Auxiliary External Lights .....	2130-AA80
2983	AMTRAK Waste Disposal .....	2130-AA84
2984	Event Recorders .....	2130-AA87
2985	Protection of Utility Employees .....	2130-AA90
2986	Selection and Installation of Grade Crossing Warning Systems .....	2130-AA92

+ DOT-designated significant regulation.

## Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2987	+Freight Car Safety Standards: Maintenance-of-Way Equipment .....	2130-AA68
2988	Centralization of Formal Hearing Dockets (FRA) .....	2130-AA59
2989	Local Rail Freight Assistance to States .....	2130-AA60

+ DOT-designated significant regulation.

## Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2990	+Timely Response to Grade Crossing Signal System Malfunctions and Maintenance, Inspection, and Testing of Grade Crossing Signal Systems .....	2130-AA70
2991	Railroad Operating Rules and Radio Standards and Procedures .....	2130-AA76
2992	Remedial Actions Reporting .....	2130-AA85
2993	Bridge Worker Safety Standards .....	2130-AA91

+ DOT-designated significant regulation.

## Federal Transit Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2994	+Department of Transportation (FTA, FRA, FHWA) Environmental Impact and Related Procedures .....	2132-AA43
2995	Transportation for the Elderly and Persons With Disabilities .....	2132-AA46

+ DOT-designated significant regulation.

## Federal Transit Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2996	+Bus Testing .....	2132-AA30
2997	+State Responsibility for Fixed-Guideway System Safety ( <b>Reg Plan Seq. No. 130</b> ) .....	2132-AA39
2998	+Management and Monitoring Systems .....	2132-AA47
2999	+Temporary Local Match Waiver for Sections 9 and 18 .....	2132-AA49
3000	+New Starts Criteria .....	2132-AA50
3001	Buy America .....	2132-AA42

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

+ DOT-designated significant regulation.

## DOT

## Federal Transit Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3002	+Notice of Final Action on Proposed Recision of Private Enterprise Participation Guidance .....	2132-AA51

+ DOT-designated significant regulation.

## Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3003	Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34 .....	2137-AA92
3004	Modernizing the Passenger Origin-Destination Survey .....	2137-AB92
3005	Approval of Multi-Unit Tank Car Tanks .....	2137-AC43

## Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3006	+Gas Gathering Line Definition .....	2137-AB15
3007	+Qualification of Pipeline Personnel .....	2137-AB38
3008	+Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; Pipe Inventory .....	2137-AB48
3009	+Improvements to Hazardous Materials Identification Systems ( <b>Reg Plan Seq. No. 131</b> ) .....	2137-AB75
3010	+Infectious Substances .....	2137-AC36
3011	+Increased Inspection Requirements ( <b>Reg Plan Seq. No. 132</b> ) .....	2137-AC38
3012	+Emergency Flow-Restricting Devices ( <b>Reg Plan Seq. No. 133</b> ) .....	2137-AC39
3013	DOT 3AL Aluminum Cylinders; Safety Problems .....	2137-AB51
3014	Passage of Internal Inspection Devices .....	2137-AB71
3015	Design and Construction of Welded Breakout Tanks .....	2137-AC11
3016	Underwater Abandoned Pipeline Facilities .....	2137-AC33
3017	Environmentally Sensitive Areas and High-Density Population Areas .....	2137-AC34
3018	Transportation of Hazardous Materials; Miscellaneous Amendments .....	2137-AC41
3019	Incorporation of Latest United Nations Recommendations on the Transport of Dangerous Goods .....	2137-AC42
3020	Safety Permits—Shipper's Responsibility .....	2137-AC45
3021	Labeling Requirements for Poisonous Materials .....	2137-AC47
3022	Review of Confidentiality Requirements for Schedule T-100 Domestic Market Data .....	2137-AC49
3023	Hazardous Liquid Gathering Line Definition .....	2137-AC52
3024	Regulated Gas and Hazardous Liquid Gathering Lines .....	2137-AC53
3025	Permanent Underwater Inspections .....	2137-AC54
3026	Excess Flow Valve Customer Notification .....	2137-AC55
3027	Mandatory One-Call Participation .....	2137-AC57

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

+ DOT-designated significant regulation.

## Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3028	+Hazardous Materials in Intrastate Commerce .....	2137-AB37
3029	+Excavation Damage Prevention Programs for Gas and Hazardous Liquid Pipelines .....	2137-AB47
3030	+Crashworthiness Protection Requirements for Tank Cars .....	2137-AB89
3031	+Excess Flow Valves in Service Lines .....	2137-AB97
3032	+Safeguarding Food From Contamination During Transportation .....	2137-AC00
3033	+Regulatory Review: Gas Pipeline Safety Standards .....	2137-AC25
3034	+Response Plans for Onshore Oil Pipelines .....	2137-AC30
3035	+Oil Spill Prevention and Response Plans .....	2137-AC31
3036	Quantity Limitations Aboard Aircraft .....	2137-AA85
3037	Enforcement of Motor Carrier Financial Responsibility Requirements .....	2137-AB35

## DOT

## Research and Special Programs Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3038	Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks .....	2137-AB40
3039	Determining the Extent of Corrosion on Exposed Gas Pipelines .....	2137-AB50
3040	Transportation Regulations; Compatibility with the International Atomic Energy Agency .....	2137-AB60
3041	Transportation of Hydrogen Sulfide by Pipeline .....	2137-AB63
3042	Tank Cars and Cargo Tank Motor Vehicles: Attendance Requirements .....	2137-AC24
3043	Hazardous Materials in COFC/TOFC Service .....	2137-AC26
3044	Regulatory Review: Administrative Practices, Reporting Pipeline Incidents, Gas Pipeline Standards, and Liquefied Natural Gas Facility Standards .....	2137-AC28
3045	Customer-Owned Service Lines .....	2137-AC32
3046	Cargo Tanks; Miscellaneous Requirements .....	2137-AC37

+ DOT-designated significant regulation.

## Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3047	+Pressure Testing of Certain Hazardous Liquid and Carbon Dioxide Pipelines .....	2137-AB46
3048	+Transportation of Hazardous Liquids at 20 Percent or Less of Specified Minimum Yield Strength .....	2137-AB86
3049	+Amendments to the DOT Airline On-Time Disclosure Rule .....	2137-AB94
3050	Review of Commercial Air Traffic and Market Data Reporting .....	2137-AB18
3051	Intermediate Bulk Containers for Hazardous Materials .....	2137-AC23
3052	Regulatory Review: Hazardous Liquid and Carbon Dioxide Pipeline Safety Standards .....	2137-AC27
3053	Transportation of Hazardous Materials; Miscellaneous Editorial Corrections .....	2137-AC44
3054	Hazardous Materials; Miscellaneous Revisions .....	2137-AC46
3055	Exemption From Property Tariff Filing Requirements .....	2137-AC48
3056	Hazardous Materials Registration and Fee Assessment Program .....	2137-AC50
3057	Hazardous Substances .....	2137-AC56

+ DOT-designated significant regulation.

## Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3058	+Cargo Preference—U.S.-Flag Vessels; Uniform Contracting Requirements for Federal Program Participants ( <b>Reg Plan Seq. No. 134</b> ) .....	2133-AA95
3059	+Obligation Guarantees; Program Administration .....	2133-AB14
3060	Foreign Transfer of Documented Vessels .....	2133-AB11
3061	Cargo Preference—U.S.-Flag Vessels; Monitoring Shipments of Military Household Goods and Personal Effects ....	2133-AB12
3062	Federal Port Controllers .....	2133-AB15

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

+ DOT-designated significant regulation.

## Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3063	Centralization of Formal Hearing Dockets (MARAD) .....	2133-AA84
3064	Values for War Risk Insurance; Review of War Risk Insurance Valuation Methodology .....	2133-AA89

DOT

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3065	+Obligation Guarantees .....	2133-AB09
3066	+Cargo Preference—U.S.-Flag Vessels; Available U.S.-Flag Commercial Vessels .....	2133-AB13
3067	Merchant Marine Training .....	2133-AA94
3068	Seamen's Service Awards .....	2133-AB02

+ DOT-designated significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)  
Office of the Secretary (OST)

Prerule Stage

2519. DIRECT FLIGHTS

**Legal Authority:** 49 USC 1381

**CFR Citation:** 14 CFR 399

**Legal Deadline:** None

**Abstract:** Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The petition is filed in Docket 41217.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA73

2520. PRICE ADVERTISING

**Legal Authority:** 49 USC 1371; 49 USC 1381

**CFR Citation:** 14 CFR 380.30(e); 14 CFR 399.84

**Legal Deadline:** None

**Abstract:** The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory. The petition is under consideration.

**Timetable:**

Action	Date	FR Cite
Petition for Rulemaking (Dkt 43147)	05/22/85	
Next Action Undetermined		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB25

2521. IMPLEMENTATION OF AMENDMENTS TO THE EQUAL ACCESS TO JUSTICE ACT

**Legal Authority:** 5 USC 504

**CFR Citation:** 49 CFR 6; 48 CFR 6301; 14 CFR 14

**Legal Deadline:** None

**Abstract:** This action would incorporate the latest amendments to the Equal Access to Justice Act (EAJA or "Act"), 5 USC 504, into OST's EAJA regulations, 49 CFR 6. The EAJA provides for the award of attorneys' fees and other expenses to eligible individuals and entities who prevail over the Government in administrative proceedings, unless the position of the Government was substantially justified. The latest amendment made certain technical and substantive amendments to the EAJA, as well as made the Act, as so amended, permanent. This rulemaking is undertaken at the Department's initiative in response to the statutory changes in the EAJA.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB73

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Office of the Secretary (OST)**

**Proposed Rule Stage**

**2522. +COMMERCIAL SPACE TRANSPORTATION: FINANCIAL RESPONSIBILITY REQUIREMENTS FOR LICENSED LAUNCH ACTIVITIES**

**Legal Authority:** PL 98-575; PL 100-656, sec 15(c) to 16 Commercial Space Launch Act

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Persons authorized to conduct commercial launch activities by a license issued by the Office of Commercial Space Transportation (OCST) are required to obtain insurance or demonstrate financial responsibility, in amounts and on terms prescribed by OCST, to protect against third-party or government property damage claims resulting from the licensed activities. Licensees and other launch participants are also required to enter into reciprocal waivers of claims arising out of licensed activities. In addition, persons engaged in commercial launch operations must provide proof of financial responsibility, or offer other assurances, adequate to protect the Government when its property or personnel are involved in such operations. This rulemaking codifies the procedures by which OCST sets appropriate levels and terms of insurance and financial responsibility required to be carried by persons subject to its authority. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment	07/08/85	50 FR 19280
Period End		
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** The rulemaking entitled Commercial Space Transportation: Reciprocal Waiver of Claims, RIN 2105-AB76, has been consolidated into this rulemaking.

**Agency Contact:** Esta Rosenberg, Attorney Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9305

**RIN:** 2105-AA26

**2523. +UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

**Legal Authority:** 49 USC 322(a)

**CFR Citation:** 49 CFR 18

**Legal Deadline:** None

**Abstract:** The current rule is being revised to address comments on the NPRM of 11/04/88 and Federal agency concerns on the current rule, and to update deviations from the common rule. OMB has decided not to merge into the existing rule those requirements that apply to universities, hospitals, and other nonprofit organizations; that rulemaking has been assigned the separate RIN 2105-AC02. OMB is considering the need for a common rule. This action is considered significant because it involves agencies and departments Governmentwide.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment	01/03/89	
Period End		
SNPRM	10/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation 11/04/88 (53 FR 44716)

**Additional Information:** In a related, nonsignificant action, the Department is proposing to raise the threshold for local governments to use small-purchase procedures and to increase procurement review levels. The RIN for that action is 2105-AC12.

**Agency Contact:** Robert G. Taylor, Chief, Grants Management Division, M-62, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4289

**RIN:** 2105-AB46

**2524. +PROPOSED POLICY ON PEAK PERIOD PRICING OF AIRPORT LANDING FEES**

**Legal Authority:** 49 USC 1301 et seq

**CFR Citation:** 14 CFR 399

**Legal Deadline:** None

**Abstract:** The Department proposes to establish a set of guidelines to encourage the voluntary development

of peak and off-peak pricing systems for airport landing fees at congested U.S. airports. The guidelines would encourage the application of economic incentive to promote more efficient use of existing airport facilities, which would reduce congestion and delays. This policy statement is significant because of substantial public interest

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation

**Agency Contact:** Raymond Weil, Chief, Policy Analysis Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-5403

**RIN:** 2105-AB63

**2525. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS**

**Legal Authority:** 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** Drug-testing procedures of 49 CFR 40 to conform to the Hollings/Danforth drug-testing provisions in the DOT Appropriations Act for FY 1992 are being proposed in RIN 2105-AB95. The SNPRM herein would propose technical changes in the procedures to improve administration of the drug-testing program. Comments to the earlier NPRM on reporting of negative tests (55 FR 28782, 07/13/90) would also be addressed in the SNPRM. This action is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/90	55 FR 28782
NPRM Comment	08/13/90	
Period End		
SNPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/13/90 (55 FR 28782)

DOT—OST

Proposed Rule Stage

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB71

#### 2526. +PASSENGER MANIFEST INFORMATION

**Legal Authority:** 49 USC app 1380; PL 101-604, sec 203

**CFR Citation:** 14 CFR 243

**Legal Deadline:** Final, Statutory, March 16, 1991.

**Abstract:** PL 101-604, enacted November 16, 1990, mandates that the Secretary of Transportation require all U.S. airlines to comply with a Passenger Manifest Collection Regulation for international flights. The Department of Transportation is therefore soliciting comments and suggestions from the public on the most cost-effective methods of facilitating the collection of the required information. This rulemaking is considered significant because of substantial public interest and the congressional mandate.

#### Timetable:

Action	Date	FR Cite
ANPRM	01/31/91	56 FR 3810
ANPRM Correction	02/12/91	56 FR 5665
ANPRM Comment Period End	02/19/91	
NPRM	10/00/94	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** This entry was formerly titled Aviation Security: Passenger Manifest Information.

**Agency Contact:** Arnold Levine, Director, Office of International Transportation and Trade, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4368

**RIN:** 2105-AB78

#### 2527. +LICENSING COMMERCIAL SPACE LAUNCH ACTIVITIES

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

**RIN:** 2105-AB85

#### 2528. +ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES

**Legal Authority:** 42 USC 12101 et seq; PL 101-336, Americans with Disabilities Act

**CFR Citation:** 49 CFR 37

**Legal Deadline:** Final, Statutory, July 26, 1991.

**Abstract:** The Department's Americans with Disabilities Act (ADA) final rule, published September 6, 1991 (56 FR 45584), reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This action will address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. This rulemaking is considered significant because of substantial public and congressional interest.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB87

#### 2529. +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES

**Regulatory Plan:** This entry is Seq. No. 117 in Part II of this issue of the Federal Register.

**RIN:** 2105-AC00

#### 2530. +LIMIT OF LIABILITY FOR DEEPWATER PORTS

**Legal Authority:** 33 USC 2704

**CFR Citation:** 33 CFR 137

**Legal Deadline:** None

**Abstract:** This proposed rule would establish limits of liability for deepwater ports in general and for the Louisiana Offshore Port (LOOP) specifically. This action is considered significant because it is controversial.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Donald R. Trilling, Director, Office of Transportation Regulatory Affairs, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4220

**RIN:** 2105-AC01

#### 2531. +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES

**Legal Authority:** 42 USC 12101 to 12213; 49 USC 322

**CFR Citation:** 49 CFR 37; 49 CFR 38

**Legal Deadline:** None

**Abstract:** The Department is seeking comment in response to petitions for rulemaking to amend the Americans with Disabilities Act regulations, to create an exception to the provisions requiring transit providers to allow persons with disabilities to use every stop in the system, change the requirements affecting certain private schools that provide fixed route transportation, change the DOT technical standards concerning gaps for higher-speed people-mover vehicles, and eliminate the provision requiring paratransit systems to allow reservations 14 days in advance. Certain minor or technical clarifications will also be made. This action is significant since it involves issues of potential controversy.

#### Timetable:

Action	Date	FR Cite
NPRM	07/21/94	59 FR 37208
NPRM Comment Period End	10/19/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AC13

DOT—OST

Proposed Rule Stage

**2532. SPECIAL EVENT TOURS**

**Legal Authority:** 49 USC 1324; 49 USC 1381

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** This action seeks comment on a proposal to extend the Super Bowl air tour provisions of Title 14 Parts 380 and 399 to other types of special events. The Super Bowl rules state that a tour that is promoted as including a ticket to the Super Bowl game may not be advertised or sold until the operator has game tickets in hand or under contract, and that any person on such a tour who does not receive a promised game ticket is entitled to a refund of the entire tour price. This initiative arises as a result of problems involving game tickets on tours to the 1994 Rose Bowl.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/01/94	59 FR 4614
ANPRM Comment	03/28/94	
Period End		
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Tim Kelly, Consumer Affairs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-5952

**RIN:** 2105-AC03

**2533. ◦ DOMESTIC BAGGAGE LIABILITY**

**Legal Authority:** 49 app USC 1324; 49 app USC 1373 to 1374; 49 app USC 1381

**CFR Citation:** 14 CFR 254.4; 14 CFR 254.5

**Legal Deadline:** None

**Abstract:** The Department is proposing to amend its rule governing the amount by which certain U.S. air carriers may limit their liability to passengers for lost, damaged, and delayed baggage. This action is in response to a petition by Public Citizen and Aviation Consumer Action Project to increase the minimum liability limit from \$1,250 to \$1,850 per passenger. The Department is also requesting comment on two alternate proposals: (1) to raise

the limit to \$1,850 with a mechanism that automatically provides for periodic future increases, or (2) to raise the minimum liability limit to \$2,000.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/94	59 FR 49867
NPRM Comment	11/29/94	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Joanne Petrie, Senior Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AC07

**2534. ◦ EXEMPTION FROM PROPERTY TARIFF FILING REQUIREMENTS**

**Legal Authority:** 49 USC 1373; 49 USC 1386

**CFR Citation:** 14 CFR 221

**Legal Deadline:** None

**Abstract:** This rulemaking would grant an exemption to United States and foreign air carriers from the requirement in 14 CFR Part 221 that they file with the Department tariffs applicable to the foreign air transportation of property. This information is no longer necessary to fulfill departmental policy objectives and, because of the common practice of using freight forwarders, does not necessarily reflect actual prices paid by the public.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** This project was transferred to OST from RSPA. The RSPA RIN was 2137-AC48.

**Agency Contact:** John H. Kiser, Chief, Pricing and Multilateral Affairs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20509-0001, 202 366-2435

**RIN:** 2105-AC09

**2535. ◦ DISCLOSURE OF CODE-SHARING ARRANGEMENTS**

**Legal Authority:** 49 USC 40113; 49 USC 41712

**CFR Citation:** 14 CFR 257

**Legal Deadline:** None

**Abstract:** The Department is considering strengthening its current rules requiring airlines to notify passengers of a code-sharing arrangement. This action is being undertaken to ensure that consumers have pertinent information about airline code-sharing arrangements on domestic and international flights. Additionally, a petition filed in Docket 48710 by Donald Pevsner requesting a complete ban on code-sharing would be evaluated.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/94	59 FR 40836
NPRM Comment	10/11/94	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Patricia Snyder, Senior Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9179

**RIN:** 2105-AC10

**2536. ◦ USE OF DIRECT FINAL RULEMAKING**

**Legal Authority:** 49 USC 1657

**CFR Citation:** 49 CFR 521; 49 CFR 535

**Legal Deadline:** None

**Abstract:** The Department is considering a new rulemaking procedure to expedite the processing of noncontroversial changes to its regulations. Rules that the Secretary judges to be unlikely to result in public comment would be published as "direct final" rules. Such direct final rules would advise the public that no adverse comment is anticipated and that, unless written adverse comment or notice of intent to submit such comment is received with 30 days, the rule will become effective 60 days from the date of publication in the Federal Register.

DOT—OST

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Neil Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AC11

**2537. • UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

**Legal Authority:** 49 CFR 322(a)**CFR Citation:** 49 CFR 18**Legal Deadline:** None

**Abstract:** The current rule is being revised, based on a National Performance Review recommendation. The threshold for local governments to use small purchase procedures is proposed to be raised to \$100,000. Procurement review levels are also being increased.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Additional Information:** This action concerns a minor amendment to part 18. The overall revision to the current rule, a significant rulemaking, is located under RIN 2105-AB46.

**Agency Contact:** Robert G. Taylor, Chief, Grant Management Division, M-62, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4289

RIN: 2105-AC12

**2538. • DISINSECTION OF AIRCRAFT**

**Legal Authority:** 49 USC 40113; 49 USC 41712

**CFR Citation:** Not yet determined**Legal Deadline:** None

**Abstract:** The Department is considering a rule that would require airlines and ticket agents (including travel agents) to notify prospective passengers if the country to which they are traveling requires the passenger cabin to be sprayed with insecticide. Currently, about 25 countries and territories require such spraying. This rulemaking is being undertaken by departmental initiative.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Arnold Konheim, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4849

RIN: 2105-AC14

**2539. • TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS**

**Legal Authority:** 5 USC 301**CFR Citation:** 49 CFR 9**Legal Deadline:** None

**Abstract:** This amendment would clarify the prohibition and restriction on testimony by former DOT employees.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Alexander J. Millard, Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9279

RIN: 2105-AC15

**2540. • DISCLOSURE OF CHANGE-OF-GAUGE SERVICES**

**Legal Authority:** 49 USC 41712**CFR Citation:** Not yet determined**Legal Deadline:** None

**Abstract:** To ensure that consumers are given pertinent information on the nature of change-of-gauge services, the Department is proposing to codify and augment its current disclosure requirements for itineraries with one flight number that involve a change of aircraft. The Department is requesting comments on the following three proposed requirements, which would apply to U.S. air carriers, foreign air carriers, and, where appropriate, ticket agents (including travel agents) doing business in the United States: (1) that transporting carriers include notice of aircraft changes in their written or electronic schedule information provided to the public, in the Official Airline Guide, and in computer reservation systems; (2) that consumers be given reasonable and timely notice before they book transportation that a particular service with a single flight number entails a change of aircraft en route, and (3) that written notice of the aircraft change be provided on or with each ticket for such service. This proposal, in part, responds to the petition of American Airlines in Docket 47546 to ban the practice of "funnel flights." The Department intends also to address the complaints of (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Additional Information:** ABSTRACT CONT: TACA International Airlines, Aviateca, and Nicaraguense de Aviacion (NICA) in Dockets 49511, 49512, and 49513, respectively, against Continental Airlines for operating funnel flights.

**Agency Contact:** Betsy L. Wolf, Senior Trial Attorney, Office of Aviation Enforcement & Proceeding, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9356

RIN: 2105-AC17

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Office of the Secretary (OST)

**2541. +STATEMENT OF ENFORCEMENT POLICY ON REBATING**

**Legal Authority:** 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305, 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

**CFR Citation:** 14 CFR 399.80; 14 CFR 399.85

**Legal Deadline:** None

**Abstract:** The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353
NPRM Comment Period End	12/20/88	
Extension of Comment Period to	02/03/89	54 FR 5497
Correction to Comment Period Document	02/21/89	
	02/10/89	54 FR 6475
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/21/88 (53 FR 41353)

**Agency Contact:** Betsy Wolf, Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9342

**RIN:** 2105-AB39

**2542. +PRICE ADVERTISING**

**Legal Authority:** 49 USC 1371; 49 USC 1381

**CFR Citation:** 14 CFR 380; 14 CFR 399

**Legal Deadline:** None

**Abstract:** The Department is proposing to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
Comment Period Extended to	08/23/89	54 FR 35005
9/25/89		
NPRM Comment Period End	08/25/89	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/26/89 (54 FR 31052)

**Agency Contact:** Steven Farbman, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9307

**RIN:** 2105-AB50

**2543. +NEW RESTRICTIONS ON LOBBYING**

**Legal Authority:** 49 USC 322(a); 31 USC 1352

**CFR Citation:** 49 CFR 20

**Legal Deadline:** Final, Statutory, March 22, 1990.

**Abstract:** This regulation will implement the provisions of a new section 1352 to title 31, United States Code, that prohibits the use of appropriated funds to influence certain Federal contracting and financial transactions. Organizations that use their own funds to pay for lobbying activities are required to disclose such activity. The rule will be issued as a common rule based on guidance issued by the Office of Management and Budget on December 20, 1989 (54 FR 52305). Final action is awaiting OMB resolution of comments received on the interim final rule and possible changes to legislation restricting lobbying activities.

This action is considered significant because it involves agencies or departments governmentwide.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Comment Period End	04/27/90	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation

**Procurement:** This is a procurement related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** OMB has control of development of the final rule.

**Agency Contact:** Robert G. Taylor, Chief, Grants Management Division, M-62, Department of Transportation, Office of the Secretary, Office of Acquisition and Grant Management, Room 9401, Washington, DC 20590, 202 366-4289

**RIN:** 2105-AB57

**2544. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)**

**Legal Authority:** 49 USC 1374(a); 49 USC 1374(c)

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** This action would amend rules implementing section 504 of the Rehabilitation Act of 1973 and the Air Carrier Access Act of 1986, to jointly require commuter air carriers and federally assisted airports to provide lifts or other equipment to board passengers with mobility limitations on commuter aircraft (primarily those with 19-30 seats). The proposed rule addresses existing problems that result, in some cases, in individuals being denied air transportation. The proposed rule would harmonize requirements relating to airport facilities in the department's section 504 and Air Carrier Access Act rules. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/06/90	55 FR 8078
ANPRM Comment Period Extended to	06/08/90	55 FR 23450
07/20/90		
ANPRM Comment Period End	07/05/90	
Workshop Meeting Schedule	06/04/92	57 FR 23555
NPRM	09/10/93	58 FR 47681

DOT—OST

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period Extended to 01/07/94	11/30/93	58 FR 63154
NPRM Comment Period End	12/09/93	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** ADDITIONAL AGENCY CONTACT: Ira Laster, (202) 366-4859. The telephone number for TDD is (202) 755-7687.

Advisory Committee meetings were held 07/29/92-07/30/92, 09/16-17/92, 12/9-10/92, and 3/21 and 4/01/93. The issue of lifts and other boarding equipment has been consolidated into RIN 2105-AB62.

**Agency Contact:** Donald Trilling, Director, Office of Transportation Regulatory Affairs, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4220

**RIN:** 2105-AB60

**2545. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)**

**Legal Authority:** 49 USC 1374(a); 49 USC 1374(c)

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** An SNPRM proposed three additions to part 382 to implement the Air Carrier Access Act of 1986. The additions concern standards for boarding chairs; airport terminal transportation systems; and substitute service for persons denied the opportunity to fly because of inaccessible small aircraft. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
SNPRM: Final Rule Amendments: Comment Period End 06/04/90	03/06/90	55 FR 8076
Comment Period Extended to 07/20/90	06/08/90	55 FR 23450
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/06/90 (55 FR 8076)

**Additional Information:** The telephone number for TDD is (202) 755-7687; a taped copy of the SNPRM is available on request.

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB61

**2546. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND IN AIR TRAVEL (AIR CARRIER ACCESS ACT)**

**Regulatory Plan:** This entry is Seq. No. 118 in Part II of this issue of the Federal Register.

**RIN:** 2105-AB62

**2547. +AVIATION CHARTER RULES**

**Legal Authority:** PL 85-726, as amended

**CFR Citation:** 14 CFR 207 to 208; 14 CFR 212; 14 CFR 294; 14 CFR 298; 14 CFR 380; 14 CFR 389

**Legal Deadline:** None

**Abstract:** This rule governs the activities of public charter operators, a type of indirect air carrier that sells charter air transportation to consumers, and airlines that perform the direct air transportation. DOT is making major revisions to the rule, to remove unnecessary burdens on charter operators and airlines while updating, restructuring, and simplifying the necessary consumer protection provisions of the rules. The NPRM proposed simplified registration and financial procedures and would allow use of credit cards for payments to charter operators. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/92	57 FR 42864
NPRM Comment Period End	10/16/92	
Comment Period Extended to 11/16/92	10/22/92	57 FR 48193
Final Action	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/16/92 (57 FR 42864)

**Agency Contact:** C. W. McGuire, Chief, Regulatory Affairs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-1037

**RIN:** 2105-AB91

**2548. +DISADVANTAGED BUSINESS ENTERPRISE (DBE) REGULATION; GENERAL UPDATE**

**Legal Authority:** Intermodal Surface Transportation Efficiency Act (ISTEA); PL 102-240; Airport and Airway Improvement Act, sec. 511

**CFR Citation:** 49 CFR 23

**Legal Deadline:** None

**Abstract:** This proposed rule would revise the Department's regulations for the disadvantaged business enterprise program to clarify regulatory provisions and revise program elements in light of experience in administering the program since 1980. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/92	57 FR 58288
NPRM Comment Period Extended	03/03/93	58 FR 12207
NPRM Comment Period End	03/09/93	
NPRM Comment Period End	04/08/93	
Final Action	10/00/94	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation  
12/09/92 (57 FR 58288)

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB92

**2549. +RANDOM DRUG-TESTING PROGRAM**

**Legal Authority:** 45 USC 431; 45 USC 437 to 438; 46 USC 2103; 46 USC 330; 46 USC 7101; 46 USC 7301; 46 USC 7701; 49 USC 504; 49 USC 3102

DOT—OST

Final Rule Stage

**CFR Citation:** 14 CFR 121; 46 CFR 16; 49 CFR 382; 49 CFR 391; 49 CFR 219; 49 CFR 653; 49 CFR 199

**Legal Deadline:** None

**Abstract:** In response to public comments, petitions submitted by industry, and on their own initiative, FAA, FRA, FHWA, RSPA, USCG, and FTA are proposing to lower the minimum random drug-testing rate to 25 percent where the industrywide (e.g., aviation, rail) random positive rate is less than 1.0 percent for two calendar years while testing at 50 percent. The rate would return to 50 percent if the industry random positive rate were 1.0 percent or higher in any subsequent calendar year. The industrywide random positive rate for each transportation industry would be calculated from data submitted to the Department and announced yearly by the respective Administrator or, for the Coast Guard, the Commandant. This action is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/15/92	57 FR 59778
Public Meetings Schedule	12/15/92	57 FR 59778
ANPRM Comment Period End		
NPRM	04/18/94	59 FR 7614
NPRM Comment Period End	04/18/94	
Final Action	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** LEGAL

**AUTHORITY CONT:** 49 USC 106(g); 49 USC app 1354(a); 49 USC app 1355 to 1357; 49 USC app 1401; 49 USC app 1421 to 1430; 49 USC app 1472; 49 USC app 1485; 49 USC app 1502; 49 USC app 1672; 49 USC app 1674a; 49 USC app 1681; 49 USC app 1804; 49 USC app 1808; 49 USC app 2002; 49 USC app 2040; PL 97-449; PL 100-342; PL 102-143.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB94

**2550. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG- AND ALCOHOL-TESTING PROGRAMS**

**Legal Authority:** Omnibus Transportation Employee Testing Act of 1991; 49 USC 1657

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** This action adopted uniform testing procedures to be used by all DOT agencies conducting alcohol-testing programs and certain changes in DOT drug-testing procedures pursuant to the Omnibus Transportation Employee Testing Act. An additional NPRM proposed circumstances in which blood alcohol testing could be used and the procedures that would be used. This action is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/92	57 FR 59409
NPRM Comment Period End	04/14/93	
Final Rule; Uniform Testing Procedures	02/15/94	59 FR 7340
Second NPRM; Use of Blood Alcohol Testing	02/15/94	59 FR 7367
Second NPRM; Comment Period End	05/16/94	
Final Rule; Technical Amendments	08/19/94	59 FR 42996
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/15/94 (59 FR 7367)

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB95

**2551. +PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS**

**Legal Authority:** PL 102-581; PL 97-248

**CFR Citation:** 49 CFR 23

**Legal Deadline:** Final, Statutory, April 30, 1993.

**Abstract:** This action would implement recent changes to the Airport and Airway Improvement Act to allow airport sponsors to count new forms of disadvantaged business enterprise (DBE) participation toward the overall goals of a DBE concession plan. These new forms include purchases from DBEs of goods and services used in operating a concession, as well as management contracts and subcontracts with DBEs. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/93	58 FR 52050
NPRM Comment Period End	11/22/93	
NPRM Comment Period Extended to	11/30/93	58 FR 63153
Final Action	12/00/94	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local

**Analysis:** Regulatory Evaluation 10/06/93 (58 FR 52050)

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB99

**2552. +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES**

**Legal Authority:** 42 app USC 1201 to 12213; 49 app USC 322

**CFR Citation:** 49 CFR 27; 49 CFR 37

**Legal Deadline:** None

**Abstract:** This action would amend the rules implementing the Americans with Disabilities Act by adopting the revised accessibility guidelines issued by the Architectural and Transportation Barriers Compliance Board, published June 20, 1994 (59 FR 31676) as Interim final rules. The proposed rule herein would also conform the Department's rule implementing section 504 of the Rehabilitation Act of 1973. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/94	59 FR 31818

DOT—OST

Final Rule Stage

Action	Date	FR Cite
NPRM Comment	08/19/94	
Period End		
Final Action	11/00/94	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC., 202 366-9306

**RIN:** 2105-AC06

### 2553. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

**Legal Authority:** PL 94-135

**CFR Citation:** 29 CFR 1691

**Legal Deadline:** None

**Abstract:** The NPRM proposed to prohibit age discrimination by recipients of DOT financial assistance programs. However, it has been concluded that further analysis is needed to determine the applicability of the age discrimination act to DOT programs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
NPRM Comment	01/21/80	
Period End		
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/22/79 (44 FR 60946)

**Agency Contact:** Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-5992

**RIN:** 2105-AA09

### 2554. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

**Legal Authority:** 49 USC 1324; 49 USC 1371

**CFR Citation:** 14 CFR 207; 14 CFR 208

**Legal Deadline:** None

**Abstract:** This action proposed to make direct air carriers responsible for returning charter passengers stranded by strikes or other service interruptions, by eliminating the force majeure clause from charter contracts. However, the CAB subsequently issued an interpretive rule (ER-1387, 49 FR 33436) which was affirmed in court. (Arrow Air, Inc. v. Dole, 784 F2d 1118 (1986).) Therefore, this action is now moot; the NPRM will be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment	09/25/80	
Period End		
Reply Comment	10/10/80	
Period End		
To Be Withdrawn	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** EDR 405, Docket 37169.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA40

### 2555. AIR TRAVELERS: AGE DISCRIMINATION

**Legal Authority:** 42 USC 6102

**CFR Citation:** 14 CFR 376 (Proposed)

**Legal Deadline:** None

**Abstract:** This rulemaking action was initiated by the Civil Aeronautics Board to implement the Age Discrimination Act of 1975. A draft final rule was submitted to HHS, as required by that Act, and was approved. However, in view of current airline practices with respect to travel by the elderly, and the absence of complaints of discrimination based on age, there no longer appears to be a need for further rulemaking action, and the NPRM will be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action Adopted by the Board	04/10/80	
HHS Approved Final Rule With Changes	07/13/84	
To Be Withdrawn	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** SPDR-74, Docket 36639.

**Agency Contact:** Robert Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA45

### 2556. POLICY STATEMENT ON AIRLINE PREEMPTION

**Legal Authority:** 49 USC 1305

**CFR Citation:** 14 CFR 399

**Legal Deadline:** None

**Abstract:** The Civil Aeronautics Board in 1979 issued an interim Policy Statement on preemption. It discusses the policy of the Department with respect to three areas in which State law has been preempted by the Airline Deregulation Act of 1978: regulation of commuter air carriers and air taxis, the rights of airport proprietors, and general State authority as it directly or indirectly affects air transportation competition. The Supreme Court subsequently ruled that section 105 of the ADA preempts even indirect State regulation that "has a connection with or reference to" airline rates, routes, or services. The Department is considering the effect of this holding on the Policy Statement. The Supreme Court is now considering another case on the extent of preemption and enforcement of private contracts entered into by airlines. The Department will await the outcome of this litigation before considering the future course and content of the Policy Statement.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Request for Comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953

Comment Period End 04/16/79

Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal

**Additional Information:** PS-83, Docket 34684. The Supreme Court citation is: Morales v. Trans World Airlines, Inc., 112 S. Ct. 2031 (1992).

DOT—OST

Final Rule Stage

**Agency Contact:** Paul Smith, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9285

**RIN:** 2105-AA46

**2557. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA**

**Legal Authority:** 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

**CFR Citation:** 14 CFR 253; 14 CFR 399

**Legal Deadline:** None

**Abstract:** The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment	11/07/83	
Period End		
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA78

**2558. SIMPLIFIED AVIATION EXEMPTION PROCEDURES**

**Legal Authority:** 49 USC 1371; 49 USC 1372; 49 USC 1386

**CFR Citation:** 14 CFR 302; 14 CFR 389; 14 CFR 399

**Legal Deadline:** None

**Abstract:** A Civil Aeronautics Board rulemaking proposed to revise and simplify the requirements and procedures for applying for exemptions under section 416(b) of the Federal Aviation Act. This action has become unnecessary since the Department included most of its provisions in its rule transferring the CAB's rules to DOT. Therefore, the NPRM will be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment	12/04/84	
Period End		
To Be Withdrawn	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PDR-88/ODR-27/PSDR-83.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA82

**2559. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION**

**Legal Authority:** 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

**CFR Citation:** 14 CFR 221

**Legal Deadline:** None

**Abstract:** In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111

**Action Date FR Cite**

NPRM Comment 03/19/85  
 Period End  
 Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Docket 4169J; EDR-477.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA84

**2560. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES**

**Legal Authority:** 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

**CFR Citation:** 14 CFR 221; 14 CFR 250; 14 CFR 256

**Legal Deadline:** None

**Abstract:** The American Association of Airport Executives, the Airport Operators Council International, and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted, and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment	09/17/84	
Period End		
Reply Comment	10/02/84	
Period End		
Next Action	Undetermined	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

DOT—OST

Final Rule Stage

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation  
**Additional Information:** Docket 41971; EDR-474  
**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306  
**RIN:** 2105-AA88

**2561. SMOKING ABOARD AIRCRAFT**

**Legal Authority:** 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1386; PL 101-164  
**CFR Citation:** 14 CFR 252  
**Legal Deadline:** None  
 Although there is no judicial or statutory deadline for the Department's implementation, the statutory ban was effective 02/25/90.

**Abstract:** This interim final rule amends the rules governing smoking aboard aircraft to incorporate a statutory ban on smoking aboard most U.S. flight segments. The statutory ban applies to both U.S. and foreign air carriers. This rulemaking proposed to clarify the current rule and make other minor changes. The interim final rule was significant because of substantial public interest. The present action would merely finalize that already taken and is, therefore, not considered significant.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/13/90	55 FR 4991
Next Action	Undetermined	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 02/13/90 (55 FR 4991)  
**Additional Information:** The interim final rule was effective 02/25/90; the comments were due by 04/16/90.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306  
**RIN:** 2105-AB58

**2562. CENTRALIZATION OF FORMAL HEARING DOCKETS (OST)**

**Legal Authority:** 49 USC 1301; 49 USC 1323 to 1324; 49 USC 1371 to 1374;

49 USC 1376; 49 USC 1382; 49 USC 1471; 49 USC 1481 to 1482; 49 USC 1485; 42 USC 4321; 39 USC 5402  
**CFR Citation:** 14 CFR 302  
**Legal Deadline:** None

**Abstract:** This final rule would provide that evidence and documents in formal hearing cases adjudicated within the Office of the Secretary (OST), and all of the Department of Transportation's modal administrations, except the Federal Aviation Administration, be filed and maintained in the OST Office of Documentary Services. The change would streamline operations and consolidate the documents used in formal hearing cases.

**Timetable:** Next Action Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306  
**RIN:** 2105-AB69

**2563. RULES OF CONDUCT IN DOT PROCEEDINGS**

**Legal Authority:** 49 USC 1324; 49 USC 1371 to 1389; 49 USC 1471; 49 USC 1473; 49 USC 1481 to 1482; 49 USC 1487; 18 USC 20(b) to 20(c); 49 USC subtitle I

**CFR Citation:** 14 CFR 300  
**Legal Deadline:** None

**Abstract:** This rulemaking would permit DOT staff to communicate informally with applicants and any objectors in air carrier initial and continuing fitness cases until a show-cause or other order instituting a formal proceeding was issued, at which time the current DOT restrictions on ex parte communications would apply.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/93	58 FR 516
NPRM Comment Period End	02/22/93	
Final Action	12/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 01/06/93 (58 FR 516)

**Agency Contact:** Patricia Thomas, Chief, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9721  
**RIN:** 2105-AB89

**2564. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS**

**Legal Authority:** 49 USC 322(a)  
**CFR Citation:** 49 CFR 19  
**Legal Deadline:** None  
**Abstract:** This action will implement OMB Circular A-110, providing uniform guidance for administering grants to institutions of higher education, hospitals, and other nonprofit organizations. The regulation is essentially a word-for-word issuance of the requirements in OMB Circular A-110. An interim final rule was issued because of the limited ability to change the requirements from those in the Circular.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/04/94	59 FR 15637
Comment Period End	06/03/94	
Final Action	12/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation  
**Agency Contact:** Robert G. Taylor, Chief, Grants Management Division, M-62, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4289  
**RIN:** 2105-AC02

**2565. • PRIVACY ACT EXEMPTIONS**

**Legal Authority:** 5 app USC 552a  
**CFR Citation:** 49 CFR 10  
**Legal Deadline:** None  
**Abstract:** This rulemaking would amend the Privacy Act regulations to add or delete systems of records exempt from provisions of the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/92	57-FR 49446

DOT—OST

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/04/93	
Final Action	10/00/94	

Small Entities Affected: None  
Government Levels Affected: None

**Analysis:** Regulatory Evaluation  
**Agency Contact:** Robert I. Ross, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9154  
**RIN:** 2105-AC05

**DEPARTMENT OF TRANSPORTATION (DOT)  
Office of the Secretary (OST)**

**Completed Actions**

**2566. • +AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES; DETECTABLE WARNINGS**

**Legal Authority:** 42 app USA 12204  
**CFR Citation:** 49 CFR 37  
**Legal Deadline:** None

**Abstract:** This action further suspended, until July 26, 1995, the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools, so that results of ongoing research can be considered to determine whether any changes in the requirements are warranted. This action is significant since it involves issues of potential controversy.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/93	58 FR 37052
Planned-Research Notice	07/09/93	58 FR 37058
NPRM Comment Period End	09/07/93	
Final Action	04/12/94	59 FR 17442
Suspension ends July 26, 1996, unless further extended.		
Final Action Effective	05/12/94	

Small Entities Affected: None  
Government Levels Affected: None  
**Analysis:** Regulatory Evaluation  
04/12/94 (59 FR 17442)

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington DC 20590, 202 366-9306  
**RIN:** 2105-AC08

**2567. TRANSPORTATION ACQUISITION REGULATIONS**

**Legal Authority:** 40 USC 486C  
**CFR Citation:** 48 CFR 1200 et seq  
**Legal Deadline:** None

**Abstract:** This rule proposed changes to the Department's acquisition regulations (TAR). However, in the light of comments received, and the fact that the proposal has been overtaken by subsequent events, it has been withdrawn. Instead, the Department has rewritten chapter 12. See RIN 2105-AB75.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/89	54 FR 51426
NPRM Comment Period End	02/13/90	
Withdrawn	08/08/94	59 FR 40268

Small Entities Affected: None  
Government Levels Affected: None  
**Analysis:** Regulatory Evaluation  
12/15/89 (54 FR 51426)

**Agency Contact:** Lawrence E. Sawler, Procurement Analyst, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4287  
**RIN:** 2105-AB54

**2568. TRANSPORTATION ACQUISITION REGULATIONS; REWRITE**

**Legal Authority:** 5 USC 301; 41 USC 418(b)  
**CFR Citation:** 48 CFR 1200 et seq  
**Legal Deadline:** None

**Abstract:** The Department has rewritten 48 CFR chapter 12 to update it to the current Federal Acquisition Regulation and to streamline the DOT regulations in accordance with the National Performance Review.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/94	59 FR 4622
NPRM Comment Period End	04/04/94	
Final Action	08/08/94	59 FR 40268
Final Action Effective	10/01/94	

Small Entities Affected: None  
Government Levels Affected: None  
**Analysis:** Regulatory Evaluation

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** Because of this expanded project, the entry under RIN 2105-AB54, which proposed only limited revision, is unnecessary and has been replaced by this new departmental regulation.

**Agency Contact:** Elaine Wheeler, Chief, Acquisition Policy, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4272

**RIN:** 2105-AB75

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**U.S. Coast Guard (USCG)**

Prerule Stage

**2569. • +FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (94-048)**

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

RIN: 2115-AE87

**2570. • +TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (94-032)**

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

RIN: 2115-AE88

**2571. • REGULATED NAVIGATION AREA: OLIVER LOCK AND DAM; BLACK WARRIOR RIVER—MM 338**

**Legal Authority:** 33 USC 1231; 50 USC 191

**CFR Citation:** 33 CFR 165; 49 CFR 1.46

**Legal Deadline:** None

**Abstract:** This action would establish a Regulated Navigation Area at the Oliver Lock and Dam on the Black Warrior River, placing restrictions on downbound tows through the lock during high tail-water gauge readings.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/19/94	59 FR 18486

Action	Date	FR Cite
Interim Final Rule	06/03/94	
Comment Period		
End		
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LT Verne Gifford, Marine Safety Division, Eighth Coast Guard District, Department of Transportation, U.S. Coast Guard, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, 504 589-6188

RIN: 2115-AE79

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**U.S. Coast Guard (USCG)**

Proposed Rule Stage

**2572. +STRUCTURAL AND OPERATIONAL MEASURES TO REDUCE OIL SPILLS FROM EXISTING TANK VESSELS WITHOUT DOUBLE HULLS (91-045)**

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

RIN: 2115-AE01

**2573. +USER FEES FOR APPROVALS OF EQUIPMENT, LABORATORIES, AND SERVICING FACILITIES (92-013)**

**Legal Authority:** 46 USC 2110; 46 USC 664; 31 USC 9701

**CFR Citation:** 33 CFR 159

**Legal Deadline:** None

**Abstract:** This regulatory project would establish direct user fees for Coast Guard services relating to equipment approvals, factory inspections, acceptance of independent laboratories and acceptance of servicing, repair, and testing facilities. The proposed fees are based on average workload, personnel, and overhead costs. The fees collected will be deposited in the general funds of the U.S. Treasury as offsetting receipts for Coast Guard activities. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LCDR J. J. Kelly, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0009

RIN: 2115-AE18

**2574. +FEDERAL AGENCY ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (CGD 92-074)**

**Legal Authority:** 33 USC 2712

**CFR Citation:** 33 CFR 134; 33 CFR 137; 33 CFR 153

**Legal Deadline:** None

**Abstract:** This action will implement provisions of OPA 90 which govern payments to Federal agencies for removal costs and to initiate the assessments of natural resources damages. OPA 90 also consolidates into one Oil Spill Liability Trust Fund the 311(k) Fund, the Deepwater Port Liability Fund, and the Trans-Alaska Pipeline Liability Fund. This action is considered significant due to its potential impact on Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** Al Thuring, Project Manager, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4746

RIN: 2115-AE34

**2575. +GREAT LAKES PILOTAGE (93-019)**

**Legal Authority:** 46 USC 9304

**CFR Citation:** 46 CFR 401.110; 46 CFR 401.211; 46 CFR 401.220; 46 CFR 401.320; 46 CFR 401.335; 46 CFR 401.425; 46 CFR 401.450; 46 CFR 402.210; 46 CFR 402.220; 46 CFR 402.320

**Legal Deadline:** None

**Abstract:** Those sections of the Great Lakes Pilotage Regulations which deal with the registration, qualifications, and employment of pilots, and the operation of pilotage pools have remained relatively unchanged for more than twenty years. The objectives of this rulemaking project are to: (1) clarify the pilot registration process, and specify who has the authority to terminate an applicant or registered pilot; (2) amend the regulations to improve management of the pilot associations by instituting a one-person, one-vote concept; and (3) amend certain sections of the regulations in order to meet the present and future needs of the Great Lakes Pilotage System. This action is considered

DOT—USCG

Proposed Rule Stage

significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** John Bennett, Program Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-0219

**RIN:** 2115-AE52

**2576. +ESCORT VESSELS IN CERTAIN U.S. WATERS (91-202A)**

**Legal Authority:** PL 101-380; 46 USC 3703

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This regulation would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This action is considered significant because of substantial public and State government interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/27/93	58 FR 25766
ANPRM Comment	06/28/93	
Period End		
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** This rulemaking is a companion to 2115-AE10, which concerns Prince William Sound and Puget Sound.

**Agency Contact:** Tom Jordan, Program Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-6751

**RIN:** 2115-AE56

**2577. • +ESTABLISHMENT OF LIGHTERING ZONES (93-081)**

**Legal Authority:** 46 USC 3715(b)

**CFR Citation:** 33 CFR 156

**Legal Deadline:** None

**Abstract:** Under the Oil Pollution Act of 1990 (OPA 90), single-hull tankers otherwise not permitted to operate within the U.S. Exclusive Economic Zone (EEZ) may enter the EEZ to lighter (offload oil to another vessel) in designated zones 60 miles or more offshore. This project would establish three or more lightering zones in the Gulf of Mexico, off the coasts of Corpus Christi, Galveston, and Mobile, and impose operating requirements on lightering in the zones. It would also establish a restricted area in which lightering would not be permitted. Except for establishing the restricted area, this project would not affect existing lightering practices for vessels permitted to operate in U.S. waters under OPA 90. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/02/93	58 FR 63544
Notice of Meeting	12/16/93	58 FR 65683
Comment Period	12/30/93	58 FR 69313
Extended to	02/02/94	
ANPRM Comment	01/03/94	
Period End		
NPRM	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LCDR Stephen L. Kantz, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0038

**RIN:** 2115-AE90

**2578. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)**

**Legal Authority:** 33 USC 1223; 46 USC 3703

**CFR Citation:** 33 CFR 164; 46 CFR 10

**Legal Deadline:** None

**Abstract:** Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of

10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to cost approximately \$500.00 per student.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 43258
ANPRM Comment	12/23/85	
Period End		
NPRM	03/07/90	55 FR 815 <sup>f</sup>
NPRM Comment	06/05/90	
Period End		
SNPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/07/90 (55 FR 8155)

**Agency Contact:** Paul Eulitt, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0224

**RIN:** 2115-AB99

**2579. DOMESTIC LOAD LINES (86-013)**

**Legal Authority:** 46 USC 5100

**CFR Citation:** 46 CFR 44; 46 CFR 45

**Legal Deadline:** None

**Abstract:** This proposal will revise 46 CFR parts 44 and 45 (subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published, and implement provisions of the new Load Line Law enacted on October 21, 1986 and now in effect.

**Timetable:**

Action	Date	FR Cite
Notice	12/29/86	51 FR 46972
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** This rule was previously titled Domestic and International Load Lines. RIN 2115-AC37 has been separated into an additional rulemaking with Docket Number 86-013a and RIN 2115-AE70 to address International Load Lines.

**Agency Contact:** William Hayden, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

**RIN:** 2115-AC37

DOT-USCG

Proposed Rule Stage

**2580. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)****Legal Authority:** 46 USC 3306(a)**CFR Citation:** 46 CFR 160**Legal Deadline:** None**Abstract:** This project would establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.**Timetable:**

Action	Date	FR Cite
ANPRM; RIN 2115-AA50	06/29/81	46 FR 33341
NPRM; RIN 2115-AA50	01/11/85	50 FR 7558
Comment Period Extended to 10/14/85; RIN 2115-AA50	07/05/85	50 FR 27628
Comment Period Extended to 01/10/86 01/10/86; RIN 2115-AA50	09/09/85	50 FR 36639
ANPRM; RIN 2115-AA57	08/14/86	51 FR 29117
Public Meeting; RIN 2115-AA57	12/22/86	51 FR 45783
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Additional Information:** Two related projects have been consolidated into this one: Inflatable Liferaft Stability (CGD 80-113), RIN 2115-AA50, and Servicing Inflatable Liferafts (CGD 81-010), RIN 2115-AA57.**Agency Contact:** Mr. Kurt Heinz, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444**RIN:** 2115-AC51**2581. REGATTAS AND MARINE PARADES (CGD 87-087)****Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100.15**Legal Deadline:** None**Abstract:** This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta permit applications. The rulemaking will allow the Coast Guard adequate

time to review regatta permit applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events. In view of comments received, an SNPRM will be issued.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3221
NPRM Comment Period End	04/04/88	53 FR 3221
SNPRM	10/00/94	

**Small Entities Affected:** Organizations**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
02/04/88 (53 FR 3221)**Agency Contact:** Mr. Carlton Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0979**RIN:** 2115-AC84**2582. ANCHORAGE REGULATIONS (86-079)****Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035**CFR Citation:** 33 CFR 165; 33 CFR 110**Legal Deadline:** None**Abstract:** This proposal would update the anchorage regulations by removing nonregulatory, obsolete, or duplicative language; by standardizing the anchorage description format; by publishing subparts A and B as two parts: Part 110--Special Anchorage Areas and Part 111--Anchorage Grounds.**Timetable:**

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7949
NPRM Comment Period End	05/11/88	
SNPRM Expanding Revisions; Comments by 02/03/89	12/05/88	53 FR 48935
SNPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
03/11/88 (53 FR 7949)**Agency Contact:** Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100

Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AC96**2583. CONTROLLING THE MARINE ASBESTOS HAZARD (88-103)****Legal Authority:** 46 USC 3306(a); 43 USC 1333**CFR Citation:** 46 CFR 197**Legal Deadline:** None**Abstract:** Asbestos has been identified as a carcinogen for which there are no safe limits of exposure. This regulatory project would limit the hazards posed by asbestos to marine industry personnel aboard Coast Guard inspected vessels, mobile offshore drilling units, Outer Continental Shelf platforms, and deepwater ports.**Timetable:**

Action	Date	FR Cite
ANPRM	10/07/92	57 FR 46126
ANPRM Comment Period End	02/04/93	
NPRM	02/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** LCDR Barker, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181**RIN:** 2115-AD16**2584. GENERAL REVISIONS TO STABILITY REGULATIONS (SUBCHAPTER S) (89-038)****Legal Authority:** 42 USC 9118 to 9119; 42 USC 9153; 43 USC 1333; 46 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 5115**CFR Citation:** 46 CFR 170 to 174**Legal Deadline:** None**Abstract:** This project proposes general editorial changes to the stability regulations to correct errors and clarify meaning. No substantive revisions are anticipated.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

DOT-USCG

Proposed Rule Stage

**Additional Information:** This project was formerly entitled, Stability Regulations, General Revision of Subchapter S (89-038).

**Agency Contact:** Marty Hecker, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

**RIN:** 2115-AD34

**2585. TANK LEVEL OR PRESSURE MONITORING DEVICES (CGD 90-071)**

**Legal Authority:** 46 USC 3703; PL 101-380

**CFR Citation:** 46 CFR 32

**Legal Deadline:** Final, Statutory, December 1, 1991.

**Abstract:** The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of tank level or pressure monitoring devices for leak detection. This proposal would implement the provisions of the Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/91	56 FR 21116
ANPRM Comment Period End	10/04/91	
Technical Feasibility Study; Availability Notice	02/05/93	58 FR 2292
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Formerly titled Overfill and Tank Level or Pressure Monitoring Devices.

**Agency Contact:** R. Crenwelge, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6220

**RIN:** 2115-AD69

**2586. CRIMINAL RECORD REVIEWS AND ACCESS TO THE NATIONAL DRIVER REGISTER (91-212)**

**Legal Authority:** 46 USC 7101; 46 USC 7109; 46 USC 7302

**CFR Citation:** 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** This action would provide the Coast Guard discretionary authority

to review the criminal record of each applicant for a merchant mariner credential and require that each merchant mariner credential applicant make available information contained in the National Driver Register (NDR). The regulation would create procedures to allow an applicant for a license, Certificate of Registry, or merchant mariner document to comment upon any data received from the NDR before the data could be used against an individual merchant mariner's application. RIN-AD96, concerning national driver registry data, has been consolidated into this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6742

**RIN:** 2115-AD93

**2587. SUSPENSION AND REVOCATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS (91-213)**

**Legal Authority:** 46 USC 2101; 46 USC 7701; 46 USC 7702; 46 USC 7703

**CFR Citation:** 46 CFR 5; 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** Amendments to 46 CFR 5 would add (1) guidance for prehearing suspension of licenses, certificates of registry, and merchant mariners' documents (credentials); (2) two new provisions under which a merchant mariner's credentials may be suspended or revoked; and (3) a new requirement that must be satisfied before a merchant mariner's credentials can be issued after revocation or surrender.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
12/00/94

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6742

**RIN:** 2115-AD94

**2588. MANNING STANDARDS FOR FOREIGN TANK VESSELS (91-215)**

**Legal Authority:** 46 USC 9101

**CFR Citation:** 46 CFR 30

**Legal Deadline:** None

**Abstract:** This regulation would establish the requirements and procedures for the evaluation of the manning, training, qualification, and watchkeeping standards of a foreign country, and the subsequent determination of whether standards for licensing and certification are at least equivalent to United States law or accepted international standards and are being enforced.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Ms. Landman, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6770

**RIN:** 2115-AD97

**2589. REPORTING MARINE CASUALTIES (91-216)**

**Legal Authority:** 46 USC 6101; 33 USC 1901 et seq

**CFR Citation:** 33 CFR 151; 46 CFR 4

**Legal Deadline:** None

**Abstract:** This action would add to the definition of a reportable marine casualty "significant harm to the environment." Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the exclusive economic zone.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

DOT-USCG

Proposed Rule Stage

**Analysis:** Regulatory Evaluation

**Agency Contact:** LTJG Bjergo, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6186

**RIN:** 2115-AD98

**2590. DAMAGE STABILITY STANDARDS FOR DOUBLE-HULLED TANK VESSELS (91-206)**

**Legal Authority:** PL 101-30

**CFR Citation:** 33 CFR 157; 46 CFR 172

**Legal Deadline:** None

**Abstract:** This rulemaking is intended to regulate stability of tank vessels built under the mandate of section 4115(a) of the Oil Pollution Act of 1990. This section requires vessels constructed or adapted to carry oil in bulk or as cargo residue, for which a contract was placed after 30 June 1990, to be equipped with double hulls.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Tom Jordan, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6751

**RIN:** 2115-AE11

**2591. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (92-014)**

**Legal Authority:** 33 USC 2712

**CFR Citation:** 33 CFR 133

**Legal Deadline:** NPRM, Statutory, February 18, 1991.

**Abstract:** Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action will specify how the authority to obligate the pollution trust fund for oil spill response and cleanup efforts and to enter into agreements with the States will be exercised. OPA 90 provides for access to the liability trust fund at the request of a State governor or pursuant to agreement with a State. This project has been split into two rulemakings within this RIN. The interim final rule addresses immediate State access to the

trust fund. A separate NPRM will address formal agreements with States to establish administrative procedures, recordkeeping, and auditing requirements. Upon further evaluation, it was determined that this project would have no substantial adverse impact on State or local governments and, therefore, is no longer considered a significant rulemaking.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/13/92	57 FR 53968
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/13/92 (57 FR 53968)

**Agency Contact:** Al Thuring, Project Manager, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4746

**RIN:** 2115-AE19

**2592. HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (92-026)**

**Legal Authority:** 33 USC 1231

**CFR Citation:** 33 CFR 126

**Legal Deadline:** None

**Abstract:** This action would update regulations governing the handling of breakbulk, containerized, and dry bulk dangerous cargoes on waterfront facilities.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/13/93	58 FR 4127
ANPRM Comment	04/13/93	
Period End		
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Independent study has been completed and incorporated with comments from the public in the preparation of the proposed rulemaking.

**Agency Contact:** LCDR Mark O'Malley, Project Manager, G-MPS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW.,

Washington, DC 20593-0001, 202 267-0493

**RIN:** 2115-AE22

**2593. LIFEBOATS, RESCUE BOATS, AND ASSOCIATED EQUIPMENT AND MATERIALS (93-021)**

**Legal Authority:** 46 USC 3306a

**CFR Citation:** 46 CFR 160; 46 CFR 161; 46 CFR 162; 46 CFR 164

**Legal Deadline:** None

**Abstract:** This project would establish approval requirements for lifeboats and rescue boats meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/00/94

**Agency Contact:** Rajiv Khandpur, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

**RIN:** 2115-AE40

**2594. PRINCE WILLIAM SOUND AUTOMATED DEPENDENT SURVEILLANCE SYSTEM INCORPORATION BY REFERENCE (93-022)**

**Legal Authority:** 33 USC 1231; 33 USC 2734

**CFR Citation:** 33 CFR 161

**Legal Deadline:** None

**Abstract:** This rulemaking will amend the compliance date for Prince William Sound Automated Dependent Surveillance System and Equipment Carriage Requirement. This rulemaking will also amend the incorporation by reference for 33 CFR 161.376 contained in 33 CFR 161.109.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Irene Hoffman, Project Manager, G-NVT, Department of

## DOT-USCG

## Proposed Rule Stage

Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6217

RIN: 2115-AE41

### 2595. INSPECTION AND CERTIFICATION STANDARDS FOR OSRVS (93-031)

**Legal Authority:** 46 USC 3703; 33 USC 1321(j)(6)(A)

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish inspection and certification standards for oil spill response vessels (OSRVs) of less than 500 gross tons which would otherwise be inspected as tank vessels under 46 CFR subchapter D.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meeting	08/29/94	59 FR 44396
NPRM	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Randy Crenwelge, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6220

RIN: 2115-AE43

### 2596. INSPECTION OF GREAT LAKES BARGES (93-017)

**Legal Authority:** 46 USC 3306

**CFR Citation:** 46 CFR 24; 46 CFR 30; 46 CFR 70; 46 CFR 90; 46 CFR 91; 46 CFR 92; 46 CFR 93; 46 CFR 94; 46 CFR 95; 46 CFR 96; 46 CFR 97; 46 CFR 98; 46 CFR 175; 46 CFR 188

**Legal Deadline:** None

**Abstract:** The rulemaking proposes to regulate a new statutory class of vessels, Great Lakes barges. This class consists of non-self-propelled cargo vessels of at least 3,500 gross tons operating on the Great Lakes. This action will improve navigation safety on the Great Lakes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LCDR David A. Du Pont, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115-AE49

### 2597. CERTIFICATION OF SEAMEN (92-042)

**Legal Authority:** 46 USC 2103 to 2104; 46 USC 7301 to 7319; 46 USC 7501 to 7502; 46 USC 7701 to 7705; 46 USC 8701 to 8704

**CFR Citation:** 49 CFR 1.46

**Legal Deadline:** None

**Abstract:** The intended effect of revising part 12, Certification of Seamen, is to update professional standards and streamline the issuance of merchant mariner documents. These new rules would increase safety at sea through better training and more exacting physical standards.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Mark Gould, Program Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-1547

RIN: 2115-AE53

### 2598. APPROVAL OF INFLATABLE PERSONAL FLOTATION DEVICES (PFDs) FOR RECREATIONAL BOATERS (93-055)

**Legal Authority:** 46 USC 4302; 46 USC 4310

**CFR Citation:** 46 CFR 160

**Legal Deadline:** None

**Abstract:** Too many people drown each year because they will not wear or use a personal flotation device (PFDs). Inflatable PFDs can be made less bulky than inherently buoyant PFDs and therefore may overcome at least one of the objections of many boaters to wearing a PFD. United States Coast Guard-approved inflatable PFDs for

recreational boaters have the potential to reduce the number of drownings.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/09/93	58 FR 59428
Notice of Meeting	02/24/94	59 FR 9015
ANPRM Comment Period End	03/09/94	
NPRM	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Ens. Stephen Ober, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-1444

RIN: 2115-AE58

### 2599. FACILITIES TRANSFERRING OIL AND HAZARDOUS MATERIAL IN BULK (93-056)

**Legal Authority:** 33 USC 1231; 33 USC 1321

**CFR Citation:** 33 CFR 154

**Legal Deadline:** None

**Abstract:** The object of this rulemaking is to revise the provisions of 33 CFR part 154 to provide regulations covering facilities transferring oil or hazardous materials that are clearer than the current regulations and promote a high level of safety and environmental protection.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LT J.C. Burton, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-0426

RIN: 2115-AE59

### 2600. STABILITY CRITERIA FOR BULK GRAIN VESSELS (93-059)

**Legal Authority:** 46 USC 3306; 46 USC 3703

**CFR Citation:** 46 CFR 31.10 to 33; 46 CFR 72.30; 46 CFR 93; 46 CFR 172

**Legal Deadline:** None

DOT-USCG

Proposed Rule Stage

**Abstract:** This project will adopt the IMO "International Code for the Safe Carriage of Grain in Bulk" (The Code). The Code includes required stability, loading requirements, and Documents of Authorization for each vessel that loads grain in bulk and became effective January 1, 1994. These regulations apply to each vessel that holds grain in bulk, except vessels engaged solely on voyages on the Great Lakes, rivers, lakes, bays, or sounds.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LCDR Robert Holzman, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-2988

**RIN:** 2115-AE60

**2601. SHIPBOARD FUMIGATION (93-061)**

**Legal Authority:** 46 USC 2103; 46 USC 3306; 49 USC 1803

**CFR Citation:** 46 CFR 147a

**Legal Deadline:** None

**Abstract:** This project would revise the interim regulations for shipboard fumigation by: (1) bringing them into harmony with the International Maritime Organization's Recommendations on the safe use of pesticides on ships; and (2) adding requirements for the fumigation of unmanned barges.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Frank Thompson, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-1577

**RIN:** 2115-AE61

**2602. INTERNATIONAL LOAD LINES (86-013A)**

**Legal Authority:** 46 USC 5100

**CFR Citation:** 46 CFR 41; 46 CFR 42; 46 CFR 43; 46 CFR 46; 46 CFR 47; 46 CFR 48

**Legal Deadline:** None

**Abstract:** This proposal will revise 46 CFR parts 42 and 46 and add parts 41, 43, 47, and 48 (subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published, and implement provisions of the new Load Line Law enacted on October 21, 1986, and now in effect.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** This rulemaking was previously included in RIN 2115-AC37 entitled Domestic and International Load Lines (86-013). This rulemaking addresses International Load Lines. Domestic Load Lines is the subject of a separate rulemaking in RIN 2115-AC37. A Notice addressing both rulemakings was published 12/29/86 (51 FR 46972).

**Agency Contact:** William Hayden, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-2988

**RIN:** 2115-AE70

**2603. • REVISION OF DAMAGE STABILITY REQUIREMENTS FOR NEW PASSENGER SHIP DESIGNS (94-010)**

**Legal Authority:** 46 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115; 50 USC 198

**CFR Citation:** 46 CFR 171.080(e)

**Legal Deadline:** None

**Abstract:** This proposal would revise the passenger vessel damage stability criteria in 46 CFR 171.080(e) for new domestic vessels.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/94	59 FR 40855
Public Hearing Notice	08/10/94	59 FR 40855
NPRM Comment	10/11/94	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Patricia Carrigan, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

**RIN:** 2115-AE75

**2604. • ALEUTIAN TRADE ACT (94-025)**

**Legal Authority:** 46 USC 3316; 46 USC 4502; 46 USC 4506; 46 USC 6104; 46 USC 10603; 49 app USC 1804

**CFR Citation:** 46 CFR 28

**Legal Deadline:** None

**Abstract:** This will create a separate project limited to implementation of the Aleutian Trade Act (ATA). It will establish safety requirements for common carriers. Regulations proposed for these vessels in a Supplemental Notice of Proposed Rulemaking published October 27, 1992 (57 FR 48670), will be modified and published separately under this rulemaking.

**Timetable:**

Action	Date	FR Cite
SNPRM	09/13/94	59 FR 47034
SNPRM Comment	11/14/94	
Period End		
Interim Final Rule	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** The rulemaking initiated under RIN 2115-AD12 addressed seven separate topics related to improving commercial fishing vessel safety, including stability, equipment, and carriage of exposure suits. It also addressed implementation of the Aleutian Trade Act provisions. This rulemaking addresses only the implementation of the Aleutian Trade Act. The remaining topics will remain under RIN 2115-AD12.

**Agency Contact:** LCDR Mark D. Bobal, Project Manager, G-MVI-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2307

**RIN:** 2115-AE77

**2605. • INLAND WATERWAYS NAVIGATION REGULATIONS; WRANGELL NARROWS, AK (94-026)**

**Legal Authority:** 33 USC 1231

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**CFR Citation:** 33 CFR 162

**Legal Deadline:** None

**Abstract:** This rulemaking will allow single barge tows of up to 100 feet in width overall to transit Wrangell Narrows, AK. Current size restriction is 80 feet in width overall.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AE78

**2606. • VESSEL REBUILD DETERMINATIONS (94-040)**

**Legal Authority:** 14 USC 664; 31 USC 9701; 42 USC 9118; 46 USC 2103; 46 USC 2107; 46 USC 2110; 46 app USC 841a; 46 app USC 876

**CFR Citation:** 46 CFR 67

**Legal Deadline:** None

**Abstract:** This rulemaking would define relevant terms and develop a standard to determine the character and scope of work on a vessel that will result in a determination that the vessel has been rebuilt.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** A policy statement published May 10, 1994 (59 FR 24060), described the Coast Guard's regulatory standard for rebuild determinations and related practices and procedures, pending publication of a final rule.

**Agency Contact:** Laura Burley, Project Manager, G-MVI, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1492

**RIN:** 2115-AE85

**2607. • NAVIGATION SAFETY EQUIPMENT FOR TOWING VESSELS (94-020)**

**Legal Authority:** 33 USC 1223; 33 USC 1231

**CFR Citation:** 33 CFR 164

**Legal Deadline:** None

**Abstract:** This regulation will require towing vessels to carry certain navigation safety equipment such as radar, compasses, depth sounders, charts and publications. This rulemaking is necessary as part of a comprehensive initiative to improve navigation safety for towing vessels.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Lt. Cdr. Suzanne Engelbert, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6490

**RIN:** 2115-AE91

DEPARTMENT OF TRANSPORTATION (DOT)

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U.S. Coast Guard (USCG)

**2608. +OFFSHORE SUPPLY VESSEL REGULATIONS (82-004 AND 86-074)**

**Legal Authority:** 46 USC 3301; 46 USC 3305; 46 USC 3306

**CFR Citation:** 46 CFR 90; 46 CFR 125 to 136; 46 CFR 170; 46 CFR 174; 46 CFR 175

**Legal Deadline:** None

**Abstract:** These regulations would consolidate existing Offshore Safety Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged. Rules specifically applicable to liftboats would be included. Because of substantial public interest in certain aspects of this proposal, it has been classified as significant.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636

Action	Date	FR Cite
Comment Period Extended to 09/12/83	06/09/83	48 FR 26631
ANPRM Comment Period End	06/14/83	
ANPRM of Consolidated RIN 2115-AC63	04/16/87	52 FR 12439
NPRM	05/09/89	54 FR 20006
Comment Period Extended to 12/06/89	08/31/89	54 FR 36040
NPRM Comment Period End	09/06/89	
Interim Final Rule	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/09/89 (54 FR 20006)

**Additional Information:** Coast Guard Docket 86-074 (RIN 2115-AC63) titled Regulations for Self-Elevating Offshore Service and Support Vessels was combined with this project. Public

hearing was held in New Orleans 09/13/89 in response to House subcommittee request.

**Agency Contact:** Jim Magill, Project Manager, G-MVI-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1082

**RIN:** 2115-AA77

**2609. +LICENSING OF PILOTS—MANNING OF VESSELS (84-060)**

**Legal Authority:** 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502; 46 USC 2103; 46 USC 3703; 46 USC 8901 to 8904

**CFR Citation:** 46 CFR 15.812; 46 CFR 10.700

**Legal Deadline:** None

**Abstract:** An interim final rule: (1) defined "coastwise seagoing vessel" for pilotage purposes; (2) described first class pilotage areas where local pilotage

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expertise is warranted; (3) allowed licensed individuals to serve as pilots in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control; (4) required a Federal pilot for certain vessels in excess of 1,600 gross tons; and (5) provided quick reference tables for pilotage requirements. This action was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM	06/06/88	53 FR 20654
SNPRM; Notice of Public Hearing	08/11/89	54 FR 33045
Interim Final Rule	02/02/94	59 FR 4839
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 02/02/94 (59 FR 4839)

**Additional Information:** This regulatory project has been split from a previously published action identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04, completed in 50 FR 26106. The Coast Guard initiated a comprehensive study of pilotage issues and requested public comment in 54 FR 31136.

**Agency Contact:** Mr. J. Hartke, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0217

**RIN:** 2115-AB67

**2610. +LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)**

**Legal Authority:** 46 USC 3306

**CFR Citation:** 46 CFR 199; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160

**Legal Deadline:** None

**Abstract:** This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in

order to simplify, clarify, and reduce redundancy. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	04/21/89	54 FR 16198
NPRM Comment Period End	08/21/89	
Comment Period Reopened to 01/03/90	10/05/89	54 FR 41124
Public Hearing in Seattle 10/17/89	10/05/89	54 FR 41124
Interim Final Rule	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/21/89 (54 FR 16198)

**Additional Information:** CFR CITATION CONT: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199.

**Agency Contact:** Mr. B. Berringer, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

**RIN:** 2115-AB72

**2611. +SMALL PASSENGER VESSEL INSPECTION AND CERTIFICATION (CGD 85-080)**

**Legal Authority:** 46 USC 3306

**CFR Citation:** 46 CFR 170; 46 CFR 171; 46 CFR 173; 46 CFR 175 to 185

**Legal Deadline:** None

**Abstract:** This rulemaking would revise subchapters S and T to reflect statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment requirements, and fire protection requirements. This action is considered significant because it affects a broad class of vessels and there has been substantial public interest evidenced.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4412

Action	Date	FR Cite
Comment Period Extended and Notice of Hearings	04/26/89	54 FR 17997
Notice of Public Hearing Change	05/25/89	54 FR 22608
NPRM Comment Period End	05/30/89	
Notice of Intent to Issue SNPRM	09/18/89	54 FR 38410
SNPRM; Comment Period End 06/13/94	01/13/94	59 FR 1994
Public Hearing Notice Final Action	03/25/94 04/00/95	59 FR 14132

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/30/89 (54 FR 4412)

**Additional Information:** On April 26, 1989, the Coast Guard published notice of six public hearings and extended the comment period to July 31, 1989. Because of extensive substantive public comments, the Coast Guard has issued an SNPRM containing the proposed complete revision of the regulations governing small passenger vessels.

**Agency Contact:** LCDR M. Cruder, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

**RIN:** 2115-AC22

**2612. +IMPLEMENTATION OF THE COMMERCIAL FISHING-INDUSTRY VESSEL SAFETY ACT (88-079)**

**Legal Authority:** 46 USC 4502; 46 USC 4506; 46 USC 6104(c); 46 USC 10603(b)

**CFR Citation:** 46 CFR 28

**Legal Deadline:** Final, Statutory, January 1, 1993.

**Abstract:** The Commercial Fishing Industry Act of 1988 requires the Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. A final rule establishing requirements for navigation, radio, firefighting, and lifesaving equipment, and fuel, ventilation, and electrical systems was published in August, 1991. Regulations have also been proposed to address vessel stability, lifesaving appliances, and the Aleutian trade. Additionally, an interim final rule established immersion suit requirements. Regulations for immersion suits on vessels operating on seasonally cold

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waters have also been proposed. This rulemaking is considered significant because of its impact on the commercial fishing industry.

**Timetable:**

Action	Date	FR Cite
ANPRM of Consolidated RIN 2115-AC34	07/09/87	52 FR 25890
ANPRM Correction of Consolidated RIN 2115-AC34	08/10/87	52 FR 29556
ANPRM	12/29/88	53 FR 52735
ANPRM Comment Period End	02/27/89	
ANPRM Extension of Comment Period	03/02/89	54 FR 8765
NPRM	04/19/90	55 FR 14924
NPRM Comment Period End	08/20/90	
Notice of Intent to Publish SNPRM	08/31/90	55 FR 35694
Final Action Except SNPRM Issues; Final Action Effective 09/15/91	08/14/91	56 FR 40364
Final Rule Correction Correcting	09/20/91	56 FR 47679
Amendments to Final Action of 08/14/91	01/06/92	57 FR 363
Interim Final Rule; Immersion Suits	08/13/92	57 FR 34188
SNPRM To Address Stability and Other Small Fishing Vessel Issues	10/27/92	57 FR 48670
SNPRM Correction	12/03/92	57 FR 57129
SNPRM Comment Period Extended to 02/28/93	12/18/92	57 FR 60158
SNPRM Correction	01/06/93	58 FR 630
NPRM; Seasonally Cold Waters	05/20/93	58 FR 29502
Final Action	06/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/27/92 (57 FR 48670)

**Additional Information:** The final rule published 08/14/91 addressed most issues raised in the NPRM. A final rule implementing provisions of the Aleutian Trade Act is being handled under RIN 2115-AE77. Stability for vessels less than 79 feet in length, survival for vessels operating near shore with less than four persons on board, and requirements for carriage of immersion suits have been addressed separately. These remaining issues will be subject of a combined final rule. Coast Guard docket 86-024 titled Uninspected Fish Processing Vessels

(RIN 2115-AC34) has been incorporated into this project.

**Agency Contact:** Tim Farley, Project Manager, G-MVI-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2307

RIN: 2115-AD12

**2613. +DOUBLE HULL STANDARDS FOR VESSELS CARRYING OIL IN BULK (CGD 90-051)**

**Legal Authority:** 33 USC 1903; 46 USC 3703a; PL 101-380

**CFR Citation:** 33 CFR 155.390; 33 CFR 157.01; 33 CFR 157.03; 33 CFR 157.08; 33 CFR 157.10; 33 CFR 157.10(d); 33 CFR 157.11; 33 CFR 157.24; 33 CFR 157.25; 33 CFR 157.28; 46 CFR 30.01-5; 46 CFR 32.60; 46 CFR 70.05-30; 46 CFR 90.05-35; 46 CFR 172.060; ...

**Legal Deadline:** None

**Abstract:** The Oil Pollution Act of 1990 requires a double hull to be fitted on vessels carrying oil in bulk. The Act does not provide technical standards for a double hull. The IFR implemented the requirements of the Act and established technical standards. It is being reviewed to reconsider variances from international standards. This rulemaking is significant because of substantial general, international, and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/05/90	55 FR 50192
NPRM Comment Period End	04/01/91	
NPRM Comment Period Reopened to 10/07/91	09/06/91	56 FR 44051
Notice of Availability of Impact Analysis	01/15/92	57 FR 1854
Interim Final Rule	08/12/92	57 FR 36222
Interim Final Rule Correction	09/03/92	57 FR 40494
Interim Final Rule Comment Period End	10/13/92	
Interim Final Rule Comment Period Reopened to 02/26/93	12/18/92	57 FR 60402
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/12/92 (57 FR 36222)

**Agency Contact:** Robert M. Gauvin, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115-AD61

**2614. +DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)**

**Legal Authority:** 46 USC 4202

**CFR Citation:** 46 CFR 165

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The Oil Pollution Act of 1990 directs the President by August 18, 1992, to (1) require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and (2) require carriage of discharge-removal equipment by vessels operating in the navigable waters of the U.S. and carrying oil or hazardous substances. This action would implement those provisions and is considered significant because of expected costs and substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	
NPRM	09/29/92	57 FR 44912
NPRM Comment Period Extended to 11/16/92	10/26/92	57 FR 48489
NPRM Comment Period End	10/29/92	
Interim Final Rule	12/22/93	58 FR 67988
Interim Final Rule Effective	01/22/94	
Interim Final Rule Correction	01/26/94	59 FR 3749
Interim Final Rule Comments Due by	02/22/94	
Final Action	03/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/22/93 (58 FR 67988)

**Additional Information:** The Coast Guard will be evaluating new technology to determine whether additional rulemaking is appropriate.

**Agency Contact:** Frank Wood, Project Manager, G-MEP, Department of Transportation, U.S. Coast Guard, 2100

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Second Street SW., Washington, DC  
20593-0001, 202 267-6603

RIN: 2115-AD66

### 2615. +SECURITY FOR PASSENGER VESSELS AND PASSENGER TERMINALS (91-012)

**Legal Authority:** 33 USC 1226

**CFR Citation:** 33 CFR 120; 33 CFR 128

**Legal Deadline:** None

**Abstract:** The purpose of this action is to improve security measures on passenger vessels engaged in international voyages of 24 hours or more, and on the port facilities serving these vessels. This rulemaking is significant because of substantial public interest and safety implications. It is a high-priority project and involves important departmental policy.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/94	59 FR 14290
NPRM Comment Period End	06/23/94	
Comment Period Reopened to 11/30/94	09/07/94	59 FR 46211
Public Hearings Notice	09/07/94	59 FR 46211
Final Action	12/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$14,000,000; Yearly Recurring Cost: \$10,000,000; Base Year for Dollar Estimates: 1994

**Analysis:** Regulatory Evaluation 03/25/94 (59 FR 14290)

**Agency Contact:** LCDR Mark O'Malley, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0493

RIN: 2115-AD75

### 2616. +FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS) (CGD 91-005)

**Legal Authority:** 33 USC 2716; 42 USC 9608

**CFR Citation:** 33 CFR 130 to 132; 33 CFR 137

**Legal Deadline:** None

**Abstract:** This rulemaking implements the provisions concerning financial

responsibility for vessels in the Oil Pollution Act of 1990 and the Comprehensive Environmental Response Compensation and Liability Act. It prescribes the means by which owners and operators of vessels establish and maintain evidence of insurance or other evidence of financial responsibility sufficient to meet their potential liability under these Acts. This rule is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/91	56 FR 49006
NPRM Comment Period End	11/25/91	
NPRM Comment Period Extended to 01/24/92	12/02/91	56 FR 61216
Notice of Availability; Draft Regulatory Impact Analysis	07/21/93	58 FR 38993
Interim Final Rule	07/01/94	59 FR 34210
Comment Period Reopened to 11/30/94	09/07/94	59 FR 46211
Public Hearings Notice	09/07/94	59 FR 46211
Interim Final Rule Comment Period End	09/29/94	
Final Action	07/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/01/94 (59 FR 34210)

**Additional Information:** The Oil Pollution Act of 1990 (OPA) repealed or superseded certain oil spill liability provisions under the Federal Water Pollution Control Act (33 USC 1321), title III of the Outer Continental Shelf Lands Act Amendments of 1978 (43 USC 1814), the Trans-Alaska Pipeline Authorization Act (43 USC 1653), and the Deepwater Port Act of 1974 (33 USC 1517). The financial responsibility provisions of those Acts were replaced by a single financial responsibility regime under OPA and keyed to the broader liability of OPA. In addition to financial responsibility requirements under OPA, which is limited to oil, this project would include financial responsibility requirements under the Comprehensive Environmental Response, Compensation, and Liability Act, which concerns hazardous substances. This consolidation would allow the issuance of a single, unified Certificate of Financial Responsibility for vessels, replacing separate

certificates and financial responsibility regimes under the previously mentioned Acts.

**Agency Contact:** Robert M. Skall, Project Manager, G-NPFC, Department of Transportation, U.S. Coast Guard, National Pollution Funds Center, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4704

RIN: 2115-AD76

### 2617. +DIRECT USER FEES FOR INSPECTION OR EXAMINATION OF U.S. AND FOREIGN COMMERCIAL VESSELS (91-030)

**Legal Authority:** 14 USC 633; 31 USC 9701; 46 USC 2103; 46 USC 2104; 46 USC 2110; 46 USC 2111; 46 USC 3303(a); 46 USC 3303(b); 46 USC 3306; 46 USC 3317; 46 USC 3714; 46 USC 5115; 46 USC 8105; 46 USC 3703

**CFR Citation:** 33 CFR 143; 46 CFR 2

**Legal Deadline:** None

**Abstract:** The Omnibus Budget Reconciliation Act of 1990 requires the Coast Guard to establish user fees for Coast Guard services related to the inspection and examination of U.S. and foreign vessels and issuance of Certificates of Inspection, Certificates of Compliance, and related documents. The proposed fees are based on the way the Coast Guard presently conducts vessel inspection activities. This proposal is intended to recover costs of providing certain vessel inspection services. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/91	56 FR 65786
NPRM; Correction To Add Appendix A	12/24/91	56 FR 66766
NPRM Comment Period End	02/18/92	
NPRM Comment Period Reopened to 05/18/92	03/24/92	57 FR 10149
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 12/18/91 (56 FR 65786)

**Agency Contact:** LCDR J. J. Kelly, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100

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Second Street SW., Washington, DC  
20593-0001, 202 267-0009  
RIN: 2115-AD78

**2618. +TANK VESSEL RESPONSE PLANS (91-034)**

**Legal Authority:** 46 USC 4202; 46 USC 5005; PL 101-30

**CFR Citation:** 46 CFR 165

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** This rulemaking partially implements sections 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA-90), concerning tank vessel and facility response plans. Section 4202(b)(4) of the OPA-90 amends section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provide for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers tank vessel requirements for oil-spill response plans. A separate rulemaking under RIN 2115-AE88 will address tank vessel response plans for hazardous substances. Facility response plan requirements for oil and hazardous substances will also be addressed by separate rulemakings under RINs 2115-AD82 and 2115-AE87, respectively.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	
NPRM	06/19/92	57 FR 27514
NPRM Correction	07/01/92	57 FR 29354
Schedule of Open Meetings	07/28/92	57 FR 33287
NPRM Comment Period End	08/03/92	
Interim Final Rule; Comment Period End	02/05/93	58 FR 7376
Interim Final Rule Correction	03/15/93	58 FR 13708
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation  
02/05/93 (58 FR 7376)

**Additional Information:** The status of development of response plans was published 08/21/92 (57 FR 37920). A workshop notice was published 07/16/93 (58 FR 38450), and an additional day added 07/22/93 (58 FR 39272).

**Agency Contact:** Ms. Landman, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6770

RIN: 2115-AD81

**2619. +FACILITY RESPONSE PLANS (91-036)**

**Legal Authority:** 46 USC 4202; 46 USC 5005; PL 101-30

**CFR Citation:** 46 CFR 165

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** This rulemaking partially implements sections 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA 90), concerning tank vessel and facility response plans. Section 4202(b)(4) of OPA-90 amends section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provide for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers facility requirements for oil-spill response plans. A separate rulemaking under RIN 2115-AE87 will address facility response plans for hazardous substances. Tank vessel response plan requirements for oil and hazardous substances will also be addressed by separate rulemakings under RINs 2115-AD81 and 2115-AE88, respectively.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/11/92	57 FR 8708
ANPRM Comment Period End	04/27/92	
Interim Final Rule	02/05/93	58 FR 7330
Interim Final Rule Correction	03/12/93	58 FR 19556
Comment Period End	04/06/93	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
02/05/93 (58 FR 7330)

**Additional Information:** A workshop notice was published 07/16/93 (58 FR 38450), and an additional day added 07/22/93 (58 FR 39272).

**Agency Contact:** LCDR Hunt, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6230

RIN: 2115-AD82

**2620. +OVERFILL DEVICES (CGD 90-071A)**

**Legal Authority:** 46 USC 3703

**CFR Citation:** 33 CFR 155 to 156

**Legal Deadline:** Final, Statutory, August 18, 1991.

**Abstract:** The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of overfill devices. This action would implement the provisions of this Act and is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/93	58 FR 4040
NPRM Comment Period End	03/15/93	
Notice of Public Meeting	10/21/93	58 FR 54315
Interim Final Rule	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
01/12/93 (58 FR 4040)

**Agency Contact:** R. Crenwelge, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6220

RIN: 2115-AD87

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**2621. +DRUG TESTING OF INDIVIDUALS APPLYING FOR ISSUANCE OR RENEWAL OF LICENSES, CERTIFICATES OF REGISTRY, OR MERCHANT MARINERS' DOCUMENTS (91-223)**

**Legal Authority:** PL 101-380; 46 USC 2101; 46 USC 7101; 46 USC 7302

**CFR Citation:** 46 CFR 10; 46 CFR 12; 46 CFR 16

**Legal Deadline:** None

**Abstract:** The Oil Pollution Act of 1990 requires that merchant marine credential applicants be tested for use of dangerous drugs. This regulation will provide procedures for implementing this requirement. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/94	59 FR 10544
NPRM Comment Period End	05/03/94	
Final Action	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/04/94 (59 FR 10544)

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6742

**RIN:** 2115-AE29

**2622. +GREAT LAKES PILOTAGE RATE METHODOLOGY (92-072)**

**Legal Authority:** 46 USC 2103; 46 USC 6101; 46 USC 7701; 46 USC 9303; 46 USC 9304; 46 USC 3507

**CFR Citation:** 46 CFR 401; 46 CFR 403; 46 CFR 404

**Legal Deadline:** None

**Abstract:** The Coast Guard would amend the Great Lakes Pilotage Regulations by establishing new procedures for determining Great Lakes pilotage rates and revising the financial reporting requirements mandated for Great Lakes pilot associations. The proposed methodology would adopt methods which have proven effective in ratemaking methodologies used by regulators of other public service industries. This action would not propose a change to the existing Great

Lakes pilotage rates and charges, but proposes to standardize the methodology by which those rates would be determined in the future. The Coast Guard considers this action to be significant because the setting of pilotage rates is controversial and of significant interest to the public.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/94	59 FR 17303
Notice of Meetings	04/20/94	59 FR 18744
NPRM Comment Period End	07/11/94	
Final Action	12/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/12/94 (59 FR 17303)

**Agency Contact:** Scott A. Poyer, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6249

**RIN:** 2115-AE45

**2623. TANKERMEN (79-116)**

**Legal Authority:** 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

**CFR Citation:** 33 CFR 154; 33 CFR 155; 46 CFR 7; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 78; 46 CFR 90; 46 CFR 97; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; ...

**Legal Deadline:** None

**Abstract:** Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers 1978 (STCW) has entered into effect and establishes international standards for tank vessel personnel qualifications. In view of the length of time since publication of the NPRM, a supplemental NPRM was issued.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268

Action	Date	FR Cite
NPRM Comment Period End	03/18/81	
SNPRM; Comment Period End	10/17/89	54 FR 42624
01/16/90		
Interim Final Rule	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/18/80 (45 FR 83268)

**Additional Information:** Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings were held during January and February of 1981. Docket 79-116a (RIN 2115-AD18) has been included in this project and will no longer be listed as a separate Regulatory Agenda item.

**Agency Contact:** LCDR Dave Paxton, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0226

**RIN:** 2115-AA03

**2624. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)**

**Legal Authority:** 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

**CFR Citation:** 46 CFR 162.029

**Legal Deadline:** None

**Abstract:** This action would establish standards for gaseous type fixed fire-extinguishing systems (presently CO2 and halons) as optional systems for compliance with existing regulations, and would serve as a guide for acceptance requirements for new gaseous extinguishing agents which are being developed to replace halons.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
NPRM Comment Period End	06/03/82	
SNPRM; Comment Period End	01/09/91	56 FR 829
03/11/91		
Final Action	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/09/91 (56 FR 829)

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**Additional Information:** Final rule is being made more general to serve as a guide for the acceptance of fire extinguishing systems using new gaseous extinguishing agents which are being developed to replace halons. Less emphasis will be on CO2 and halon, and more emphasis will be on gaseous agents in general. However, the direction of the proposed rule will not change.

**Agency Contact:** Mr. K. Wahle, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

**RIN:** 2115-AA08

**2625. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)**

**Legal Authority:** 46 USC 3306; 46 USC 3703; 46 USC 4302; 33 USC 1903 (b); EO 12234

**CFR Citation:** 46 CFR 160

**Legal Deadline:** None

**Abstract:** This project would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices. This project would revise the present Interim Final Rule for the approval of hybrid personal flotation devices (PFDs). Proposed revisions include increasing the required buoyancy to compensate for removing the restriction "Required To Be Worn" to allow hybrids as Type I, II, and III PFDs. Lowering manufacturing costs by reducing the amount of repetitive testing required and allowing approval of hybrids for youths and small children is also proposed.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
SNPRM; Comment Period End	01/18/94	59 FR 2575
SNPRM Correction Final Action	02/16/94	59 FR 7668
	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/22/85 (50 FR 33923)

**Additional Information:** A related project, CGD 78-174, was completed on 6/27/91 (56 FR 29439).

**Agency Contact:** LTJG R. Smith, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

**RIN:** 2115-AA29

**2626. SAFETY STANDARDS FOR NEW SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)**

**Legal Authority:** 46 USC 3703

**CFR Citation:** 46 CFR 154

**Legal Deadline:** None

**Abstract:** This proposal would update standards for ships carrying bulk liquefied gases by adopting amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/94	59 FR 29259
NPRM Comment Period End	08/05/94	
Final Action	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Mr. T. Felleisen, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1217

**RIN:** 2115-AA95

**2627. SAFETY/SECURITY ZONE REGULATIONS**

**Legal Authority:** 33 USC 1233; 33 USC 1225

**CFR Citation:** 33 CFR 100; 33 CFR 165

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/95: 300.

**Timetable:**

Action	Date	FR Cite
Total Actions Expected to End	10/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AA97

**2628. ANCHORAGE AREA REGULATIONS**

**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

**CFR Citation:** 33 CFR 110

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/95: 6.

**Timetable:**

Action	Date	FR Cite
Total Actions Expected to End	10/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This is an open docket for routine field regulations.

**Agency Contact:** Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AA98

**2629. FIRE PROTECTION REGULATIONS (CGD 83-026)**

**Legal Authority:** 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

**CFR Citation:** 46 CFR 32; 46 CFR 72; 46 CFR 92; 46 CFR 190; 46 CFR 193; 46 CFR 30; 46 CFR 31; 46 CFR 34; 46 CFR 35; 46 CFR 70; 46 CFR 76; 46 CFR 77; 46 CFR 78; 46 CFR 90; 46 CFR 95; ...

**Legal Deadline:** None

**Abstract:** This action started in 1984 and was intended to bring the Code of

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Federal Regulations into agreement with the international requirements of Safety of Life at Sea (SOLAS) 1974 and its amendments. It has been overtaken by the Coast Guard's Maritime Regulatory Reform (MRR) effort. Therefore, this project is no longer necessary and will be terminated.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
To Be Withdrawn	10/00/94	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Formerly titled Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974.

**Agency Contact:** Albert Kirchner, Project Manager, G-MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0188

RIN: 2115-AB36

### 2630. INCORPORATION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA, 1974 (83-043)

**Legal Authority:** 33 USC 1223; 46 USC 3703

**CFR Citation:** 46 CFR 50; 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 51; 46 CFR 111

**Legal Deadline:** None

**Abstract:** This project would incorporate the provisions of chapters II-1, II-2, and V of the Safety of Life at Sea, 1974 International Convention (SOLAS 74). These provisions generally provide for acceptance of technology which is standard industry practice, such as use of plastic pipe in some places and common-rail bilge and ballast systems.

**Timetable:**

Action	Date	FR Cite
NPRM	09/28/90	55 FR 39638
NPRM Comment Period End	12/27/90	
Interim Final Rule	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/28/90 (55 FR 39638)

**Additional Information:** Formerly titled "Reassessment of Coast Guard Marine Engineering Regulations - Incorporation of SOLAS 74 Amendments"

**Agency Contact:** LTJG R. Gillan, Project Manager, G-MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AB41

### 2631. EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRBs) AND VISUAL DISTRESS SIGNALS FOR UNINSPECTED VESSELS (87-016)

**Legal Authority:** 46 USC 4102; PL 100-540

**CFR Citation:** 46 CFR 25; 46 CFR 26

**Legal Deadline:** None

**Abstract:** PL 100-540 requires EPIRBs on each manned uninspected vessel operating on the high seas or beyond three miles from the coast line of the Great Lakes. A final rule published August 17, 1988 (53 FR 31004) requires EPIRBs on certain fishing vessels. Pursuant to PL 100-540, the present action would extend the requirement of that rule. The final rule of March 10, 1993, requires EPIRBs on certain uninspected vessels, excluding uninspected passenger vessels and vessel-assistance towing vessels. The SNPRM proposed EPIRB regulations and visual distress signal requirements for those uninspected vessels not presently required to carry them.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/90	55 FR 14922
NPRM Comment Period End	06/18/90	
Partial Final Action; Effective 04/26/93	03/10/93	58 FR 13364
Partial Final Action Correction	05/11/93	58 FR 27658
SNPRM	02/17/94	59 FR 8100
SNPRM Correction	03/04/94	59 FR 10461
SNPRM Comment Period End	06/17/94	
Final Action	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/10/93 (58 FR 13364)

**Agency Contact:** ENS Steve Ober, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard,

2100 Second Street SW., Washington, DC 20593-0001; 202 267-1444

RIN: 2115-AC69

### 2632. CARRIAGE OF BULK SOLID MATERIALS REQUIRING SPECIAL HANDLING (87-069)

**Legal Authority:** 33 USC 1321 (j); 46 USC 3306; 46 USC 5111; 46 USC 6101; 49 USC 1803; 49 USC 1804; 49 USC 1808

**CFR Citation:** 46 CFR 148; 46 CFR 97

**Legal Deadline:** None

**Abstract:** This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry. This proposal would also incorporate requirements found in the International Maritime Organization's Code of Safe Practice for Solid Bulk Cargoes.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/28/89	54 FR 18306
ANPRM Comment Period End	06/27/89	
NPRM	04/12/94	59 FR 17418
NPRM Comment Period End	07/11/94	
NPRM Comment Period Reopened to	08/05/94	59 FR 40004
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Frank Thompson, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0087

RIN: 2115-AD02

### 2633. REQUIREMENTS FOR MARINE TERMINALS TRANSFERRING BULK LIQUEFIED HAZARDOUS GASES (88-049)

**Legal Authority:** 33 USC 1221

**CFR Citation:** 33 CFR 126; 33 CFR 127

**Legal Deadline:** None

**Abstract:** This project would develop requirements for marine terminals transferring bulk liquefied hazardous

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gases (petroleum and chemical) and establish comparable levels of safety and contingency measures for these commodities as are now required for liquefied natural gas (LNG).

**Timetable:**

Action	Date	FR Cite
ANPRM	09/28/88	53 FR 37792
ANPRM Comment Period End	11/28/88	
NPRM	10/05/93	58 FR 51906
NPRM Comment Period End	01/03/94	
Final Action	11/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$12,000,000; Yearly Recurring Cost: \$433,000; Base Year for Dollar Estimates: 1994

**Analysis:** Regulatory Evaluation 10/05/93 (58 FR 51906)

**Agency Contact:** LCDR Mark O'Malley, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0493

**RIN:** 2115-AD06

**2634. PERMITS FOR THE TRANSPORTATION OF MUNICIPAL AND COMMERCIAL WASTES (89-014)**

**Legal Authority:** 33 USC 2602

**CFR Citation:** 33 CFR 151

**Legal Deadline:** Final, Statutory, June 15, 1989.

See discussion in the Abstract.

**Abstract:** The Shore Protection Act of 1988 (33 USC 2501 et seq.) prohibits vessels from transporting municipal and commercial waste unless they have a permit and display a number. The Act requires the permit and number 240 days after enactment. This interim rule implemented these provisions of the Act and requested comments.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/24/89	54 FR 22546
Correction to Interim Final Rule	06/05/89	54 FR 24078
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/24/89 (54 FR 22546)

**Additional Information:** Further action pends Environmental Protection Agency's regulatory decisions and/or legislation to define classes of vessels to be permitted and the appeal process for denial or revocation. This project was formerly known as Implementation of the Shore Protection Act of 1988.

**Agency Contact:** Janice Jackson, Project Manager, G-MEP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6714

**RIN:** 2115-AD23

**2635. VESSEL IDENTIFICATION SYSTEM (89-050)**

**Legal Authority:** 46 USC 2103; 46 USC 12501

**CFR Citation:** 33 CFR 187

**Legal Deadline:** None

**Abstract:** 46 USC 12501 requires the Secretary of Transportation to establish a Vessel Identification System (VIS). This rulemaking will prescribe the manner and form for participating States to make information available for VIS; to establish guidelines for State vessel titling systems; and to establish procedures for certifying compliance with those guidelines.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/15/89	54 FR 38358
ANPRM Comment Period End	12/14/89	
NPRM	10/05/93	58 FR 51920
NPRM Correction	10/15/93	58 FR 53624
NPRM Comment Period End	01/03/94	
NPRM Comment Period Reopened to 03/28/94	02/24/94	59 FR 8881
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/05/93 (58 FR 51920)

**Agency Contact:** CDR Keith Cameron, Project Manager, G-MIM-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0385

**RIN:** 2115-AD35

**2636. REGULATED NAVIGATION AREA; PUGET SOUND, WASHINGTON (13-90-03)**

**Legal Authority:** 33 USC 1225; 33 USC 1231; 50 USC 191

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** The Coast Guard has proposed to amend the regulations for the Regulated Navigation Area (RNA) of Puget Sound. An SNPRM addressed changes subsequent to the NPRM.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/90	55 FR 39986
NPRM Comment Period End	11/15/90	
SNPRM; Comment Period End	07/31/91	56 FR 36121
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/31/91 (56 FR 36121)

**Agency Contact:** LCDR Mark Ashley, Project Manager, USCG Puget Sound Vessel Traffic Service, Department of Transportation, U.S. Coast Guard, 1519 Alaskan Way South, Seattle, Washington 98134, 206 286-5640

**RIN:** 2115-AD86

**2637. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (CGD 91-035)**

**Legal Authority:** 33 USC 2713; 33 USC 2714

**CFR Citation:** 33 CFR 136

**Legal Deadline:** None

**Abstract:** This rulemaking will implement section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. This rulemaking was designated significant because of anticipated public interest. However, few comments were received on the interim final rule and there has been limited claims activity. Since the final rule will consist of clarifications and editorial corrections, this action is now considered nonsignificant.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314

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Action	Date	FR Cite
Interim Final Rule Correction	09/09/92	57 FR 41104
Interim Final Rule Comment Period End	12/10/92	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/12/92 (57 FR 36314)

**Additional Information:** The final rule awaits a decision by the Comptroller General concerning claims of natural resource trustees.

**Agency Contact:** Linda Burdette, Project Manager, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4762

**RIN:** 2115-AD90

**2638. REGULATED NAVIGATION AREA: PUGET SOUND AND STRAIT OF JUAN DE FUCA, WA; GRAYS HARBOR, WA; COLUMBIA RIVER AND WILLAMETTE RIVER, OR; YAQUINA BAY, OR; UMPQUA RIVER, OR; COOS BAY, OR (13-90-28)**

**Legal Authority:** 33 USC 1225; 33 USC 1231; 50 USC 191

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** This action would require an emergency towline on tank barges while transiting certain port areas of the Pacific Northwest, to prevent discharges of oil or other hazardous substances during transport.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/91	56 FR 55104
NPRM Comment Period End	01/07/92	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/24/91 (56 FR 55104)

**Agency Contact:** LCDR D. W. Gault, Project Officer, Department of Transportation, U.S. Coast Guard, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, WA 98174-1067, 206 220-7210

**RIN:** 2115-AE06

**2639. ALTERATION OF OBSTRUCTIVE BRIDGES (91-063)**

**Legal Authority:** 33 USC 511

**CFR Citation:** 33 CFR 116

**Legal Deadline:** None

**Abstract:** With the upsurge of interest in bridge alterations, it has become necessary to clarify the procedures for declaring a bridge to be an unreasonable obstruction and, most importantly, how a bridge qualifies for alteration under the Truman-Hobbs Act. This rule would clarify and update the procedures contained in 33 CFR 116 to more clearly reflect the procedures currently in use.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/94	59 FR 13588
NPRM Comment Period End	05/23/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Ms. Marcia L. Waples, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0375

**RIN:** 2115-AE15

**2640. FEDERAL PILOTAGE REQUIREMENT FOR FOREIGN TRADE VESSELS (92-061)**

**Legal Authority:** 46 USC 2103; 46 USC 3703; 46 USC 8105; 46 USC 8502; 46 USC 8503

**CFR Citation:** 46 CFR 1.45; 46 CFR 1.46

**Legal Deadline:** None

**Abstract:** The Coast Guard is proposing to require Federal pilots for foreign trade vessels navigating at certain offshore marine oil terminals located within the U.S. navigable waters of the States of California and Hawaii, or while making intraport transits within certain designated waters of the States of New York and New Jersey, or while transiting certain designated waters of the State of Massachusetts.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/93	58 FR 36914
NPRM Correction	07/28/93	58 FR 40458

Action	Date	FR Cite
NPRM Comment Period End	09/07/93	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/09/93 (58 FR 36914)

**Agency Contact:** J. Bennett, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6102

**RIN:** 2115-AE28

**2641. NEW YORK VESSEL TRAFFIC SERVICE (CGD 92-052)**

**Legal Authority:** 33 USC 1231

**CFR Citation:** 33 CFR 161

**Legal Deadline:** None

**Abstract:** The Coast Guard is expanding the geographic boundaries of VTS New York in three phases. The Interim Final Rule published 09/01/93 implemented the first expansion phase. A second IFR will implement the second expansion phase in December 1994. A final rule will implement the final phase in 1995.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/93	58 FR 30098
NPRM Comment Period End	07/09/93	
Interim Final Rule	09/01/93	58 FR 46081
Interim Final Rule Effective	10/18/93	
Second Interim Final Rule	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/01/93 (58 FR 46081)

**Agency Contact:** Irene Hoffman, Project Manager, G-NVT, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6277

**RIN:** 2115-AE36

**2642. AMENDMENTS TO HULL IDENTIFICATION NUMBER REGULATIONS AND NEW REQUIREMENTS FOR CERTIFICATES OF ORIGIN (CGD 92-065)**

**Legal Authority:** 46 USC 4302; 46 USC 12501

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**CFR Citation:** 33 CFR 181

**Legal Deadline:** None

**Abstract:** This rulemaking would expand the length of the hull identification number (HIN) to include information about a vessel and function as a vessel identification number. The rulemaking would also require manufacturers to supply a Certificate of Origin (COO) with each vessel produced to ensure documented certification of this information and establish a chain of ownership. These regulations to provide information identifying vessels and establishing evidence of vessel ownership are needed to help develop a Vessel Identification System (VIDS).

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/94	59 FR 23651
NPRM Comment Period End	09/06/94	
Final Action	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Alston Colihan, Project Manager, G-NAB-6, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0984

**RIN:** 2115-AE37

**2643. IMPLEMENTATION OF REGULATION 26 OF ANNEX I OF MARPOL 73-78 RELATING TO THE DEVELOPMENT OF SHIPBOARD OIL POLLUTION EMERGENCY PLANS (93-030)**

**Legal Authority:** 33 USC 1321; 33 USC 1903

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

**Abstract:** This proposal would implement Regulation 26 of Annex I of MARPOL 73-78. MARPOL Regulation requires oil tankers of 150 gross tons and above and other ships of 400 gross tons and above to carry on board an approved oil pollution emergency response plan.

**Timetable:**

Action	Date	FR Cite
NPRM	02/17/94	59 FR 8086
NPRM Correction	03/15/94	59 FR 12032

Action	Date	FR Cite
NPRM Comment Period End	04/18/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
02/17/94 (59 FR 8086)

**Agency Contact:** J. Sullivan, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6404

**RIN:** 2115-AE44

**2644. REGATTA REGULATIONS**

**Legal Authority:** 33 USC 1233

**CFR Citation:** 33 CFR 100

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/95: 250.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Carl Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington DC 20593-0001, 202 267-0979

**RIN:** 2115-AE46

**2645. DRAWBRIDGE REGULATIONS**

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/95: 50.

**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	10/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Marcia Waples, Project Manager, G-NBR, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0375

**RIN:** 2115-AE47

**2646. SIMPLIFIED PROCESS FOR POLLUTION VIOLATION CASES (93-079)**

**Legal Authority:** 14 USC 633; 15 USC 553; 33 USC 1321

**CFR Citation:** 33 CFR 1.07; 49 CFR 1.46

**Legal Deadline:** None

**Abstract:** This regulatory project will amend 33 CFR 1.07, establishing simplified procedures to expedite processing of certain civil penalty violation cases. The proposed procedures would allow settlement of cases by: (1) issuance of a "citation" (or notice of violation and proposed penalty) by the investigating officer or investigating unit, with the alleged violation and proposed penalty indicated; and, (2) payment by the party of the amount indicated on the citation to a financial institution designated by the Treasury.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/07/94	59 FR 16558
Interim Final Rule Comment Period End	10/07/94	
Final Action	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** The interim final rule established a six-month pilot program. Public comment will be accepted throughout the six-month trial period.

**Agency Contact:** LCDR Gaudiosi, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-2850

**RIN:** 2115-AE68

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**2647. • INLAND NAVIGATION RULES; LIGHTING PROVISIONS (94-011)**

**Legal Authority:** 14 USC 2; 14 USC 633; 33 USC 151(a); 33 USC 2071

**CFR Citation:** 33 CFR 80; 33 CFR 82; 33 CFR 84; 33 CFR 87; 33 CFR 88; 33 CFR 90

**Legal Deadline:** None

**Abstract:** This rulemaking would amend certain technical lighting provisions and interpretive regulations which supplement the Inland Navigation Rules and the International Regulations for Preventing Collisions at Sea (72 COLREGS). These changes would bring certain technical rules into conformity with amendments to the 72 COLREGS scheduled to become effective in November, 1995. The Coast Guard is also proposing several interpretive regulations to clarify ambiguities in the rules.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/94	59 FR 37003
NPRM Correction	08/24/94	59 FR 43620
NPRM Comment Period End	09/19/94	
Final Action	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Final effective date will be no earlier than October 1995 to correspond with effective date of COLREGS amendments. The NPRM of 07/20/94 erroneously indicated RIN 2115-AE72.

**Agency Contact:** Jon Epstein, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0352

**RIN:** 2115-AE71

**2648. • AMENDMENT TO 46 CFR 14: REVISE RECORDKEEPING OF SHIPPING ARTICLES AND CERTIFICATES OF DISCHARGE (94-004)**

**Legal Authority:** 46 USC 2103; 46 USC 2113; 46 USC 3306; 46 USC 10104; 46 USC 10302; 46 USC 10320

**CFR Citation:** 46 CFR 14

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to eliminate the requirement for maritime

operating companies to submit copies of shipping articles, certificates of discharge, and other seamen employment documents to the Coast Guard. Companies will still be required to submit information contained in the certificates of discharge, but will be allowed to submit the required information electronically.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Funding to maintain shipping articles and certificates of discharge has been eliminated beginning October 01, 1994. The amount is \$460,000 per year.

**Agency Contact:** Mrs. Justine Bunnell, Project Manager, G-MVP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0238

**RIN:** 2115-AE72

**2649. • REGULATIONS FOR THE CONTROL OF BALLAST WATER DISCHARGES FROM SHIPS IN THE HUDSON RIVER (94-003)**

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151

**Legal Deadline:** Final, Statutory, November 30, 1994.

**Abstract:** This rulemaking will implement regulations required by an amendment to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. The amendment extended the Act's applicability to vessels entering the Hudson River, north of the George Washington Bridge, after operating beyond the Exclusive Economic Zone (EEZ). The Act requires the Secretary of Transportation to issue regulations requiring all methods of ballast water management to prevent and control infestations of aquatic nuisance species. This authority has been delegated to the Coast Guard. Similar regulations already apply to vessels entering the Great Lakes.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/94	59 FR 31959

Action	Date	FR Cite
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NPRM Comment Period End 08/22/94

Final Action 11/00/94

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LT Jon Burton, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0426

**RIN:** 2115-AE76

**2650. • REGULATED NAVIGATION AREA; MISSISSIPPI RIVER, MILES 88 TO 240 ABOVE HEAD OF PASSES (08-94-006)**

**Legal Authority:** 33 USC 1231; 50 USC 191; 33 CFR 1.05-1(g); 33 CFR 6.04-1; 33 CFR 6.04-6; 33 CFR 160.5

**CFR Citation:** 33 CFR 165.803

**Legal Deadline:** None

**Abstract:** The Coast Guard is extending the upper limits of the Mississippi River RNA to cover the area between river miles 88 and 240. The RNA will improve the safety of barge fleeting areas between New Orleans and Baton Rouge, Louisiana.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/28/94	59 FR 21933
IFR Comment Period End	06/27/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LT Verne Gifford, Marine Safety Division, Eighth Coast Guard District, Department of Transportation, U.S. Coast Guard, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, 504 589-6172

**RIN:** 2115-AE81

**2651. • NOTICE OF HAZARDOUS CONDITIONS (94-027)**

**Legal Authority:** 33 USC 1231

**CFR Citation:** 33 CFR 160

**Legal Deadline:** None

**Abstract:** This project would clarify the hazardous conditions for which the

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Coast Guard must be notified, and the parties responsible for providing that notice. It would also extend the notice requirement to include hazardous conditions not onboard a vessel.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/03/94	59 FR 39458
Interim Final Rule	12/01/94	
Comment Period		
End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LT John Sifling, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0507

**RIN:** 2115-AE82

**2652. • REGULATED NAVIGATION AREAS**

**Legal Authority:** 33 USC 1233; 50 USC 191; 33 CFR 1.05-1(g); 33 CFR 6.04-1; 33 CFR 6.04-6; 33 CFR 160.5

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** Nonsignificant local regulations issued routinely and frequently as part of an established body of technical requirements to keep those requirements operationally current. Occasionally, Regulated Navigation Areas which are more extensive will be listed separately. Fifteen actions expected to continue through 10/00/95.

**Timetable:**

Action	Date	FR Cite
Total Actions	10/00/95	
Expected to End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** An NPRM was issued May 19, 1994 (59-FR 26156), concerning Heli-Carriers International's heliport in Upper New York Bay. Subsequent RNAs will issue as needed.

**Agency Contact:** Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AE84

**2653. • IMMEDIATE REPORTING OF CASUALTIES (94-030)**

**Legal Authority:** 33 USC 1231; 43 USC 1333; 46 USC 2103; 46 USC 2306; 46 USC 6101; 46 USC 6301; 46 USC 6305; 50 USC 198

**CFR Citation:** 46 CFR 4

**Legal Deadline:** None

**Abstract:** This project would clarify those marine casualties that require immediate notification to the Coast Guard. It would specify when immediate notification would be required, who would be responsible for providing notice, and to whom notification must be made so that prompt emergency action can be taken as necessary.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/03/94	59 FR 39469
Interim Final Rule	11/01/94	
Comment Period		
End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LCDR P. A. Jensen, Project Manager, G-MMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1430

**RIN:** 2115-AE89

**2654. • RADAR-OBSERVER ENDORSEMENT FOR OPERATORS OF UNINSPECTED TOWING VESSELS (94-041)**

**Legal Authority:** 46 USC 8904

**CFR Citation:** 46 CFR 15; 46 CFR 10

**Legal Deadline:** None

**Abstract:** This interim rule would amend 46 CFR 15 (Manning), to require a radar-observer endorsement for each licensed master, mate, and operator of a radar-equipped uninspected towing vessel 26 feet or more in length. It would also amend 45 CFR 10 (Licensing), to add two courses to be required on radar-observing and to modify two other courses.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Robert S. Spears, Jr., Project Manager, GMV-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0836

**RIN:** 2115-AE92

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**2655. +ESCORT VESSELS FOR CERTAIN TANKERS (91-202)**

**Legal Authority:** PL 101-380; 46 USC 3703

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This rulemaking developed standards which implement section 4116(c) of the Oil Pollution Act of 1990. It addressed the areas of Prince

William and Puget Sounds where a two-vessel escort will be required for single-hull tankers greater than 5,000 gross tons. This action was considered significant because of substantial public and State government interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/92	57 FR 30058

Action	Date	FR Cite
NPRM Comment Period End	09/09/92	
NPRM Comment Period Reopened to	03/26/93	58 FR 16391
	07/24/93	
ANPRM; Further Comments Due	04/27/93	58 FR 25766
	06/28/93	
Public Hearings Notice	04/29/93	58 FR 25959

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Action	Date	FR Cite
Public Hearings Notice Correction	05/19/93	58 FR 29157
Notice of Availability; Part 1 of Study	01/10/94	59 FR 1411
Final Action	08/19/94	59 FR 42962
Final Action Effective	11/17/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/19/94 (59 FR 42962)

**Additional Information:** The Coast Guard, in cooperation with the Prince William Sound Regional Citizens Advisory Council, PWS Tanker Association, and Alaska Pipeline, conducted a disabled-tanker towing study. The result of the study was incorporated into this rulemaking. Tug escort requirements in areas other than Prince William Sound and Puget Sound are addressed in the project listed under RIN 2115-AE56.

**Agency Contact:** T. Jordan, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6751

**RIN:** 2115-AE10

**2656. TRAFFIC SEPARATION SCHEMES AND SHIPPING SAFETY FAIRWAYS OFF THE COAST OF CALIFORNIA (83-032)**

**Legal Authority:** 33 USC 1223; 33 USC 1224

**CFR Citation:** 33 CFR 166; 33 CFR 167

**Legal Deadline:** None

**Abstract:** The Coast Guard conducted a Port Access Route Study mandated by the Ports and Waterways Safety Act to establish traffic separation schemes on the California coast. However, proposed shipping safety fairways connecting the San Francisco and the Santa Barbara traffic separation schemes are no longer necessary since creation of the Monterey Bay National Marine Sanctuary, which prohibits oil and gas drilling in the sanctuary. Additionally, the data supporting the proposed changes are now outdated. Therefore, further action on this rulemaking was terminated.

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/89	54 FR 18258
Correction Notice	05/10/89	54 FR 20235

Action	Date	FR Cite
Announcement of Public Hearings	06/01/89	54 FR 23493
NPRM Comment Period End	07/26/89	
Notice of Study	08/24/93	58 FR 44634
Study Comment Period Reopened to 01/18/94	12/16/93	58 FR 65686
Withdrawn	10/04/94	59 FR 50533

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/27/89 (54 FR 18258); Environmental Assessment 04/27/89 (54 FR 18258)

**Additional Information:** Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430), on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking involved coordination with the Minerals Management Service of the Department of the Interior. This project was formerly titled California Offshore Routing System.

**Agency Contact:** Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AB29

**2657. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)**

**Legal Authority:** 46 USC 3306

**CFR Citation:** 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

**Legal Deadline:** None

**Abstract:** Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are primarily informational. This rulemaking project sought to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted were considered. As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811; that final rule was published under Docket 87-031a (RIN 2115-AC91)

on July 22, 1988 (53 FR 27686). Therefore, no additional actions are currently under consideration.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 31786
ANPRM Comment Period End	11/24/87	
Withdrawn	08/29/94	59 FR 44396

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mr. Allen W. Penn, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

**RIN:** 2115-AC68

**2658. WRITTEN WARNINGS BY COAST GUARD LAW ENFORCEMENT OFFICERS (88-074)**

**Legal Authority:** 14 USC 633

**CFR Citation:** 33 CFR 1

**Legal Deadline:** None

**Abstract:** This project has been withdrawn. It may be included in a future comprehensive revision of the Coast Guard civil penalty procedures.

**Timetable:**

Action	Date	FR Cite
Action Terminated	05/24/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** LCDR Emge, Project Manager, G-LMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1527

**RIN:** 2115-AD13

**2659. CHESAPEAKE BAY TRAFFIC SEPARATION SCHEME (90-039)**

**Legal Authority:** 33 USC 1223(c)

**CFR Citation:** 33 CFR 167

**Legal Deadline:** None

**Abstract:** The Coast Guard conducted a study of the need for port access routes for the approaches to Chesapeake Bay, Virginia. (Notice of study results published July 13, 1989, 54 FR 29627.) The study concluded that the southern approach part of the traffic separation scheme should be reconfigured to incorporate a deep-water route for inbound and outbound

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vessel traffic. This action implemented that recommendation.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36666
NPRM Comment	11/06/90	
Period End		
Final Action	04/28/94	59 FR 21935
Final Action Effective	05/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/28/94 (59 FR 21935)

**Agency Contact:** Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AD43

**2660. NATIONAL VESSEL TRAFFIC SERVICE (VTS) REGULATIONS (90-020)**

**Legal Authority:** 33 USC 1231

**CFR Citation:** 33 CFR 26; 33 CFR 160; 33 CFR 161; 33 CFR 162; 33 CFR 164; 33 CFR 165

**Legal Deadline:** None

**Abstract:** This action drew all the Vessel Traffic Service (VTS) regulations into one part in the Code of Federal Regulations (33 CFR Part 161) and redesignated regulations not pertaining to all VTS users to other parts of title 33 CFR. It requires certain classes of vessels operating in any U.S. port or harbor to comply with VTS measures prior to entry and while navigating in a VTS area.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/91	56 FR 36910
NPRM Correction	08/16/91	56 FR 40946
NPRM Comment	09/30/91	
Period End		
Final Action	07/15/94	59 FR 36316
Final Action Effective	10/13/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/15/94 (59 FR 36316)

**Agency Contact:** Irene Hoffman, Project Manager, G-NVT, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6277

**RIN:** 2115-AD56

**2661. NEW TERMS OF VALIDITY FOR CERTIFICATES OF REGISTRY AND MERCHANT MARINERS' DOCUMENTS (91-211)**

**Legal Authority:** 46 USC 7107; 46 USC 7302

**CFR Citation:** 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** This action requires a 5-year period of validity for certificates of registry and merchant mariners' documents. The expiration of existing papers was also addressed.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/93	58 FR 48572
NPRM Correction	10/01/93	58 FR 51408
NPRM Comment	11/15/93	
Period End		
Final Action	09/29/94	59 FR 49294
Final Action Effective	10/27/94	
Except 46 CFR	01/01/95	
10.811 and 12.02-29 Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/27/94 (59 FR 49294)

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6742

**RIN:** 2115-AD92

**2662. UNNECESSARY DRAWBRIDGE OPENING (91-059)**

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** This rulemaking revised 33 CFR 117.11 to prevent unnecessary drawbridge openings and add a definitions section. This revision prohibits a vessel owner or operator from signaling a drawbridge to open when sufficient clearance is provided for the vessel to pass safely. It also prohibits signaling for the bridge to open when there is no intention to pass through.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/93	58 FR 36629
NPRM Comment	08/23/93	
Period End		
Final Action	04/07/94	59 FR 16562
Final Action Effective	05/09/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/07/94 (59 FR 16562)

**Agency Contact:** Larry Tyssens, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0376

**RIN:** 2115-AE14

**2663. REFUSE RECORDKEEPING FOR SHIPS (92-071)**

**Legal Authority:** 33 USC 1903(b)

**CFR Citation:** 33 CFR 151.55

**Legal Deadline:** Final, Statutory, December 29, 1988.

**Abstract:** This regulation requires certain U.S. vessels and fixed or floating platforms to keep records of refuse discharges. This record is mandated by the Marine Plastic Pollution Research and Control Act of 1987. This regulation requires that certain information be recorded and kept on board the vessel. This regulation does not prescribe what format should be used or that a standard book be purchased to log entries. The action's potential costs should be minimal and result from recordkeeping. This rulemaking action should reduce the number of illegal discharges of garbage, provide information for enforcement, and assist the Coast Guard in its studies of the methods of disposal being used, the problems encountered in port, and the amounts of garbage being generated at sea.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/93	58 FR 29482
NPRM Comment	07/06/93	
Period End		
Final Action	04/19/94	59 FR 18700
Final Action Effective	05/19/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/19/94 (59 FR 18700)

**Agency Contact:** LT Jonathan C. Burton, Project Manager, G-MEP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0426

**RIN:** 2115-AE17

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**2664. CLASSIFYING, PACKAGING, AND COMMUNICATING ABOUT EXPLOSIVES (92-050)**

**Legal Authority:** 33 USC 1231

**CFR Citation:** 33 CFR 6; 33 CFR 110; 33 CFR 126; 33 CFR 160; 46 CFR 38; 46 CFR 78; 46 CFR 194

**Legal Deadline:** None

**Abstract:** This action consolidated and simplified the requirements for classifying, packaging, and labeling explosives and brought the regulations into conformance with International Maritime Organization standards.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/94	59 FR 16783
NPRM Comment Period End	06/07/94	
Final Action	08/05/94	59 FR 39963
Final Action Effective	09/06/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LCDR Mark O'Malley, Project Manager, G-MPS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0493

**RIN:** 2115-AE27

**2665. RECREATIONAL VESSEL FEE AMENDMENTS (92-066)**

**Legal Authority:** 46 USC 2110

**CFR Citation:** 33 CFR 1.30

**Legal Deadline:** None

Statute enacted 11/05/92 made changes in the statutory applicability of the RVF, effective 10/01/92.

**Abstract:** The Coast Guard has revised the categories of recreational vessels subject to the recreational vessel fee (RVF). A recent legislative amendment reduces the number of recreational vessels subject to the annual fee by changing the vessel length categories in fiscal years 1993 and 1994 and by repealing the fee entirely for fiscal year 1995. This rulemaking amended the RVF regulations to reflect this phased-out repeal of the annual fee.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/17/93	58 FR 8884

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/18/93	
Interim Final Rule Technical Amendment	03/17/94	59 FR 12549
Final Action Interim Final Rule Adopted As Final	04/29/94	59 FR 22129
Final Action Effective	04/29/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/29/94 (59 FR 22129)

**Agency Contact:** Carlton Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0979

**RIN:** 2115-AE32

**2666. BULK HAZARDOUS MATERIALS (92-100) AND NOXIOUS LIQUID SUBSTANCES LIST (92-100A)**

**Legal Authority:** 33 USC 1321; 33 USC 1903; 46 USC 1903; 46 USC 3306; 46 USC 3703

**CFR Citation:** 33 CFR 151; 46 CFR 30; 46 CFR 40; 46 CFR 98; 46 CFR 147; 46 CFR 150; 46 CFR 151; 46 CFR 153

**Legal Deadline:** None

**Abstract:** These actions added new bulk hazardous liquids and noxious liquid substances to the Code of Federal Regulations and made minor technical changes and corrections.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/93	58 FR 29890
NPRM Comment Period End	07/08/93	
Final; Bulk Hazardous Materials List	04/11/94	59 FR 16999
Final Action Noxious Liquid Substances List	04/11/94	59 FR 16985
Final Action Effective	05/11/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/11/94 (59 FR 16985)

**Additional Information:** The NPRMs of 5/24/93 inadvertently used RIN 2115-AC35, a previously completed action. There were two NPRMs published consecutively on 5/24/93 for action: Bulk Hazardous Materials started on

page 29890 and Noxious Liquid Substances on page 29940.

**Agency Contact:** Curtis Payne, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1577

**RIN:** 2115-AE35

**2667. AUTHORIZATION FOR NTSB OFFICIALS TO BE ALLOWED IN THE PILOTHOUSE OR ON THE NAVIGATION BRIDGE OF MERCHANT VESSELS WHILE UNDERWAY (CGD 91-023)**

**Legal Authority:** 33 USC 1321(j); 46 USC 3306; 46 USC 6101

**CFR Citation:** 46 CFR 78; 46 CFR 97

**Legal Deadline:** None

**Abstract:** This action amended regulations prescribing the type of officials that may be allowed in the pilothouse or on the navigation bridge of vessels while underway to include National Transportation Safety Board (NTSB) personnel. This access is necessary for marine accident investigations and familiarization of vessels, navigation procedures, and waterways.

**Timetable:**

Action	Date	FR Cite
NPRM	11/05/92	57 FR 52748
NPRM Comment Period End	12/21/92	
Final Action	04/08/94	59 FR 16778
Final Action Effective	05/09/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/08/94 (59 FR 16778)

**Additional Information:** The NPRM was inadvertently published under RIN 2115-AD85, a completed action. The correct RIN is 2115-AE38.

**Agency Contact:** Justine Bunnell, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0238

**RIN:** 2115-AE38

**2668. PROOF OF COMMITMENT TO EMPLOY ABOARD U.S. MERCHANT VESSELS (93-051)**

**Legal Authority:** 46 USC 2 03; 46 USC 7301; 46 USC 7701; 46 USC 10104

DOT-USCG

Completed Actions

**CFR Citation:** 46 CFR 12; 46 CFR 16

**Legal Deadline:** None

**Abstract:** This rulemaking amended regulations covering applicants for merchant mariners documents to eliminate the requirement that the applicant provide proof of a commitment of employment as a member of the crew of the United States merchant vessel. Because of new requirements pertaining to applicants of merchant mariner's documents, the requirement for proof of a commitment of employment is no longer necessary. This action will relieve applicants and employers of an unnecessary regulatory burden.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/93	58 FR 64278
NPRM Comment	02/04/94	
Period End		
Final Action	06/03/94	59 FR 28791
Final Action Effective	07/05/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis** Regulatory Evaluation  
06/03/94 (59 FR 28791)

**Agency Contact:** Justine Bunnell, Project Manager, G-MVP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-0238

**RIN:** 2115-AE54

**2669. BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS; INLAND NAVIGATION REGULATION (93-072)**

**Legal Authority:** 33 USC 1207; 33 USC 1231

**CFR Citation:** 33 CFR 26; 33 CFR 26.05; 33 CFR 162; 33 CFR 162.65

**Legal Deadline:** None

**Abstract:** This rulemaking corrected the regulatory wording of 33 CFR 26.05 and 33 CFR 162.65 to conform with the statutory language and intent of Congress.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/94	59 FR 16780
NPRM Comment	06/07/94	
Period End		
Final Action	08/05/94	59 FR 39962
Final Action Effective	10/04/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Jon Epstein, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-0352

**RIN:** 2115-AE66

**2670. EXPANSION OF SAFETY ZONE AT LOUISIANA OFFSHORE OIL PORT (93-080)**

**Legal Authority:** 33 USC 1501; 33 USC 1509(d); 33 USC 1221; 33 USC 1223(c)(1); 33 USC 1223(c)(2)

**CFR Citation:** 33 CFR 150

**Legal Deadline:** None

**Abstract:** The Department of Transportation and the Coast Guard are committed to the expansion of the existing safety zone at the Louisiana Offshore Oil Port (LOOP). LOOP petitioned the Coast Guard to make the current temporary excursion zone a permanent part of the existing safety zone. This will allow vessels arriving and departing from LOOP to navigate outside the existing fairway and will affect the ability to explore for or extract oil or gas from the subsoil in the area of the expansion. This was balanced against the potential for a catastrophic oil spill from a tank vessel operating at LOOP or from the LOOP facility in the event of a casualty at the deepwater port.

**Timetable:**

Action	Date	FR Cite
NPRM	02/17/94	59 FR 8096
NPRM Comment	03/21/94	
Period End		
Final Action	04/13/94	59 FR 17480
Correction to Final Rule	05/04/94	59 FR 23095
Final Action Effective	05/13/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/13/94 (59 FR 17480)

**Agency Contact:** LCDR Bud Hunt, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, 202 267-6826

**RIN:** 2115-AE69

**2671. • UPGRADES TO THE BULK HAZARDOUS MATERIALS TABLES (94-900)**

**Legal Authority:** 33 USC 1321; 33 USC 1903; 46 USC 1903; 46 USC 3306; 46 USC 3703

**CFR Citation:** 46 CFR 30; 46 CFR 150; 46 CFR 151; 46 CFR 153

**Legal Deadline:** None

**Abstract:** These actions assigned additional carriage requirements, a higher pollution category or both to certain commodities already listed in the tables and made minor technical changes and corrections.

**Timetable:**

Action	Date	FR Cite
Final Action	08/31/94	59 FR 45132
Final Action Effective	09/30/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Curtis Payne, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1577

**RIN:** 2115-AE73

**2672. • UPGRADES TO THE NOXIOUS LIQUID SUBSTANCES LIST (94-901)**

**Legal Authority:** 33 USC 1321; 33 USC 1903; 46 USC 1903; 46 USC 3306; 46 USC 3703

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

**Abstract:** This action added new substances recently authorized for carriage and made minor technical changes and corrections.

**Timetable:**

Action	Date	FR Cite
Final Action	08/31/94	59 FR 45146
Final Action Effective	09/30/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Curtis Payne, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1577

**RIN:** 2115-AE74

## DOT-USCG

## Completed Actions

**2673. • REGULATED NAVIGATION AREA; PROVIDENCE RIVER, PROVIDENCE, RI (01-93-030)**

**Legal Authority:** 33 USC 1231; 50 USC 191; 33 CFR 1.05-1(g); 33 CFR 6.04-1; 33 CFR 6.04-6; 33 CFR 160.5

**CFR Citation:** 33 CFR 165.122

**Legal Deadline:** None

**Abstract:** The Coast Guard is making the deep draft channel between Narragansett Bay entrance Lighted Horn Buoy NB (LLNR 17675) and Providence River Channel Light 42 (LLNR 18580, Fuller Rock Light) a Regulated Navigation Area. Action reduces hazard to navigation caused by shoaling in the channel.

**Timetable:**

Action	Date	FR Cite
NPRM	12/16/93	58 FR 65684
NPRM Comment Period End	01/18/94	
Final Action	04/19/94	59 FR 18487
Final Action Effective	05/01/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/19/94 (59 FR 18487)

**Agency Contact:** LT Walt Petig, Department of Transportation, U.S. Coast Guard, 20 Risho Avenue, East Providence, Rhode Island 02914, 401 435-2300

**RIN:** 2115-AE80

**2674. • DOCUMENTATION OF VESSELS (94-008)**

**Legal Authority:** 14 USC 664; 31 USC 9701; 42 USC 9118; 46 USC 2103; 46 USC 2107; 46 USC 2110; 46 app USC 841a; 46 app USC 876; 49 CFR 1.46

**CFR Citation:** 46 CFR 67

**Legal Deadline:** None

**Abstract:** This rulemaking clarified vessel documentation regulations by stating the citizenship requirements for trusts under current policy. It also corrected a cross-reference error

regarding mortgagee consent for exchange of certificates of documentation. Additionally, it incorporated statutory requirements concerning endorsements on certificates of documentation for dredges and towing vessels which were omitted in a recent amendment of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/94	59 FR 31580
NPRM Comment Period End	08/19/94	
Final Action	09/30/94	59 FR 49844
Final Action Effective	10/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** LCDR Don M. Wrye, Project Manager, G-MVI-5, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1492

**RIN:** 2115-AE83

## DEPARTMENT OF TRANSPORTATION (DOT)

## Prerule Stage

## Federal Aviation Administration (FAA)

**2675. SIGHTSEEING OPERATIONS**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321 et seq; EO 11514

**CFR Citation:** 14 CFR 91; 14 CFR 135

**Legal Deadline:** None

**Abstract:** FAA is seeking information on air tour and sightseeing operations

that are currently allowed to operate under less stringent regulations than those applied to other types of commercial operations. Over the past decade the number of these operations and the number of accidents and incidents associated with these operations have increased.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: AFS-91-012R

**Agency Contact:** Dan Meier, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3749

**RIN:** 2120-AF07

## DEPARTMENT OF TRANSPORTATION (DOT)

## Proposed Rule Stage

## Federal Aviation Administration (FAA)

**2676. +FUEL SYSTEM VENT FIRE PROTECTION**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would amend the airworthiness standards for transport category airplanes to require fuel vent system protection during post-crash ground fires. This proposed rule would apply to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes. This action is considered significant because

of substantial public interest and the safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

## DOT-FAA

## Proposed Rule Stage

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Docket 24251. Formerly entitled Implementation of SAFER Propulsion System Recommendations. Project No. ANM-82-050R.

**Agency Contact:** Mike McRae, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2116

**RIN:** 2120-AA49

### 2677. +REVISION OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

**Legal Authority:** 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427

**CFR Citation:** 14 CFR 67

**Legal Deadline:** None

**Abstract:** This notice would revise the medical standards and the medical certification procedures of the Federal Aviation Regulations. This action follows the completion of a comprehensive review of the medical standards which was announced in previous notices. If adopted, these revised standards for airman medical certification and associated administrative procedures will better provide for safety in the aviation system and reflect current medical knowledge, practice, and terminology. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which was used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51

FR 19040). RIN 2120-AB13 has been combined into this review. Project No. AAM-82-288R.

**Agency Contact:** Dennis P. McEachen, Special Projects Officer, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3428

**RIN:** 2120-AA70

### 2678. +REPAIR STATION AND REPAIRMEN CERTIFICATION RULES

**Legal Authority:** 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

**CFR Citation:** 14 CFR 43; 14 CFR 65; 14 CFR 145

**Legal Deadline:** None

**Abstract:** Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair station requirements and update the rules to reflect the current international and domestic environment and needs. The FAA has held four public meetings to solicit information and views to review the existing regulations and to explore alternatives in revising the rules of this part. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meetings	07/24/89	54 FR 30866
Notice Correction NPRM	08/08/89 03/00/95	54 FR 32563

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/00/95

**Additional Information:** Project No. AFS-87-045R. This project was formerly entitled Review and Revision of Repair Station Requirements.

**Agency Contact:** Leonard Culp, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8283

**RIN:** 2120-AC38

### 2679. +AIR CARRIER TRAINING PROGRAMS

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(f)

**CFR Citation:** 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would revise and upgrade the parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed upgraded part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project No. AFS-88-301R. Former title: "Parts 121 and 135--Training, Checking, Certification, and Qualifications Requirements."

**Agency Contact:** Gary Davis, Regulations Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3747

**RIN:** 2120-AC79

### 2680. +SOLE RADIO NAVIGATION SYSTEM; MINIMUM STANDARDS FOR CERTIFICATION

**Legal Authority:** 49 USC 1301(f); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

**CFR Citation:** 14 CFR 91

**Legal Deadline:** Final, Statutory, September 30, 1989.

DOT-FAA

Proposed Rule Stage

**Airway Safety and Capacity Expansion Act of 1987 (PL 100-223)**

**Abstract:** This action would establish minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft conducting Instrument Flight Rules en route and terminal area operations, including nonprecision approach, in controlled airspace in the United States. It was developed in response to the Airport and Airway Safety and Capacity Expansion Act of 1987. This rulemaking is considered significant because of a congressional mandate.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/22/90	55 FR 2206
ANPRM Comment Period End	05/22/90	
Next Action Undetermined		

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Additional Information:** Project No. AFS-89-215R. This project was formerly entitled Sole Means Radio Navigation System.

**Agency Contact:** James Crowling, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-5215

RIN: 2120-AD26

**2681. +FATIGUE TEST REQUIREMENTS FOR AGING AIRCRAFT**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 25**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations regarding the airworthiness standards for transport category airplanes and engines in parts 25, 33, and 35 of the Federal Aviation Regulations (FAR) and parallel provisions in parts 121 and 135

of the FAR. This rulemaking is considered significant because of substantial public interest.

**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

**Additional Information:** Project No. ANM-90-004R.

**Agency Contact:** Dick Kirsch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9565

RIN: 2120-AD43

**2682. +REVISION OF PART 108, AIRPLANE OPERATOR SECURITY**

**Legal Authority:** 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

**CFR Citation:** 14 CFR 108**Legal Deadline:** None

**Abstract:** This action would amend part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number ACS-87-107R.

**Agency Contact:** Karl Shrum, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3946

RIN: 2120-AD45

**2683. +REVISION OF PART 107, AIRPORT SECURITY**

**Legal Authority:** 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1358; 49 USC 1421; 49 USC 106(g)

**CFR Citation:** 14 CFR 107**Legal Deadline:** None

**Abstract:** This notice would propose to amend part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number ACS-87-106R.

**Agency Contact:** Robert Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7723

RIN: 2120-AD46

**2684. +ALTERNATIVE MEANS OF COMPLIANCE**

**Legal Authority:** 49 USC 1341(a); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 11**Legal Deadline:** None

**Abstract:** This action would revise the Federal Aviation Regulations to provide for the granting of relief from the literal compliance with certain rules provided the applicant justifies this relief and that the FAA finds that the provisions not complied with are compensated for by factors that have an equivalent level of safety or that there will be no adverse effect on safety. This action is considered significant because of a substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/00/95

**Additional Information:** Project Number ARM-90-045R. Formerly titled "Exemption Process."

DOT-FAA

Proposed Rule Stage

**Agency Contact:** Linda Williams, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9685

**RIN:** 2120-AD66

**2685. +CHILD RESTRAINT SYSTEMS**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would amend several sections of the Federal Aviation Regulations related to the seating and restraint of children in child restraint systems. It would propose to facilitate the use of more child restraint systems in aircraft, which would increase the safety of children aboard aircraft. This rulemaking is considered significant because of substantial public interest.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-90-323R.

**Agency Contact:** Danell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AD90

**2686. +REDUCED ALTITUDE SEPARATION**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; EO 11514; 49 USC 106(g); 49 USC 1321 et seq

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** In the 1950's, a vertical separation minimum of 2,000 feet was established for use between aircraft operating above flight level 290.

Reducing the 2,000-foot separation requirement to 1,000 feet would increase flight level availability, increase en route airspace capacity, enable aircraft to fly at more fuel efficient altitudes, and increase air traffic controller flexibility. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Public Meeting Notice	07/22/93	58 FR 39273
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: AFS-92-279R

**Agency Contact:** Roy Grimes, Technical Programs Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

**RIN:** 2120-AE51

**2687. +AIRPORT LAND USE COMPATIBILITY PLANNING—PROPOSED REVISIONS**

**Legal Authority:** 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1431; 49 USC 2101 to 2103(a); 49 USC 2104(a); 49 USC 2104(b); 49 USC 2201 et seq; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 150

**Legal Deadline:** None

**Abstract:** This action would revise the requirements for developing noise exposure maps and noise compatibility programs and submitting them for FAA approval. The revisions are intended to expedite and simplify the part 150 process. Under the revised process, the mandatory set of noise abatement measures which are presently required to be considered by each airport sponsor would be limited in scope depending on the characteristics of each airport and its surrounding community. The new process would be supported by appropriate guidance, training, review, standardization, and consultation requirements. This project is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/00/95

**Additional Information:** Project Number: AEE-90-410R.

**Agency Contact:** Alan V. Trickey, Policy and Regulations Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3496

**RIN:** 2120-AE64

**2688. +PILOT, FLIGHT INSTRUCTOR, GROUND INSTRUCTOR, AND PILOT SCHOOL CERTIFICATION RULES**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 61

**Legal Deadline:** None

**Abstract:** This action would update and revise part 61, Certification: Pilots and Flight Instructors; part 141, Pilots Schools; and part 143, Ground Instructors. In order to be more compatible with the current operating environment and evolving demands of the national airspace system, this action would update training, certification, and recency-of-experience requirements. It is considered significant because of substantial public interest in pilot and instructor certification and training issues.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project No.: AFS-90-025R. RIN 2120-AD59 entitled, "Operations Over the High Seas and Within the North Atlantic Minimum Navigation Performance Specification Airspace," has been incorporated into this document (previous Project No.: AFS-89-175R). The present action was formerly entitled "Part 61, Phase II."

DOT-FAA

Proposed Rule Stage

**Agency Contact:** John Lynch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; 202 267-3841

**RIN:** 2120-AE71

**2689. +ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PROGRAMS FOR EMPLOYEES OF FOREIGN AIR CARRIERS ENGAGED IN SPECIFIED AVIATION ACTIVITIES**

**Legal Authority:** 49 USC 1346; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 1511; 49 USC 1522; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 129

**Legal Deadline:** Final, Statutory, October 28, 1992.

Omnibus Transportation Employee Act of 1991

**Abstract:** The Omnibus Transportation Employee Testing Act of 1991 directs the FAA Administrator to prescribe regulations that require foreign air carriers to establish drug and alcohol testing programs for employees performing safety-sensitive aviation functions. These regulations must be consistent with the international obligations of the United States and take into consideration any applicable laws and regulations of foreign countries. Comments were invited on a variety of issues related to the application of drug and alcohol testing requirements to employees of foreign air carriers operating within the territory of the United States. This action was taken in lieu of a notice of proposed rulemaking to seek the public's view on a variety of issues and to obtain responses to questions that may arise in addressing drug and alcohol testing by foreign air carriers. This action is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/15/92	57 FR 59473
ANPRM Comment Period End	02/16/93	
ANPRM Comment Period Extended to	02/18/93	58 FR 8917
Next Action	04/01/93	
Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Additional Information:** Project Number: AAM-93-173R

**Agency Contact:** Julie B. Murdoch, Drug Abatement Division, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-6584

**RIN:** 2120-AE79

**2690. +MODE S TRANSPONDER REQUIREMENT FOR PART 135 OPERATORS**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would revise the Mode S transponder requirement for all aircraft operating under part 135 and certain aircraft operating under part 121 based on the expected availability of operational capabilities of Mode S ground sensors. For part 121 operators, the action would affect only those aircraft not required to have Traffic Alert and Collision Avoidance System II. An aviation rulemaking advisory committee has recommended that the FAA conduct a study of the installed Mode S ground sensor to determine the extent of the benefits derived and the costs involved in equipage. This action is a relieving action made necessary by the fact that ground sensors are not in place to support the requirement. Further, FAA is studying the need for Mode S transponders in Part 135 and certain Part 121 operations in light of the fact that transponders may not substantially increase ATC ability to view air traffic.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: AFS-92-297R. As this action merely involves a further extension of compliance date, it is not a rulemaking

requiring OMB review in the context of EO 12866. However, it is significant under DOT's regulatory policies and procedures.

**Agency Contact:** Daniel V. Meier, Jr., Airplane Rules and Aeronautical Information Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3749

**RIN:** 2120-AE81

**2691. +CIVIL PENALTY ASSESSMENT PROCEDURES**

**Legal Authority:** 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471 to 1473; 49 USC 1481; 49 USC 1482; 49 USC 1484 to 1489; 49 USC 1523; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2157(e); 49 USC 2157(f); 49 USC 2216; ...

**CFR Citation:** 14 CFR 13

**Legal Deadline:** None

**Abstract:** This action would revise the procedures for the assessment of civil penalties for violations of the Federal Aviation Regulations and other provisions. The procedures proposed would implement the requirements of the FAA Civil Penalty Administrative Assessment Act of 1992, as they modify the procedures for adjudicating a civil penalty against a person acting in the capacity of a pilot, flight engineer, mechanic, or repairman. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/94	59 FR 40192
NPRM Comment Period End	10/04/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/05/94 (59 FR 40192)

**Additional Information:** Project Number: AGC-93-076R

**Agency Contact:** Mardi Ruth Thompson, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3073

**RIN:** 2120-AE84

DOT—FAA

Proposed Rule Stage

**2692. +CORROSION CONTROL PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 122 in Part II of this issue of the Federal Register.

**RIN:** 2120-AE92

**2693. +ADVANCED QUALIFICATION PROGRAM**

**Legal Authority:** 49 USC 1301(7); 49 USC 1354(a); 49 USC 1303; 49 USC 1344; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2126; 49 USC 106(g)

**CFR Citation:** 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would codify SFAR 58, which established a voluntary, alternative method for the training, evaluation, certification, and qualification requirements of flight crewmembers, flight attendants, aircraft dispatchers, instructors, evaluators and other operations personnel subject to the training and qualification requirements of 14 CFR 121 and 135. The FAA developed this alternative method in response to recommendations made by representatives from the Government, airlines, aircrew professional organizations, and airline industry organizations. The SFAR is designed to improve aircrew performance and allows certificate holders to develop innovative training programs that incorporate the most recent advances in training methods and techniques. This rulemaking is significant because it would codify a new concept in air carrier training programs. There is substantial interest in this rulemaking in the air carrier industry.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Assessment

**Additional Information:** Project Number: AFS-93-120R

**Agency Contact:** John Allen, Air Carrier Training Office, Department of Transportation, Federal Aviation Administration, P. O. Box 20034,

Dulles International Airport, 703 661-0273

**RIN:** 2120-AF00

**2694. +REVISED ACCESS TO TYPE III EXITS**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 25; 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action would adjust recently adopted requirements for access to type III emergency exits in transport category airplanes with 60 or more passenger seats. The adjustments would reflect new data from tests conducted at the FAA's Civil Aeromedical Institute and are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: ANM-93-005R

**Agency Contact:** Gary Killion, Transport Airplane and Engine Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2114

**RIN:** 2120-AF01

**2695. +REVISION OF EMERGENCY EVACUATION DEMONSTRATION PROCEDURES TO IMPROVE PARTICIPANT SAFETY**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 25; 49 CFR 1.47

**Legal Deadline:** None

**Abstract:** This action would amend part 25 of the FAR by revising

Appendix J, Emergency Evacuation, to allow certain alternative procedures in conducting full-scale emergency evacuation demonstrations for transport category airplanes. These proposals are in response to recommendations from the Performance Standards Working Group of the Aviation Rulemaking Advisory Committee. The proposed changes, which are intended to make full-scale emergency evacuation demonstrations safer for participants and to codify existing practices, would also affect manufacturers and operators of transport category airplanes. This action is considered significant because of substantial public interest and safety implications.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-92-662A

**Agency Contact:** Franklin Tiangsing, Regulations Branch, ANM-114, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2121

**RIN:** 2120-AF21

**2696. +SUSPENSION OF CERTAIN AIRCRAFT OPERATIONS FROM THE TRANSPONDER WITH AUTOMATIC PRESSURE ALTITUDE REPORTING CAPABILITY REQUIREMENT**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1356; 49 USC 1401; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2120 to 2126; 49 USC 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action would extend and modify SFAR 62, issued December 5, 1990, which suspends the Mode C transponder requirement for operations to and from certain specific airports located within 30 miles of a Class B airspace primary airport. The operations and routings approved under SFAR 6 include routes within 2 nautical miles of the specified airports and at altitudes that were not excluded from the Mode C transponder requirement. Airports that are served primarily by aircraft required to install

DOT-FAA

Proposed Rule Stage

Traffic Alert and Collision Avoidance Systems are not included in this exception. This rulemaking was accomplished in 1990 because the scheduled radar system upgrades, required to provide Mode C transponder coverage, have not been placed into full service in all Class B sites. The present action would extend the current exclusions to those airports that have not received the improved radar coverage, and amend the exclusions provided airports that have received improved radar coverage through operational verification of the new radar systems.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/94	59 FR 43994
NPRM Correction	09/14/94	59 FR 47210
NPRM Comment Period Extended to 11/25/94	09/28/94	59 FR 49360
NPRM Comment Period End	10/11/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
08/25/94 (59 FR 43994)

**Additional Information:** Project Number: ATP-93-474R. As this action merely involves extension of a suspension of a requirement, it is not a rulemaking requiring OMB review in the context of EO 12866. However, it is significant under DOT's regulatory policies and procedures.

**Agency Contact:** Aaron Boxer, Air Traffic Branch, TCP-230, Airspace Rules and Aeronautical Info. Div., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9241

RIN: 2120-AF30

### 2697. +OPERATIONS OF JET AIRCRAFT IN COMMUTER SLOTS AT LAGUARDIA AIRPORT AND JOHN F. KENNEDY INTERNATIONAL AIRPORT

**Legal Authority:** 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1424; 49 USC 2451; 49 USC 106(g)

**CFR Citation:** 14 CFR 93**Legal Deadline:** None

**Abstract:** This proposal would amend the definition of commuter operator slots (i.e. allocated instrument flight

rules takeoff and landing reservations) at LaGuardia Airport and John F. Kennedy International Airport to expand the category of aircraft that may be used in those slots. This proposal is in response to a petition for rulemaking from Business Express, Inc. This action is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/94**Additional Information:** Project  
Number: AGC-93-090P

**Agency Contact:** Patricia Lane, Airspace and Air Traffic Law Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

RIN: 2120-AF31

### 2698. • +PROCEDURES FOR COMPLAINTS INVOLVING FEDERALLY ASSISTED AIRPORTS

**Legal Authority:** 49 USC 1354(a) to 1354(c); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471 to 1473; 49 USC 1481 to 1483; 49 USC 1484 to 1489; 49 USC 1523; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2157(e) to 2157(f); 49 USC 2216; 49 USC 2218; 49 USC 2219; 49 USC 106(g)

**CFR Citation:** 14 CFR 13; 14 CFR 16**Legal Deadline:** None

**Abstract:** This action would establish rules of practice for the filing of complaints and adjudication of compliance matters involving federally assisted airports. This action is intended to expedite substantially the handling and disposition of airport-related complaints, and to provide an efficient process for the agency to resolve disputes between air carriers and airport proprietors regarding whether airport fees and charges comply with Federal requirements. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/94	59 FR 29880
Proposed Policy Notice	06/09/94	59 FR 29874
NPRM Comment Period End	08/08/94	
NPRM Comment Period Extended to 09/15/94	08/10/94	59 FR 41192
Proposed Policy Comment Period Extended to 09/15/94	08/10/94	59 FR 41194
NPRM Partial Withdrawal and Comment Period Extended	09/16/94	59 FR 47568
Proposed Policy Notice Comment Period Extended	09/16/94	59 FR 47668
NPRM Comment Period Extended to	12/01/94	
Proposed Policy Notice Comment Period End	12/01/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
06/09/94 (59 FR 29880)

**Additional Information:** A notice of public meeting was published June 29, 1994 (59 FR 33567), in connection with the proposed policy notice. Intent to issue a supplemental notice was published September 16, 1994 (59 FR 47668). The NPRM-proposed special procedures for handling of airport fee complaints (subpart J) were withdrawn and will be handled in separate rulemaking under a new RIN.

**Agency Contact:** Barry Molar, Airport Law Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3473

RIN: 2120-AF43

### 2699. • +OVERFLIGHTS OF UNITS OF THE NATIONAL PARK SYSTEM

**Legal Authority:** 49 USC app 1302; 49 USC app 1304; 49 USC app 1346 to 1348; 49 USC app 1431; EO 11991

**CFR Citation:** 14 CFR 91; 14 CFR 135**Legal Deadline:** None

**Abstract:** Public comment has been sought on general policy and specific recommendations for voluntary and regulatory actions to address the effects of aircraft overflights on national parks.

DOT—FAA

Proposed Rule Stage

The Federal Aviation Administration and the National Park Service will cooperate in developing measures to resolve current noise impacts and prevent potential future impacts from overflights at national parks. This action is considered significant because of substantial public interest and substantial interest of another Government agency.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/17/94	59 FR 12740
ANPRM Correction	04/01/94	59 FR 15350
ANPRM Comment Period End	06/15/94	
ANPRM Comment Period Extended to 07/15/94	06/20/94	59 FR 31883
Next Action Undetermined		

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** David L. Bennett, Office of Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3473

**RIN:** 2120-AF46**2700. COMPOSITE PROPELLERS**

**Legal Authority:** 49 USC 1354(a); 49 USC 1421; 49 USC 1423; 49 USC 106(g)

**CFR Citation:** 14 CFR 35**Legal Deadline:** None

**Abstract:** This notice would revise part 35 of the Federal Aviation Regulations to add requirements for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
12/00/94

**Additional Information:** Formerly entitled "Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction." Project No. ANE-83-002R.

**Agency Contact:** Marty Buckman, Aerospace Engineer, Department of

Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

**RIN:** 2120-AB05**2701. REVIEW OF PART 47, AIRCRAFT REGISTRATION, AND PART 49, RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS**

**Legal Authority:** 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 47; 14 CFR 49**Legal Deadline:** None

**Abstract:** This notice would propose to update parts 47 and 49 of the Federal Aviation Regulations to reflect changes in the law, legal interpretations, other recent rulemaking actions, and the FAA's current aircraft registry practices. The intent of these proposed changes is to articulate, modernize, and simplify the existing regulations rather than alter established procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project Number AVN-89-201R.

**Agency Contact:** Agnes Jones, Aviation Standards National Field Office, Department of Transportation, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125, 405 680-7357

**RIN:** 2120-AC17**2702. INSTALLATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; PL 100-591

**CFR Citation:** 14 CFR 25

**Legal Deadline:** NPRM, Statutory, February 3, 1989.

Public Law 100-591, Aviation Safety Research Act of 1988.

**Abstract:** This preliminary action was initiated to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture resistant and which disconnect and seal in the event of an accident. This notice solicited public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM Comment Period End	10/30/89	
Next Action Undetermined		

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Additional Information:** Project No. ANM-89-005R.

**Agency Contact:** Mike McRae, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2133

**RIN:** 2120-AC87**2703. MAINTENANCE RECORDKEEPING REQUIREMENTS**

**Legal Authority:** 49 USC 1354(a); 49 USC 1421 to 1430; 49 USC 1502

**CFR Citation:** 14 CFR 91; 14 CFR 121**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations regarding the airworthiness standards for transport category airplanes and engines in parts 25, 33, and 35 of the Federal Aviation Regulations (FAR) and parallel provisions in parts 121 and 135 of the FAR.

**Timetable:** Next Action Undetermined**Small Entities Affected:** None

## DOT—FAA

## Proposed Rule Stage

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-92-625R.

**Agency Contact:** Bill Henry, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3804

**RIN:** 2120-AD25

#### 2704. HIGH INTENSITY RADIATED FIELDS PROTECTION STANDARDS FOR AIRCRAFT ELECTRICAL AND ELECTRONIC SYSTEMS

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations regarding the airworthiness standards for transport category airplanes and engines in parts 25, 33, and 35 of the Federal Aviation Regulations (FAR) and parallel provisions in parts 121 and 135 of the FAR.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AIR-89-180R. This project was formerly entitled "Requirements for Aircraft Protection in High Energy Radiated Electromagnetic Fields."

**Agency Contact:** William J. (Joe) Sullivan, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9554

**RIN:** 2120-AD32

#### 2705. 1-G STALLING SPEED AS A BASIS FOR COMPLIANCE WITH PART 25 OF THE FEDERAL AVIATION REGULATIONS

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421;

49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 25; 14 CFR 36

**Legal Deadline:** None

**Abstract:** This action would amend the Federal Aviation Regulations to redefine the airplane reference stalling speed as the 1-g stalling speed in lieu of the minimum stalling speed. It would: (1) provide for a consistent, repeatable reference stalling speed; (2) ensure consistent and dependable maneuvering margins; (3) clarify the requirement for the use of 1-g stalling speeds in determining structural design speeds; (4) increase the head-on gust structural design requirement; and (5) provide for adjusted multiplying factors to maintain essentially equivalent requirements in areas where the use of minimum stalling speed has proven adequate. These changes are needed since the stalling characteristics of modern jet transports as determined by current methods can result in inconsistent reference stalling speeds. These changes may result in a higher level of safety where current methods have resulted in artificially low reference stalling speeds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/00/95

**Additional Information:** Project No. ANM-86-041R.

**Agency Contact:** James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2131

**RIN:** 2120-AD40

#### 2706. COST OF SERVICES AND TRANSFER OF FEES TO PART 187 FROM PARTS 47, 49, 61, 63, 65, AND 143

**Legal Authority:** 49 USC 1341; 49 USC 1343; 49 USC 1344; 49 USC 1346; 49 USC 1348; 49 USC 1354; 49 USC 1355; 49 USC 106(g)

**CFR Citation:** 14 CFR 47; 14 CFR 49; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 143; 14 CFR 187.

**Legal Deadline:** None

**Abstract:** This action would assess reasonable charges for certain services provided by the FAA. The charges would be set at a level approximating the cost to the Government to provide these services and would be adjusted periodically as the cost of these services change or as prescribed in the Anti-Drug Abuse Act of 1988. The cost of providing services for aircraft registration and recording and replacement of airmen certificates is not being fully recouped in accordance with the changes reflected in the Consumer Price Index of All Urban Consumers, which was published by the Bureau of Labor Statistics of the Department of Labor, or as set by the Anti-Drug Abuse Act of 1988. This rulemaking would also consolidate all service fees by placing them in part 187 of the Federal Aviation Regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number AVN-90-347R.

**Agency Contact:** Earl F. Mahoney, Registry Modernization Staff, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125-4939, 405 680-7357

**RIN:** 2120-AD91

#### 2707. VISUAL DESCENT POINTS

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This notice would propose to incorporate visual descent point (VDP) requirements into Part 135 of the Federal Aviation Regulations (FAR). In addition, this notice would amend the VDP requirements in Part 121 of the

DOT—FAA

Proposed Rule Stage

FAR to be consistent with the VDP requirements in Part 135 of the FAR.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/00/94

**Additional Information:** Project Number AFS-91-206R.

**Agency Contact:** Larry Youngblut, Regulations Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

**RIN:** 2120-AE34

**2708. ACCESS INTO THE COCKPIT**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action would to revise part 121 of the Federal Aviation Regulations by allowing air traffic control specialists to ride on the cockpit jumpseat in nonpassenger-carrying air carrier operations. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-91-207R.

**Agency Contact:** Donell Pollard, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AE35

**2709. AIRPORT RUNWAY INCURSION**

**Legal Authority:** 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

**CFR Citation:** 14 CFR 139

**Legal Deadline:** None

**Abstract:** This action would amend part 139 of the Federal Aviation Regulations by incorporating additional requirements regarding distance-remaining markers and other signs at airports.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/00/95

**Additional Information:** Project Number AAS-91-205R.

**Agency Contact:** William Deloach, Airport Safety and Compliance Branch, Office of Aviation Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8723

**RIN:** 2120-AE38

**2710. NON-FEDERAL NAVIGATION FACILITIES**

**Legal Authority:** 49 USC 1343; 49 USC 1348; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 171

**Legal Deadline:** None

**Abstract:** This action would amend part 171 to require the same specifications for non-Federal facilities as are required for FAA facilities. The amendment would consolidate subparts which would allow for easier use and access.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project Number: ASM-92-254R

**Agency Contact:** Ronald Jennings, Technical Standards Branch, Systems Maintenance Service, Department of

Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7911

**RIN:** 2120-AE54

**2711. PERSONS AUTHORIZED TO PERFORM MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATIONS**

**Legal Authority:** 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 43

**Legal Deadline:** None

**Abstract:** This action would amend the maintenance rules to allow, under certain conditions, properly trained pilots of rotorcraft and small (nine passengers or less) airplanes that are used in on-demand types of air carrier or commercial operations to perform certain preventive maintenance tasks on their aircraft. It also would add to the definition of preventive maintenance the removal and installation of approved seats, litters, and doors, and the removal and replacement of medical oxygen bottles under certain conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project No.: AFS-92-070R.

**Agency Contact:** Ed Ortiz, Aircraft Maintenance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3806

**RIN:** 2120-AE57

**2712. JAR/FAR HARMONIZATION INITIATIVES—SYSTEMS AND EQUIPMENT**

**Legal Authority:** 49 USC 1344; 49 USC 1354(c); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

DOT—FAA

Proposed Rule Stage

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. Upon further evaluation, the FAA considers this rulemaking effort nonsignificant. The proposed revisions would simply reduce the regulatory burden on U.S. and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in a different country.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/94	59 FR 37620
NPRM Comment Period End	11/21/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 07/22/94 (59 FR 37620)**Additional Information:** Project No.: ACE-94-288A.

**Agency Contact:** John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6930

**RIN:** 2120-AE59**2713. JAR/FAR HARMONIZATION INITIATIVES—PROPULSION**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 23**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations

to the Director, Aircraft Certification Service, regarding the Airworthiness standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. Upon further evaluation, the FAA considers this rulemaking effort nonsignificant. The proposed revisions would simply reduce the regulatory burden on U.S. and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in a different country.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/94	59 FR 33822
NPRM Comment Period End	10/28/94	
Final Action	12/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 06/30/94 (59 FR 33822)**Additional Information:** Project No.: ACE-94-287A.

**Agency Contact:** John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64016, 816 426-6930

**RIN:** 2120-AE60**2714. JAR/FAR HARMONIZATION INITIATIVES—FLIGHT**

**Legal Authority:** 49 USC 134; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 23**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. Upon further evaluation, the FAA considers this rulemaking effort

nonsignificant. The proposed revisions would simply reduce the regulatory burden on U.S. and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in a different country.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/94	59 FR 37878
NPRM Comment Period End	11/22/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 07/25/94 (59 FR 37878)**Additional Information:** Project No.: ACE-94-286A.

**Agency Contact:** John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6930

**RIN:** 2120-AE61**2715. JAR/FAR HARMONIZATION INITIATIVES—AIRFRAME**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 23**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. Upon further evaluation, the FAA considers this rulemaking effort nonsignificant. The proposed revisions would simply reduce the regulatory burden on U.S. and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in a different country.

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**Timetable:**

Action	Date	FR Cite
NPRM	07/08/94	59 FR 35196
NPRM Comment Period End	11/07/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 07/08/94 (59 FR 35196)  
**Additional Information:** Project Number: ACE-94-285A.

**Agency Contact:** John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-8930  
**RIN:** 2120-AE62

**2716. PART 71 REVIEW: AIRSPACE DESIGNATIONS**

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g); PL 97-449  
**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** The Federal Aviation Administration will review the various types of airspace designations under part 71 to determine which types can be processed under an informal and streamlined process, yet in concert with the Administrative Procedure Act.

**Timetable:** Next Action Undetermined  
**Small Entities Affected:** None

**Government Levels Affected:** None  
**Additional Information:** Project Number: ATP-92-286R

**Agency Contact:** Bill Mosley, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9251  
**RIN:** 2120-AE65

**2717. STAGE 2 AIRPLANE OPERATIONS IN HAWAII**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1356; 49 USC 1401; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2126; 49 USC 2157; 49 USC 2158

**CFR Citation:** 14 CFR 91  
**Legal Deadline:** None

**Abstract:** This action would revise the airplane operating rules to provide reporting requirements for operators of Stage 2 airplanes in Hawaii. These revisions would require any U.S. operator or foreign air carrier that operated Stage 2 airplanes in Hawaii on November 5, 1990, to include certain information in its annual progress reports to the FAA.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/95	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 06/00/95  
**Additional Information:** Project Number: AEE-92-265R

**Agency Contact:** Alan V. Trickey, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3496  
**RIN:** 2120-AE83

**2718. STATE BLOCK GRANT PROGRAM**

**Legal Authority:** 49 USC 2201; 49 USC 2227

**CFR Citation:** 14 CFR 156

**Legal Deadline:** None

**Abstract:** This action would amend the regulations which implement the recent reauthorization by Congress of the State block grant pilot program under the Airport Improvement Program. The amendment to the regulations provides guidance to the participating States regarding administrative procedures for the 4-year extension of the pilot program.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 10/00/94  
**Additional Information:** Project Number: APP-93-513R

**Agency Contact:** Mark Beisse, Office of Airport Planning and Programming, Airports Financial Assistance Division,

Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8826  
**RIN:** 2120-AE90

**2719. NASHVILLE, TN, CLASS B AIRSPACE**

**Legal Authority:** 49 USC 1348(a); 49 USC 1510; 49 USC 106(g); EO 10854  
**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This notice proposes to establish Nashville Class B airspace and revoke Nashville Class C airspace in Tennessee. The Nashville Class B Airspace would consist of an area up to and including 8,000 feet mean sea level from the surface or higher within a 27-mile radius of the Nashville International Airport. This action is intended to increase the capability of the air traffic control system to separate aircraft in the terminal airspace around the Nashville International Airport.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 10/00/94  
**Additional Information:** Project Number: ATP-93-361T

**Agency Contact:** Patricia Crawford, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9255

**RIN:** 2120-AE93

**2720. NIAGARA FALLS**

**Legal Authority:** 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2451 et seq; 49 USC 106(g)

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** The FAA is evaluating comments from a public meeting to determine whether to propose rulemaking to implement special flight rules in the vicinity of Niagara Falls, New York.

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**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project  
Number: ATP-93-155R

**Agency Contact:** Melodie M. DeMarr, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9247

**RIN:** 2120—AE95

**2721. CINCINNATI, OH, CLASS B AIRSPACE**

**Legal Authority:** 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

**CFR Citation:** 14 CFR 11

**Legal Deadline:** None

**Abstract:** This action would alter the Cincinnati, OH, Terminal Control Area (TCA) to redefine the airspace around the Cincinnati/Northern International Airport. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project  
Number: ATP-93-476T

**Agency Contact:** Norman W. Thomas, Airspace and Obstruction Evaluation Branch, Airspace Rules & Aeronautical Info Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9230

**RIN:** 2120—AE97

**2722. FLIGHT ATTENDANT ENGLISH LANGUAGE PROFICIENCY**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401

to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321 et seq; EO 11514; ...

**CFR Citation:** 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** FAA is seeking information on a variety of issues related to flight attendant English language proficiency. The FAA is considering whether to require air operators to establish a program to ensure that flight attendants are able to communicate effectively in English and understand enough English so as to be able to perform safety-related duties.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/18/94	59 FR 18456
ANPRM Comment	07/18/94	
Period End		
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Project  
Number: AFS-93-745A

**Agency Contact:** Donell Pollard, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3735

**RIN:** 2120—AE98

**2723. FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 114514

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would codify the Federal Aviation Administration's policy not to use information from voluntary Flight Operational Quality Assurance programs in any enforcement actions taken against operators or pilots. The proposed amendment responds to industry groups that have been reluctant to

participate. These programs benefit aviation safety by providing information that can lead to improvements in training and operations.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project  
Number: AFS-93-154R

**Agency Contact:** Dan Meier, Flight Standards Service, Regulations Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3789

**RIN:** 2120—AF04

**2724. SIMULATOR INSTRUCTOR—MEDICAL CERTIFICATES**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 13

**Legal Deadline:** None

**Abstract:** This rule would amend the training and testing requirements for check airmen and flight instructors who perform their functions in training programs conducted by part 121 and part 135 certificate holders. The proposed amendments are needed to allow check airmen and flight instructors who perform their functions only in flight simulators and flight training devices to do so without having to possess a current medical certificate. The proposed amendments are also needed to make these regulations compatible with proposed regulations for simulator training centers and with the regulations for advanced qualification training programs. Upon reevaluation by FAA, it was determined that this action is not considered significant.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project  
Number: AFS-92-747A

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**Agency Contact:** Tom Toula, Air Carrier Training Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3718

**RIN:** 2120-AF08

**2725. CHANGES IN TYPE DESIGN OF HELICOPTERS**

**Legal Authority:** 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1432; 49 USC 1502; 49 USC 1651(b)(2); 49 USC 7272; 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

**Abstract:** This action would provide an exclusion for the attachment, or removal, of external equipment for specific purposes from the existing noise certification requirements for changes in type design of helicopters.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/00/95

**Additional Information:** Project Number: AEE-93-558R

**Agency Contact:** Kenneth Jones, Technical Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 10592, 202 267-3554

**RIN:** 2120-AF10

**2726. LOS ANGELES, CA, CLASS B AIRSPACE**

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This action will propose to alter the Los Angeles, CA, Class B airspace area. This action would lower certain ceilings while raising others to provide more visual flight rules altitudes to circumnavigate the Los Angeles Class B airspace and to provide

for better containment of arrival turbojets. This action is intended to improve safety while providing the most efficient use of the terminal airspace.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: ATP-94-035T

**Agency Contact:** Norman W. Thomas, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9250

**RIN:** 2120-AF16

**2727. ORLANDO, FL, CLASS B AIRSPACE**

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This action will propose to alter the Orlando, FL, Class B airspace area. This action would maintain the altitude of the upper limit of the Class B airspace area at 10,000 feet mean sea level and redefine several existing subareas to improve safety while providing the most efficient use of the terminal airspace.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: ATP-94-150T

**Agency Contact:** Lewis W. Still, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591, 202 267-9250

**RIN:** 2120-AF17

**2728. TAMPA, FL, CLASS B AIRSPACE**

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This action will propose to alter the Tampa, FL, Class B airspace area. This action would maintain the altitude of the upper limit of the Class B airspace area at 10,000 feet mean sea level and redefine several existing subareas to improve air traffic procedures. The goal of this action is to improve safety while providing the most efficient use of the terminal airspace.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: ATP-94-151T

**Agency Contact:** Lewis W. Still, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9250

**RIN:** 2120-AF18

**2729. MINIMUM ALTITUDES FOR THE USE OF AN AUTOPILOT**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action will propose to amend regulations governing the use of approved flight control guidance systems with automatic capability (autopilot). The current regulations

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prohibit the use of an autopilot at altitudes less than 500 feet above ground level during the takeoff and initial climb phases of flight. The FAA proposes to amend the regulations to permit air carriers to take advantage of technological improvements in the capabilities of autopilot systems and thus enhance safety by decreasing pilot workload during the critical takeoff phase of flight.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project  
Number: AFS-92-608R

**Agency Contact:** Richard A. Temple, Technical Programs Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-5824

**RIN:** 2120-AF19

### 2730. RALEIGH/DURHAM, NC, CLASS B AIRSPACE

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This action will propose to establish the Raleigh/Durham Class B airspace area and revoke the Class C airspace area in North Carolina. The purpose of the proposed establishment of a Class B airspace at Raleigh/Durham is to improve the degree of safety while providing the most efficient use of the terminal airspace.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Additional Information:** Project  
Number: ATP-93-578T

**Agency Contact:** Patricia Crawford, Airspace and Obstruction Evaluation

Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9250

**RIN:** 2120-AF20

### 2731. REVISION OF CERTIFICATION REQUIREMENTS: MECHANICS AND REPAIRMEN

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 65; 14 CFR 66

**Legal Deadline:** None

**Abstract:** This action would revise the Federal Aviation Regulations that prescribe the certification and training requirements for mechanics and repairmen. Current regulations prescribing these certification requirements do not reflect the significant technological advances that have occurred in the aviation industry and the enhancements in training and instructional methods that have affected all aviation maintenance personnel. The proposed rule would consolidate and clarify 11 certification, training, experience, and currency requirements for aviation maintenance personnel in a newly established Part 66. The proposal would enhance aviation safety by establishing new training programs for aviation maintenance personnel and would decrease the regulatory burden on these personnel by providing alternatives for meeting experience and currency requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/94	59 FR 42430
NPRM Comment Period End	10/17/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/17/94 (59 FR 42430)

**Additional Information:** Project  
Number: AFS-92-623

**Agency Contact:** Leslie Vipond, Aircraft Maintenance Service, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591, 202 267-3269

**RIN:** 2120-AF22

### 2732. AVIATION INSURANCE

**Legal Authority:** 49 USC 1531 to 1543; 4 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 198

**Legal Deadline:** None

**Abstract:** This rulemaking would revise and update the aviation insurance requirements. This action is being taken to reflect current legislative language, to be current with industry practices, to reflect industry concerns, and to recapture administrative expenses incurred. This action will clarify the language and make it conform with the current legislative language and intent.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/00/94

**Additional Information:** Project  
Number: APO-93-512R

**Agency Contact:** Scott Hubbard, Office of Policy, Plans, and Management Analysis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3090

**RIN:** 2120-AF23

### 2733. REVISED DISCRETE GUST LOAD DESIGN REQUIREMENT; TRANSPORT CATEGORY AIRPLANES

**Legal Authority:** 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1421 to 1431; 49 USC 1432; 49 USC 1442; 49 USC 143; 49 USC 1472; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 106(g); ...

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action would revise the gust load design requirements of the Federal Aviation Regulations. The proposed changes would: (1) replace the current discrete gust requirement with a new requirement for a discrete tuned gust; (2) modify the method of establishing the design airspeed for

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maximum gust intensity; and, (3) provide for an operational rough air speed. These changes are proposed in order to provide a more rational basis to account for the aerodynamic and structural dynamic characteristics of the airplane. These proposed changes would also provide for harmonization of the discrete gust requirements with the Joint Aviation Requirements of Europe as recently amended.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/94	59 FR 47756
NPRM Comment Period End	12/15/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number: ANM-93-759A

**Agency Contact:** James R. Haynes, Airframe and Propulsion Branch, ANM-112, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2112

**RIN:** 2120-AF27

**2734. ADVANCED SIMULATION PLAN REVISIONS**

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This proposal would revise certain requirements of the Advanced Simulation Plan for air carriers to allow certain initial training for second-in-command pilots to be conducted in simulators; to redefine some of the experience and training required for an upgrade from second-in-command to pilot-in-command; and to remove the current 1-year employment requirement for instructor and check airmen used in advanced simulation training programs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project Number: AFS-94-005R

**Agency Contact:** Gary Davis, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AF29

**2735. FUTURE HARMONIZED ROTORCRAFT RULEMAKING; NORMAL CATEGORY MAXIMUM WEIGHT**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** The FAA announced a public meeting to discuss the use of Aviation Rulemaking Advisory Commission procedures in future harmonized rulemaking. One specific rulemaking that will be discussed is a proposed increase in the current maximum gross weight limitation of 6,000 pounds for certification as a normal category rotorcraft.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meeting	02/05/94	59 FR 554
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Eric Bries, Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, Department of Transportation, Federal Aviation Administration, ASW-110, FAA, Fort Worth, TX 76193-0110, 817 222-5110

**RIN:** 2120-AF33

**2736. • EMERGENCY MEDICAL KITS: PROTECTIVE GLOVE REQUIREMENT**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This proposal would amend the contents requirements of emergency medical kits to require air carriers to provide sufficient numbers of barriers to blood-borne diseases aboard aircraft. This rulemaking is made necessary by the increasing number of diseases that are transmitted through the transfer of blood. The Federal Aviation Administration recognizes that crewmembers and other persons treating passengers aboard aircraft require adequate protection from the possibility of the transmission of blood-borne diseases.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Project No: AFS-94-479R

**Agency Contact:** Dan Meier, Regulations Branch, AFS-240, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3749

**RIN:** 2120-AF37

**2737. • POWERPLANT INSTRUMENTS; FUEL PRESSURE INDICATION**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This action would amend the certification requirement for fuel pressure indicators on pump-fed engines to permit other regulatory alternatives to warn pilots of imminent fuel pressure loss. A fuel pressure indicator is not the only means currently available in the marketplace to warn the pilot of a fuel pump failure. The proposed change would allow manufacturers to utilize new technology to improve operation, economy, and engine life.

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Timetable:

Action	Date	FR Cite
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NPRM 10/00/94  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 10/00/94  
**Additional Information:** Project No: ACE-94-266A This is a recommendation of the Aviation Rulemaking Advisory Committee, received February 15, 1994; accepted March 8, 1994.  
**Agency Contact:** J. Lowell Foster, Standards Office, ACE-112, Airplane Certification Service, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688  
**RIN:** 2120-AF41

2738. • SENSITIVE SECURITY INFORMATION

**Legal Authority:** 49 USC 1354; 49 USC 1356 to 1358; 49 USC 1358(a); 49 USC 1358(b); 49 USC 1358(c); 49 USC 1358(d); 49 USC 1421; 49 USC 106(g); 49 USC 322  
**CFR Citation:** 14 CFR 107 to 109; 14 CFR 121; 14 CFR 191  
**Legal Deadline:** None  
**Abstract:** The FAA proposes to strengthen the rules protecting information from release to unauthorized persons. This proposed rule would specify all sensitive security information that must be protected and would require air carriers, airport operators, indirect air carriers, foreign air carriers, and individuals to be responsible for protecting it from disclosure to unauthorized persons.

Timetable:

Action	Date	FR Cite
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NPRM 10/00/94  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation  
**Additional Information:** Project No.: ACS-94-221R  
**Agency Contact:** Eugene Cunningham, Office of Aviation Security Policy and Planning, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8701  
**RIN:** 2120-AF49

DEPARTMENT OF TRANSPORTATION (DOT)  
 Federal Aviation Administration (FAA)

Final Rule Stage

2739. +AIRCRAFT FLIGHT SIMULATOR USE IN PILOT TRAINING, TESTING, AND CHECKING AND AT TRAINING CENTERS

**Regulatory Plan:** This entry is Seq. No. 123 in Part II of this issue of the Federal Register.  
**RIN:** 2120-AA83

2740. +IMPROVED STANDARDS FOR DETERMINING REJECTED TAKEOFF AND LANDING PERFORMANCE

**Legal Authority:** 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449  
**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 135; 14 CFR 1; 14 CFR 91  
**Legal Deadline:** None  
**Abstract:** This notice proposed to amend parts 25, 121, and 135 of the Federal Aviation Regulations to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways. As a result of extensive review and due to the increasing emphasis on harmonizing certification standards with the Joint Aviation Authorities (JAA) of Europe, the NPRM of 11/30/87

was withdrawn and a revised one published. This rulemaking is significant because of substantial public interest in both the United States and Europe.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45578
NPRM Comment Period End	03/30/88	
NPRM Withdrawn	07/02/93	58 FR 36116
Second NPRM	07/08/93	58 FR 36738
Second NPRM Comment Period End	11/05/93	
Final Action	06/00/95	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 07/08/93 (58 FR 36738)

**Additional Information:** This project was formerly entitled "Standards for Approval of a Wet Runway Reduced V1 Methodology and Improved Takeoff and Landing Braking Performance." Project Number ANM-83-030R.

**Agency Contact:** Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain

Region; 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-1129  
**RIN:** 2120-AB17

2741. +ELIMINATION OF AIRPORT DELAYS

**Legal Authority:** 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

**CFR Citation:** 14 CFR 93  
**Legal Deadline:** None  
**Abstract:** This proposed rule is designed to alleviate increased delays throughout the air traffic system and is considered significant because of its involvement with important Department of Transportation policies.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082
NPRM Comment Period End	09/04/84	
Next Action	Undetermined	

**Small Entities Affected:** None  
**Government Levels Affected:** Undetermined  
**Analysis:** Regulatory Evaluation 08/20/84 (49 FR 33082)  
**Additional Information:** Docket No. 24206.

DOT—FAA

Final Rule Stage

**Agency Contact:** David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491  
**RIN:** 2120-AB42

**2742. +PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:** 14 CFR 119; 14 CFR 121; 14 CFR 125; 14 CFR 127; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action proposed to amend the Federal Aviation Regulations to update, clarify, and consolidate into one part, new part 119, the certification and operations specifications requirements for persons who conduct passenger-carrying or cargo-carrying air operations for compensation or hire. Significant changes included defining what must be included in operations specifications; defining "scheduled" and "domestic" operations; increasing the lead-time period for application for a certificate; defining a "wet lease" operation; including in the regulations criteria to determine who has operational control of an operation; and standardizing the requirements and qualifications for management personnel. This action is needed to establish permanent minimum safety standards following the "sunset" of the Civil Aeronautics Board on December 31, 1984, and the enactment of the Airline Deregulation Act of 1978. This action would also replace SFAR 38, as amended, which has provided interim certification and operations specifications regulation. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39852
NPRM Comment Period End	01/10/89	
Comment Period Reopened To	04/17/90	55 FR 14404
	05/17/90	

Action	Date	FR Cite
SNPRM Comment Period End	06/08/93	58 FR 32248
Final Action	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 06/08/93 (58 FR 32248)

**Additional Information:** Project No. AFS-84-190R. The FAA determined that the SNPRM propose a different definition for "scheduled operation."

**Agency Contact:** Gary Davis, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3750

**RIN:** 2120-AC08

**2743. +FLIGHT ATTENDANT REQUIREMENTS**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** The current regulations need to be revised to account for the changed operational practices stemming from airline economic deregulation. This proposal would clarify or change the number of flight attendants required when passengers are on board an airplane, including at stops. This proposal includes two new requirements: (1) a revision of the reduced number of flight attendants which, under certain conditions, a carrier is permitted to have on board a passenger-carrying airplane during stops; and (2) a requirement for a demonstration of competency by the other authorized persons who may be permitted to be substituted for required flight attendants when passengers are on board the airplane during stops. This proposal would change the current rule by clarifying and specifying the training required to be completed by these other authorized persons. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15134
NPRM Comment Period End	07/13/89	
Final Action	06/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/14/89 (54 FR 15134)

**Additional Information:** Project No. AFS-86-077R.

**Agency Contact:** Gary Davis, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3735

**RIN:** 2120-AC32

**2744. +TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This notice proposed to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to passenger seating allowed for each exit type, and the type and number of exits required for passenger seating configurations. This notice proposed to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington, on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/90	55 FR 6344
NPRM Comment Period End	08/21/90	
Final Action	10/00/94	

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Final Rule Stage

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 02/22/90 (55 FR 6344)  
**Additional Information:** Project No. ANM-87-006R.  
**Agency Contact:** Franklin Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2121  
**RIN:** 2120-AC43

**2745. +IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS**  
**Legal Authority:** 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502  
**CFR Citation:** 14 CFR 121; 14 CFR 135  
**Legal Deadline:** NPRM, Statutory, June 28, 1988.  
 PL 100-223, Section 303, Airport and Airway Safety and Capacity Enhancement Act of 1987.

**Abstract:** This notice proposed new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to U.S.-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	
Final Action	12/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 06/30/88 (53 FR 24890)

**Additional Information:** Project No. AIR-85-265R.  
**Agency Contact:** John Petrakis, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; 202 267-9574  
**RIN:** 2120-AC72

**2746. +RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES**  
**Legal Authority:** 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449  
**CFR Citation:** 14 CFR 121; 14 CFR 135  
**Legal Deadline:** NPRM, Statutory, April 28, 1988.  
 PL 100-223 Sec 303

**Abstract:** This notice proposed to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
Final Action	11/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 05/17/88 (53 FR 17650)  
**Additional Information:** Docket 25611. Project No. AIR-88-136R.  
**Agency Contact:** Arthur Hayes, Aircraft Engineering Division, Aircraft Certification Service, Department of

Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9937  
**RIN:** 2120-AC84

**2747. +DRUG ENFORCEMENT ASSISTANCE**

**Legal Authority:** 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401; 49 USC 1402; 49 USC 1403; 49 USC 1404; 49 USC 1405; 49 USC 1406; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

**CFR Citation:** 14 CFR 13; 14 CFR 47

**Legal Deadline:** Final, Statutory, September 18, 1989.  
 FAA Drug Enforcement Assistance Act of 1988.

**Abstract:** This notice proposed to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announced new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act. The proposed requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of substantial and public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270
NPRM Comment Period End	05/11/90	
Comment Period Extended to 07/11/90	05/16/90	55 FR 20394
Final Action	10/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 03/12/90 (55 FR 9270)

**Additional Information:** Project No. AVN-89-035R.

**Agency Contact:** Earl F. Mahoney, Aviation Standards National Field Office, Department of Transportation, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500

DOT-FAA

Final Rule Stage

MacArthur Boulevard, Oklahoma City, Oklahoma 73125, 405 680-7357

RIN: 2120-AD16

**2748. +AIRWORTHINESS STANDARDS; OCCUPANT PROTECTION STANDARDS FOR COMMUTER CATEGORY AIRPLANES**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This action would amend the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes by upgrading the requirements for both seat/restraint systems and for flammability standards for seat cushions used in commuter category airplanes. These amendments are needed to improve the occupant protection provisions for these types of airplanes. These new requirements would result in a level of safety commensurate with that provided by the seat/restraint requirements and the flammability standards for transport category airplanes. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/93	58 FR 38028
NPRM Correction	07/28/93	58 FR 40389
NPRM Comment	11/12/93	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/14/93 (58 FR 38028)

**Additional Information:** Project No. ACE-87-014R. This project was formerly entitled "Improved Seat Safety Standards for Commuter Category Airplanes."

**Agency Contact:** Joseph Snitkoff, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AD27

**2749. +FATIGUE EVALUATION OF STRUCTURE**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action would revise the fatigue requirements for damage-tolerant structures on transport category airplanes to require full-scale fatigue testing and to require that the thresholds for inspections be based on crack growth from initial flaws in the structure. These proposed changes are based on the service history of airplanes evaluated to the current damage tolerance requirements and are intended to ensure that, should serious fatigue damage occur within the operational life of the airplane, the remaining structure can withstand reasonable loads without failure until the damage is detected. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/93	58 FR 38642
Notice; Additional Compliance Guidance	10/19/93	58 FR 53987
NPRM Comment	11/16/93	
Period End		
Final Action	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/19/93 (58 FR 38642)

**Additional Information:** Project Number ANM-88-013R.

**Agency Contact:** Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2120

RIN: 2120-AD42

**2750. +CREW PAIRING REQUIREMENTS**

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49

USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action would establish minimum experience levels for cockpit crew pairing. It proposed guidelines for initial operating experience and specified operating restrictions when the second in command has fewer than 100 hours of flight time. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/93	58 FR 15730
NPRM Comment	06/21/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/23/93 (58 FR 15730)

**Additional Information:** Project Number AFS-91-004R.

**Agency Contact:** Larry Youngblut, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AD88

**2751. +UNESCORTED ACCESS PRIVILEGE**

**Regulatory Plan:** This entry is Seq. No. 124 in Part II of this issue of the Federal Register.

RIN: 2120-AE14

**2752. +AGING AIRCRAFT SAFETY**

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

RIN: 2120-AE42

**2753. +AIRCRAFT GROUND DEICING AND ANTI-ICING PROGRAM**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1422; 49 USC 1427; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

DOT-FAA

Final Rule Stage

**Abstract:** This proposed amendment would establish a requirement for part 121 certificate holders to develop an FAA-approved ground deicing/anti-icing program and to comply with that program any time conditions are such that frost, ice, or snow could adhere to the aircraft's wings, control surfaces, or propellers. This action is necessary because several accidents and the recent International Conference on Airplane Ground Deicing indicate that, under present procedures, the pilot in command may be unable to effectively determine whether critical airplane components are free of all frost, ice, or snow prior to attempting a takeoff. The proposal is intended to provide an added level of safety to flight operations in adverse weather conditions, and is considered significant because of its safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/92	57 FR 32846
NPRM Comment Period End	08/07/92	
Interim Final Rule	09/29/92	57 FR 44924
Interim Final Rule Effective	11/01/92	
Interim Final Rule Correction	11/09/92	57 FR 53385
Interim Final Rule Comment Period End	04/15/93	
Final Action	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** Nonc**Analysis:** Regulatory Evaluation 09/29/92 (57 FR 44924)**Additional Information:** Project Number: AFS-92-280-R.

A proposed advisory circular providing guidance on the program elements that should be included in an air carrier's approved ground deicing and anti-icing program was published September 29, 1992, requesting comments (57 FR 44944).

Various documents of this proceeding were erroneously published under RIN 2120-AE51.

**Agency Contact:** Larry Youngblut, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

RIN: 2120-AE70

**2754. +TRAINING AND CHECKING IN GROUND ICING CONDITIONS****Legal Authority:** 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)**CFR Citation:** 14 CFR 125; 14 CFR 135**Legal Deadline:** None

**Abstract:** This proposed amendment would require parts 125 and 135 certificate holders to provide pilot training or testing in ground deicing/anti-icing procedures and to check the airplane for contamination by frost, ice, or snow during ground icing conditions. The proposal is intended to provide an added level of safety to flight operations in adverse weather conditions under parts 125 and 135. This rulemaking is significant because it affects a substantial portion of the aviation industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/93	58 FR 49164
NPRM Comment Period End	10/06/93	
Interim Final Rule	12/30/93	58 FR 69620
Advisory Circular Published	12/30/93	58 FR 69631
Interim Final Rule - Effective Date	01/31/94	58 FR 69620
Interim Final Rule Comments Due	04/15/94	
Final Action	12/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 12/30/93 (58 FR 69620)**Additional Information:** Project Number: AFS-93-459R

**Agency Contact:** Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

RIN: 2120-AF09

**2755. +TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEM (TCAS 1)****Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1456; 49 USC 1457; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)**CFR Citation:** 14 CFR 135**Legal Deadline:** None

**Abstract:** This action considers a petition for exemption of October 12, 1992, from the Regional Airline Association for an extension, until February 9, 1995, to install an approved TCAS I system in turbine-powered airplanes that has resulted in rapid price increases and delays in the equipment-approval process. The FAA subsequently denied the petition, saying that the issue was more appropriate to rulemaking. This rulemaking has now proposed an extension of the compliance date for TCAS I from February 9, 1995 to March 31, 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/94	59 FR 15308
NPRM Comment Period End	05/02/94	
Final Action	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 03/31/94 (59 FR 15308)

**Additional Information:** Project Number: AFS-93-460R. As this action merely involves an extension of compliance date, it is not a rulemaking requiring OMB review in the context of EO 12866. However, it is significant under DOT's regulatory policies and procedures.

**Agency Contact:** Gary E. Davis, Project Development Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AF24

**2756. OBJECTS AFFECTING NAVIGABLE AIRSPACE****Legal Authority:** 49 USC 1348; 49 USC 1354; 49 USC 1421 to 1430; 49 USC 1501; 49 USC 106(g)**CFR Citation:** 14 CFR 77**Legal Deadline:** None

**Abstract:** This action would amend the standards, aeronautical studies, scope, and notice provisions concerning objects affecting navigable airspace. The notice consisted primarily of changes required by recent legislation or recommended by a government/industry task group of the National Airspace Review Advisory

DOT—FAA

Final Rule Stage

Committee. This action would also cover electromagnetic interference phenomenon that could create a hazard to air navigation.

**Timetable:**

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	08/03/90	55 FR 31722
NPRM Correction	08/13/90	55 FR 32999
NPRM Correction	08/16/90	55 FR 33577
NPRM Correction	08/28/90	55 FR 35152
NPRM Correction	09/10/90	55 FR 37287
NPRM Comment Period End	12/31/90	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 08/03/90 (55 FR 31722)

**Additional Information:** Project ATP-85-015R.

**Agency Contact:** Ellen Crum, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8783

**RIN:** 2120-AA09

**2757. MISCELLANEOUS AMENDMENTS**

**Legal Authority:** 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

**CFR Citation:** 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

**Legal Deadline:** None

**Abstract:** This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure

device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

**Timetable:**

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/03/83 (48 FR 45214)

**Additional Information:** Docket No. 23781. Project No. ARM-81-128R.

**Agency Contact:** Jean Casciano, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9683

**RIN:** 2120-AA50

**2758. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This action proposed changes to the airworthiness standards to improve the crash resistance of fuel systems on normal, utility, acrobatic, and commuter category airplanes. The FAA has determined that improved crash resistance of these fuel systems is necessary to prevent deaths and injuries due to fire in survivable crashes. The proposed design changes would limit fuel spillage near ignition sources and would provide additional time for the survivors to evacuate the airplane.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948

Action	Date	FR Cite
ANPRM Comment Period End	07/03/85	
NPRM	02/28/90	55 FR 7280
NPRM Comment Period End	06/28/90	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 02/28/90 (55 FR 7280)

**Additional Information:** Formerly titled "Amend part 23 To Include Requirements for Crash-Resistant Fuel Systems." Project No. ACE-82-005R.

**Agency Contact:** Norman Vetter, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AA57

**2759. PART 95 INSTRUMENT FLIGHT RULES**

**Legal Authority:** 49 USC 1348; 49 USC 1354; 49 USC 1510; 49 USC 106(g)

**CFR Citation:** 14 CFR 95

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 10/00/93 - 10/00/94.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8212

**RIN:** 2120-AA63

**2760. AIRWORTHINESS DIRECTIVES**

**Legal Authority:** 49 USC 1421; 49 USC 1423; 49 USC 106(g)

**CFR Citation:** 14 CFR 39

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently in order

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to correct known or expected safety problems on type certificated products. Total actions expected--400. 10/00/93 to 10/00/94.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Jack McGrath, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9580

**RIN:** 2120-AA64

**2761. STANDARD INSTRUMENT APPROACH PROCEDURES**

**Legal Authority:** 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1510; 49 USC 106(g)

**CFR Citation:** 14 CFR 97

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2,800. 10/00/93 - 10/00/94.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8212

**RIN:** 2120-AA65

**2762. AIRSPACE ACTIONS**

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 1522

**CFR Citation:** 14 CFR 71; 14 CFR 73; 14 CFR 75

**Legal Deadline:** None

**Abstract:** Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those

requirements operationally current. Total actions expected--240 through 10/00/94.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard Huff, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3075

**RIN:** 2120-AA66

**2763. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC TRANSPORT AIRPLANES**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This notice proposed to amend the Federal Aviation Regulations to specify airplane and equipment airworthiness standards for subsonic transport airplanes to be operated up to an altitude of 51,000 feet. This proposal was prompted by an increase in the number of applications received to raise the maximum certificated operating altitude for transport category airplanes. This action is intended to ensure an acceptable level of safety for airplanes operated at high altitudes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48538
NPRM Comment Period End	05/21/90	
Final Action	02/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Analysis:** Regulatory Evaluation 11/22/89 (54 FR 48538)

**Additional Information:** Project No. ANM-83-022R.

**Agency Contact:** Bob McCracken, Transport Airplane Directorate, Aircraft Certification Service, Department of

Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2118

**RIN:** 2120-AB18

**2764. AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 29

**Legal Deadline:** None

**Abstract:** This notice proposed to revise the performance requirements for transport category rotorcraft. The proposed changes are needed to define more clearly the factors for determining takeoff distances for transport category rotorcraft and to add several other relevant standards. If adopted, these changes would provide for an improved level of safety achievable because of recent technological advances in turboshaft engine design and associated rotorcraft design. The SNPRM proposed to add a minimum descent height of 15 feet.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	01/08/90	55 FR 698
NPRM Comment Period End	07/09/90	
SNPRM	06/29/94	59 FR 33598
SNPRM Comment Period End	03/29/94	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/08/90 (55 FR 698)

**Additional Information:** Project No. ASW-83-006R.

**Agency Contact:** Thomas Archer, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, TX 76193, 817 222-5112

**RIN:** 2120-AB36

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**2765. LOW FUEL QUANTITY ALERTING SYSTEM**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This project would amend the airworthiness standards for transport category airplanes to require a means to alert the flight crew of potentially unsafe low fuel quantities. There have been several fuel depletion incidents involving loss of power or thrust on all engines that could have resulted in forced landings and injury or loss of life. Most of these incidents resulted from improper fuel management techniques. This proposed amendment would require new transport category airplane designs to incorporate a low fuel quantity alert system that would allow for correction of certain fuel management errors or provide the flightcrew the opportunity to make a safe landing prior to engine fuel starvation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	
Final Action	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/12/87 (52 FR 17890)

**Additional Information:** Docket No. 25213. Project No. ANM-83-039R.

**Agency Contact:** Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2135

**RIN:** 2120-AB46

**2766. AIRCRAFT ENGINES: FUEL AND INDUCTION SYSTEMS**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

**CFR Citation:** 14 CFR 33

**Legal Deadline:** None

**Abstract:** This action would add a new section 33.35(f) to the Federal Aviation Regulations which would incorporate a requirement for the fuel mixture and throttle controls to automatically move to a position allowing continued safe flight if either control becomes disconnected.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM Comment Period End	04/29/86	
NPRM	10/20/92	57 FR 47934
NPRM Comment Period End	02/17/93	
Final Action	09/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/20/92 (57 FR 47934)

**Additional Information:** Project No. ANE-85-002R.

Former title: Engine Fuel and Induction Systems.

**Agency Contact:** Locke Easton, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7088

**RIN:** 2120-AB76

**2767. AIRWORTHINESS STANDARDS; TURBOSHAFT ENGINE ROTOR BURST PROTECTION**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 29

**Legal Deadline:** None

**Abstract:** This action would amend the Federal Aviation Regulations to minimize the failure hazards of high speed powerplant rotor systems used in turboshaft engines in newly designed transport category rotorcraft. Engine rotor failures have occurred resulting in the release of high energy rotor fragments or other engine component fragments. These fragments have impacted and damaged critical rotorcraft structures, systems, controls, and adjacent engines, as well as caused serious or fatal injuries to passengers and crewmembers. This proposal, if

adopted, is intended to eliminate these hazards.

**Timetable:**

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42716
Comment Period Extended to 10/16/90	03/08/90	55 FR 8474
NPRM Comment Period End	04/16/90	
NPRM Comment Period Reopened to 3/15/93	01/14/93	58 FR 4566
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/17/89 (54 FR 42716)

**Additional Information:** Formerly entitled "Turbine Burst Protection for Transport Category Helicopters." Project No. ASW-84-002.

**Agency Contact:** Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, TX 76193, 817 624-5123

**RIN:** 2120-AB91

**2768. AIRWORTHINESS STANDARDS; AIRCRAFT ENGINES; PROPOSAL FOR NEW ONE-ENGINE-INOPERATIVE RATINGS, DEFINITIONS, AND TYPE CERTIFICATION STANDARDS**

**Legal Authority:** 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1421 to 1430; 49 USC 1432; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 106(g)

**CFR Citation:** 14 CFR 1; 14 CFR 33

**Legal Deadline:** None

**Abstract:** The Aerospace Industries Association of America, Inc., petitioned the FAA to provide new one-engine-inoperative ratings for rotorcraft engines and their application to rotorcraft. This notice responded to that petition and proposed to define and establish type certification standards for new one-engine-inoperative ratings for rotorcraft engines.

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39330

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Action	Date	FR Cite
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment Period End	03/27/90	
Final Action	10/00/94	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/89 (54 FR 39080)

Additional Information: Project No. ANE-85-001R.

Agency Contact: Donald F. Perrault, Engine and Propeller Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803, 617 273-7081

RIN: 2120-AD21

**2769. IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS**

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1472; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would clarify the recently adopted standards concerning the flammability of components used in the cabins of certain transport category airplanes. These clarifications would be applicable to air carriers, air taxi operators and commercial operators, as well as manufacturers of such airplanes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/90	55 FR 13886
NPRM Comment Period End	10/09/90	
Final Action	10/00/94	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/12/90 (55 FR 13886)

Additional Information: Project No. ANM-88-024R.

Agency Contact: Gary Killion, Manager, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2112  
RIN: 2120-AD28

**2770. AIRPLANE ENGINE COWLING RETENTION**

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the airworthiness standards for transport category airplanes to require improved cowling retention devices. A review of a number of inflight incidents where engine cowlings were lost revealed that the largest single cause of such losses was improper latching of the cowlings. If adopted, this proposal would provide additional design standards to detect improperly latched cowlings and ensure the integrity of the latching system.

Timetable:

Action	Date	FR Cite
NPRM	09/19/89	54 FR 39610
NPRM Comment Period End	03/19/90	
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/19/89 (54 FR 39610)

Additional Information: Project No. ANM-87-004R.

Agency Contact: Mike McRae, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2133

RIN: 2120-AD34

**2771. ALLOWABLE CARBON DIOXIDE CONCENTRATION IN TRANSPORT CATEGORY AIRPLANE CABINS**

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421;

49 USC 1423 to 1425; 49 USC 1428 to 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action has been reestablished to review part 25 to determine if the current allowable concentration of carbon dioxide in the airplane cabin and flight deck is appropriate in light of standards established for air quality in buildings occupied by the general public and with workplace exposure limits adopted by other regulatory agencies. This rulemaking is no longer considered significant since no actual incremental costs are expected to be incurred as a result of this action.

Timetable:

Action	Date	FR Cite
NPRM	05/02/94	59 FR 22718
NPRM Comment Period End	08/30/94	
Next Action	Undetermined	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/02/94 (59 FR 22718)

Additional Information: This project was formerly entitled "Carbon Dioxide Concentration." Project ANM-87-017R. This entry was temporarily removed from the Agenda and is now reactivated to resume rulemaking.

Agency Contact: Bob McCracken, Flight Test and Systems Branch, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2118

RIN: 2120-AD47

**2772. CENTRALIZATION OF FORMAL HEARING DOCKETS (FAA)**

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a) to 1482(c); 49 USC 1484 to 1489; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2218 to 2219; 49 USC 106(g)

CFR Citation: 14 CFR 13

Legal Deadline: None

Abstract: This final action would provide that documents and evidence in formal hearing cases adjudicated

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within the Federal Aviation Administration would be filed and maintained in the Office of the Secretary's Office of Documentary Services. The change would be made in order to streamline operations and to consolidate the documents used in formal hearing cases.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Denise Daniels Ross, Special Assistant to the Chief Counsel, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3773

**RIN:** 2120-AD63

**2773. PROTECTIVE BREATHING EQUIPMENT; CARGO-ONLY AIRPLANES**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action proposed to revise the Federal Aviation Regulations governing portable protective breathing equipment (PBE) required for crewmembers' use in combatting in-flight fires. This action addresses concerns and issues identified by the Air Transport Association and several operators regarding required portable PBE for cargo-only operations. This action also would clarify the Federal Aviation Regulations governing required portable PBE in passenger compartments. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/93	58 FR 16584
NPRM Comment Period End	05/28/93	
SNPRM; Comment Period End	04/11/94	59 FR 17166
Final Action	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/11/94 (59 FR 17166)

**Additional Information:** Project Number AFS-90-324R.

**Agency Contact:** Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AD74

**2774. TYPE CERTIFICATES FOR SOME SURPLUS AIRCRAFT OF THE ARMED FORCES**

**Legal Authority:** 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

**Abstract:** Following World War II, a substantial number of surplus military airplanes were offered for sale to the public in order to meet an increased demand for civilian-use aircraft not being met by the civil aircraft industry. The current regulation permits both type and airworthiness certification for surplus military aircraft based on the particular aircraft's safety record and condition. As military aircraft have become increasingly complex and sophisticated, that practice is no longer acceptable. This action would remove the regulations for issuing type certificates for these surplus aircraft and eliminate references to obsolete standards. Surplus military aircraft would still be certificated in the normal, utility, acrobatic, commuter, transport, and restricted categories upon compliance with the applicable regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/94	59 FR 19114
NPRM Comment Period End	06/20/94	
NPRM Comment Period Reopened; Comment Period End	07/07/94	59 FR 34779
Interim Final Rule	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/21/94 (59 FR 19114)

**Additional Information:** Project Number AIR-91-354R.

**Agency Contact:** George Kaseote, Policy and Procedures Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8541

**RIN:** 2120-AE41

**2775. AMEND PART 34: FUEL VENTING AND EXHAUST EMISSION REQUIREMENTS FOR TURBINE ENGINE POWERED AIRPLANES**

**Legal Authority:** 42 USC 1857(f); 49 USC 106(g); 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1423

**CFR Citation:** 14 CFR 34; 14 CFR 89

**Legal Deadline:** None

**Abstract:** This action would amend part 34 of the Federal Aviation Regulations to make corrections to sections 34.71 and 34.89 which were published incorrectly.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/94	59 FR 17640
NPRM Comment Period End	06/13/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/13/94 (59 FR 17640)

**Additional Information:** Project No.: AEE-92-266R.

**Agency Contact:** Laurie Fisher, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3561

**RIN:** 2120-AE55

**2776. COMMUNICATION SYSTEMS: REMOVAL OF FEE PROVISIONS**

**Legal Authority:** 49 USC 1341(c); 49 USC 1346; 49 USC 1348(b); 49 USC 1354(a); 49 USC 1355; 31 USC 483(a)

**CFR Citation:** 14 CFR 189

**Legal Deadline:** None

**Abstract:** This action would modify part 189 of the Federal Aviation Regulations to remove the outdated fee

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provision. Due to enhanced commercial communications, FAA has determined that the need to accept (and charge fees for) messages addressing such topics as lost baggage, hotel reservations, crew assignments, and other commercial matters no longer exists. The proposed change is not intended to affect FAA's transmissions relating to flight safety, flight plans, and weather.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/94	59 FR 29934
NPRM Correction	08/02/94	59 FR 39395
NPRM Comment	09/07/94	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/09/94 (59 FR 29934)

**Additional Information:** Project  
Number: ATP-92-292R.

**Agency Contact:** Ellen Crum, Air Traffic Rules and Procedure Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9859

**RIN:** 2120-AE68

### 2777. FEES FOR CERTIFICATION SERVICES PERFORMED OUTSIDE THE UNITED STATES

**Legal Authority:** 49 USC 1341; 49 USC 1343; 49 USC 1344; 49 USC 1346; 49 USC 1348; 49 USC 1354; 49 USC 1355; 31 USC 483(a)

**CFR Citation:** 14 CFR 187

**Legal Deadline:** None

**Abstract:** This action would amend the existing fee schedule appearing in part 187 for certification of airmen and air agencies performed outside the U.S., e.g., certification of pilots, flight engineers, and mechanics. This action intends to provide fees for all activities authorized by statute and to estimate fees that permit full recovery of the Federal Aviation Administration's costs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/94	59 FR 33832
NPRM Comment	08/01/94	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/30/94 (59 FR 33832)

**Additional Information:** Project No.: AFS-92-262R. This action was previously titled Part 187--Fees.

**Agency Contact:** Emily White, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3651

**RIN:** 2120-AE72

### 2778. ACCELERATED STALLS IN COMMUTER CATEGORY AIRPLANES

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This action would eliminate the certification requirement to demonstrate an accelerated entry stall for commuter category airplanes. Such aircraft typically have high power-to-weight ratios that require the airplane to achieve extremely high angles of attack (excessive nose-high attitudes) during stall demonstrations. Recovery from accelerated entry stalls is less certain for airplanes that attain these extreme nose-high angles. The proposed change would remove a potential hazard during flight demonstrations required for type certification without compromising passenger safety. Originally this rulemaking was considered significant. However, since there is no substantial public interest or cost, this rulemaking is no longer considered significant.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/93	58 FR 32034
NPRM Comment	09/07/93	
Period End		
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/07/93 (58 FR 32034)

**Additional Information:** Project No. ACE-92-683A.

**Agency Contact:** J. Lowell Foster, Small Airplane Directorate, ACE-112, Department of Transportation, Federal

Aviation Administration, 601 East Twelfth Street, Room 1544, Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AE86

### 2779. MANNED FREE BALLOONS

**Legal Authority:** 49 USC 1354; 49 USC 1421; 49 USC 1423

**CFR Citation:** 14 CFR 31

**Legal Deadline:** None

**Abstract:** This action would amend the test requirements for burners used on manned free balloons. The current test requirements do not test the burner's most critical operating conditions. This amendment reduces the costs to balloon manufacturers seeking certification, and increases the current level of safety by requiring more realistic tests.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/93	58 FR 64450
NPRM Comment	02/07/94	
Period End		
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/07/93 (58 FR 64450)

**Additional Information:** Project  
Number: ACE-92-021R

**Agency Contact:** J. Lowell Foster, Central Region Headquarters, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AE87

### 2780. OCCUPANT PROTECTION IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1426; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** The Federal Aviation Administration (FAA) established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991) to provide advice and recommendations to the FAA on the full range of aviation-related issues.

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The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness standards for occupant protection in normal and transport category rotorcraft in parts 27 and 29 of the Federal Aviation Regulations. Any rulemaking action will depend on the committee's report. Proposed occupant protection requirements would eliminate the unnecessary cost burden that would be imposed by separate European and U.S. standards. The proposed standard is harmonized with the European Joint Airworthiness Authority. While it was being worked through the advisory committee, final wording was developed which is noncontroversial. Therefore, this project is no longer considered significant.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/94	59 FR 17156
NPRM Comment Period End	07/11/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/11/94 (59 FR 17156)

**Additional Information:** Project Number: ASW-92-722A

**Agency Contact:** James H. Major, Regulations Group, ASW-111, Rotorcraft Directorate, Department of Transportation, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0111, 817 624-5117

**RIN:** 2120-AE88

**2781. HOLIDAY GIVE-BACK SLOTS**

**Legal Authority:** 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 2451 et seq; 49 USC 106(g)

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This action would amend the use-or-lose provisions in section 93.227 to exempt certain holidays from the use-or-lose requirements for air carrier and commuter slot holders.

**Timetable:**

Action	Date	FR Cite
NPRM	07/28/94	59 FR 38508

Action	Date	FR Cite
NPRM Comment Period End	09/26/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/28/94 (59 FR 38508)

**Additional Information:** Project Number: AGC-93-464R

**Agency Contact:** Lorelei Dinges, Regulations Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

**RIN:** 2120-AE94

**2782. CHARLOTTE, NC, CLASS B AIRSPACE**

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854.

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This action would alter the Charlotte Terminal Control Area (TCA) by maintaining the upper limit of the TCA at 10,000 feet mean sea level and redefining several existing subareas to improve the capability of the air traffic control system to separate aircraft in the terminal airspace around the Charlotte/Douglas International Airport.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/94	59 FR 10040
NPRM Comment Period End	05/02/94	
NPRM Correction; Comment Period Extended to	05/12/94	59 FR 24673
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/02/94 (59 FR 10040)

**Additional Information:** Project Number: ATP-93-399T

**Agency Contact:** Lewis Still, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591, 202 267-9250

**RIN:** 2120-AF02

**2783. EXTENDED OVERWATER OPERATIONS WITH A SINGLE HIGH-FREQUENCY COMMUNICATION SYSTEM (HF) AND A SINGLE LONG-RANGE NAVIGATION SYSTEM (LRNS)**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would revise the Federal Aviation Regulations for certain overwater operations for air carriers, commercial operators, and general aviation operators of large and turbine-powered multiengine airplanes. This action would authorize air carriers and commercial operators to use a single high-frequency communication system (HF) and a single LRNS for extended overwater routes detailed in their operation specifications. This proposal is needed to give the FAA greater flexibility in responding to advances in aviation technology and changes in the operational environment and to allow operators to conduct extended overwater operations without carrying unnecessary communication and navigation equipment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/93	58 FR 51938
NPRM Comment Period End	10/20/93	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/05/93 (58 FR 51938)

**Additional Information:** Project Number: AFS-93-130R

**Agency Contact:** Dan Meier, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3749

**RIN:** 2120-AF12

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**2784. REVISION OF CERTAIN FLIGHT AIRWORTHINESS STANDARDS TO HARMONIZE WITH EUROPEAN AIRWORTHINESS STANDARDS FOR TRANSPORT CATEGORY AIRPLANES**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 1; 14 CFR 25

**Legal Deadline:** None

**Abstract:** The Federal Aviation Administration proposes to amend part 25 of the Federal Aviation Regulations (FAR) to harmonize certain flight requirements with standards proposed for the European Joint Aviation Requirements (JAR)-25. This action responds to a petition from the Aerospace Industries Association of America, Inc., and the Association Europeenne des Constructeurs de Material Aerospacial. These changes are intended to benefit the public interest by standardizing certain requirements, concepts, and procedures contained in the airworthiness standards of the FAR and JAR.

**Timetable:**

Action	Date	FR Cite
NPRM	04/22/94	59 FR 19296
NPRM Comment Period End	07/21/94	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/22/94 (59 FR 19296)

**Additional Information:** Project  
Number: ANM-92-761A

**Agency Contact:** Donald K. Stimson, Flight Test and Systems Branch, ANM-111, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-1320

**RIN:** 2120-AF25

**2785. RECENT FLIGHT EXPERIENCE - PILOT IN COMMAND**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 61

**Legal Deadline:** None

**Abstract:** This rulemaking action responds to a petition for exemption from the Air Transport Association (ATA) for relief from the redundant recent flight experience requirements under Parts 61 and 121. The FAA examines whether the training and checking of Parts 121 and 135 are equivalent to the instrument flight rule (IFR) requirements of Section 61.57, which requires that within the last 6 months a pilot either log 6 hours of instrument time or complete an instrument competency check. ATA contends that all Parts 121 and 135 operations are conducted under IFR and all flights require the logging of flight time, but that time is not specifically broken down into IFR time logged under instrument meteorological conditions as opposed to visual meteorological conditions. Thus, ATA contends section 61.57 is essentially a redundant recordkeeping requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/94	59 FR 17162
NPRM Comment Period End	06/10/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/11/94 (59 FR 17162)

**Additional Information:** Project  
Number: AFS-93-301E

**Agency Contact:** Alberta Brown, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8150

**RIN:** 2120-AF32

**2786. NOTIFICATION TO ATC OF DEVIATIONS FROM ATC CLEARANCE AND INSTRUCTIONS IN RESPONSE TO TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEM RESOLUTION ADVISORIES**

**Legal Authority:** 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1356; 49 USC 1401; 49 USC 1421; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2126; 49 USC 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action would codify authority previously granted to pilots in command during the initial testing of TCAS to deviate from an air traffic control clearance or instruction in non-emergency situations in response to a traffic alert and collision avoidance system (TCAS) resolution advisory (RA). The FAA has consistently encouraged pilots to comply with TCAS RAs. The language contained in current regulations suggests that deviation from an ATC clearance is only authorized in an emergency situation. This rulemaking action proposed to add the TCAS RA as a reason to deviate from a clearance, and would require that whenever a pilot deviates from an ATC clearance or instruction, ATC would be advised as soon as possible.

**Timetable:**

Action	Date	FR Cite
NPRM	04/29/94	59 FR 22142
NPRM Comment Period End	05/31/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/29/94 (59 FR 22142)

**Agency Contact:** Ellen Crum, Air Traffic Branch, ATP-230, Airspace Rules and Aeronautical Info. Div., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., 202 267-9859

**RIN:** 2120-AF35

**2787. • STREAMLINED ENFORCEMENT PROCESS TEST PROGRAM**

**Legal Authority:** 49 USC 1354(a) to 1354; 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1481; 49 USC 1482; 49 USC 1484 to 1489; 49 USC 1523; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2157(e) to 2157(f); 49 USC 2218; 49 USC 2219; 49 USC 106(g); 49 USC 322

**CFR Citation:** 14 CFR 13

**Legal Deadline:** None

**Abstract:** This action revised part 13 of the Federal Aviation Regulations to establish a program to test streamlined procedures for assessing civil penalties. These changes are intended to streamline the enforcement process by

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notifying individuals of certain violations and processing these actions within reduced time frames. They delegate authority to program office managers to initiate enforcement actions and reduce the documents associated with the processing of legal enforcement actions. The test procedures apply only to certain cases against individuals that appear to be simple and factually straightforward. This project is the result of a recommendation of the Vice President's

National Performance Review, and is effective 08/26/94 through 08/26/96.

**Timetable:**

Action	Date	FR Cite
Test and Evaluation Program Established, Comment Period Ends 10/25/94	08/26/94	59 FR 44266
Test and Evaluation Correction	09/09/94	59 FR 46533
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project No: AGC-94-319R

**Agency Contact:** Brian Reed, Enforcement Division, AGC-320, Office of Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20581, 202 267-5998

**RIN:** 2120-AF36

DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Aviation Administration (FAA)

Completed Actions

**2788. +CIVIL SUPERSONIC AIRCRAFT NOISE TYPE CERTIFICATION STANDARDS AND OPERATING RULES**

**Legal Authority:** 49 USC 1344; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431(b); 49 USC 1651(b)(2); 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:** 14 CFR 36; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action was to revise the aircraft type certification standards and operating rules to require that future supersonic aircraft meet noise limits consistent with those required for future subsonic aircraft. Although considered significant due to substantial public interest, the proposal was withdrawn because it cannot be ensured that the final rule would be economically reasonable and technologically practical at this time. This decision was supplemented by a statement of policy concerning noise limits for future civil supersonic airplanes.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39663
ANPRM Comment Period End	02/27/87	
Comment Period Reopened Until	03/12/87	52 FR 7618
07/01/87		
NPRM	05/30/90	55 FR 22020
NPRM Comment Period End	11/26/90	
Statement of Policy	08/04/94	59 FR 39679
Withdrawn	08/04/94	59 FR 39711

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/30/90 (55 FR 22020)

**Additional Information:** Docket 25109. Formerly entitled "SST Stage 3 Compliance." Project No. AEE-86-012R.

**Agency Contact:** Richard N. Tedrick, Policy and Regulatory Division, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3556

**RIN:** 2120-AC22

**2789. +EMERGENCY LOCATOR TRANSMITTERS**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1471; 49 USC 1485; 49 USC 1502; 49 USC 1522; 49 USC 106(g)

**CFR Citation:** 14 CFR 25; 14 CFR 29; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This final action requires installation of an improved emergency locator transmitter (ELT) that meets the requirements of a revised Technical Standards Order (TSO) on U.S.-registered airplanes and terminates approval to use ELTs authorized under the original TSO issued for this equipment. The new equipment is required for future installations. This action was prompted by unsatisfactory performance experienced with ELTs that are manufactured under the original TSO and relates to safety

recommendations by the National Transportation Safety Board and the search-and-rescue community. Although most of the unsatisfactory field experience has been with automatic ELTs, the FAA is also proposing improved standards for survival ELTs. This action will save lives by increasing the number of survivors rescued after aircraft accidents. This rulemaking was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/90	55 FR 12316
NPRM Comment Period End	07/31/90	
Final Action	06/21/94	59 FR 32050
Final Action Effective	06/21/94	
Final Rule Correction	07/06/94	59 FR 34578

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 06/21/94 (59 FR 32050)

**Additional Information:** Project No. AIR-85-348R. The final action coincided with the notice of withdrawal of manufacturing authority for ELTs produced under TSO-C91. See 59 FR 32059, June 21, 1994.

**Agency Contact:** Phil Akers, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9571

**RIN:** 2120-AD19

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**2790. +TEMPORARY FLIGHT RESTRICTIONS**

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action proposed to revise the Federal Aviation Regulations to require the operator of an aircraft used in conducting authorized news-gathering operations in an area covered by temporary flight restrictions to be under the direction of the official in charge of the on-scene emergency response activities. Although this action was originally considered significant, the FAA has determined that there is inadequate justification to pursue further this regulatory action. The agency determined that additional study of current TFR procedure, which may include parts of the NPRM, is necessary and, therefore, the NPRM was withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/91	56 FR 34000
NPRM Comment Period End	09/23/91	
Withdrawn	06/16/94	59 FR 31098

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/24/91 (56 FR 34000)

**Additional Information:** Project Number ATP-87-009R.

**Agency Contact:** Ellen Crum, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9251

**RIN:** 2120—AD55

**2791. +RELIEF FROM TRANSPONDER-ON REQUIREMENT FOR AIRCRAFT WITH LIMITED ELECTRICAL SYSTEMS**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125;

49 USC 106(g); 42 USC 4321 et seq; EO 11514

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action was to revise the authorization allowing operation of an aircraft with transponder-off under certain conditions. This revision was to eliminate the need to request an exemption, and was to exclude older aircraft gliders from transponder-on requirements when operated outside certain areas. Although considered significant because of substantial public interest and safety implications, this action was terminated because the agency is preparing a study on the High Density Rule before proceeding further with rulemaking.

**Timetable:**

Action	Date	FR Cite
Action Terminated	07/10/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number: ATP-90-341R.

**Agency Contact:** Aaron Boxer, Air Traffic Rules and Procedure Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8793

**RIN:** 2120—AE67

**2792. +ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES**

**Legal Authority:** 49 USC 1346; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 1511; 49 USC 1522; 49 USC 106(g)

**CFR Citation:** 14 CFR 65; 14 CFR 121; 14 CFR 129; 14 CFR 135

**Legal Deadline:** Final, Statutory, October 28, 1992.

Omnibus Transportation Employee Testing Act of 1991

**Abstract:** This rulemaking implemented certain provisions of the Omnibus Transportation Employee Testing Act of 1991. Also, it clarified employer and Medical Review Officer responsibilities and addressed other issues that have been identified since the antidrug rule was promulgated. This action was significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	02/15/94	59 FR 7412
NPRM Comment Period End	04/18/94	
Final Action	08/19/94	59 FR 42922
Final Action Effective Except Part 121 App I, Effective	09/19/94 08/15/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/19/94 (59 FR 42922)

**Additional Information:** Project Number: AAM-92-319R

**Agency Contact:** Julie B. Murdoch, Drug Abatement Division, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-6584

**RIN:** 2120—AE82

**2793. +FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS**

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1365; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 106(g)

**Legal Deadline:** None

**Abstract:** This final rule established duty period scheduling limitations and rest requirements for flight attendants engaged in air transportation and air commerce. The objective of this rulemaking action was to contribute to an improved aviation safety system by ensuring that flight attendants are sufficiently rested to perform their routine emergency safety duties. This rulemaking was significant because there is substantial public interest, and because it constitutes a major change in policy.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/93	58 FR 17024
NPRM Comment Period End	06/01/93	
Final Action	08/19/94	59 FR 42974
Final Action Effective	03/01/95	

**Small Entities Affected:** None

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**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/15/94 (59 FR 42974); International Trade Impact 08/15/94 (59 FR 42974)

**Additional Information:** Project Number: AFS-90-114R. The NPRM inadvertently used RIN 2120-AD50, which was a terminated action in the October 1991 Agenda.

**Agency Contact:** Donell Pollard, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8166

**RIN:** 2120-AE91

**2794. +EXTENSION OF COMPLIANCE DATE FOR INSTALLATION OF DIGITAL FLIGHT DATA RECORDERS ON STAGE 2 AIRPLANES**

**Legal Authority:** 49 USC 1354; 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action extended, from May 26, 1994, to the next heavy maintenance check but no later than May 26, 1995, the compliance date for installing 11-parameter digital flight data recorders (DFDR) for all Stage 2 airplanes subject to the Stage 3 (noise) transition rule. This change may bring carriers past the first interim compliance date of the Stage 3 transition rule and could possibly eliminate the necessity for any airplanes to be DFDR retrofitted before they are removed from the fleet for noise compliance purposes by the December 31, 1994, noise compliance date. The FAA has determined that a 1-year extension of the compliance date is appropriate when balanced against the remote chance that the cause of an accident may not be determined from data recovered from existing flight data recorders in a limited number of airplanes for a limited extra amount of time.

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/94	59 FR 8570
NPRM Comment Period End	03/25/94	
Final Action	05/24/94	59 FR 26896
Final Action Effective	05/24/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/24/94 (59 FR 26896)

**Additional Information:** Project Number AFS-93-666R. As this action merely involved extension of a compliance date, it was not a rulemaking requiring OMB review in the context of EO 12866. However, it was significant under DOT's regulatory policies and procedures.

**Agency Contact:** Gary Davis, Project Development Branch, AFS-240, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AF34

**2795. • +PROHIBITION AGAINST FLIGHTS WITHIN THE TERRITORY AND AIRSPACE OF AFGHANISTAN**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1356; 49 USC 1401; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1501; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2126

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** As a result of the ongoing civil war in Afghanistan, this final rule prohibits flight operations within the territory and airspace of Afghanistan by an United States air carrier and commercial operator, by any person exercising the privileges of an airman certificate issued by the FAA, or by an operator using an aircraft registered in the United States unless the operator of such aircraft is a foreign air carrier. This action was considered significant because it is intended to preclude an undue hazard to persons and aircraft.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	05/10/94	
Final Action - Expires	05/13/94	59 FR 25282
	05/10/95 Unless Extended	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/13/94 (59 FR 25282)

**Agency Contact:** Patricia Lane, Airspace and Air Traffic Law Branch,

Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3481

**RIN:** 2120-AF38

**2796. • +PROHIBITION AGAINST FLIGHTS WITHIN THE TERRITORY AND AIRSPACE OF YEMEN**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1356; 49 USC 1401; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2126; 49 USC 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** As a result of the ongoing civil war in Yemen, this final rule prohibits flight operations within the territory and airspace of Yemen by an United States air carrier and commercial operator, by any person exercising the privileges of an airman certificate issued by the FAA, or by an operator using an aircraft registered in the United States unless the operator of such aircraft is a foreign air carrier. This action was considered significant because it is intended to preclude an undue hazard to persons and aircraft.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	05/10/94	
Final Action - Expires	05/13/94	59 FR 25284
	05/10/95 Unless Extended	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/13/94 (59 FR 25284)

**Agency Contact:** Patricia Lane, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

**RIN:** 2120-AF39

**2797. • +PROHIBITION AGAINST CERTAIN FLIGHTS BETWEEN THE UNITED STATES AND HAITI**

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1356; 49 USC 1401; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC

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1510; 49 USC 1522; 49 USC 2121 to 2126; 49 USC 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** Pursuant to Executive Order 12914, this action prohibits the takeoff from, landing in, or overflight of U.S. territory by an aircraft on a flight to or from the territory of Haiti, or to or from any intermediate destination if the flight's origin or ultimate destination is Haiti. The first final action made exceptions for regularly scheduled air carrier passenger flights; the second final action prohibited this service as well. These action were considered significant under U.S. foreign policy interests.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	05/13/94	
Final Action	05/18/94	59 FR 25809
Second Final Action	06/24/94	59 FR 32744

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/24/94 (59 FR 32744)

**Additional Information:** The Department's final orders were 94-5-18 and 94-6-28.

**Agency Contact:** Mark W. Bury, International Affairs and Legal Policy Staff, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3515

**RIN:** 2120-AF40

**2798. AIRWORTHINESS STANDARDS; NEW ROTORCRAFT 30-SECOND/2-MINUTE ONE-ENGINE-INOPERATIVE POWER RATINGS**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** This action responded to a petition for rulemaking from Aerospace Industries Association of America, Inc., and amended the Federal Aviation Regulations to incorporate new one-engine-inoperative (OEI) power ratings for multiengine, turbine-powered rotorcraft. This action will enhance

rotorcraft safety after an engine failure or precautionary shutdown by providing OEI power, when required, with the assurance that the drive system would maintain its structural integrity and allow continued safe flight while operating at the new OEI power ratings with the operable engine(s).

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39086
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment Period End	03/27/90	
Final Action	09/16/94	59 FR 47764
Final Action Effective	10/17/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 09/22/89 (54 FR 39086)

**Additional Information:** Formerly entitled New Rotorcraft Emergency Power Ratings.

Project No. ASW-85-469P.

**Agency Contact:** Ray Twa, Rotorcraft Standards Staff, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5158

**RIN:** 2120-AB90

**2799. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT**

**Legal Authority:** 49 USC 1344; 49 USC 1354; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** This action added comprehensive crash resistant fuel system design and test criteria to the airworthiness standards for normal and transport category rotorcraft. The standards should minimize fuel (and other flammable fluid) spillage near ignition sources, minimize potential ignition sources and, therefore, improve the evacuation time needed for crew and passengers to escape a postcrash fire. These criteria should minimize the

postcrash fire hazard, save lives, and substantially reduce the severe physiological and psychological injuries sustained from postcrash fires in otherwise survivable accidents.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/90	55 FR 41000
NPRM Correction	12/11/90	55 FR 50931
NPRM Comment Period End	04/03/91	
Final Action	10/03/94	59 FR 50380
Final Action Effective	11/02/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/03/94 (59 FR 50380)

**Additional Information:** This project was formerly entitled "Rotorcraft Crash Resistant Fuel Systems."

Project Number ASW-85-006R.

**Agency Contact:** Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, TX 76193, 817 624-5123

**RIN:** 2120-AC68

**2800. ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION**

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This final rule amends the Federal Aviation Regulations to add a new standard for transport category airplanes which would provide lightning protection requirements for installed electrical and electronic systems. This action was the result of increasing concern for the vulnerability of these systems to the indirect effects of lightning. This final rule was issued in order to promulgate specific lightning protection requirements for electrical systems which perform essential or critical functions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/30/89	54 FR 23164
NPRM Comment Period End	09/27/89	

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Action	Date	FR Cite
Final Action	04/28/94	59 FR 22112
Final Action Effective	05/31/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 04/28/94 (59 FR 22112)

**Additional Information:** Project No.  
 ANM-86-014R.

**Agency Contact:** Gene Vandermolen,  
 Transport Airplane Directorate, Aircraft  
 Certification Service, Department of  
 Transportation, Federal Aviation  
 Administration, Northwest Mountain  
 Region, 1601 Lind Avenue SW.,  
 Renton, WA 98055-4056, 206 227-2157

**RIN:** 2120-AC81

**2801. AIRWORTHINESS STANDARDS;  
 EMERGENCY EXIT PROVISIONS FOR  
 NORMAL, UTILITY, ACROBATIC, AND  
 COMMUTER CATEGORY AIRPLANES**

**Legal Authority:** 49 USC 1344; 49 USC  
 1354(a); 49 USC 1355; 49 USC 1421;  
 49 USC 1423; 49 USC 1425; 49 USC  
 1428; 49 USC 1429; 49 USC 1430; 49  
 USC 106(g)

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This final rule amended emergency egress requirements of the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. These rules are necessary to improve the compatibility of the requirements for emergency exit provisions of commuter category airplanes with the corresponding requirements for similar sized transport category airplanes. This action provides alternative emergency exit requirements, applicable to commuter category airplanes, when additional bin safety features are included in the airplane design, and include specific requirements for flight crew emergency exits, emergency exit ditching provisions, and the size requirement of the passenger entry door for commuter category airplanes. Originally this rulemaking was considered significant. However, because this rule would impact relatively few aircraft and would provide options in some cases, this rulemaking is no longer significant.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/90	55 FR 35544

Action	Date	FR Cite
NPRM Correction	10/04/90	55 FR 40755
NPRM Comment Period End	02/26/91	

Final Action	05/17/94	59 FR 25766
Final Action Effective	06/16/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 05/17/94 (59 FR 25766)

**Additional Information:** Project No.  
 ACE-88-001R. This project was  
 formerly entitled Exit Requirements for  
 Part 23 Airplanes.

**Agency Contact:** Norman R. Vetter,  
 Standards Office, Small Airplane  
 Directorate, Department of  
 Transportation, Federal Aviation  
 Administration, 610 East 12th Street,  
 Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AD33

**2802. DESIGN STANDARDS FOR  
 AIRPLANE JACKING AND TIE-DOWN  
 PROVISIONS**

**Legal Authority:** 49 USC 1344; 49 USC  
 1354(a); 49 USC 1355; 49 USC 1421;  
 49 USC 1423; 49 USC 1424; 49 USC  
 1425; 49 USC 1428; 49 USC 1429; 49  
 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This final rule offered new design standards for airplane jacking and tie-down provisions for transport category airplanes. This action provides manufacturers of transport category airplanes with design standards for jacking conditions and is intended to provide protection of the airplane primary structure during wind gust conditions, during jacking operations, and while tied down.

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4790
NPRM Comment Period End	08/08/90	
Final Action	04/28/94	59 FR 22100
Final Action Effective	05/31/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 04/28/94 (59 FR 22100)

**Additional Information:** Project No.  
 ANM-84-006R. This project was  
 formerly entitled "Airplane Jacking  
 Loads."

**Agency Contact:** Iven Connally,  
 Airframe and Propulsion Branch,  
 Aircraft Certification Service,  
 Department of Transportation, Federal  
 Aviation Administration, Northwest  
 Mountain Region, 1601 Lind Avenue  
 SW., Renton, Washington 98055-4056,  
 206 227-2120

**RIN:** 2120-AD38

**2803. TEMPORARY RESTRICTION OF  
 INSTRUMENT APPROACHES AND  
 CERTAIN VISUAL FLIGHT RULES  
 OPERATIONS IN HIGH PRESSURE  
 WEATHER CONDITIONS**

**Legal Authority:** 49 USC 1303; 49 USC  
 1344; 49 USC 1348; 49 USC 1352 to  
 1355; 49 USC 1401; 49 USC 1421 to  
 1431; 49 USC 1471; 49 USC 1472; 49  
 USC 1502; 49 USC 1510; 49 USC 1522;  
 49 USC 2121 to 2125; 49 USC 106(g);  
 EO 11514

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action amended the Federal Aviation Regulations to authorize the issuance of temporary flight restrictions to certain operations when accurate altitude information is not available.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/92	57 FR 8830
NPRM Comment Period End	05/11/92	
Final Action	04/12/94	59 FR 17450
Final Action Effective	05/12/94	
Final Action Correction	07/25/94	59 FR 37669

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 04/12/94 (59 FR 17450)

**Additional Information:** Project Number  
 AFS-90-183R.

**Agency Contact:** Donell Pollard,  
 Regulations Branch, Office of Flight  
 Standards, Department of  
 Transportation, Federal Aviation  
 Administration, 800 Independence  
 Avenue SW., Washington, DC 20591,  
 202 267-8096

**RIN:** 2120-AD75

**2804. MODEL ROCKET OPERATIONS**

**Legal Authority:** 49 USC 1348; 49 USC  
 1354; 49 USC 1372; 49 USC 1421; 49

DOT-FAA

Completed Actions

USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 101

Legal Deadline: None

Abstract: This action extended the inapplicability of part 101 to heavier model rockets.

Timetable:

Action	Date	FR Cite
NPRM	09/10/92	57 FR 41628
NPRM Comment Period End	12/09/92	
Final Action	10/03/94	59 FR 50390
Final Action Effective	11/02/94	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/94 (59 FR 50390)

Additional Information: This project was formerly entitled "Part 101 Review Program," Project Number ATP-84-020R. The NPRM herein was inadvertently published under RIN 2120-AB75, a completed action.

Agency Contact: Joseph White, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9246

RIN: 2120-AD84

2805. EXIT SEATING FOR ON-DEMAND OPERATIONS

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This final rule amended the exit seating rule to exclude from its applicability commuter air carrier aircraft having 9 or fewer passenger seats and on-demand air taxi aircraft having 19 or fewer passenger seats. These amendments are intended to relieve air carriers and persons with disabling conditions of unnecessary burdens by allowing, on a commuter-carrier aircraft, seating in an exit-row seat a passenger who is not able, or willing without assistance, to activate an emergency exit. The revisions would eliminate unnecessary requirements for safe evacuation in an emergency, as seating configurations in such aircraft tend to differ from standard aisle-and-row seating and frequently include

single units around a central open space in the cabin, couch seats, and club seating, which provide undefined, unrestricted paths to the exits.

Timetable:

Action	Date	FR Cite
NPRM	10/28/92	57 FR 48666
NPRM Comment Period End	11/27/92	
Final Action	06/29/94	59 FR 33602
Final Action Effective	07/29/94	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/29/94 (59 FR 33602)

Additional Information: Project Number AFS-91-332R.

Agency Contact: Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AE44

2806. PART 145 REVIEW: REPAIR STATIONS

Completed:

Reason	Date	FR Cite
Duplicate of RIN 2120-AC08	07/07/94	

RIN: 2120-AE58

2807. RENEWAL OF FLIGHT INSTRUCTOR CERTIFICATES

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This final rule amends the Federal Aviation Regulations governing the renewal of flight instructor certificates. Specifically, it permits holders of flight instructor certificates to renew by completing an approved number of hours of ground or flight instruction, or both, in an approved flight instructor refresher course.

Timetable:

Action	Date	FR Cite
NPRM	09/17/93	58 FR 48748
NPRM Comment Period End	10/18/93	
Final Action	04/13/94	59 FR 17644
Final Action Effective	04/13/94	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/17/93 (58 FR 48748)

Additional Information: Project Number: AFS 93-360R.

Agency Contact: John Lynch, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3844

RIN: 2120-AF13

2808. MEDICAL STANDARDS (FINAL RULE; EMERGENCY AMENDMENT)

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: This amendment clarifies the general medical condition standards for first-, second-, and third-class airman medical certificates under 14 CFR part 67. It is necessary because a recent decision by the U. S. Court of Appeals for the Seventh Circuit found that the Federal Aviation Administration's longstanding policy and practice to consider an individual's use of medication in its medical certification decisions is not clearly stated in part 67. This emergency amendment prescribes a medical standard for an individual who holds or is applying for a medical certificate whose medication or other treatment makes, or is expected to make, that individual unable to perform the duties or exercise the privileges of an airman certificate.

Timetable:

Action	Date	FR Cite
Final Action	09/09/94	59 FR 46706

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Project No: AAM-94-476R

Agency Contact: Dennis McEachen, Aeromedical Standards Branch, AAM-210, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-4075

RIN: 2120-AF42

DOT—FAA

Completed Actions

**2809. • REVIEW OF PART 169 - EXPENDITURE OF FEDERAL FUNDS FOR NONMILITARY AIRPORTS OR AIR NAVIGATION FACILITIES THEREON**

**Legal Authority:** 49 USC 1349; 49 USC 1354; 49 USC 1655

**CFR Citation:** 14 CFR 169

**Legal Deadline:** None

**Abstract:** Part 169 of the Federal Aviation Regulations prescribes the procedures for Federal funding of projects that are reasonably necessary for use in air commerce or in the interest of national defense. In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 169 and has determined that there are no sections in Part 169 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 169 is not required.

**Timetable:**

Action	Date	FR Cite
End Review	08/13/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Archie Muckle, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 202 267-3281

**RIN:** 2120-AF44

**2810. • OFFSHORE AIRSPACE RECONFIGURATION; VALPARAISO, FL, TERMINAL AREA**

**Legal Authority:** 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2451; 49 USC 106(g)

**CFR Citation:** 14 CFR 71; 14 CFR 93

**Legal Deadline:** None

**Abstract:** This action simplified operating procedures, airspace assignment and airspace use in the

Valparaiso, Florida, terminal area. The action is intended to provide for the safe operational mix of military and civil aircraft within this area.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/94	59 FR 34192
SNPRM; Correction to NPRM	07/19/94	59 FR 35730
NPRM Comment Period End	08/15/94	
Final Action	09/06/94	59 FR 46152
Final Action Effective	12/08/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/06/94 (59 FR 46152)

**Additional Information:** Project No: ATP-94-298R

**Agency Contact:** Joseph C. White, Air Traffic Rules Branch, ATP-230, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8783

**RIN:** 2120-AF45

**2811. • REVIEW OF PART 47 - AIRCRAFT REGISTRATION**

**Legal Authority:** 49 USC 106(g); 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502

**CFR Citation:** 14 CFR 47

**Legal Deadline:** None

**Abstract:** Part 47 of the Federal Aviation Regulations prescribes the procedures for aircraft registration. In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 47 and has determined that there are no sections in Part 47 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 47 is not required.

**Timetable:**

Action	Date	FR Cite
End Review	09/23/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Gary Becker, Office of Aviation Policy Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7766

**RIN:** 2120-AF50

**2812. • REVIEW OF PART 49 - RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS**

**Legal Authority:** 49 USC 106(g); 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405 to 1406; 49 USC 1502

**CFR Citation:** 14 CFR 49

**Legal Deadline:** None

**Abstract:** Part 49 of the Federal Aviation Regulations prescribes the regulations dealing with the recording of conveyances affecting title to, or interest in, aircraft, certain engines and propellers, and spare parts. In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 49 and has determined that there are no sections in Part 49 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 49 is not required.

**Timetable:**

Action	Date	FR Cite
End Review	09/23/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Marilyn DeCarlos, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3319

**RIN:** 2120-AF51

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Federal Highway Administration (FHWA)**

Prerule Stage

**2813. +COMMERCIAL DRIVER  
 PHYSICAL FITNESS AS PART OF THE  
 CDL PROCESS**

**Legal Authority:** 49 USC app 2704(a)(8); 49 USC app 2505; 49 USC app 3102

**CFR Citation:** 49 CFR 391; 49 CFR 383; 49 CFR 1.48; 49 CFR 391.11; 49 CFR 391.45

**Legal Deadline:** None

**Abstract:** The FHWA is proposing to include the certification of fitness to operate a CMV in the commercial driver's license (CDL) process. Incorporating the commercial driver fitness determination into State administered CDL procedures could allow elimination of the requirement that CMV drivers carry a separate medical certificate. The CDL would be evidence that the CMV driver is physically fit as well as operationally qualified to operate CMVs safely. This action addresses the driver's physical qualifications as they relate to the CDL process; it does not address whether those standards are correct or should be changed.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/94	59 FR 36338
ANPRM Comment Period End	11/14/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Additional Information:** The FHWA considers this a significant action due to anticipated substantial public interest.

**Agency Contact:** Teresa Doggett, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2990

**RIN:** 2125-AD20

**2814. • +QUALIFICATION OF  
 DRIVERS; EPILEPSY**

**Legal Authority:** 49 USC 3102; 49 USC app 2505

**CFR Citation:** 49 CFR 391.41(b)(8)

**Legal Deadline:** None

**Abstract:** The FHWA is considering revising the driver qualification requirements related to the epilepsy

standard found in 49 CFR Part 391.41(b)(8). The FHWA believes that a review of the standard is necessary to assess the effect advances in medical science and technology may have on the standard. This action is considered significant because of substantial public interest.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Additional Information:** Also under development is a notice seeking comments on the FHWA's intent to initiate a three-year waiver study to permit the FHWA to observe and collect data on the driving experience of a group of drivers who have epilepsy.

This action is being further considered in light of the recent decision of the U.S. Court of Appeals for the D.C. Circuit in *Advocates for Highway and Auto Safety v. Federal Highway Administration*, No. 92-1411, August 2, 1994.

**Agency Contact:** Sandra Zywockarte, Health and Welfare Specialist, Department of Transportation, Federal Highway Administration, 202 366-2987

**RIN:** 2125-AD34

**2815. ACQUISITION OF REAL  
 PROPERTY FOR RIGHTS-OF-WAY**

**Legal Authority:** 23 USC 315; PL 100-17, sec 126; PL 100-17, sec 146; 42 USC 4601 et seq

**CFR Citation:** 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740; 23 CFR 620; 23 CFR 635; 23 CFR 645

**Legal Deadline:** None

**Abstract:** The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and update the content. This action will also implement sections 126 and 146 (airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation

**Additional Information:** Two related rulemaking actions are: (1) a proposed rule entitled "Right-of-Way" which appeared in a prior Agenda under RIN 2125-AB58 and (2) a proposed rule entitled "Property Management; Disposals and Airspace" which appeared in a prior Agenda under RIN 2125-AB60. Those entries have been consolidated into this rulemaking.

**Agency Contact:** Marshall Schy, Chief, Policy Development Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2021

**RIN:** 2125-AC17

**2816. • VALUE ENGINEERING**

**Legal Authority:** 23 USC 106(d); 23 USC 302; 23 USC 307; 23 USC 315

**CFR Citation:** 23 CFR 627; 49 CFR 18

**Legal Deadline:** None

**Abstract:** In this action, the FHWA proposes the application of value engineering (VE) in the design and construction of Federal-aid highway projects funded under the grant-in-aid process. This proposal would require State highway agencies (SHAs) to establish and administer VE programs, outline minimum VE program requirements and provide guidance on establishing, administering and monitoring such programs. This action is considered necessary to implement the provisions of 23 USC 106(d), which provides that the Secretary may require a value engineering or other cost reduction analysis of plans, specifications, and estimates for proposed projects on any Federal-aid highway.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Keith Borkenhagen, Value Engineering Coordinator, Department of Transportation, Federal Highway Administration, 202 366-4630

**RIN:** 2125-AD33

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Highway Administration (FHWA)**

**Proposed Rule Stage**

**2817. +COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER**

**Legal Authority:** PL 100-690, sec 9105

**CFR Citation:** 49 CFR 383

**Legal Deadline:** Final, Statutory, December 31, 1990.

**Abstract:** This action was initiated to improve identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Alternatives that were considered included retinal eye scans and advanced fingerprint technologies. After (1) further review, (2) a careful analysis of public comments submitted to the ANPRM, and (3) a review of demonstration project results, the FHWA has determined that current technology has not progressed to the point where an identification system could be established nationwide in a cost-effective manner and still provide the benefits for which a system was intended. Therefore, the FHWA has published an informational notice to summarize the results of the pilot study and the comments to the ANPRM to demonstrate how the technologies studied fall short of the demands in a commercial licensing environment. Additional studies are being conducted to assess the current state of the art of technology in biometric identification systems. The public docket will remain open while this research is being conducted. This project is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	54 FR 20875
Information Notice Published	03/08/91	56 FR 9925
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation

**Agency Contact:** Nathan Root, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-8759

**RIN:** 2125-AC24

**2818. +WEIGHT THRESHOLD ADJUSTMENTS FOR COMMERCIAL MOTOR VEHICLES**

**Legal Authority:** 49 USC app 2505; 49 USC 504; 49 USC 3102; 49 CFR 1.48

**CFR Citation:** 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 396

**Legal Deadline:** None

**Abstract:** As a result of a petition by the Delaware Department of Public Safety, the FHWA considered an exemption of the FMCSRs for vehicles with a GVWR or GCWR of less than 26,001 pounds. Data submitted to this docket, as well as to the overall Regulatory Review docket (57 FR 4744, 02/07/92), were insufficient to support a change in the weight threshold criterion in the definition of a CMV. The FHWA is also involved in a zero-base review of the FMCSRs, which is much broader in scope than the exemption discussed in the ANPRM. Although no rulemaking action is considered at this time in regard to weight threshold, the FHWA will incorporate the comments on the ANPRM in the comprehensive zero-base research effort.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/17/89	54 FR 7224
ANPRM Comment Period Extended to 06/19/89	04/03/89	54 FR 13391
ANPRM Comment Period End	04/18/89	54 FR 7224
ANPRM Comment Period Extended to 11/03/89	06/15/89	54 FR 25484
To Be Withdrawn	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation

**Additional Information:** This action was originally titled "Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Definition"; it was later titled "Simplifying Revisions and Weight Threshold Adjustments to the Federal Motor Carrier Safety Regulations."

**Agency Contact:** Jeffrey J. Van Ness, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-6236

**RIN:** 2125-AC27

**2819. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING**

**Legal Authority:** 49 USC 3102; 49 USC app 2503; 49 USC app 2505

**CFR Citation:** 49 CFR 390

**Legal Deadline:** None

**Abstract:** This rulemaking would revise 49 CFR 390.21 concerning the marking of motor vehicles. The marking requirement was promulgated in part to identify the motor-carrier population subject to the regulations and to assist in maintaining a current, up-to-date census file of all those motor carriers. This action would require all motor carriers subject to the FMCSRs to comply with the requirements of 49 C.F.R. 390.21. This action would consider the possible use of a postcard-type form for annual census purposes in lieu of Forms MCS-137 and MCS-150 and is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/17/89	54 FR 29912
ANPRM Comment Period End	09/15/89	
NPRM	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** The action with reference to marking treatment of rental vehicles was removed from this rulemaking and completed 02/28/90 (55 FR 6991) under RIN 2125-AC51. The issue of marking requirements for all commercial motor vehicles operated in interstate commerce was designated RIN 2125-AC82 and was a completed action in the April 1992 Agenda.

**Agency Contact:** Phillip J. Forjan, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-6817

**RIN:** 2125-AC28

**2820. +QUALIFICATION OF DRIVERS; VISION**

**Legal Authority:** 49 USC 2505; 49 USC 3102

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

DOT—FHWA

Proposed Rule Stage

**Abstract:** The FHWA published a notice of final disposition (Docket No. MC-92-27) announcing its decision to issue waivers of the vision requirements to drivers who meet certain preconditions. The purpose of this action is to gather empirical data which will be used as the basis for future rulemaking. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/92	57 FR 6793
ANPRM Comment	04/28/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** The decision to issue waivers of the vision requirements was finalized 07/16/92 (57 FR 31458) and waiver applications were accepted through 09/21/92. The waiver application period was extended 09/21/92 (57 FR 45002) to 12/31/92. Further rulemaking on vision is deferred until completion of the waiver study. Issues regarding hearing and epilepsy will be handled hereafter under separate RINs.

This rulemaking action is being further considered in light of the recent decision of the U.S. Court of Appeals for DC Circuit in *Advocates for Highway and Auto Safety v. Federal Highway Administration*, No. 92-1411, August 2, 1994.

**Agency Contact:** Sandra L. Zywockarte, Health and Welfare Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC62

**2821. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL TRANSPORTATION OF HAZARDOUS MATERIALS**

**Legal Authority:** 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104

**CFR Citation:** 49 CFR 390.3; 49 CFR 397

**Legal Deadline:** Final, Statutory, November 15, 1991.

**Abstract:** This rulemaking will implement the statutory requirements of sections 8 and 15 of the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990. Section 8 addresses the establishment of motor carrier safety permit regulations for motor carriers transporting Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, or highway route controlled quantity radioactive materials. Section 15 of the HMTUSA requires inspection of vehicles transporting those radioactive materials before each trip. The proposed rule will incorporate those provisions into the safety permit regulations. This action is considered significant because of substantial public and congressional interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/93	58 FR 33418
NPRM Comment	08/16/93	
Period End		
SNPRM	11/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/17/93 (58 FR 33418)

**Agency Contact:** Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2983

RIN: 2125-AC78

**2822. +TRAINING FOR ALL ENTRY-LEVEL DRIVERS OF COMMERCIAL VEHICLES**

**Legal Authority:** PE 102-240, sec 4007

**CFR Citation:** 49 CFR 383

**Legal Deadline:** NPRM, Statutory, December 18, 1992. Final, Statutory, December 18, 1993. Other, Statutory, January 18, 1994. Other deadline is for a report to Congress.

**Abstract:** This action is in response to section 4007 of the Motor Carrier Act of 1991 (title IV of the Intermodal Surface Transportation Efficiency Act of 1991). The Department must undertake a rulemaking on the need to require training of all entry-level drivers of commercial motor vehicles. If FHWA determines it is not in the

public interest to issue a rule requiring such training, the Agency must submit a report to Congress, along with results of a cost-benefit analysis, as part of the rulemaking proceeding. FHWA is also required to submit a report to Congress on the effectiveness of private-sector efforts to ensure adequate training of all entry-level drivers. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/21/93	58 FR 33874
ANPRM Comment	08/20/93	
Period End		
NPRM	07/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/00/95

**Agency Contact:** Jerry L. Robin, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

RIN: 2125-AD05

**2823. +QUALIFICATIONS OF DRIVERS: HEARING DEFICIENCIES**

**Legal Authority:** 49 USC 3102; 49 USC app 2505

**CFR Citation:** 49 CFR 391; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** FHWA is considering amending its driver qualification requirements relating to the hearing standard found at 49 CFR 391.41(b)(11). FHWA believes that a review of the standard is necessary to assess the effect advances in medical science and technology may have on the standard. Such advances may lead to amending the current standard. The FHWA published an ANPRM (FHWA Docket No. MC-93-30) seeking comment on the hearing standard. Also published was a notice seeking comments on the FHWA's intent to initiate a 3-year study on the effects of hearing deficiencies on the ability to operate a commercial motor vehicle. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/15/93	58 FR 65634

DOT—FHWA

Proposed Rule Stage

Action	Date	FR Cite
ANPRM Comment Period Extended to 04/05/94	02/04/94	59 FR 5376
ANPRM Comment Period End	02/14/94	
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Analysis:** Regulatory Evaluation

**Additional Information:** A related notice regarding possible waivers was published at 58 FR 65638 (Dec. 15, 1993). This action is being further considered in light of the recent decision of the U.S. Court of Appeals for the DC Circuit in *Advocates for Highway and Auto Safety v. Federal Highway Administration*, No. 92-1411, August 2, 1994.

**Agency Contact:** Sandra Zywokarte, Health and Welfare Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2987

RIN: 2125-AD22

**2824. +DEPARTMENT OF TRANSPORTATION (FHWA, FTA, AND FRA) ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**

**Legal Authority:** 42 USC 4321; 23 USC 109; 23 USC 128; 23 USC 138; 23 USC 315; PL 102-240; 49 USC 303(c); 49 USC 1602(d); 49 USC 1604(h); 49 USC 1604(i); 49 USC 1610

**CFR Citation:** 23 CFR 771; 49 CFR 622; 40 CFR 1500 to 1508; 49 CFR 1.48(b); 49 CFR 1.51

**Legal Deadline:** None

**Abstract:** The Federal Highway Administration and the Federal Transit Administration currently have a joint environmental regulation at 23 CFR 771, "Environmental Impact and Related Procedures". The agencies first issued an environmental regulation together in 1980. The joint regulation was amended in 1987 and again in 1991. Even though FHWA and FTA have joint regulations, each agency's guidance for implementing those regulations is procedurally different. This causes difficulties and inconsistencies for sponsors of transportation projects, particularly where joint FHWA and FTA funds are involved. In the ISTEA, the Congress

recognized the importance of providing uniformity and consistency between FHWA and FTA environmental procedures. This is needed to accommodate the increased funding flexibility for surface transportation provided by ISTEA. Because of an increased emphasis on intermodal planning and proposals to advance a high speed rail program, the proposed, new joint regulations will include the Federal Railroad Administration (FRA). The proposed regulations will therefore be applied to all three modal administrations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation

**Additional Information:** Section 134(h)(4) of title 23, United States Code and section 8(h)(4) of the Federal Transit Act, as amended, direct the Secretary of Transportation to initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements for highway projects. This action is considered significant because of public, congressional, and environmental concerns and because it involves several interested departmental modes.

**Agency Contact:** Harold Peaks, Senior Staff Specialist, Office of Environment and Planning, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1598

RIN: 2125-AD32

**2825. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES); REPORT REQUIREMENTS**

**Legal Authority:** 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

**CFR Citation:** 23 CFR 230

**Legal Deadline:** None

**Abstract:** This rulemaking was initiated in 1982 to amend FHWA regulations

on recordkeeping and reporting requirements for on-the-job training on Federal-aid construction contracts. The FHWA intends to issue a new notice of proposed rulemaking proposing additional changes to this subpart as well as other subparts in part 230 of title 23 of the Code of Federal Regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	
SNPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation  
11/22/82 (47 FR 52470)

**Additional Information:** An SNPRM will be issued in order to propose updated revisions. The SNPRM will address all procedures and provisions contained in 23 CFR 230. Therefore, the related entry (RIN 2125-AB27) has been consolidated into this proceeding.

**Agency Contact:** Linda Brown, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1593

RIN: 2125-AB15

**2826. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES**

**Legal Authority:** 23 USC 315; PL 97-424, sec 411; PL 97-424, sec 416

**CFR Citation:** 23 CFR 658

**Legal Deadline:** None

**Abstract:** The FHWA requested public comment on how, under section 411(h) and 416(b) of the Surface Transportation Act of 1982 (STA) (PL 97-424, 96 Stat. 2097), the Secretary may determine which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions. The present system of employing rulemaking proceedings is too time-consuming and cumbersome to meet the needs of industry and is needlessly burdensome for FHWA. Therefore, a new approach will be proposed.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/26/89	54 FR 52951

DOT—FHWA

Proposed Rule Stage

Action	Date	FR Cite
ANPRM Comment Period Extended to 06/01/90	03/21/90	55 FR 10468
ANPRM Comment Period End	03/26/90	
ANPRM Docket Reopened; Comment Period Extended to 08/21/90	06/22/90	55 FR 25673
NPRM	10/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** State  
**Analysis:** Regulatory Evaluation  
**Agency Contact:** Max Pieper,  
 Department of Transportation, Federal  
 Highway Administration, 400 Seventh  
 Street SW., Washington, DC 20590, 202  
 366-4029  
**RIN:** 2125-AC30

**2827. AMENDMENTS TO THE PERIODIC INSPECTION REQUIREMENTS**

**Legal Authority:** 49 USC app 2509; 49 USC 3102  
**CFR Citation:** 49 CFR 396  
**Legal Deadline:** None

**Abstract:** This action proposes amendments to the periodic inspection requirements for commercial motor vehicles contained in 49 CFR part 396. The periodic inspection final rule was published on December 7, 1988, at 53 FR 49402, and amended on December 8, 1989, at 54 FR 50722. The December 8, 1989, amendment included a request for comments. In response to the comments received and requests for interpretations from the industry, the FHWA has determined that the rule should be amended to clarify the requirements for periodic inspection decals; evidence of the inspector's qualifications; the response time for a motor carrier to transmit a copy of a self-inspection report to an authorized Federal, State, or local enforcement official; identity of the motor carrier or other entity offering a vehicle for inspection; and documentation of a State periodic inspection, including proof of inspection on vehicles. The FHWA also proposes to amend the inspection criteria to make the requirements of appendix G to subchapter B consistent with part 393 and the North American Uniform Vehicle Out-of-Service Criteria. These

proposed amendments concern inspection standards for brake (cont)

**Timetable:**

Action	Date	FR Cite
Notice; Request for Comments	03/16/89	54 FR 11020
Final Rule; Delay in Compliance Date	12/08/89	54 FR 50722
Notice: State Inspection Programs	12/08/89	54 FR 50726
Petition: Comments Invited Through 07/02/90	05/02/90	55 FR 18355
Notice: State Inspection Programs	09/23/91	56 FR 47982
Denial of Petition NPRM	07/02/92 01/00/95	57 FR 29457

**Small Entities Affected:** None  
**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
**Additional Information:** ABSTRACT CONT: adjustment limits, brake lining thickness, coupling devices, steering mechanism, tires marked "Not for Highway Use," and regrooved tires on steering axles. This action was formerly titled "Inspection, Repair and Maintenance; Periodic Inspections."

**Agency Contact:** Larry W. Minor,  
 Department of Transportation, Federal  
 Highway Administration, 400 Seventh  
 Street SW., Washington, DC 20590, 202  
 366-2981  
**RIN:** 2125-AC47

**2828. COMMERCIAL DRIVER INSTRUCTION PERMITS**

**Legal Authority:** PL 99-570; 49 USC 3102; 49 USC app 2505; 49 CFR 1.48  
**CFR Citation:** 49 CFR 383; 49 CFR 384  
**Legal Deadline:** None

**Abstract:** To reconcile the training needs of the motor carrier industry with the requirements of the Commercial Driver's License (CDL) program and the Commercial Motor Vehicle Safety Act of 1986, the FHWA is proposing additional minimum Federal standards for State-issued learner's permits that allow drivers to be trained in the operation of commercial motor vehicles (CMVs). Among the alternatives under consideration: Applicants for Commercial Driver Instruction Permits (CDIPs) might need to possess drivers' licenses and undergo record checks

analogous to those now required for CDLs; CDIP transactions might be entered in the Commercial Driver's License Information System (CDLIS); and CDIP holders might be explicitly subject to the same disqualifications as CDL holders. Since driver training is nationwide in scope, the FHWA is proposing options that would allow a State to issue a CDIP to a driver trainee.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	
NPRM Comment Period Extended to 11/30/90	10/23/90	55 FR 42741
SNPRM	02/00/95	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation  
 08/22/90 (55 FR 34478)

**Additional Information:** Because other regulatory changes have been made since the NPRM was published in 1990, the FHWA intends to issue a supplemental NPRM to solicit comments on including additional requirements consistent with changes in the CDL program.

**Agency Contact:** David Goettee,  
 Transportation Specialist, Department  
 of Transportation, Federal Highway  
 Administration, 400 Seventh Street  
 SW., Washington, DC 20590, 202 366-  
 4001

**RIN:** 2125-AC54

**2829. CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT**

**Legal Authority:** 23 USC 127; 23 USC 141; 23 USC 315  
**CFR Citation:** 23 CFR 657  
**Legal Deadline:** None

**Abstract:** This rulemaking action proposes to amend existing regulations contained in 23 CFR 657 by changing the requirements for State enforcement plans and certifications as well as the FHWA evaluation of State operations under the enforcement plans. The revised requirements will be determined through the rulemaking process. The revisions will result in evaluations and certifications being based more closely on the approved plans.

DOT—FHWA

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	12/16/93	58 FR 65830
ANPRM Comment	03/15/94	59 FR 11956
Period Extended to 05/18/94		
ANPRM Comment	03/16/94	
Period End		
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Kathy Busby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4026

**RIN:** 2125-AC60

**2830. REVISION OF MEDICAL EXAMINATION FORM AND PROCEDURES**

**Legal Authority:** 49 USC 2505; 49 USC 3102

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

**Abstract:** This rulemaking action will seek information for the redesign of the existing medical examination form as well as amend the examination procedures to reflect the latest medical and technological advances.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation

**Additional Information:** This action was formerly titled "Qualification of Drivers; Medical Examination Form."

**Agency Contact:** Sandra L. Zywokarte, Health and Welfare Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC63

**2831. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION: INTERMODAL CARGO CONTAINERS**

**Legal Authority:** 49 USC 3102; 49 USC app 2505

**CFR Citation:** 49 CFR 393; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** The purpose of this ANPRM is to gather information and views regarding the need, if any, to amend the requirements of the Federal Motor Carrier Safety Regulations for securing intermodal cargo containers to trailers.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/23/93	58 FR 44485
ANPRM Comment	11/22/93	
Period End		
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** Deborah M. Freund, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC74

**2832. LONGER COMBINATION VEHICLES—DRIVER TRAINING**

**Legal Authority:** PL 102-240, sec 4007(b)(2); Intermodal Surface Transportation Efficiency Act (ISTEA)

**CFR Citation:** 49 CFR 383

**Legal Deadline:** Final, Statutory, December 18, 1993.

**Abstract:** This action will establish minimum training requirements for operators of longer combination vehicles. The training would include certification of an operator's proficiency by a certified instructor.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/15/93	58 FR 4638
ANPRM Comment	03/16/93	
Period End		
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/00/94

**Agency Contact:** Jerry Robin, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

**RIN:** 2125-AC92

**2833. HIGHWAY BEAUTIFICATION**

**Legal Authority:** 23 USC 131; 23 USC 315; 49 USC 1651

**CFR Citation:** 23 CFR 750, subpart B; 23 CFR 750, subpart E; 23 CFR 750, subpart G

**Legal Deadline:** None

**Abstract:** The revision of these subparts will reduce their complexity, recognize the existence of State laws, regulations, and organizations implementing 23 USC 131, and emphasize the position of the State as the initial, primary, and principal focal point regarding the requirement of effective control. Potential costs should be reduced, albeit minimally. The principal benefit will be to give the States greater ability, in the context of the broad requirements of 23 USC 131, to respond to concepts and issues relevant to the States.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Robert P. Harter, Realty Specialist, Special Programs and Evaluation Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington DC 20590, 202 366-2026

**RIN:** 2125-AD24

**2834. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; SLEEPER BERTHS ON MOTOR COACHES**

**Legal Authority:** 49 USC app 2505; 49 USC 3102

**CFR Citation:** 49 CFR 393; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** Comments have been sought on the suitability of existing driver sleeper berth regulations for motor coaches and possible amendment to account for design differences between trucks and motor coaches.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/12/94	59 FR 1706
ANPRM Comment	03/14/94	
Period End		
NPRM	12/00/94	

DOT—FHWA

Proposed Rule Stage

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation  
**Agency Contact:** Bryan L. Price, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5720

RIN: 2125-AD25

**2835. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; LIGHTING DEVICES, REFLECTORS, AND ELECTRICAL EQUIPMENT**

**Legal Authority:** 49 USC 3102; 49 USC app 2505; PL 101-50, sec 15(f)

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** The FHWA is considering proposing measures for reducing the incidence and severity of collisions with large trailers during conditions of darkness or reduced visibility. Specifically, the agency is considering issuing a proposal to establish requirements for the use of retroreflective sheeting or reflex reflectors for certain trailers manufactured prior to December 1, 1993, the effective date of the National Highway Traffic Safety Administration's final rule on conspicuity for newly manufactured trailers.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/19/94	59 FR 2811
ANPRM Comment Period End	03/21/94	
NPRM	06/00/95	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation

**Additional Information:** In its ANPRM, the FHWA specifically requested comment, information, and data on the economic impacts of potential changes to the existing regulations. The FHWA intends to consider carefully the costs and benefits associated with various alternative requirements, including the economic impacts of potential changes on small entities.

**Agency Contact:** Jeffrey J. Van Ness, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AD27

**2836. • PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION: AUTOMATIC BRAKE ADJUSTERS AND BRAKE ADJUSTMENT INDICATORS**

**Legal Authority:** 49 USC 3102; 49 USC app 2505

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This action proposes a requirement for automatic brake adjusters (ABAs) on hydraulically-braked commercial motor vehicles (CMVs) and air-braked CMVs manufactured on or after October 20, 1993, and October 20, 1994, respectively, and air-brake adjustment indicators on air-braked CMVs with external adjustment mechanisms manufactured on or after October 20, 1994. This is needed for consistency between the Federal Motor Carrier Safety Regulations (FMCSRs) and Federal Motor Vehicle Safety Standards (FMVSSs) Nos. 105 and 121. In addition, the FHWA requests information concerning the possibility of requiring these devices to be retrofitted to CMVs placed in operation prior to the effective dates of the recent amendments to FMVSS Nos. 105 and 121.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/94	59 FR 39518
NPRM Comment Period End	10/03/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation

**Agency Contact:** Deborah Freund, Department of Transportation, Federal Highway Administration, 202 366-2981

RIN: 2125-AD37

**2837. • DESIGN STANDARDS FOR HIGHWAYS; A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS; DESIGN AND CONSTRUCTION CRITERIA**

**Legal Authority:** 23 USC 109; 23 USC 315; 23 USC 402

**CFR Citation:** 23 CFR 625

**Legal Deadline:** None

**Abstract:** The standards, policies and standard specifications that have been approved by the FHWA for application of projects located on the National Highway System (NHS) are incorporated by reference in 23 CFR Part 625. The American Association of State Highway and Transportation Officials (AASHTO) is in the process of completing the revision of "A Policy of Geometric Design of Highways and Streets" to incorporate the latest information on geometric design and to change the numeric values used in the policy exclusively to metric units. Through this rulemaking, the FHWA is proposing to incorporate this revised AASHTO publication into the regulations on design standards for highways, thus adopting controlling metric criteria for use in the design of projects on the NTS.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/96	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation

**Additional Information:** RIN 2125-AD23 "Design Standards for Highways, Interim Selected Metric Values for Geometric Design; Design and Construction Criteria," has been consolidated into this action. By notice published June 27, 1994 (59 FR 33037), FHWA announced its decision to delay implementation of any national metric sign conversion until after 1996, or until further indication of the intent of Congress on this subject is received.

**Agency Contact:** Seppo I. Sillan, Chief, Geometric And Roadside Design Branch, Department of Transportation, Federal Highway Administration, 202 366-1327

RIN: 2125-AD38

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Federal Highway Administration (FHWA)**

**Final Rule Stage**

**2838. +QUALIFICATION OF DRIVERS; DIABETES**

**Legal Authority:** 49 USC 3102; 49 USC app 2505; 23 USC 315

**CFR Citation:** 49 CFR 391.41(b)(3)

**Legal Deadline:** None

**Abstract:** The FHWA is considering revising the driver qualification requirements to allow certain insulin-using diabetics to operate commercial motor vehicles in interstate commerce. The FHWA issued a final disposition accepting waiver applications under certain conditions. The deadline for submitting applications was April 30, 1994. The waiver program is being instituted to permit the FHWA to observe and collect data on the driving experience of a group of insulin-using drivers. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM Comment Period End	12/28/87	52 FR 45204
ANPRM Comment Period Extended to 02/01/88	01/04/88	53 FR 42
NPRM	10/05/90	55 FR 41028
NPRM Comment Period Extended to 01/03/91	11/01/90	55 FR 46080
NPRM Comment Period End	12/04/90	
Notice of Intent to Issue Waivers; Comment Request	10/21/92	57 FR 48011
Final Action To Accept Waivers	07/29/93	58 FR 40690
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/05/90 (55 FR 41028)

**Additional Information:** Further rulemaking on diabetes is deferred until the completion of the waiver study.

This action is being further considered in light of the recent decision of the U.S. Court of Appeals for the DC Circuit in *Advocates for Highway and Auto Safety v. Federal Highway Administration*, No. 92-1411, August 2, 1994.

**Agency Contact:** Sandra L. Zywockarte, Health and Welfare Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh

Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AB91

**2839. +SAFETY FITNESS PROCEDURES; SAFETY RATINGS**

**Legal Authority:** 49 USC app 2512; 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 3102; 49 USC app 1814; PL 101-500

**CFR Citation:** 49 CFR 385

**Legal Deadline:** None

**Abstract:** This action will amend the Federal Motor Carrier Safety Regulations to implement provisions of the Motor Carrier Safety Act of 1990 (section 15 of PL 101-500). This enactment prohibits a motor carrier that receives an "unsatisfactory" safety rating from operating commercial motor vehicles to transport hazardous materials in quantities for which vehicle placarding is required or to transport more than 15 passengers, including the driver. The prohibition is effective 45 days after receipt of an unsatisfactory rating and remains in effect until a satisfactory rating is secured. This action is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/16/91	56 FR 40801
Final Action	12/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 08/16/91 (56 FR 40801)

**Additional Information:** The interim final rule was effective upon publication 08/16/91. Statutory prohibition became effective January 1, 1991.

**Agency Contact:** Neill L. Thomas, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC71

**2840. +TRANSPORTATION OF HAZARDOUS MATERIALS; HIGHWAY ROUTING**

**Legal Authority:** 49 USC 1801; 49 USC 1804; 49 USC 1811; PL 101-615

**CFR Citation:** 49 CFR 397; 49 CFR 1.48

**Legal Deadline:** Final, Statutory, May 16, 1992.

**Abstract:** Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications and possible federalism implications. The Hazardous Materials Uniform Safety Act of 1990 amended the HMTA to require the Secretary to issue Federal standards for highway routing.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11618
ANPRM Comment Period Extended to 12/13/88	10/05/88	53 FR 39114
ANPRM Comment Period End	10/11/88	
NPRM	08/31/92	57 FR 39522
NPRM Comment Period End	10/30/92	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** State, Local, Tribal, Federal

**Analysis:** Regulatory Evaluation 08/31/92 (57 FR 39522)

**Additional Information:** Docket No. HM-203. Public hearings were held on June 14, 1988, in Sacramento, California; and on September 15, 1988, in Washington, DC. Further public hearing schedules were published 08/31/92 (57 FR 39533). This rulemaking has been transferred to the Federal Highway Administration from the Research and Special Programs Administration. It was reported in the April 1991 Agenda under RIN 2137-AB42. The 08/31/92 NPRM docket number was MC-92-6. Public hearings were held in October 1992.

**Agency Contact:** Henry Sandhusen, Chief, Hazardous Materials Routing and Special Studies Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-8788

**RIN:** 2125-AC80

DOT—FHWA

Final Rule Stage

**2841. +MANAGEMENT AND MONITORING SYSTEMS**

**Legal Authority:** 23 USC 303; 23 USC 315; 49 USC app 1607; 23 USC 135; 23 USC 134

**CFR Citation:** 23 CFR 500; 23 CFR 626; 49 CFR 614

**Legal Deadline:** Final, Statutory, December 18, 1992.

**Abstract:** 23 U.S.C. 303 requires the Secretary of Transportation to issue regulations for State development, establishment, and implementation of systems for managing: highway pavement of Federal-aid highways; bridges on and off Federal-aid highways; highway safety; traffic congestion; public transportation facilities and equipment; and intermodal transportation facilities and systems. The Secretary also must issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment. States must be implementing each management system in Federal fiscal year 1995, or the Secretary may withhold up to 10 percent of funds apportioned under title 23, U.S.C., or under the Federal Transit Act for any fiscal year beginning after September 30, 1995. The primary purpose of these systems is to improve the efficiency of, and protect the investment in, existing and future transportation infrastructure. The systems will provide additional information needed to make informed decision for optimum utilization of limited resources. (cont)

**Timetable:**

Action	Date	FR Cite
ANPRM	06/03/92	57 FR 23460
ANPRM Comment Period End	08/03/92	
NPRM	03/02/93	58 FR 12096
Request for Comments	03/24/93	58 FR 15816
NPRM Comment Period End	05/03/93	
Interim Final Rule	12/01/93	58 FR 63442
Interim Final Rule; Correction	12/07/93	58 FR 64374
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/01/93 (58 FR 63442)

**Additional Information:** ABSTRACT CONT: The economic impact of the regulations is expected to be minimal. The regulations will be issued jointly with the Federal Transit Administration (RIN 2132-AA47). This regulation is considered significant because of substantial State and local government, congressional, and public interest. The interim final rule was effective on January 3, 1994; comments were due by January 31, 1994. The issue of replacement of sections 511.1 through 511.10, formerly a part of this RIN, has been removed and consolidated into RIN 2125-AD21.

**Agency Contact:** Tony Solury, Community Planner, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5003

**RIN:** 2125-AC97

**2842. +CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING; FOREIGN-BASED MOTOR CARRIERS AND DRIVERS**

**Legal Authority:** 23 USC 315; 49 USC 2505; 49 USC 3102; 49 USC app 2717

**CFR Citation:** 49 CFR 382

**Legal Deadline:** Final, Statutory, October 28, 1992.

**Abstract:** This action would extend the applicability of alcohol and controlled substances testing requirements to foreign-based drivers of motor carriers under the Omnibus Transportation Employee Testing Act of 1991. The FHWA needs information concerning foreign government laws and regulations that may conflict with the proposed rules. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/15/92	57 FR 59536
ANPRM Comment Period End	02/16/93	
NPRM	02/15/94	59 FR 7528
NPRM Comment Period End	04/18/94	
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** David Miller, Transportation Specialist, Standards

Development Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AD11

**2843. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; INTERMODAL TRANSPORTATION**

**Legal Authority:** PL 102-548

**CFR Citation:** 49 CFR 390

**Legal Deadline:** NPRM, Statutory, April 28, 1993. Final, Statutory, July 28, 1993.

**Abstract:** This rulemaking action implements the requirements of the Intermodal Safe Container Transportation Act of 1992. Motor carriers are prohibited from accepting a loaded intermodal container or trailer having a gross cargo weight of more than 10,000 lbs. prior to receiving written certification of the gross cargo weight and a reasonable description of the contents of the container or trailer. The certification must be provided by the person tendering the container or trailer for transportation. Carriers and intermediaries are required to forward such written certification to any subsequent carrier. It is illegal to coerce motor carriers to transport an intermodal container or trailer covered by the Act without the certification or with a weight that would cause the tractor-trailer combination to exceed applicable State law.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/93	58 FR 37895
NPRM Comment Period End	09/13/93	
NPRM Comment Period Reopened to	10/05/93	58 FR 51800
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/14/93 (58 FR 37895)

**Additional Information:** This rulemaking is considered to be a significant regulation under DOT regulatory policies and procedures because it affects other modal administrations of the Department and because of substantial public interest.

**Agency Contact:** Peter C. Chandler, Office of Motor Carrier Standards,

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Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5763

RIN: 2125-AD14

**2844. CENTRALIZATION OF FORMAL HEARING DOCKETS (FHWA)**

**Legal Authority:** 49 USC 104(c)(2); 49 USC 501; 49 USC 1801; 49 USC 2501; 49 USC 2701; 49 USC 3101; 49 USC 10927

**CFR Citation:** 49 CFR 386

**Legal Deadline:** None

**Abstract:** This final rule provides that documents and evidence in formal hearing cases adjudicated within the Federal Highway Administration (FHWA) will be filed and maintained in the OST Documentary Services Division. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2125-AC59

**2845. TRANSPORTATION OF HAZARDOUS MATERIALS; PREEMPTION DETERMINATION**

**Legal Authority:** 49 USC 1801 et seq; PL 101-615

**CFR Citation:** 49 CFR 397; 49 CFR 1.48

**Legal Deadline:** Final, Statutory, May 16, 1992.

**Abstract:** The FHWA is incorporating, without substantive change, the preemption determination and waiver of preemption procedures currently contained in the Research and Special Programs Administration's (RSPA) regulation 49 CFR 107.201-107.227 into the FHWA's regulation at 49 CFR 397, subpart E. This final rule also incorporates, without substantive change, the routing requirements for radioactive materials currently contained in RSPA's regulation 49 CFR

177.825 into FHWA's regulation 49 CFR 397, subpart D. This final rule is necessary due to a redelegation of authority of highway routing from RSPA to FHWA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/24/92	57 FR 44129
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/24/92 (57 FR 44129)

**Additional Information:** Pursuant to 5 U.S.C. 553(b), requirements for notice and public comment are not applicable since this action involves a matter of agency practice and procedure.

**Agency Contact:** Henry Sandhusen, Chief, Hazardous Materials Routing and Special Studies Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-8788

RIN: 2125-AD00

**2846. ADMINISTRATION OF ENGINEERING AND DESIGN-RELATED SERVICE CONTRACTS; PRIVATE SECTOR INVOLVEMENT PROGRAM**

**Legal Authority:** PL 102-240, sec 1060

**CFR Citation:** 23 CFR 172

**Legal Deadline:** Final, Statutory, June 18, 1992.

**Abstract:** A revision to 23 CFR part 172 shall establish a new private sector involvement program, under which the FHWA will make funds available when appropriated to States, to encourage contracting with private sector consulting firms for engineering and design services on Federal-aid highway projects.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/92	57 FR 53631
NPRM Comment Period End	01/11/93	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/12/92 (57 FR 53631)

**Agency Contact:** Donald J. Marttila, Chief, Interstate & Program Support

Branch, Office of Engineering, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4637

RIN: 2125-AD03

**2847. REMOVAL OF OBSOLETE AND REDUNDANT REGULATIONS AND APPENDICES**

**Legal Authority:** 49 USC app 2505; 49 USC 504; 49 USC 3102

**CFR Citation:** 49 CFR 391 to 392; 49 CFR 396; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** The FHWA is proposing to remove obsolete and redundant regulations and appendices from the FMCSRs. In addition, the FHWA is proposing minor technical changes in an effort to keep the FMCSRs current. The removal of obsolete and redundant regulations and appendices is one of the first actions taken by the FHWA following the agency's Zero-Base Regulatory Review public outreach sessions. The deletion of these regulations should result in the reduction of the paperwork burden on the industry without any reduction in safety benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/94	59 FR 1366
NPRM Comment Period End	03/11/94	
Final Action	07/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/10/94 (59 FR 1366)

**Agency Contact:** Peter C. Chandler, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5763

RIN: 2125-AD28

**2848. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP) ALLOCATION FORMULA**

**Legal Authority:** PL 102-240, sec 4002

**CFR Citation:** 49 CFR 350

**Legal Deadline:** None

**Abstract:** This action would modify the Motor Carrier Safety Assistance

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Program (MCSAP) distribution formula to allow States with incompatible intrastate regulations limited participation in the basic grant program beyond October 1, 1994. It does not change the distribution formula pertaining to those States that have achieved compatibility with respect to both interstate and intrastate transportation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/03/94	59 FR 5262
Interim Final Rule Effective	03/07/94	
Interim Final Rule Comment Period End	04/04/94	
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Linda Taylor, Office of Motor Carrier Field Operations, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-6308

**RIN:** 2125-AD30

**2849. UTILITY RELOCATIONS, ADJUSTMENTS, AND REIMBURSEMENT**

**Legal Authority:** 23 USC 101; 23 USC 109; 23 USC 111; 23 USC 146; 23 USC 123; 23 USC 315

**CFR Citation:** 23 CFR 645, subpart A; 23 CFR 1.23; 23 CFR 1.27; 49 CFR 1.48(b)

**Legal Deadline:** None

**Abstract:** This longstanding regulation presents FHWA policies and procedures related to reimbursement for utility relocations on Federal-aid and direct Federal highway projects. Minor changes are proposed to update monetary limits in the existing regulation and to update program terminology to reflect revisions enacted by the Intermodal Surface Transportation Efficiency Act of 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/94	59 FR 25579
NPRM Comment Period End	07/18/94	
Final Action	03/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/17/94 (59 FR 25579)

**Agency Contact:** Jerry L. Poston, Chief, Federal-Aid Program Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4652

**RIN:** 2125-AD31

**2850. • QUALITY ASSURANCE PROCEDURES FOR CONSTRUCTION**

**Legal Authority:** 23 USC 109; 23 USC 114

**CFR Citation:** 23 CFR 637

**Legal Deadline:** None

**Abstract:** The FHWA is proposing to revise its regulations, found at 23 CFR part 637, which establish general requirements for quality assurance procedures for sampling and testing materials and construction in Federal-aid highway projects. The current regulations were written around the traditional approach of the State performing all of the quality assurance sampling and testing; the regulations do not address the use of contractor testing. As a result, a number of questions have arisen in certain States and in the FHWA's Federal Lands Highway Office, where contractors are used in quality assurance and quality control programs. After careful study of the use of contractor-performed testing, an internal FHWA committee found that contractor sampling and testing can be used in acceptance systems, provided that adequate checks and balances are in place to protect the public investment in highway projects. The revisions proposed in this action would implement the committee's recommendations, providing guidance on the use of contractor-supplied test results in acceptance plans and qualifications of laboratories and testing personnel.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/94	59 FR 35493
NPRM Comment Period End	09/12/94	
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Michael Rafalowski, Highway Engineer, Department of Transportation, Federal Highway Administration, 202 366-1571

**RIN:** 2125-AD35

**2851. • TRAFFIC SURVEILLANCE AND CONTROL; TECHNICAL AMENDMENT**

**Legal Authority:** 23 USC 101(a); 23 USC 104; 23 USC 105; 23 USC 105(d); 23 USC 114(a); 23 USC 135; 23 USC 217; 23 USC 307; 23 USC 402(a)

**CFR Citation:** 23 CFR 655; 23 CFR 1.32; 23 CFR 1204.4

**Legal Deadline:** None

**Abstract:** This rulemaking makes a minor technical amendment to the Federal Highway Administration's regulations addressing requirements relating to traffic surveillance and control system projects. This action would amend 23 C.F.R. 655.409, which provides that traffic surveillance and control systems shall be based on a traffic engineering analysis. This section currently provides that the plan developed under this analysis is an operations plan. This action would change the name of the plan to an implementation plan. This change is necessary to more accurately reflect the FHWA's view of the character of such a plan. Because the plan requires States to address the requirements necessary to implement proposed traffic surveillance and control projects, including any needed legislation, systems design, procurement methods, construction management procedures, personnel, and budget resources, it is properly characterized as an implementation plan.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** The FHWA has with good cause found that this action is exempt from the requirements of notice and opportunity for comment under 5 U.S.C. 553(b)(B) because such notice and comment is "impracticable, unnecessary, or contrary to the public interest," within the meaning of this section. This action, in simply renaming a plan developed under traffic engineering analysis to

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implement traffic surveillance and control system projects; makes a minor technical amendment. Therefore, the FHWA is not exercising discretion in

a way that could be meaningfully affected by public comment.  
**Agency Contact:** Morris Oliver, Highway Engineer, Department of

Transportation, Federal Highway Administration, 202 366-2251  
**RIN:** 2125-AD36

**DEPARTMENT OF TRANSPORTATION (DOT)  
 Federal Highway Administration (FHWA)**

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**2852. +STATE COMPLIANCE WITH CDL PROGRAM**

**Legal Authority:** PL 99-570; 49 USC 3102; 49 USC app 2505; 49 USC app 2701 et seq

**CFR Citation:** 49 CFR 383 to 384; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** Section 12009 of the Commercial Motor Vehicle Safety Act of 1986 establishes 22 requirements under the Commercial Driver's License (CDL) program which States must meet before October 1, 1993, to avoid losing a portion of their Federal-aid highway funds. This regulation delineates the criteria and standards which the FHWA use in determining whether a State is substantially in compliance with the 22 requirements. In addition, the rule includes a procedure governing initial and subsequent reviews of State compliance with these requirements. This action was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/93	58 FR 34344
NPRM Comment Period End	08/23/93	58 FR 34344
Final Action	05/18/94	59 FR 26029
Final Action Effective	06/17/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/18/94 (59 FR 26029)

**Agency Contact:** Neill Thomas, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2983

**RIN:** 2125-AC53

**2853. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FRONT WHEEL BRAKES ON MEXICAN COMMERCIAL MOTOR VEHICLES**

**Legal Authority:** 49 USC app 2505; 49 USC 3102

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This final rule adopted the interim final rule on front-wheel brakes on Mexican vehicles. That interim final rule, published on 11/24/89, amended 49 CFR 393, Parts and Accessories Necessary for Safe Operation, of the Federal Motor Carrier Safety Regulations (FMCSRs). The amendment allowed Mexican motor carriers operating commercial motor vehicles in border commercial zones time to comply with the requirement that every commercial motor vehicle be equipped with brakes acting on all wheels.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/24/89	54 FR 48616
Final Action	05/17/94	59 FR 25572
Final Action Effective	06/16/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/17/94 (59 FR 25572)

**Additional Information:** This rulemaking action originally appeared under RIN 2125-AC21. In order to clarify the many actions being taken in this area, the subject of this rulemaking action was assigned a separate RIN.

**Agency Contact:** Deborah M. Freund, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2983

**RIN:** 2125-AC49

**2854. TRUCK SIZE AND WEIGHT; RESTRICTIONS ON LONGER COMBINATION VEHICLES AND VEHICLES WITH TWO OR MORE CARGO-CARRYING UNITS**

**Legal Authority:** PL 102-240, sec 1023; PL 102-240, sec 4006

**CFR Citation:** 23 CFR 658

**Legal Deadline:** Final, Statutory, June 18, 1992.

**Abstract:** The FHWA has listed the States where LCVs and extra-length multi-unit combination vehicles could operate as of June 1, 1991, and the applicable operational conditions, routes, and legal citations. Future operation of these vehicles is limited to the States, routes, and conditions in effect as of June 1, 1991. The Federal Highway Administration also (1) established criteria for States to make minor adjustments to the list of States' weight and length limitations and requirements, (2) defined loads which cannot be easily dismantled or divided, and (3) made other regulatory changes required by the Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240.

**Timetable:**

Action	Date	FR Cite
NPRM	03/20/92	57 FR 9900
NPRM Comment Period End	05/04/92	
SNPRM	02/25/93	58 FR 11450
SNPRM Comment Period Extension to May 27, 1993	04/14/93	58 FR 19367
Final Action	06/13/94	59 FR 30392
Final Action Effective	07/13/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/13/94 (59 FR 30392)

**Additional Information:** RIN 2125-AC65, "Truck Size and Weight; Maxi-Cube Vehicles," and RIN 2125-AC57, "Truck Size and Weight; Beverage Semitrailers," were combined with this action. Actions amending 23 CFR part 658 were combined to avoid multiple,

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closely spaced amendments and lessen possible confusion. This action was formerly titled "Weight and Length Limitations--Longer Combination Vehicles."

**Agency Contact:** Tom Klimek, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2212

**RIN:** 2125-AC86

**2855. VIOLATIONS OF OUT-OF-SERVICE ORDERS—CDL DISQUALIFICATIONS**

**Legal Authority:** PL 102-240, sec 4009(c); Intermodal Surface Transportation Efficiency Act (ISTEA)

**CFR Citation:** 49 CFR 383; 49 CFR 391.15; 49 CFR 390

**Legal Deadline:** Final, Statutory, December 18, 1992.

**Abstract:** This action established the sanctions and penalties for drivers violating out-of-service orders. Drivers convicted of violating an out-of-service order for the first time are disqualified for at least 90 days; for convictions of subsequent violations of an out-of-service order, the driver is disqualified for a period of 5 years. An employer who knowingly permitted or required a driver to violate an out-of-service order is subject to a civil penalty. Civil penalties are also prescribed for employees who were convicted of violating an out-of-service order.

**Timetable:**

Action	Date	FR Cite
NPRM	01/15/93	58 FR 4640
NPRM Comment Period End	03/16/93	
Final Action	05/18/94	59 FR 26022
Final Action Effective	06/17/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/18/94 (59 FR 26022)

**Agency Contact:** Teresa Doggett, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

**RIN:** 2125-AC93

**2856. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS**

**Legal Authority:** PL 102-240

**CFR Citation:** 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

**Legal Deadline:** None

**Abstract:** Section 1057 of the Intermodal Surface Transportation Efficiency Act of 1991 requires the Secretary to develop erosion control guidelines for States to follow when carrying out Federal-aid construction projects. This action updated and modified the existing regulation, issued in 1984, to reflect current practices and techniques.

The updated regulation recommends that each State highway agency apply these guidelines, or their own more stringent ones, to develop specific standards and practices.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/93	58 FR 11814
NPRM Comment Period End	06/28/93	
Final Action	07/26/94	59 FR 37935

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/26/94 (58 FR 37935)

**Additional Information:** Good cause existed to dispense with the 30-day delayed effective date because an earlier version of the ASHTO publication adopted by this action has already been adopted as guidance. Therefore, the final rule imposes no requirements on State highway agencies.

**Agency Contact:** Robin L. Schroeder, Construction and Maintenance Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1577

**RIN:** 2125-AD08

**2857. REMOVAL OF OBSOLETE AND REDUNDANT RIGHT-OF-WAY REQUIREMENTS**

**Legal Authority:** PL 102-240; 23 USC 101(a); 23 USC 107; 23 USC 108; 23 USC 111; 23 USC 114; 23 USC 204; 23 USC 210; 23 USC 308; 23 USC 315; 23 USC 317; 23 USC 323; 42 USC 2000d-1; 42 USC 4633; 42 USC 4651 to 4655

**CFR Citation:** 23 CFR 710; 23 CFR 712 to 713; 23 CFR 720

**Legal Deadline:** None

**Abstract:** The Intermodal Surface Transportation Efficiency Act of 1991 encourages greater flexibility in Federal involvement in the development of highway projects. Certain required Federal approvals limit this flexibility. This action eliminated certain of the required approvals considered unnecessary and thus encourage greater flexibility.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/93	58 FR 38987
NPRM Comment Period End	09/20/93	
Final Action	05/16/94	59 FR 25326
Final Action Effective	06/15/94	
Correction to Final Rule; Corrects Authority Citation	06/17/94	59 FR 30302

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/21/93 (58 FR 38987); Regulatory Evaluation 05/16/94 (59 FR 25326)

**Agency Contact:** Gerald B. Saunders, Chief, Operations Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0142

**RIN:** 2125-AD09

**2858. FOREST HIGHWAY PORTION OF PUBLIC LANDS HIGHWAY PROGRAM**

**Legal Authority:** PL 102-240, sec 1032

**CFR Citation:** 23 CFR 660

**Legal Deadline:** None

**Abstract:** This action revised the Forest Highway Program regulations to conform to the requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Section 1032 of the ISTEA amends 23 U.S.C. 202 and 204 to combine the forest highway category with the public lands highway category. The revision assures expeditious and proper allocation of funds to provide public road access to the National Forest System.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/93	58 FR 51794
NPRM Correction	10/25/93	58 FR 55033

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Action	Date	FR Cite
NPRM Comment	12/06/93	
Period End		
Final Action	06/13/94	59 FR 30296
Final Action Effective	07/13/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/13/94 (59 FR 30296)

**Additional Information:** Supplementary information in the NPRM for this action contained a section-by-section analysis of 23 CFR part 660. The analysis included six new definitions to be added to the regulation due to the ISTEA amendments: jurisdiction, metropolitan planning organization, public authority, public lands highway, public road, and statewide transportation planning. A revised definition for "resources" was added to include renewable and other resources, such as minerals, oil, and gas, in accordance with the Forest and Rangeland Renewable Resource Planning Act of August 17, 1974. This reflects the Forest Service's policy to include all resources, both renewable and nonrenewable, in their land and resource management planning process.

**Agency Contact:** Allen W. Burden, Chief, Program and Administration Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9488

RIN: 2125-AD13

**2859. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; WARNING DEVICES FOR STOPPED VEHICLES**

**Legal Authority:** PL 102-240, sec 1041(b)

**CFR Citation:** 49 CFR 392; 49 CFR 393; 49 CFR 393.95

**Legal Deadline:** None

**Abstract:** The FHWA has amended the requirements for warning devices for stopped vehicles to allow the use of fuses and liquid-burning flares in lieu of bidirectional reflective triangles, unless the vehicle is transporting certain hazardous materials or is powered by compressed natural gas. This action is required by section 1041(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/93	58 FR 37900
NPRM Comment	09/13/93	
Period End		
Final Action	07/06/94	59 FR 34708
Final Action Effective	08/05/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/06/94 (59 FR 34708)

**Agency Contact:** Larry Minor, Office of Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AD17

**2860. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; PROTECTION AGAINST SHIFTING OR FALLING CARGO**

**Legal Authority:** 49 USC 3102; 49 USC app 2505

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** This action adopted the use of a working load limit in lieu of the current static breaking strength requirement for cargo tiedown assemblies. The amendment requires the aggregate working load limit of the tiedown assemblies used to secure against movement in any direction to be at least 1/2 the weight of the article secured. In addition, a table of working load limits has been added to provide motor carriers with a means of determining the number of tiedown assemblies requires.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/93	58 FR 48624
NPRM Comment	11/01/93	
Period End		
Final Action	07/06/94	59 FR 34712
Final Action Effective	08/05/94	
Final Rule Correction	08/25/94	59 FR 43898

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/06/94 (59 FR 34712)

**Agency Contact:** Larry Minor, Office of Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street

SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AD18

**2861. STATE PLANNING AND RESEARCH PROGRAM ADMINISTRATION**

**Legal Authority:** PL 102-240, sec 6001

**CFR Citation:** 23 CFR 420; 23 CFR 511

**Legal Deadline:** None

**Abstract:** In light of the ISTEA, this action revised 23 CFR 420 to incorporate new/amended administrative requirements and to create a new subpart pertaining to research, development, and technology (RD&T) transfer activities. Former research program requirements in 23 CFR 511 were eliminated or incorporated into the new subpart. Consistent with the ISTEA, States are given greater responsibility and flexibility for the management and oversight of their RD&T initiatives funded with FHWA planning and research funds.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/93	58 FR 67510
NPRM Comment	02/22/94	
Period End		
Final Action	07/22/94	59 FR 37548
Final Action Effective	08/22/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/22/94 (59 FR 37548)

**Additional Information:** The FHWA had published, in a separate rulemaking under docket number 92-14 (58 FR 12096, March 2, 1993/RIN 2125-AC97) proposed rulemaking to amend chapter I of title 23, Code of Federal Regulations, by removing, in its entirety, Part 511, entitled "Research and Development (R&D) Studies and Programs; General," Sections 511.1 through 511.10. The FHWA transferred this proposed action from the earlier NPRM to this action which removed part 511 and replaced it with 23 CFR part 420, subpart B.

**Agency Contact:** Tony Solury, Community Planner, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5003

RIN: 2125-AD21

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**2862. DESIGN STANDARDS FOR HIGHWAYS; INTERIM SELECTED METRIC VALUES FOR GEOMETRIC DESIGN; DESIGN AND CONSTRUCTION CRITERIA**

**Legal Authority:** 23 USC 109; 23 USC 315; 23 USC 402

**CFR Citation:** 23 CFR 625

**Legal Deadline:** None

Except for requirement in the Omnibus Trade and Competitiveness Act of 1988 to begin to use the metric system.

**Abstract:** The Omnibus Trade and Competitiveness Act of 1988 requires Federal Government agencies, by September 30, 1992, to begin using the International System of Metric Units (SI) in procurements, grants, and other business-related activities unless to do so is impractical or would likely cause significant inefficiencies or loss of markets to United States firms. In response to the FHWA's announced schedule for compliance with the Act, which calls for all Federal-aid highway projects authorized after September 30, 1996, to employ SI units, the American Association of State and Highway Transportation Officials (AASHTO) has published "Interim Selected Metric Values for Geometric Design - An Addendum to A Policy on Geometric Design of Highways and Streets, 1990," dated 1993. Through this rulemaking the FHWA is proposing to incorporate this AASHTO publication in its regulations on design standards for highways, thus adopting controlling SI

values for use in the design of projects on the National Highway System.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/10/93	58 FR 64895
Interim Final Rule Effective	01/10/94	58 FR 64895
Interim Final Rule Comment Period End	03/10/94	58 FR 64895
Interim Final Rule Correction	03/30/94	59 FR 14748
Consolidated into RIN 06/29/94 2125-AD38.		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/10/93 (58 FR 64895)

**Additional Information:** Issues in this action have been expanded and subsumed by RIN 2125-AD38 "Design Standards for Highways: A Policy on Geometric Design of Highways and Streets; Design Construction Criteria." Through RIN 2125-AD38, the FHWA is proposing to incorporate the revised AASHTO publication into the regulations on design standards for highways thus adopting controlling metric criteria for use in the design of projects on the NTS.

**Agency Contact:** Seppo I. Sillan, Chief, Geometric and Roadside Design Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1327

**RIN:** 2125-AD23

**2863. TRUCK SIZE AND WEIGHT; NATIONAL NETWORK**

**Legal Authority:** 23 USC 127; 23 USC 315; 49 USC app 2311 to 2312; 49 USC app 2316

**CFR Citation:** 23 CFR 658; 49-CFR 1.48

**Legal Deadline:** None

**Abstract:** This action modified the National Network for commercial motor vehicles by adding twenty-six (26) segments to the National Network as requested by the State of Georgia. These segments will provide for safe operation of larger commercial vehicles and for the needs of interstate commerce.

**Timetable:**

Action	Date	FR Cite
NPRM	12/16/93	58 FR 65677
NPRM Comment Period End	01/31/94	
Final Action	07/15/94	59 FR 36051
Final Action Effective	08/15/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/15/94 (59 FR 36051)

**Agency Contact:** Thomas Klimek, Office of Motor Carrier Information, Management and Analysis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2212

**RIN:** 2125-AD26

## DEPARTMENT OF TRANSPORTATION (DOT)

## Prerule Stage

## National Highway Traffic Safety Administration (NHTSA)

**2864. +REVIEW: PASSENGER CAR FRONT SEAT OCCUPANT PROTECTION (FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208)**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This standard requires the provision of automatic occupant protection in the front outboard seats of passenger cars after September 1, 1989. Air bags and automatic safety seat belts are being installed to meet the standard. The agency will analyze

the actual road experience of vehicles equipped with automatic occupant protection to measure the reduction of fatalities and injuries, observe operational performance, and assess public acceptance and costs. The regulation was selected for review because of its costs, potential benefits, and public interest; this review is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Begin Review	01/17/90	55 FR 1586

Action	Date	FR Cite
Interim Evaluation Report	07/08/92	57 FR 30293
End Review	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Automatic occupant protection, State belt laws, and greater voluntary belt use amount to a winning combination that saves lives and reduces injury severity. Fatality risk of occupants in cars with air bags plus manual belts (at 1991 use rates) is 23 percent lower than in "baseline" cars with manual belts at 1983 use rates. Interim Evaluation

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Report comments reviewed and docketed 10/28/92.

**Agency Contact:** Frank Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AD82

**2865. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** Standard 108 requires passenger cars sold after October 1, 1985, to be equipped with center, high-mounted stop lamps (CHMSLs). NHTSA undertook a staff evaluation of the safety effectiveness, benefits, and cost of CHMSLs. A preliminary report was published in March 1987 and an interim report in August 1989.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Evaluation Report Published	03/20/87	52 FR 9609
Interim Evaluation Report Published	08/04/89	54 FR 32153
Interim Evaluation Report Comments Reviewed and Docketed	02/21/90	
End Review	12/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The evaluation report indicated that cars equipped with center high-mounted stop lamps were 17 percent less likely to be struck in the rear while braking than cars without the lamps.

**Agency Contact:** Frank G. Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AB76

**2866. BRAKE LINING**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.105

**Legal Deadline:** None

**Abstract:** Petitions from R. Grabowsky and American Trucking Association (ATA) requested initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and were granted.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AC66

**2867. STANDARD 105; HYDRAULIC BRAKE**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.105

**Legal Deadline:** None

**Abstract:** The Highway Safety Act of 1991 required the agency to publish by December 31, 1993, an ANPRM concerning potential improvements in its braking standards, such as a requirement for antilock brake systems in passenger vehicles (RIN 2127-AE47). The purpose of antilock brakes is to enhance the driver's control of the vehicle during emergency braking. Antilock brakes are currently available on many passenger cars and most light trucks. The accident statistics for cars and light trucks are being reviewed in support of the rulemaking process and because of public interest in antilock brakes.

**Timetable:**

Action	Date	FR Cite
Begin Review	01/01/90	
End Review	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Preliminary evaluation report docketed 12/15/93.

The report indicated that rear-wheel antilock brakes for light trucks significantly reduced the risk of nonfatal run-off-road crashes.

**Agency Contact:** Frank Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AC94

**2868. REVIEW: GLASS-PLASTIC WINDSHIELDS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** This review involves analysis of the costs, benefits, and operational performance of glass-plastic windshields regulated by Federal Motor Vehicle Safety Standard No. 205. This program was selected because of public interest and potential benefits.

**Timetable:**

Action	Date	FR Cite
Begin Review	08/01/89	
End Review	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AD29

**2869. RULEMAKING TO DELETE "DUE CARE" PROVISIONS FROM THE OCCUPANT CRASH PROTECTION STANDARD**

**Legal Authority:** 15 USC 1392; 15 USC 1401

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** In 1986, NHTSA added a provision to Standard No. 208, Occupant Crash Protection, allowing vehicles that fail one or more of the injury criteria in the standard to still be considered as complying with the standard if the manufacturer could show it had exercised "due care" in

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the design and construction of the vehicle. The Motor Vehicle Safety Act requires all safety standards to be expressed in "objective terms." Further, the courts have held that compliance with safety standards must be determined by objective measurements and without recourse to any subjective determinations. The inherently subjective nature of a "due care" determination precludes the use of that concept as an aspect of compliance with the safety standards. Therefore, the "due care" provisions would be proposed to be deleted from the crash protection standard.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2992

**RIN:** 2127-AD54

#### 2870. BRAKE HOSES AND FLUIDS

**Legal Authority:** 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1897

**CFR Citation:** 49 CFR 571.106; 49 CFR 571.116

**Legal Deadline:** None

**Abstract:** The agency has granted a petition from the United States Army Tank Automotive Command (ATAC) to amend Federal Motor Vehicle Safety Standard No. 106, Brake Hoses, and Federal Motor Vehicle Safety Standard No. 116, Brake Fluids. ATAC requested that Standard No. 106 be amended to require brake hose compatibility with a fluid that includes DOT 5 characteristics and that Standard No. 116 be amended to require compatibility of DOT 3, DOT 4, and DOT 5 brake fluids with elastomeric seals and cups internal to hydraulic brake system master and wheel cylinders. The agency believes that the changes suggested by ATAC warrant further consideration.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety

Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AD70

#### 2871. RADIATOR SAFETY CAP

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency has requested comments on the feasibility of and necessity for rulemaking to require the installation of thermal locking radiator caps or other devices on motor vehicles with water-cooled engines to prevent scalding injuries. Although the notice referred only to thermal locking radiator caps, comments were solicited on any device or technology designed to prevent such scalding injuries. Petition was granted.

**Timetable:**

Action	Date	FR Cite
Request for	06/10/93	58 FR 32503
Comments;		
Comment Period		
End	08/09/93	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE59

#### 2872. LATERAL PERFORMANCE REQUIREMENTS FOR FUEL SYSTEM INTEGRITY

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** In response to a petition granted for rulemaking, the agency is considering whether to permit the certification of the lateral moving barrier crash requirement of FMVSS No. 301, Fuel System Integrity, with the side crash test conducted in

compliance with FMVSS No. 214, Side Impact Protection.

**Timetable:**

Action	Date	FR Cite
Request for	12/14/92	57 FR 59041
Comments;		
Comment Period		
End	02/12/93	

Request for	02/05/93	58 FR 7266
Comments;		
Comment Period		
Extended to	03/05/93	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE83

#### 2873. ACCELEROMETER MOUNTING ARRANGEMENTS

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to amend the accelerometer mounting specifications for test dummies. Petition was granted.

**Timetable:**

Action	Date	FR Cite
Request for	12/14/92	57 FR 59041
Comment;		
Comment Period		
End	02/12/93	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE84

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**2874. REVIEW: PASSENGER-CAR BACK SEAT OCCUPANT PROTECTION****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

**Abstract:** Federal Motor Vehicle Safety Standard No. 208 requires passenger cars manufactured after December 11, 1989, to have Type 2 (lap-and-shoulder) belts at the rear outboard seats. The agency will analyze the actual on-the-road experience of vehicles equipped with lap-and-shoulder belts in the rear seats to measure the reduction of fatalities and injuries relative to cars equipped only with lap belts. The regulation was selected for review because of public interest.

**Timetable:**

Action	Date	FR Cite
Begin Review	07/01/93	
End Review	12/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Frank G. Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AE95**2875. MATERIALS USED IN TESTS****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to refer to newer sample selection requirements and test procedures for plastic materials used in vehicle lamps. The testing involves plastic materials used in weather

exposure resistant performance. Petition is pending.

**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF22**2876. • COMPRESSED NATURAL GAS (CNG)****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.303**Legal Deadline:** None

**Abstract:** The agency is requesting comments to assess the need to regulate the fuel system integrity of vehicles with a gross vehicle weight rating (GVWR) of greater than 10,000 pounds that are fueled with compressed natural gas (CNG).

**Timetable:**

Action	Date	FR Cite
Request for Comments;	05/06/94	59 FR 23662
Comment Period Ends	07/05/94	

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Chris Flanigan, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4931

**RIN:** 2127-AF29**2877. • UPGRADE PERFORMANCE REQUIREMENTS****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.301**Legal Deadline:** None

**Abstract:** The agency is proposing a possible amendment to upgrade the performance requirements relating to vehicle fires.

**Timetable:**

Action	Date	FR Cite
Request for Comments;	12/14/92	57 FR 59041
Comment Period Ends	02/12/93	
ANPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF36**2878. • TEST DEVICE PLACEMENT****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.216**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to revise the placement of the test device for roof crush compliance testing. Petition is pending.

**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF40

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**National Highway Traffic Safety Administration (NHTSA)**

Proposed Rule Stage

**2879. +EXTEND ANTILOCK BRAKE SYSTEM TO PASSENGER CARS**

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

**RIN:** 2127-AE47

**2880. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS FOR MYS 1998 THROUGH 2006**

**Regulatory Plan:** This entry is Seq. No. 127 in Part II of this issue of the Federal Register.

**RIN:** 2127-AF16

**2881. • +MANUAL CUTOFF SWITCHES FOR AIR BAGS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** The agency is proposing a rule that would permit manufacturers, for a limited time only, the option of installing manual cutoff devices to temporarily disable a passenger-side air bag in certain vehicles to promote greater safety if rear-facing infant seats are installed. This action is considered significant because of the recent congressional mandate that the agency require the installation of both driver and passenger air bags by the late 1990s.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Assessment

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF30

**2882. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS**

**Legal Authority:** 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

**CFR Citation:** 49 CFR 520

**Legal Deadline:** None

**Abstract:** NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/94

**Agency Contact:** John Donaldson, Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1834

**RIN:** 2127-AB79

**2883. SEATING SYSTEMS PERFORMANCE**

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.207

**Legal Deadline:** None

**Abstract:** Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the general performance requirements of the standard. The ANPRM requested comments.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	54 FR 40896
Request for Comment; Comment Period End	11/23/92	57 FR 54958
Next Action	Undetermined	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127-AC57.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AD08

**2884. STANDARDIZED DISPLAY OF CERTIFICATION LABELS**

**Legal Authority:** 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 567; 49 CFR 571.115

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency would amend its vehicle certification regulation to require the standardized display of a permanent metal vehicle manufacturer's label for all vehicles exceeding 10,000 lbs GVWR. Suggestions that the label be of heavy gauge metal and that trailer labels get special protection are denied.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/94	59 FR 49038
NPRM Comment Period End	11/25/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE71

**2885. UNIFORM GUIDELINES FOR STATE HIGHWAY SAFETY PROGRAMS**

**Legal Authority:** 23 USC 402

**CFR Citation:** 23 CFR 1204

**Legal Deadline:** None

**Abstract:** The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240) requires the Secretary to ensure that the uniform guidelines for State highway safety programs include each of six key areas (Speed Control, Occupant Protection, Driving While Impaired, Motorcycle Safety, School Bus Safety, and Police Traffic Services). The existing

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guidelines include four of the six areas identified, but do not include Speed Control or Occupant Protection. The agency requested comments on new guidelines to address these two areas and to consider other changes to the Uniform Guidelines for State Highway Safety Programs.

**Timetable:**

Action	Date	FR Cite
Request for Comments; Comment Period Ends 02/28/94	01/14/94	59 FR 2320
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This is a joint action with Federal Highway Administration.

**Agency Contact:** Marlene Markison, Office of Regional Operations, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0166

**RIN:** 2127-AE90

**2886. PASSENGER MOTOR VEHICLE THEFT DATA FOR MODEL YEAR (MY) 1992**

**Legal Authority:** 15 USC 2021

**CFR Citation:** 49 CFR 541

**Legal Deadline:** None

**Abstract:** The Motor Vehicle Information and Cost Savings Act provides that the agency shall periodically publish passenger motor vehicle theft data for review and comment. These data are to inform the public, particularly law enforcement groups, automobile manufacturers, and the Congress, of the extent of the vehicle theft problem and the impact, if any, on vehicle thefts of the Federal Motor Vehicle Theft Prevention Standard. The theft data are for Model Year (MY) 1992 motor vehicle thefts.

**Timetable:**

Action	Date	FR Cite
Publication of Data; Request for Comments	08/08/94	59 FR 40409
NPRM	10/00/94	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local, Federal

**Agency Contact:** Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

**RIN:** 2127-AE92

**2887. INSURER REPORTING REQUIREMENTS FOR OCTOBER 1994**

**Legal Authority:** 15 USC 2032

**CFR Citation:** 49 CFR 544

**Legal Deadline:** None

**Abstract:** Title VI of the Motor Vehicle Information and Cost Savings Act requires certain passenger motor vehicle insurers to file reports with the agency (concerning total value of premiums paid by the insurance company, number of thefts, number of recoveries, etc.), unless the agency exempts the insurer from filing such reports. The law stipulates that the agency can only exempt those insurance companies whose market share is below certain percentages for the nation as a whole and in each individual State, or for which the agency determines that (1) the cost of preparing and furnishing such reports is excessive in relation to the size of the business of the insurer or (2) the insurer's report will not significantly contribute to carrying out the purposes of title VI. This action will list those insurers required to conform to title VI requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

**RIN:** 2127-AE94

**2888. REDEFINE REPLACEABLE BULB HEADLAMPS**

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to alter the definition of replaceable bulb headlamps to delete the word "bonded" as it applies to the lens/reflector assembly of headlamps using on-vehicle aiming equipment. There are numerous cost and safety issues involved. Petition was granted.

**Timetable:**

Action	Date	FR Cite
Request for Comments; Comment Period End 09/27/93	08/12/93	58 FR 42924
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF00

**2889. TIRES ON NEW TRAILERS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.120

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to allow the use of retread tires on new trailers. Petition was granted.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF05

**2890. COMPRESSED NATURAL GAS (CNG) FUEL CONTAINERS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.303

**Legal Deadline:** None

**Abstract:** On January 21, 1993 (59 FR 5323) the agency proposed a new

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Federal motor vehicle safety standard related to Compressed Natural Gas Fuel Containers (CNG) (RIN 2127-AD48). In that action the agency proposed several requirements to ensure the safety of CNG containers including a burst requirement to evaluate the container's initial strength and its degradation over time. The present action specified performance requirements applicable to CNG fuel containers: a pressure cycling test evaluates a container's durability; a burst test evaluates a container's initial strength; and a bonfire test evaluates a container's pressure relief characteristics. This action also specified labeling requirements. However, as it did not address situations in all possible failure modes and environments, NHTSA anticipates issuing an SNPRM.

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/93	58 FR 68846
NPRM Comment Period End	01/28/94	
SNPRM	04/00/95	
Partial Final Rule; Effective 03/27/95	09/26/95	59 FR 49010

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/29/93 (58 FR 68846)

**Agency Contact:** Gary Woodford,  
Special Projects Staff, Office of  
Rulemaking, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-4931

**RIN:** 2127-AF14

**2891. UNIFORM TIRE QUALITY GRADING**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

**CFR Citation:** 49 CFR 575.104

**Legal Deadline:** None

**Abstract:** The agency is soliciting comments on ways to improve the Uniform Tire Quality Grading Standard (UTQGS) to make ratings more meaningful to the tire-buying public and whether to add tire rolling resistance to the current list of information: treadwear, traction, and temperature resistance.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/25/94	59 FR 19686
ANPRM Comment Period End	06/24/94	
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Nelson Gordy,  
Engineer, Office of Market Incentives,  
Department of Transportation, National  
Highway Traffic Safety Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4797

**RIN:** 2127-AF17

**2892. EQUIVALENT MEASUREMENTS FOR GASEOUS FUELS**

**Legal Authority:** PL 102-486

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** PL 102-486, Sec. 403(5)(c) contains the appropriate gallons equivalent measurements for four gaseous fuels: (a) liquefied natural gas (LNG); (b) liquefied petroleum gas; (c) hydrogen; and (d) hythane. The agency is proposing to provide conversion factors for calculating the appropriate fuel economy values for vehicles using these fuels. The resultant fuel economy values would then be used by vehicle manufacturers in calculating their fleet average fuel economies.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henrietta Spinner,  
Program Analyst, Office of Market  
Incentives, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-4802

**RIN:** 2127-AF18

**2893. FRACTIONAL BALANCE HEADLAMP AIM**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering

whether to permit fractional-balance-type optical aiming as an acceptable method for headlamp aimability performance. Petition was granted.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin,  
Director, Office of Vehicle Safety  
Standards, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-0842

**RIN:** 2127-AF24

**2894. RIGID PLASTICS IN WINDOWS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to allow rigid plastics in side windows rearward of the "C" pillar. Petition was granted.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin,  
Director, Office of Vehicle Safety  
Standards, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-0842

**RIN:** 2127-AF28

**2895. • IMPROVED BACK DOOR LATCH**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.206

**Legal Deadline:** None

**Abstract:** The agency is proposing to extend the existing side door requirements to back doors of passenger cars and multipurpose passenger vehicles, including hatchbacks, station wagons, sport utility vehicles, and passenger vans. The purpose is to

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reduce the likelihood of occupants being ejected from vehicles in crashes and to reduce the fatalities and serious injuries resulting from such ejections.

**Timetable:**

Action	Date	FR Cite
Request for Comment; Comment Period End 03/28/94	01/27/94	59 FR 3924
NPRM	08/30/94	59 FR 44691
NPRM Comment Period End	10/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF35

**2896. • DRIVING RANGE DETERMINATION FOR DUAL FUEL ELECTRIC PASSENGER AUTOMOBILES**

**Legal Authority:** 15 USC 2013; PL 102-486, Sec 403

**CFR Citation:** 49 CFR 538

**Legal Deadline:** None

**Abstract:** The agency has requested comments to assist in developing a proposal for a minimum driving range for dual-fueled electric passenger automobiles or hybrid electric vehicles.

**Timetable:**

Action	Date	FR Cite
Request for Comment	09/22/94	59 FR 48589
Comment Period End	11/21/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

**RIN:** 2127-AF37

**2897. • DRIVING RANGE FOR DUAL ENERGY AND NATURAL GAS DUAL ENERGY PASSENGER AUTOMOBILES**

**Legal Authority:** PL 102-486; Sec 403; 15 USC 2013

**CFR Citation:** 49 CFR 538

**Legal Deadline:** None

**Abstract:** The agency is proposing changes to the rule adopted to effectuate the Energy Policy Act so as to remove the Administration's discretion to set the minimum driving range for dual energy natural gas vehicles at less than 200 miles.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

**RIN:** 2127-AF38

**2898. • INCREASE FEMUR FLEXION MOTION OF THE HYBRID III TEST DUMMY**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** In response to petitions for rulemaking, the agency is considering whether to provide a more precise characterization of the femur motion range to assure uniform flexion between right and left femurs and between dummies made by different manufacturers. Petitions were granted.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF41

**2899. • ELECTRIC VEHICLE SAFETY**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1417

**CFR Citation:** 49 CFR 1.50; 49 CFR 501.8

**Legal Deadline:** None

**Abstract:** The agency is requesting public comment to help assess the need to regulate electric vehicles (EVs) with respect to battery electrolyte spillage in a crash or rollover, and electric shock hazard in a crash or rollover, and during repair and maintenance.

**Timetable:**

Action	Date	FR Cite
Request for Comment	09/30/94	59 FR 49901
Comment Period End	11/29/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Gary Woodford, Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4931

**RIN:** 2127-AF43

**2900. • INSURANCE COST INFORMATION REGULATION**

**Legal Authority:** 15 USC 1941(e)

**CFR Citation:** 49 CFR 582.

**Legal Deadline:** None

**Abstract:** The agency is proposing to clarify terms used in the current regulation and change the month of issuance of the annual update of the insurance cost information to a more feasible date.

**Timetable:**

Action	Date	FR Cite
NPRM	09/13/94	59 FR 46952
NPRM Comment Period End	11/14/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

**RIN:** 2127-AF44

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**National Highway Traffic Safety Administration (NHTSA)**

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**2901. +HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)**

**Legal Authority:** 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966; PL 102-240

**CFR Citation:** 49 CFR 571.121; 49 CFR 571.105

**Legal Deadline:** NPRM, Statutory, May 31, 1992. Final, Statutory, June 8, 1994. NHTSA may issue either an ANPRM or NPRM.

**Abstract:** This supplemental action has proposed to modify the implementation schedule and certain requirements in the agency's September 28, 1993 (58 FR 50738) action proposing amendments for the stability and control of medium and heavy vehicles during braking. This action is considered significant because of the level of public and congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

**Timetable:**

Action	Date	FR Cite
ANPRM; Comment Period End 04/16/79	02/15/79	44 FR 9783
Second ANPRM; Comment Period End 05/28/80	02/28/80	45 FR 13155
ANPRM	06/08/92	57 FR 24212
ANPRM Comment Period End	08/07/92	
NPRM	09/28/93	58 FR 50738
NPRM Comment Period End	11/29/93	
Notice of Intent; Delay in Rulemaking	12/13/93	58 FR 65156
SNPRM Comment Period End 05/12/94	04/12/94	59 FR 17326
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/28/93 (58 FR 50738)

**Additional Information:** Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3. A Notice of Intent to delay rulemaking was published on 12/13/93 (58 FR 65156) to extend the rulemaking period from 12/8/93 to 6/8/94.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AA00

**2902. +CRASHWORTHINESS RATINGS**

**Legal Authority:** 15 USC 1401; 15 USC 1941

**CFR Citation:** 49 CFR 5

**Legal Deadline:** None

**Abstract:** This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
Comment Period Extended to 10/22/81	04/02/81	46 FR 19947
NPRM Comment Period End	04/22/81	46 FR 7025
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Draft Regulatory Evaluation 01/22/81 (46 FR 7025)

**Additional Information:** Docket No. 79-17. NPRM, Notice 1.

**Agency Contact:** Stanley Scheiner, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

**RIN:** 2127-AA03

**2903. +TRUCK REAR UNDERRIDE PROTECTION**

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** On January 8, 1981 (46 FR 2136), the agency published a notice of proposed rulemaking on rear underride crashes relative to small

vehicles colliding with the rear of a heavy vehicle (a vehicle with a gross vehicle weight rating (GVWR) greater than 10,000 pounds). Rear underride occurs when the front of the smaller vehicle slides under ("underrides") the rear end of the larger vehicle. The agency received over 100 comments on the proposal, some of which raised issues about possible alternatives to the proposal and about the burdens of the proposal on small businesses. The SNPRM sought to retain the safety benefits of the earlier proposal while meeting the concerns about potential small business impacts. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136
NPRM Comment Period End	04/08/81	46 FR 2136
SNPRM; Comment Period End 03/04/92	01/03/92	57 FR 252
SNPRM Comment Period Reopened to 06/08/92	04/09/92	57 FR 12289
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/03/92 (57 FR 252)

**Additional Information:** Docket No. 1-11. NPRM, Notice 8.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AA43

**2904. +FLAMMABILITY OF INTERIOR MATERIALS - SCHOOL BUSES**

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.302

**Legal Deadline:** None

**Abstract:** Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of Standard 302 to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

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**Timetable**

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	53 FR 44627
Request for Comments; Comment Period End	02/26/91	56 FR 7826
Final Action	10/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AA44

**2905. +REDUCE HEAD INJURIES DUE TO CONTACT WITH UPPER VEHICLE INTERIOR**

**Regulatory Plan:** This entry is Seq. No. 128 in Part II of this issue of the Federal Register.

**RIN:** 2127-AB85

**2906. +LIGHTING SIMPLIFICATION—POTENTIAL AMENDMENTS ON LONG-TERM ISSUES**

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** NHTSA proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor-vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, a second NPRM was issued.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735

Action	Date	FR Cite
ANPRM Comment Period Extended to	01/14/86	51 FR 1542
03/06/86		
ANPRM Comment Period End	01/21/86	
NPRM	12/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	
SNPRM; Second	05/09/89	54 FR 20084
Correction to Second	05/19/89	54 FR 21727
SNPRM		
Next Action Undetermined		

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)  
**Additional Information:** Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2. In response to comments to the SNPRM, additional research has been initiated as to vehicle-based roadway illumination performance requirements. RIN 2127-AD69, Vehicle Based Roadway Illumination Performance Requirement, was terminated as a duplicate entry in the April 1991 Agenda.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AB87

**2907. +SCHOOL BUS BODY JOINT STRENGTH**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.221

**Legal Deadline:** None

**Abstract:** This action proposed to clarify and expand procedures for testing school bus body joint strength; to revise the exemption provided for maintenance access panels on school bus bodies; and to extend the scope of the standard to include all school buses, including those of GVWR of 10,000 pounds or less. This rulemaking is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314

Action	Date	FR Cite
Comment Period Extended to	08/12/87	52 FR 29873
10/15/87		
NPRM	03/15/91	56 FR 11142
NPRM Comment Period End	05/14/91	
Final Action	10/00/94	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation 03/15/91 (56 FR 11142)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AC19

**2908. +ROLLOVER PROTECTION**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 575

**Legal Deadline:** NPRM, Statutory, May 31, 1992. Final, Statutory, March 3, 1994.

NHTSA may issue either an ANPRM or NPRM.

**Abstract:** As part of its comprehensive efforts to address the problem of light vehicle rollover, the agency is proposing a new consumer information regulation that will require that passenger cars, and light multipurpose passenger vehicles and trucks be labeled with information about their resistance to rollover. This action is considered significant as it concerns a matter of substantial public interest. The rulemaking to establish a new standard will be terminated.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/03/92	57 FR 242
ANPRM Comment Period End	04/03/92	
NPRM	06/28/94	59 FR 33254
NPRM Correction	07/26/94	59 FR 38038
NPRM Comment Period Extended to	08/26/94	59 FR 44121
10/21/94		
NPRM Comment Period End	08/29/94	
Final Action	04/00/95	

**Small Entities Affected:** None  
**Government Levels Affected:** None

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**Analysis:** Regulatory Evaluation  
06/28/94 (59 FR 33254)

**Additional Information:** A notice of availability of a planning document for this rulemaking was published 09/29/92 (57 FR 44721).

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AC64

### 2909. +FILM TRANSMITTANCE OF GLAZING MATERIALS

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** A rulemaking petition was granted which requested an amendment be made to the standard which would allow the applications of a film with 35 percent transmittance to the windows of motor vehicles. This project is considered significant because of the substantial public and congressional interest.

#### Timetable:

Action	Date	FR Cite
ANPRM	07/20/89	54 FR 30427
Petition for Rulemaking Granted	07/20/89	54 FR 30427
ANPRM Comment Period End	09/18/89	54 FR 30427
NPRM	01/22/92	57 FR 2496
NPRM Comment Period End	03/23/92	
NPRM Comment Period Extended to	03/25/92	57 FR 10327
05/22/92		
NPRM Correction	04/09/92	57 FR 12286
Final Action	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
01/22/92 (57 FR 2496)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AC85

### 2910. +WHEELCHAIR LIFTS

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** This action would establish new requirements for wheelchair lifts used on motor vehicles. This is significant due to substantial public interest in transportation of the handicapped.

#### Timetable:

Action	Date	FR Cite
NPRM	02/26/93	58 FR 11562
NPRM Comment Period End	04/27/93	
Final Action	03/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
02/26/93 (58 FR 11562)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AD50

### 2911. +DYNAMIC TESTING OF LIGHT TRUCKS AND VANS FOR SIDE IMPACT

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.214

**Legal Deadline:** NPRM, Statutory, May 31, 1992. Final, Statutory, August 5, 1994.

Action must be completed within 26 months of ANPRM publication.

**Abstract:** The agency is proposing to extend dynamic side impact protection to multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less. This proposal will require that each of these vehicles must protect its occupant in a full-scale dynamic crash test in which the vehicle is struck on either side by a moving deformable barrier simulating another vehicle. This action is considered significant because of substantial public interest.

#### Timetable:

Action	Date	FR Cite
ANPRM	06/05/92	57 FR 24009
ANPRM Comment Period End	08/04/92	
NPRM	06/15/94	59 FR 30756
NPRM Comment Period End	08/15/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/15/94 (59 FR 30756)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE49

### 2912. +HIGHWAY SAFETY PROGRAMS, DETERMINATION OF EFFECTIVENESS

**Legal Authority:** 23 USC 402

**CFR Citation:** 23 CFR 1205

**Legal Deadline:** None

**Abstract:** The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240) requires the Secretary to designate each of six areas as priorities or submit a report to Congress describing the reasons for not prioritizing these programs. These areas are Speed Control, Occupant Protection, Driving While Impaired, Motorcycle Safety, School Bus Safety, and Police Traffic Services. The existing priority programs address four of the six areas, but do not include Speed Control or School Bus Safety. This action is proposing to add speed control to the list of national priority programs. This action is considered significant because of substantial public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	01/14/94	59 FR 2337
NPRM Comment Period End	02/28/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
01/14/94 (59 FR 2337)

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**Additional Information:** This is a joint action with Federal Highway Administration. Upon review of existing data and statistics, the agency has tentatively concluded that School Bus Safety does not warrant being included, but the agency invited comments on this issue.

**Agency Contact:** Marlene Markison, Office of Regional Operations, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0166

RIN: 2127-AE89

**2913. PROPOSED NEW STANDARD 135; PASSENGER-CAR BRAKE SYSTEM**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.105; 49 CFR 571.135

**Legal Deadline:** None

**Abstract:** This rulemaking to establish a new standard for passenger-car brake systems grew out of NHTSA's efforts to harmonize its standards with international ones. After review of comments to the NPRM and SNPRM, a second SNPRM proposed refined and revised test procedures and performance requirements which should achieve harmonization while being fully consistent with the National Traffic and Motor Vehicle Safety Act. The new standard 135 was to replace standard 105 as it applies to passenger cars. This action was originally considered significant, but subsequent events have resulted in fewer issues to be resolved, and this project is no longer considered as such.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Correction to NPRM for RIN AC63	06/20/85	50 FR 25612
NPRM Comment Period Extended to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM; Comment Period End 10/13/87	01/14/87	52 FR 1474
Second SNPRM; Comment Period Extended to 10/31/91	07/03/91	56 FR 30528

Action	Date	FR Cite
Second SNPRM; Comment Period Extended to 01/10/92	10/25/91	56 FR 55266
Third SNPRM; Comment Period End 03/01/93	01/15/93	58 FR 4649
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/03/91 (56 FR 30528)

**Additional Information:** A third SNPRM proposed to establish a new Standard No. 135 to replace Standard No. 105. This SNPRM responds to an ANPRM published December 27, 1991 (56 FR 67038) (RIN 2127-AE29), that asked for comments on the appropriateness of Standard No. 105 to braking systems of electric vehicles. However, upon consideration of comments received, NHTSA determined that any changes should be made to Standard 135 as well as existing Standard 105. Hence, both standards are proposed to be revised to incorporate definitions and test conditions deemed appropriate.

Docket No. 85-06. RIN 2127-AC63, Passenger-Car Brake Systems, was consolidated into this proceeding.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AA13

**2914. FUEL SPILLAGE**

**Legal Authority:** 15 USC 1407; 15 USC 1410

**CFR Citation:** 49 CFR 552; 49 CFR 571

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing to require vehicles equipped with a crossover line connecting dual fuel tanks to comply with requirements that would reduce the likelihood of fuel spillage. Petition was granted. Comments have been requested on the difference between the agency's proposed test procedures and requirements and those of the Society of Automotive Engineers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/94	59 FR 25590
NPRM Comment Period End	07/18/94	
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/17/94 (59 FR 25590)

**Additional Information:** This entry was formerly titled Fuel System Integrity, Fuel Spillage.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC62

**2915. INCENTIVE GRANT CRITERIA FOR DRUNK-DRIVING-PREVENTION PROGRAMS (SECTION 410)**

**Legal Authority:** 44 USC 3501

**CFR Citation:** 23 CFR 1313

**Legal Deadline:** None

NHTSA was required to publish a final rule by November 18, 1989.

**Abstract:** This interim final rule is to provide guidance to the States before the end of this fiscal year (1994) with respect to the criterion for a supplemental grant for States that consider drivers under the age of 21 years, who operate a vehicle while having a BAC of 0.02 or greater to be driving while intoxicated. At the same time, the agency is requesting comments on this interim final rule.

**Timetable:**

Action	Date	FR Cite
Request for Comments	08/09/94	59 FR 40470
Comment Period Ends 10/11/94		
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation 08/09/94 (59 FR 40470)

**Additional Information:** An interim final rule was published on 06/30/92 (57 FR 29003) to change Part 1313 to conform to Section 2004 of the

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Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). At the same time, the agency published a request for comments. On 10/06/92, PL 102-388 was signed, making technical corrections to section 410. On 04/23/93 (58 FR 21649), a final rule was published, responding to the comments received on the 06/30/92 notice.

**Agency Contact:** Marlene Markison, Chief, Program Support, Office of Regional Operations, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St. SW., Washington, DC 20590, 202 366-0166

RIN: 2127-AD01

### 2916. AIR BRAKE SYSTEMS, STOPPING-DISTANCE PERFORMANCE

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** Accidents involving heavy trucks have a higher fatality rate than all other motor vehicles. This rulemaking proposes to reinstate stopping distance performance requirements in Standard 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Standard 121, as it then existed, was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirements can now be met.

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/93	58 FR 11009
Correction to the NPRM	04/21/93	58 FR 21436
NPRM Comment Period End	05/24/93	
NPRM Comment Period Extended to	05/27/93	58 FR 30746
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 02/23/93 (58 FR 11009)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway

Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AD07

### 2917. ISSUANCE, AMENDMENT, AND REVOCATION OF RULES: PROCEDURAL REGULATIONS

**Legal Authority:** 15 USC 1392; 15 USC 1407; 15 USC 1912; 15 USC 1941; 15 USC 1988; 15 USC 2001

**CFR Citation:** 49 CFR 553.39

**Legal Deadline:** None

**Abstract:** The agency is proposing to amend one provision of the procedural regulations that apply to the issuance, amendment, and revocation of rules under the Motor Vehicle Information and Cost Savings Act and the Motor Vehicle Safety Act. The provision addresses the time within which affected persons may seek judicial review of a final rule if a petition for agency reconsideration of that rule has been filed.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/90	55 FR 45825
NPRM Correction	11/08/90	55 FR 47028
NPRM Comment Period End	12/17/90	
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/31/90 (55 FR 45825)

**Agency Contact:** Kenneth Weinstein, Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5263

RIN: 2127-AD78

### 2918. ENFORCEMENT OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

**Legal Authority:** 15 USC 1392; 15 USC 1397; 15 USC 1398; 15 USC 1401; 15 USC 1402; 15 USC 1403; 15 USC 1407; 15 USC 1408; 15 USC 1410a; 15 USC 1411; 15 USC 1412; 15 USC 1413; 15 USC 1414; 15 USC 1415; 15 USC 1516; ...

**CFR Citation:** 49 CFR 552; 49 CFR 554; 49 CFR 573; 49 CFR 576; 49 CFR 577

**Legal Deadline:** None

**Abstract:** The agency would propose to amend several provisions of regulations that pertain to its enforcement of the National Traffic and Motor Vehicle Safety Act. The proposed amendment would relate to NHTSA's consideration of petitions for rulemaking or for investigation of alleged defects or noncompliance with safety standards (part 552); NHTSA's procedures following an initial determination that a safety-related defect exists (part 573); the form and content of notification letters that manufacturers must send to owners following a determination that a vehicle or item of motor vehicle equipment contains a defect or does not comply with a safety standard (part 577); record retention requirements applicable to manufacturers (part 576); and a clarification that NHTSA's recordkeeping and reporting regulations (parts 573 and 576) apply to electronically generated or communicated materials.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/93	58 FR 50314
NPRM Comment Period End	11/12/93	
NPRM Comment Period Extended to	11/16/93	58 FR 60419
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** LEGAL AUTHORITY CONT: 15 USC 1416; 15 USC 1417; 15 USC 1418; 15 USC 1419; 15 USC 1420

**Agency Contact:** Jonathan D. White, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5227

RIN: 2127-AD83

### 2919. STOPPING DISTANCE PERFORMANCE REQUIREMENTS

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.105

**Legal Deadline:** None

**Abstract:** The agency is proposing to establish stopping distance performance requirements for trucks, buses, and multipurpose vehicles (MPVs) with a gross vehicle weight rating (GVWR) of over 10,000 pounds. These proposed

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requirements would be applicable on a high coefficient of friction surface.

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/93	58 FR 11003
NPRM Correction	04/21/93	58 FR 21436
NPRM Comment	05/24/93	
Period End		
NPRM Comment	05/27/93	58 FR 30746
Period Extended to		
09/24/93		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 02/23/93 (58 FR 11003)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE21

**2920. SEAT ADJUSTMENT POSITION**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.210

**Legal Deadline:** None

**Abstract:** The agency solicited comments on a proposal to amend the performance requirements of the standard to provide that the lap belt angle would be measured for rear adjustable seats with the seats in the rearmost adjustment position. This proposal is intended to resolve ambiguities regarding the seat adjustment position for the current requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/91	56 FR 63473
NPRM Correction	12/17/91	56 FR 65541
NPRM Comment	02/03/92	
Period End		
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/04/91 (56 FR 63473)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE22

**2921. EMERGENCY EXIT REQUIREMENTS FOR NON-SCHOOL BUSES**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.217

**Legal Deadline:** None

**Abstract:** The agency published a proposal to permit non-school buses to meet either the current non-school bus requirements or the new upgraded school bus requirements (57 FR 49413, RIN-2127-AC88), a completed action in the April 1993 Agenda.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/92	57 FR 49444
NPRM Comment	01/04/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/02/92 (57 FR 49444)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE25

**2922. CERTIFICATION REQUIREMENTS OF MULTISTAGE VEHICLES**

**Legal Authority:** 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1912; 15 USC 1915; 15 USC 2021; 15 USC 2022; 15 USC 2026

**CFR Citation:** 49 CFR 567; 49 CFR 568; 49 CFR 1.50

**Legal Deadline:** None

**Abstract:** This action proposed to amend the certification requirement that applies to incomplete vehicles other than chassis-cabs. Incomplete vehicles are vehicles that include at least a frame and chassis structure, power train, steering system, suspension system, and brake system, but need further manufacturing performed on them to become

completed vehicles. This action would extend the certification requirements currently applying to chassis-cabs to all types of incomplete vehicles.

**Timetable:**

Action	Date	FR Cite
NPRM	12/03/91	56 FR 61392
NPRM Comment	01/31/92	
Period End		
NPRM Comment	02/03/92	57 FR 3983
Period Extended to		
03/02/92		
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/03/91 (56 FR 61392)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE27

**2923. OPTICAL COATINGS AND HEAT DEGRADATIONS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to rulemaking petition, NHTSA proposed changes in the weathering (haze) criteria for material that is used for reflex reflectors which would allow the use of polycarbonate plastic coating to reduce haze. Petition was granted.

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/93	58 FR 13042
NPRM Comment	04/23/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/09/93 (58 FR 13042)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE38

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**2924. VEHICLES EQUIPPED WITH LONG-STROKE BRAKE CHAMBERS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** In response to a rulemaking petition granted, this action would amend reservoir capacity requirements for vehicles equipped with long-stroke brake chambers in order to encourage the chambers' use.

**Timetable:**

Action	Date	FR Cite
NPRM	08/02/93	58 FR 41078
NPRM Comment	10/01/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/02/93 (58 FR 41078)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE54

**2925. REFEREE MATERIAL**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.106; 49 CFR 571.116

**Legal Deadline:** None

**Abstract:** In response to a petition, the agency published a proposed amendment to the standards to specify a new referee material to be used in the compatibility testing of brake hoses and brake fluids.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/92	57 FR 49162
NPRM Comment	12/14/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/30/92 (57 FR 49162)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety

Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE58

**2926. CONSUMER INFORMATION REGULATION - VEHICLE STOPPING DISTANCE**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

**CFR Citation:** 49 CFR 575.101

**Legal Deadline:** None

**Abstract:** The agency published a notice proposing to amend the Consumer Information Regulations by rescinding the requirement that motor vehicle manufacturers provide information about vehicle stopping distance.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/92	57 FR 54962
NPRM Comment	01/07/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/23/92 (57 FR 54962)

**Agency Contact:** Nelson Gordy, Safety Standards Engineer, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4797

**RIN:** 2127-AE61

**2927. BUS WINDOW EMERGENCY EXIT**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.217

**Legal Deadline:** None

**Abstract:** In response to a rulemaking petition, this action has proposed to allow windows that slide into the bus body panel to be used to meet emergency exit requirements. Also, manufacturers would be allowed to install either two sliding emergency exit windows or an emergency exit door as the first means of satisfying the recently issued requirements for

additional emergency exits on school buses.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/93	58 FR 63321
NPRM Correction	12/22/93	58 FR 67909
NPRM Comment	01/31/94	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/01/93 (58 FR 63321)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE62

**2928. ANTILOCK WARNING SIGNALS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** In response to a petition granted for rulemaking, the agency has proposed to allow an antilock warning lamp switch which would be capable of deactivating and reactivating the warning lamp used to indicate antilock electrical malfunction.

**Timetable:**

Action	Date	FR Cite
NPRM	09/28/93	58 FR 50732
NPRM Comment	11/29/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/28/93 (58 FR 50732)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE75

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**2929. DEFINE MAJOR COMPONENT PARTS OF A VEHICLE****Legal Authority:** 15 USC 2001; 15 USC 2022; 15 USC 2023**CFR Citation:** 49 CFR 541**Legal Deadline:** Final, Statutory, October 30, 1994.

**Abstract:** The Anti Car Theft Act (ACTA) of 1992 amended title VI, "Theft Prevention," of the Motor Vehicle Information and Cost Savings Act (Cost Savings Act). Among the amendments was one requiring that certain lines of multipurpose passenger vehicles (MPVs) and light-duty trucks (LDTs) be designated as high theft lines. Comments were solicited on the definition of LDTs for title VI purposes and on what major parts to be subject to parts markings.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/07/93	58 FR 36376
ANPRM Comment Period End	08/23/93	
NPRM	07/08/94	59 FR 35082
NPRM Comment Period End	09/06/94	
Final Action	05/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

**RIN:** 2127-AE85**2930. DEFINE DESIGNATED SEATING POSITION****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.3**Legal Deadline:** None

**Abstract:** This action proposes to amend the definition of "designated seating position" for school buses to specify that for purposes of determining vehicle classification, any location intended for securement of an occupied wheelchair during vehicle operation would be counted as four designated seating positions because one such location typically necessitates the

removal of seating for four people. This would ensure that the vehicle would continue to be regarded as a school bus.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/93	58 FR 57975
NPRM Comment Period End	12/13/93	
Final Action	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/28/93 (58 FR 57975)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE96**2931. MINIATURE AND NONFILAMENT LIGHT SOURCES****Legal Authority:** 15 USC 1392; 15 USC 1497**CFR Citation:** 49 CFR 571.108**Legal Deadline:** None

**Abstract:** The agency has proposed to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources in signal lamps.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/94	59 FR 16788
NPRM Comment Period End	06/07/94	
Final Action	02/02/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 04/08/94 (59 FR 16788)

**Additional Information:** This action answers a petition for rulemaking under RIN 2127-AF20, the issues of which have been consolidated, herein. The title of RIN 2127-AF20: Specifications for Light Emitting Diode.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE97**2932. TEST PROCEDURES FOR TRANSMISSION AND KEY LOCKING REQUIREMENTS****Legal Authority:** 15 USC 1392; 15 USC 1497**CFR Citation:** 49 CFR 571.114**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing to incorporate specified test procedures for determining compliance with the transmission and key locking requirements. Petition was granted. The theft-prevention provision would be amended to prevent key removal only when the shift lever or other shifting mechanism is fully placed in any designated shift position other than "park".

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/94	59 FR 11750
NPRM Comment Period End	05/13/94	
Final Action	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AE99**2933. AIR-OVER-HYDRAULIC BRAKE SYSTEM****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.121**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to include a definition of air-over-hydraulic brake subsystem. Such a definition would clarify the classification and compliance requirements for this brake system. Petition was granted.

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**Timetable:**

Action	Date	FR Cite
NPRM	07/11/94	59 FR 35298
NPRM Comment Period End	09/09/94	
Final Action	05/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF01**2934. TEST DUMMIES AND REQUIREMENTS FOR TESTING CHILD RESTRAINT SYSTEMS****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1402; 15 USC 1407**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None

**Abstract:** This action proposed that tests for certification of child restraints use two of three approved child dummies within the relevant weight and height range.

**Timetable:**

Action	Date	FR Cite
NPRM	03/16/94	59 FR 12225
NPRM Comment Period End	05/16/94	
Final Action	01/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF02**2935. CONVERSION OF MEASUREMENTS FROM ENGLISH UNITS TO METRIC UNITS****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.102; 49 CFR 571.103; 49 CFR 571.104; 49 CFR

571.110; 49 CFR 571.112; 49 CFR 571.114; 49 CFR 571.115; 49 CFR 571.118; 49 CFR 571.120; 49 CFR 571.124; 49 CFR 571.126; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.207; 49 CFR 571.212; ...

**Legal Deadline:** None

**Abstract:** The agency is proposing to convert the units of measurement used in the safety standards from the English system to the metric system. This action will address the simplest conversions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/94	59 FR 11962
NPRM Comment Period End	05/16/94	
Final Action	01/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF03**2936. REPLACEABLE LIGHT SOURCE INFORMATION****Legal Authority:** 15 USC 1392; 15 USC 1497**CFR Citation:** 49 CFR 564**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published on January 12, 1993 (58 FR 3856), the agency is considering whether to allow changes in replaceable headlamp bulb information submitted to the docket under part 564 rules. Petitions are pending.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF07**2937. HEAVY VEHICLE BURNISH PROCEDURES****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.105; 49 CFR 571.121**Legal Deadline:** None

**Abstract:** In response to petitions for rulemaking, this action proposed to amend the standards by extending, for an additional 18 months, the period during which there is a choice between the two burnish procedures. An interim final rule was published at the same time to extend the period during which manufacturers may comply with either burnish requirement until September 1, 1994.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/93	58 FR 45476
Interim Final Rule	08/30/93	58 FR 45459
NPRM Comment Period End	09/29/93	
Final Action	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 08/30/93 (58 FR 45459)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF13**2938. MAXIMUM INFLATION PRESSURE FOR TIRES****Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.109**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency has proposed to amend the labeling requirements to permit tires that have a maximum inflation pressure of 60 pounds per square inch (psi) to be labeled "inflate to 420 kPa (60 psi)." Currently, the standard does not permit the metric unit to be on the label. This action would aid the international harmonization of standards.

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**Timetable:**

Action	Date	FR Cite
NPRM	07/05/94	59 FR 34405
NPRM Comment Period End	09/06/94	
Final Action	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/05/94 (59 FR 34405)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF19

**2939. PNEUMATIC TIMING AND BALANCE FOR TRAILER BRAKE SYSTEMS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency has proposed to include new requirements regarding pneumatic timing and balance for trailer brake systems. Petition was granted. The control line pressure differential requirements would be amended for converter dollies and trailers designed to tow another vehicle equipped with air brakes.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/94	59 FR 35672
NPRM Correction	08/24/94	59 FR 43528
NPRM Comment Period End	09/12/94	
Final Action	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF23

**2940. • SCHOOL BUS DRIVING MIRRORS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1402; 15 USC 1407

**CFR Citation:** 49 CFR 571.111

**Legal Deadline:** None

**Abstract:** This action recommends that the regulatory text of the final rule published December 2, 1992 (57 FR 57000) be revised so that system A "driving" mirrors will not be required to have a view of the ground directly beneath them. The agency believes that there may be drivability issues caused by this provision in the final rule. Both system A "driving" mirrors and system B "convex cross-view" mirrors will still be required to have a view of the test cylinders that are placed in strategic locations around the school bus.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/94	59 FR 35300
NPRM Comment Period End	08/10/94	
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF31

**2941. • STROBE LIGHTS ON SCHOOL BUS STOP ARMS**

**Legal Authority:** 15 USC 1392; 15 USC 1401 to 1402; 15 USC 1407

**CFR Citation:** 49 CFR 571.131

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is removing design-restrictive language that prohibits strobe lamps. The agency is also requesting comments on whether to make permanent its amendment of the flash rate requirements for stop signal arm lamps.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/24/94	59 FR 26759

Action	Date	FR Cite
IFR Comment Period End 07/08/94	05/24/94	59 FR 26759
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/24/94 (59 FR 26759)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF32

**2942. • SEAT BELT ANCHORAGES IN SMALL BUSES**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.210

**Legal Deadline:** None

**Abstract:** The agency is proposing to add a requirement for safety belt anchorages for passenger seats in small buses (under 4536 kilograms gross vehicle weight rating).

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/94	59 FR 35670
NPRM Comment Period End	09/12/94	
Final Action	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF33

**2943. • AIR BAG WARNING LABEL REQUIREMENTS**

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** In response to a petition for reconsideration of a final rule published on February 16, 1994 (59 FR

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7643) the agency is considering whether to revise the warning statement on the label placed on rear-facing child restraint systems and the similar warning statement in the printed instructions accompanying the restraint.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway

Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF39

**2944. • REQUIREMENTS FOR USE OF COMPRESSED NATURAL GAS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.303

**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published on April 25, 1994 (59 FR 19648) the agency is considering whether to amend the requirements for

pressure drop limit, fill condition, pressurizing the high pressure side, and pressure measurement location. Petitions are pending.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Gary Woodford, Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4931

**RIN:** 2127-AF42

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

National Highway Traffic Safety Administration (NHTSA)

**2945. +COMPRESSED NATURAL GAS (CNG)**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** This action established vehicle performance requirements for the fuel system of vehicles fueled by compressed natural gas (CNG) and enhances the fuel system integrity of CNG vehicles by subjecting the vehicles to crash testing and placing a limit on the post-crash pressure drop in the fuel system. The purpose of this new standard is to reduce deaths and injuries caused by fires resulting from fuel leakage during and after crashes involving vehicles fueled by CNG. This action was considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/12/90	55 FR 41561
Public Meeting Notice	10/12/90	55 FR 41561
ANPRM Comment Period End	12/11/90	
ANPRM Comment Period Extended to	12/17/90	55 FR 51737
01/31/91		
NPRM	01/21/93	58 FR 5323
NPRM Comment Period End	03/22/93	
NPRM Comment Period Extended to	03/23/93	58 FR 15463
05/06/93		

Action	Date	FR Cite
Final Action	04/25/94	59 FR 19648
Final Action Effective	09/01/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/25/94 (59 FR 19648)

**Additional Information:** The propane issue will be addressed at a later time if rulemaking is required.

**Agency Contact:** Gary Woodford, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4804

**RIN:** 2127-AD48

**2946. +CERTIFICATION OF SPEED LIMIT ENFORCEMENT**

**Legal Authority:** 23 USC 118; 23 USC 141; 23 USC 154; 23 USC 315; PL 102-240

**CFR Citation:** 23 CFR 1260

**Legal Deadline:** NPRM, Statutory, December 18, 1992. Final, Statutory, February 16, 1993.

**Abstract:** This action established additional sanctions against a State having a compliance score exceeding the national maximum speed limit (NMSL) compliance score for any consecutive year after a year of non-compliance. The purpose of this revision is to encourage non-complying

States to make efforts to reduce their scores in years succeeding any year in which they exceed the NMSL compliance score. This action was considered significant because of substantial public interest, and because it is of special interest to another modal administration (FHWA).

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/93	58 FR 187
NPRM Comment Period End	02/03/93	
SNPRM; Comment Period Ends	10/22/93	58 FR 54832
12/20/93		
Final Action	06/15/94	59 FR 30695
Final Action Effective	07/15/94	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation 06/15/94 (59 FR 30695)

**Additional Information:** A final rule published 10/22/93 (58 FR 54812) replaced the National Maximum Speed Limit (NMSL) procedures contained in 23 CFR part 659 with new procedures as required by the Intermodal Surface Transportation Efficiency Act of 1991. The speed limit compliance formula, the speed monitoring plan, and the penalty for noncompliance in accordance with the new legislation became effective 11/22/93.

**Agency Contact:** J. Michael Sheehan, Chief, Traffic Services Division, Office of Traffic Safety Programs, Department

DOT—NHTSA

Completed Actions

of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4295.

RIN: 2127-AE52

**2947. +AMERICAN AUTOMOBILE LABELING ACT REQUIREMENTS**

**Legal Authority:** PL 102-388

**CFR Citation:** 49 CFR 583; 49 CFR 1.50

**Legal Deadline:** Final, Statutory, October 31, 1994.

**Abstract:** The American Automobile Labeling Act requires that new passenger cars, light-duty trucks, and multipurpose passenger vehicles (with a gross vehicle weight of 8,500 pounds or less), manufactured on or after October 1, 1994, bear labels providing information regarding the extent to which their parts are of domestic origin. This action adopted basic requirements that each manufacturer of a new passenger motor vehicle shall annually establish for each model year and cause to be affixed, and each dealer shall cause to be maintained, in each such vehicle manufactured on or after October 1, 1994, a label specifying the vehicle's domestic and foreign origin. This action was significant given the degree of public interest and the relationship to other Federal programs and agencies, particularly those related to international trade.

**Timetable:**

Action	Date	FR Cite
Request for Comments/Public Meeting	11/18/92	57 FR 54351
Comment Period Extended to 01/11/93	12/29/92	57 FR 61869
NPRM	11/19/93	58 FR 61042
NPRM Correction	11/26/93	58 FR 62415
NPRM Correction	12/01/93	58 FR 63327
NPRM Comment Period End	01/18/94	
Final Action	07/21/94	59 FR 37294
Final Action Effective	08/22/94	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Analysis:** Regulatory Evaluation 07 21/94 (59 FR 37294)

**Agency Contact:** Nelson Gurdy, Safety Standards Engineer, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590, 202 366-4797

RIN: 2127-AE63

**2948. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS FOR MODEL YEARS (MY) 1996 AND 1997**

**Legal Authority:** 15 USC 1657; 15 USC 2002

**CFR Citation:** 49 CFR 533

**Legal Deadline:** Other, Statutory, March 31, 1994. For MY 1996

**Abstract:** In accordance with the mandatory requirements of section 502(b) of the Motor Vehicle Information and Cost Savings Act, the agency has established the average fuel economy standards for light trucks manufactured in model years (MY) 1996 through 1997. This action is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive market.

**Timetable:**

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61377
NPRM Comment Period End	02/01/93	
Final Action	04/06/94	59 FR 16312
Final Action Effective	05/06/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/06/94 (59 FR 16312)

**Additional Information:** The NPRM proposed standards for MYs 1995 through 1997. Standards relating to MY 1995 were completed in the October 1993 Agenda under RIN 2127-AE42.

**Agency Contact:** Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

RIN: 2127-AE91

**2949. EMERGENCY LOCKING RETRACTORS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This action terminates a rulemaking begun by the agency in response to a petition for rulemaking to amend the requirements for safety belt retractors. After agency review and analysis of comments received on the 10/04/89 (54 FR 40896) action, the agency has determined that further rulemaking is not warranted.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	54 FR 40896
Action Terminated	10/17/90	55 FR 42031

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This action was formerly titled Occupant Crash Protection, Emergency Locking Retractors. The Request for Comment published 11/23/92 (57 FR 54958) should have been published under RIN 2127-AD08.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC57

**2950. SEATING SYSTEMS TEST PROCEDURE**

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.207

**Legal Deadline:** None

**Abstract:** This action adopted an alternative test procedure more appropriate to pedestal seats and a procedure that more closely represents the load distribution actually experienced by pedestal seats in real-world crashes. The SNPRM concerned the definitions of a pedestal seat.

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/90	55 FR 33141
NPRM Comment Period End	09/28/90	
SNPRM; Comment Period End	03/08/93	58 FR 12921
Final Action	07/21/94	59 FR 37164
Final Action Effective	10/19/94	

**Small Entities Affected:** None

DOT—NHTSA

Completed Actions

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/21/94 (59 FR 37164)

**Agency Contact:** Dr. Patricia Breslin,  
Director, Office of Vehicle Safety  
Standards, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-0842

**RIN:** 2127-AD09

**2951. TIRE LABELING, FMVSS 109,  
110, 117, 119, 120; PARTS 569, 574,  
575**

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1407

**CFR Citation:** 49 CFR 569; 49 CFR  
571.109; 49 CFR 571.110; 49 CFR  
571.117; 49 CFR 571.120; 49 CFR 574;  
49 CFR 575

**Legal Deadline:** None

**Abstract:** This review concerns the  
usefulness of various tire labels and  
information to consumers, tire sellers,  
repairers, and retreaders.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	06/01/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Findings of the  
evaluation: Most individual consumers  
and buyers of tires for fleets know that  
Federal Motor Vehicle Safety  
Standards, but not Uniform Tire  
Quality Grading Standards information,  
is found on tires. Most tire sellers and  
repairers knew both FMVSS and  
UTQGS information is found on tires.  
The review's findings may be examined  
in the docket.

**Agency Contact:** Frank Ephraim,  
Chief, Standards Evaluation Division,  
Office of Plans and Policy, Department  
of Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-1574

**RIN:** 2127-AD28

**2952. CONTROLS AND DISPLAYS  
AND WINDSHIELD DEFROSTING AND  
DEFOGGING SYSTEMS FOR  
ELECTRIC VEHICLES**

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.101; 49 CFR  
571.103

**Legal Deadline:** None

**Abstract:** This action adopts minor  
amendments to controls and displays  
and windshield defrosting and  
defogging systems that makes them  
more appropriate for electric powered  
motor vehicles. Because the agency was  
modifying existing standards and not  
establishing new standards for battery-  
operated vehicles, this action was no  
longer considered significant.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/27/91	56 FR 67038
ANPRM Comment Period End	03/27/92	
Discussion of Comments to ANPRM	11/18/92	57 FR 54354
NPRM	01/15/93	58 FR 4644
NPRM Comment Period End	03/01/93	
Final Action	03/09/94	59 FR 11004
Final Action Effective	09/06/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/09/94 (59 FR 11004)

**Agency Contact:** Dr. Patricia Breslin,  
Director, Office of Vehicle Safety  
Standards, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-0842

**RIN:** 2127-AE29

**2953. HEAD INJURY CRITERION AND  
USE OF NECK INJURY CRITERION**

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** In response to a petition for  
rulemaking, the agency published a  
proposal to change the injury criteria  
used to determine compliance with the  
occupant crash protection standard.  
One of the specified injury criteria is  
the Head Injury Criterion, or HIC,  
which, as its name implies, was  
developed to assess the likelihood of  
head injuries. After review and analysis  
of public comments, the agency  
determines that potential benefits  
would be low and that efforts would

be better directed in other areas.  
Rulemaking action is terminated.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/92	57 FR 58444
NPRM Comment Period End	02/08/93	
Action Terminated	04/15/94	59 FR 18091

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/10/92 (57 FR 58444)

**Agency Contact:** Dr. Patricia Breslin,  
Director, Office of Vehicle Safety  
Standards, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400  
Seventh Street SW., Washington, DC  
20590, 202 366-0842

**RIN:** 2127-AE34

**2954. CHILD BOOSTER SEATS**

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** NPRM, Statutory, May  
31, 1992. Final, Statutory, July 31,  
1994.

**Abstract:** The NHTSA Authorization  
Act of 1991 directed the agency to  
initiate rulemaking on child booster  
seat safety. In response to that statutory  
mandate, this action addressed belt-  
positioning child seats and proper use  
of the seats. An action addressing the  
need for the greater array of test  
dummies for compliance testing is  
under RIN 2127-AF02.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/29/92	57 FR 22682
ANPRM Comment Period End	07/28/92	
NPRM	09/03/93	58 FR 46928
NPRM Comment Period End	11/02/93	
Final Action	07/21/94	59 FR 37167
Final Action Effective	08/22/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/21/94 (59 FR 37167)

**Agency Contact:** Dr. Patricia Breslin,  
Director, Office of Vehicle Safety  
Standards, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400

DOT—NHTSA

Completed Actions

Seventh Street SW., Washington, DC  
20590, 202 366-0842

RIN: 2127-AE39

**2955. SAFETY BELT DESIGN**

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** Final, Statutory, July 29, 1994. Other, Statutory, May 31, 1992.

Initiate by May 31, 1992; complete by July 29, 1994.

**Abstract:** This final action requires Type 2 safety belts either to be integrated with the vehicle seat or to provide a means of adjustability to improve the fit and increase the comfort of the belt for a variety of different sized occupants.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/29/92	57 FR 22687
ANPRM Comment	07/28/92	
Period End		
NPRM	04/26/94	59 FR 21740
NPRM Comment	06/27/94	
Period End		
Final Action	08/03/94	59 FR 39472
Final Action Effective	09/01/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/03/94 (59 FR 39472)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE48

**2956. PETITIONS AND PLANS FOR RELIEF UNDER THE AUTOMOBILE FUEL EFFICIENCY ACT OF 1980**

**Legal Authority:** 15 USC 1657; 15 USC 2002; 15 USC 2003

**CFR Citation:** 49 CFR 526

**Legal Deadline:** None

**Abstract:** The action sets forth the requirements for petitions submitted by automobile manufacturers to obtain relief from certain aspects of the Corporate Average Fuel Economy (CAFE) program, rescinds portions that are no longer needed, and updates other portions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/93	58 FR 29378
NPRM Comment	07/06/93	
Period End		
Final Action	05/17/94	59 FR 25574
Final Action Effective	06/16/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/17/94 (59 FR 25574)

**Agency Contact:** Orron Kee, Chief, Motor Vehicle Requirements, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

RIN: 2127-AE65

**2957. PROCEDURES FOR SELECTING LINES TO BE COVERED BY THE THEFT PREVENTION STANDARD**

**Legal Authority:** 15 USC 2022; 15 USC 2023

**CFR Citation:** 49 CFR 542

**Legal Deadline:** None

**Abstract:** This action amends the procedures for the selection of new passenger motor vehicle lines that are likely to be high-theft lines for Model Year (MY) 1997 and later.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/93	58 FR 38999
NPRM Comment	09/07/93	
Period End		
Final Action	04/26/94	59 FR 21668
Final Action Effective	05/26/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/26/94 (59 FR 21668)

**Agency Contact:** Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

RIN: 2127-AE67

**2958. MAXIMUM INFLATION PRESSURE**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.109

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the action added the maximum inflation pressure of 350 kPa (51 psi) to the standard. Petition was granted.

**Timetable:**

Action	Date	FR Cite
NPRM	11/08/93	58 FR 59226
NPRM Comment	01/07/94	
Period End		
Final Action	08/01/94	59 FR 38938
Final Action Effective	08/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/01/94 (59 FR 38938)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE70

**2959. DATA CODE REQUIREMENTS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.120

**Legal Deadline:** None

**Abstract:** In response to a petition granted for rulemaking, this action permits the date of manufacture of wheel rims to be shown by means of appropriate symbols rather than numerically as presently required.

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/93	58 FR 46938
NPRM Comment	10/18/93	
Period End		
Final Action	05/17/94	59 FR 25576
Final Action Effective	06/16/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/17/94 (59 FR 25576)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

DOT-NHTSA

Completed Actions

Seventh Street SW., Washington, DC  
20590, 202 366-0842  
RIN: 2127-AE74

**2960. AUTOMATIC BRAKE ADJUSTMENT LIMITS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published October 20, 1992 (57 FR 47793), this action amends the adjustment limits for the automatic brake adjusters with adjustment indicators.

**Timetable:**

Action	Date	FR Cite
Final Action	04/18/94	59 FR 18320
Final Action Effective	10/20/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/18/94 (59 FR 18320)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE76

**2961. APPLICABILITY OF WARNING DEVICES**

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.125

**Legal Deadline:** None

**Abstract:** This action specifies requirements for nonpowered warning devices designed to be carried in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 pounds. These warning devices are to be set out on the roadway to warn oncoming traffic of a stopped vehicle in or near the roadway.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/93	58 FR 27514
NPRM Comment Period End	06/24/93	
Final Action	09/29/94	59 FR 49586
Final Action Effective	10/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/29/94 (59 FR 49586)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE78

**2962. BELT LABELING REQUIREMENTS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208; 49 CFR 571.209

**Legal Deadline:** None

**Abstract:** This action allows manufacturers of all replacement seat belt assemblies intended for use only in specifically stated motor vehicles a choice of two means of providing information regarding the seating positions and vehicle models for which the assemblies are appropriate and removes the labeling requirement for two types of seat belt assemblies when they are installed as original equipment in a new motor vehicle. Amendment to this final rule allows manufacturers to delete information no longer required, instead of waiting until October 12, 1994.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/93	58 FR 27517
NPRM Comment Period End	06/24/93	
Final Action	04/15/94	59 FR 17992
Final Rule Amendment	07/13/94	59 FR 35636
Final Action Effective	10/12/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/15/94 (59 FR 17992)

**Additional Information:** This action is a spin-off of the final rule published April 16, 1991 (56 FR 15295), and the final rule published November 4, 1991 (56 FR 56323), in response to a petition for rulemaking.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE79

**2963. CENTER HIGH MOUNTED STOP LAMPS FOR LIGHT TRUCKS**

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** This action denies petitions for rulemaking to permit center high-mounted stop lamps installed on truck camper caps to flash with the hazard warning lamps for a limited period of time. There is no need to allow special wiring provisions since trucks subject to the standard are being manufactured with circuitry that accommodates such supplementary lamps that operate in accordance with existing requirements.

**Timetable:**

Action	Date	FR Cite
Petitions Denied	03/30/94	59 FR 14830

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE98

**2964. DYNAMIC TESTING FOR BUILT-IN CHILD RESTRAINT SYSTEMS**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** The agency has denied a petition for reconsideration of a final rule published on April 16, 1993 (58 FR 19776) that specified built-in restraints for vans be dynamically tested in the specific vehicle into which the restraint is installed or in the shell of that vehicle. There is a safety need to test built-in restraints in vehicle shells, and van converters are not unduly burdened.

**Timetable:**

Action	Date	FR Cite
Petition Denied	05/27/94	59 FR 27506

DOT—NHTSA

Completed Actions

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 355-0842  
**RIN:** 2127-AF04

**2965. EXEMPTION OF VEHICLES USED BY THE HANDICAPPED**

**Legal Authority:** 15 USC 1392; 15 USC 1492

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** In response to two petitions for reconsideration of a final rule published March 2, 1993 (58 FR 11975), the agency has denied the petition requesting that trucks and multipurpose vehicles designed for persons with disabilities be excluded from the existing requirements. The agency has granted the second petition requesting the option of installing Type 2A belts instead of Type 2 belts.

**Timetable:**

Action	Date	FR Cite
Final Action	05/18/94	59 FR 25826
Final Action Effective	06/17/94	

**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842  
**RIN:** 2127-AF09

**2966. REPLACEMENT SEAT BELT ASSEMBLIES INSTALLATION INSTRUCTIONS**

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.208; 49 CFR 571.209

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is denying the request to eliminate requirements that replacement safety belts must be accompanied with a set of installation instructions.

**Timetable:**

Action	Date	FR Cite
Petition Denied	04/15/94	59 FR 18090

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842  
**RIN:** 2127-AF10

**2967. SPECIFICATIONS FOR LIGHT EMITTING DIODE**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is considering whether to make exception to the SAE specifications for light emitting diode (LED) tail, stop, and turn signal lamps. Petition was granted.

**Timetable:**

Action	Date	FR Cite
Consolidated into RIN 2127-AE97	04/08/94	59 FR 16788

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** This action has been consolidated into RIN 2127-AE97 and answered in a NPRM published on April 8, 1994 (59 FR 16788). The new title is Miniature and Nonfilament Light Sources.  
**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842  
**RIN:** 2127-AF20

**2968. TRAILER CONSPICUITY**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is denying the request to amend the lighting

standard's requirements for large trailer conspicuity as it relates to trailers with rear doors.

**Timetable:**

Action	Date	FR Cite
Petition Denied	04/12/94	59 FR 17325

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842  
**RIN:** 2127-AF21

**2969. ADVANCED BRAKE LIGHT WARNING SYSTEM**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency considered whether to permit the use of an advanced brake light warning system that would alert other drivers that the driver is anticipating applying the brakes. The petition was denied because of the importance of retaining the existing requirement for activating the stop lamps only through application of the brake pedal in order to avoid confusion.

**Timetable:**

Action	Date	FR Cite
Final Action - Petition Denied	08/03/94	59 FR 39522

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842  
**RIN:** 2127-AF25

**2970. ANTHROPOMORPHIC TEST DUMMY**

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208; 49 CFR 572

**DOT—NHTSA**

**Completed Actions**

**Legal Deadline:** None

**Abstract:** The agency received a petition for rulemaking to consider whether to add padding to the shoulder of the Subpart E dummy used in compliance testing. The agency has requested additional information from the petitioner. The petition was incomplete.

**Timetable:**

Action	Date	FR Cite
Petition Incomplete	04/28/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

**RIN:** 2127-AF26

**2971. • FINAL LISTING OF HIGH-THEFT LINES FOR MODEL YEAR (MY) 1995**

**Legal Authority:** 15 USC 2021; 15 USC 2024 to 2026

**CFR Citation:** 49 CFR 541 to 542

**Legal Deadline:** None

**Abstract:** The agency is reporting the results of the determinations of high-theft car lines that are subject to the parts-marking requirements of the motor vehicle theft prevention standard

and high-theft car lines that are exempted from parts-marking for Model Year 1995.

**Timetable:**

Action	Date	FR Cite
Final Action	06/17/94	59 FR 31162
Final Action Effective	07/18/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

**RIN:** 2127-AF34

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Railroad Administration (FRA)**

**Prerule Stage**

**2972. +WHISTLE BANS AT HIGHWAY-RAIL GRADE CROSSINGS**

**Legal Authority:** 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 38; 45 USC 42

**CFR Citation:** 49 CFR 234; 49 CFR 1.49(f); 49 CFR 1.49(g); 49 CFR 1.49(m)

**Legal Deadline:** None

**Abstract:** FRA is considering an ANPRM to solicit comments and suggestions from the public regarding the need for Federal regulations governing the use of train whistles at grade crossings. This action is considered significant because of substantial public interest.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** Kyle Mulhall, Trial Attorney, Department of

Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

**RIN:** 2130-AA71

**2973. +GENERIC STANDARDS FOR CORRIDORS UP TO 160 MPH**

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

**RIN:** 2130-AA88

**2974. +LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS**

**Legal Authority:** 45 USC 431; 45 USC 438

**CFR Citation:** 49 CFR 229

**Legal Deadline:** Final, Statutory, March 3, 1995.

**Abstract:** FRA's safety regulations do not address the crashworthiness of

locomotives or working conditions on locomotives. Under the Rail Safety Enforcement and Review Act (1992), FRA is required to study the need for additional rules to address those issues. If FRA determines rules are needed, they are to be adopted by March 3, 1995. This project is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Open meeting notice	07/22/94	59 FR 37528
Next Action	Undetermined	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kyle M. Mulhall, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Second Street SW., Washington, DC 20590, 202 366-0443

**RIN:** 2130-AA89

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Railroad Administration (FRA)**

**Proposed Rule Stage**

**2975. +POWER BRAKE REGULATIONS; MISCELLANEOUS REVISIONS**

**Legal Authority:** 45 USC 1 to 14; 45 USC 16; 45 USC 431; 45 USC 437; 45

USC 438; 45 USC 22 to 34; 49 USC 103; PL 102-365

**CFR Citation:** 49 CFR 232; 49 CFR 231; 49 CFR 229

**Legal Deadline:** Final, Statutory, December 31, 1993.

**Abstract:** The regulation will address issues regarding existing power brake regulations and the lack of standards for locomotive dynamic brakes. The proceeding will focus on such issues as whether to mandate the use of end

DOT—FRA

Proposed Rule Stage

of-train devices in lieu of cabooses, whether these devices should be two-way, and whether to require additional testing of train air brake systems during extremely cold weather conditions. This rulemaking is considered significant because of its potential economic impact and congressional and public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/31/92	57 FR 62546
ANPRM Comment Period End	03/31/93	
NPRM	09/16/94	59 FR 47676
Public Hearings Notice	09/16/94	59 FR 47676
NPRM Comment Period End	12/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

**RIN:** 2130-AA73

**2976. +TRACK SAFETY STANDARDS**

**Legal Authority:** 45 USC 431; 45 USC 438; PL 102-365

**CFR Citation:** 49 CFR 213

**Legal Deadline:** Final, Statutory, September 3, 1994.

**Abstract:** The track regulations have not been comprehensively reviewed in the past decade. This regulatory action will consist of a revision of existing track safety standards, as mandated by Congress in the Rail Safety Enforcement and Review Act (PL 102-365). With this revision FRA will also respond to a Brotherhood of Maintenance of Way petition regarding numerous changes to the existing track standards. FRA will also incorporate input from research on internal rail defects and continuous welded rail. This action is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/16/92	57 FR 54038
Public Workshop Notice and Schedule	01/05/93	58 FR 338

Action	Date	FR Cite
Correction: Workshop Notice	01/19/93	58 FR 4975
Correction: Workshop Notice	02/18/93	58 FR 8928
ANPRM Comment Period End	03/12/93	
NPRM	12/00/94	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Evaluation

**Agency Contact:** Nancy Lummen Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

**RIN:** 2130-AA75

**2977. +RULES ON PROTECTION OF MAINTENANCE-OF-WAY EMPLOYEES**

**Legal Authority:** 45 USC 431; 45 USC 438

**CFR Citation:** 49 CFR 214

**Legal Deadline:** Final, Statutory, September 3, 1994.

**Abstract:** This action was originally part of the comprehensive track safety standards revision of RIN 2130-AA75. FRA now intends to place it in Part 214, as it is more directly related to worker safety than to track standards. The regulation is intended to establish minimum mandatory requirements to protect maintenance-of-way workers from train movements, and is considered significant because of substantial public interest and safety considerations.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/16/92	
ANPRM Comment Period End	05/04/93	
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** On August 17, 1994 (59 FR 42200), FRA published a notice proposing to form a negotiated rulemaking advisory committee and invited requests for representation, to be received by September 16, 1994.

**Agency Contact:** Christine Beyer, Trial Attorney, Department of Transportation, Federal Railroad

Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0621

**RIN:** 2130-AA86

**2978. • +ENVIRONMENTAL IMPACT AND RELATED PROCEDURES (FRA, FTA, FHWA)**

**Legal Authority:** 49 USC 322; 42 USC 4332

**CFR Citation:** 49 CFR 267; 49 CFR 622; 23 CFR 771

**Legal Deadline:** None

**Abstract:** The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) currently have a joint environmental regulation at 23 CFR 771, "Environmental Impact and Related Procedures", that outlines requirements for complying with the National Environmental Policy Act and related laws and regulations. The Federal Railroad Administration (FRA) has "Procedures for Considering Environmental Impacts" (45 FR 40854), June 16, 1980) which serve the same purposes. FTA and FHWA are revising their regulation to serve program needs. In order to achieve consistency in environmental analysis for surface transportation modes and to update its existing environmental procedures which were issued in 1980, the FRA will join with FTA and FHWA in developing an environmental regulation that applies to all three modal Administrations. This action is considered significant because of public, congressional, and environmental concerns and because it involves several departmental modes. The FTA RIN is 2132-AA43, the FHWA RIN is 2125-AD32.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Economic Assessment 10/00/94

**Agency Contact:** William R. Fashouer, Deputy Assistant Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC., 202 366-0616

**RIN:** 2130-AA93

DOT—FRA

Proposed Rule Stage

**2979. RAILROAD ACCIDENT REPORTING**

**Legal Authority:** 45 USC 431

**CFR Citation:** 49 CFR 225

**Legal Deadline:** None

**Abstract:** This proposed action is based on comments and suggestions from the public regarding methods of improving FRA's injury and accident reporting system. This action is no longer considered significant since further evaluation indicated minimal safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/14/90	55 FR 9469
Hearing Notice	03/14/90	55 FR 9532
ANPRM Comment Period End	05/25/90	
Notice of Open Meeting in Washington, DC on 06/13/91	06/05/91	56 FR 25651
Notice of Open Meeting in Washington, DC on 08/21/91	08/15/91	56 FR 40593
Notice of Open Meeting in Washington, DC on 10/22/91	10/18/91	56 FR 52241
Notice of Open Meeting in Washington, DC on 08/18/92	08/06/92	57 FR 34756
NPRM	08/15/94	59 FR 42880
Public Hearing Change	09/28/94	59 FR 49375
NPRM Comment Period End	11/17/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Public hearing was held in Washington, DC, on 05/17/90.

**Agency Contact:** Jesus Clemente, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

**RIN:** 2130-AA58

**2980. ALCOHOL/DRUG REGULATIONS; MISCELLANEOUS TECHNICAL AMENDMENTS AND CORRECTIONS**

**Legal Authority:** 45 USC 431 et seq, Federal Railroad Safety Act

**CFR Citation:** 49 CFR 219; 49 CFR 217

**Legal Deadline:** None

**Abstract:** The action would make technical amendments/corrections to regulations concerning the control of alcohol and drug use in railroad operations. As this action involves only technical amendments and corrections to existing regulations and the anticipated public interest did not materialize, it is no longer considered significant.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

**RIN:** 2130-AA63

**2981. QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS**

**Legal Authority:** 45 USC 431; 45 USC 438; PL 100-342 Rail Safety Improvement Act of 1988

**CFR Citation:** 49 CFR 240

**Legal Deadline:** None

**Abstract:** FRA has been petitioned to reconsider several aspects of its final rule on locomotive engineer qualifications. Some technical changes requested in those petitions were warranted and the interim final rule was issued to resolve these issues. Two issues involving coverage of the rule to service vehicles need more public discussion prior to resolution. A proposed rule will be issued to afford an opportunity for public comment. This action is no longer considered significant as the anticipated public interest did not materialize and there are minimal safety implications.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/09/93	58 FR 18982

Action	Date	FR Cite
Interim Final Rule Effective	05/10/93	
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/09/93 (58 FR 18982)

**Additional Information:** This rulemaking will amend the final rule issued on 06/19/91 (56 FR 28228).

**Agency Contact:** Alan Nagler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0631

**RIN:** 2130-AA74

**2982. LOCOMOTIVE CONSPICUITY; MINIMUM STANDARDS FOR AUXILIARY EXTERNAL LIGHTS**

**Legal Authority:** PL 102-533, Amtrak Authorization and Development Act

**CFR Citation:** 49 CFR 229

**Legal Deadline:**

Other, Statutory, December 31, 1992, for an interim final rule. Final, Statutory, June 30, 1995, for a future final rule.

**Abstract:** The interim rule (IR-2), published on May 13, 1994, amends an FRA interim rule (IR-1) published on February 3, 1993, by relaxing the standards IR-1 contained concerning auxiliary external lights on locomotives. The lighting arrangements in IR-1 were deemed acceptable interim locomotive conspicuity measures. FRA encouraged the installation and use of such lighting arrangements as are now widely used and available. IR-2 contains detailed and specific performance standards regarding color, intensity, operation, mounting location and flash rate for ditch lights, crossing lights, strobe lights and oscillating lights. Lighting devices installed in conformance to the specifications in IR-1 and IR-2 will not be immediately rendered obsolete when FRA issues final standards in this area. This action is intended to increase the visibility of locomotives to motorists and thereby reduce the incidence of collisions between vehicles and locomotives at highway-rail grade crossings.

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## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/03/93	58 FR 6899
Interim Final Rule Comment Period End	04/01/93	
Second Interim Final Rule Comment Period End	05/13/94	59 FR 24960
Second Interim Final Rule Correction	08/04/94	59 FR 39705
NPRM	12/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
05/13/94 (59 FR 24960)**Agency Contact:** Marina C. Appleton,  
Trial Attorney, Department of  
Transportation, Federal Railroad  
Administration, 400 Seventh Street  
SW., Washington, DC 20590, 202 366-  
0628

RIN: 2130-AA80

**2983. AMTRAK WASTE DISPOSAL****Legal Authority:** PL 101-610**CFR Citation:** Not yet determined**Legal Deadline:** None**Abstract:** The National and Community  
Service Act requires the Secretary of  
Transportation to promulgate such  
regulations as may be necessary to  
mitigate the impact of discharge of  
human waste from railroad passenger  
cars on areas that may be considered  
environmentally sensitive.**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Joseph R. Pomponio,  
Attorney, Department of  
Transportation, Federal Railroad  
Administration, Office of Chief  
Counsel, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-0616

RIN: 2130-AA84

**2984. EVENT RECORDERS****Legal Authority:** 45 USC 431(m)**CFR Citation:** 49 CFR 218; 49 CFR 229**Legal Deadline:** None**Abstract:** FRA has been petitioned to  
reconsider several aspects of its July 8,  
1993, final rule on event recorders (58  
FR 36605). Some technical changes  
requested in those petitions were  
warranted. FRA is acting to improve  
the details to enhance the quality of  
information available for post-accident  
investigations by clarifying how event  
recorders must be effectively  
maintained.**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Additional Information:** This new RIN  
replaces old RIN 2130-AA53.**Agency Contact:** Thomas A.  
Phemister, Trial Attorney, Department  
of Transportation, Federal Railroad  
Administration, 400 Seventh Street  
SW., Washington, DC 20590, 202 366-  
0628

RIN: 2130-AA87

**2985. PROTECTION OF UTILITY  
EMPLOYEES****Legal Authority:** 45 USC 431; 45 USC  
438; PL 100-342**CFR Citation:** 49 CFR 218**Legal Deadline:** None**Abstract:** FRA's "blue signal"  
regulations prescribe minimum  
requirements for the protection of  
railroad employees engaged in the  
inspection, testing, repair, and servicing  
of rolling equipment. Such activities  
may require employees to work on,  
under, or between such equipment and  
subject them to the danger of personal  
injury posed by any movement of such  
equipment. Train and yard crews are  
excluded from this protection, unless  
assigned to perform such work on  
railroad rolling equipment that is not  
part of the train or yard movement and  
that they have been called to operate.  
FRA's final rule permits augmentation  
of a crew by using a "utility"  
employee, which will permit more  
efficient use of employees by the  
railroads. As a substitute for blue signal  
protection, alternative safety procedures  
are required to prevent injury to theseutility employees. FRA has been  
petitioned to reconsider several aspects  
of its final rule on utility employees  
published August 16, 1993 (58 FR  
43287). Some technical changes  
requested in those petitions were  
warranted and will require issuance of  
a revised final rule. The old RIN was  
2130-AA72.**Timetable:** Next Action Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Kyle M. Mulhall,  
Trial Attorney, Department of  
Transportation, Federal Railroad  
Administration, 400 Seventh Street  
SW., Washington, DC 20590, 202 366-  
0443

RIN: 2130-AA90

**2986. • SELECTION AND  
INSTALLATION OF GRADE CROSSING  
WARNING SYSTEMS****Legal Authority:** 49 USC 21013; 49  
USC 20107; 49 USC 21301**CFR Citation:** 49 CFR 234**Legal Deadline:** None**Abstract:** This action would prohibit  
railroads from unilaterally selecting and  
installing highway-rail grade crossing  
warning systems at public highway-rail  
crossings. It would also require that  
railroads furnish State highway  
authorities with information necessary  
for State grade crossing project  
planning and prioritization purposes.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Undetermined**Government Levels Affected:** State,  
Local**Analysis:** Regulatory Evaluation**Agency Contact:** Mark Tessler, Trial  
Attorney, Department of  
Transportation, Federal Railroad  
Administration, 400 Seventh Street  
SW., Washington, DC 20590, 202 366-  
0628

RIN: 2130-AA92

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Federal Railroad Administration (FRA)**

**Final Rule Stage**

**2987. +FREIGHT CAR SAFETY STANDARDS: MAINTENANCE-OF-WAY EQUIPMENT**

**Legal Authority:** 45 USC 431; 45 USC 438, as amended

**CFR Citation:** 49 CFR 215

**Legal Deadline:** None

**Abstract:** The Federal Railroad Administration is proposing to amend the freight car safety standards by making all maintenance-of-way vehicles subject to the standards with the exception of stenciled cars not used in revenue service and restricted to a speed of less than 20 miles per hour. This action is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/94	59 FR 11238
NPRM Comment Period End	04/11/94	
NPRM Comment Period Extended to 11/28/94	09/28/94	59 FR 49374
Final Action	12/00/94	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/10/94 (59 FR 11238)

**Agency Contact:** Cedestra Jordan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

**RIN:** 2130-AA68

**2988. CENTRALIZATION OF FORMAL HEARING DOCKETS (FRA)**

**Legal Authority:** 45 USC 6; 45 USC 10; 45 USC 13; 45 USC 34; 45 USC 43; 45 USC 64a; 45 USC 431; 45 USC 437 to 439; 49 USC 103(c); 49 USC app 26(h); 49 USC 1655(c); PL 100-342

**CFR Citation:** 49 CFR 209; 49 CFR 1.49 et seq

**Legal Deadline:** None

**Abstract:** This final rule would provide that documents and evidence in formal hearing cases adjudicated within the Federal Railroad Administration (FRA) will be filed and maintained in the OST Office of Documentary Services. The change would streamline operations and consolidate the documents used in formal hearing cases.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2130-AA59

**2989. LOCAL RAIL FREIGHT ASSISTANCE TO STATES**

**Legal Authority:** PL 101-213 Local Rail Service Reauthorization Act

**CFR Citation:** 40 CFR 266

**Legal Deadline:** None

**Abstract:** This action was to revise the procedures and requirements for the receipt of financial assistance contained in part 266. These changes were to establish deadlines for submission of project applications for those seeking Federal funding to provide local rail freight assistance and impose consequences for failure to expend approved funding. However, as the Department has not proposed a reauthorization for this program's funding, this action is being withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/90	55 FR 49648
NPRM Comment Period End	12/31/90	55 FR 49648
To Be Withdrawn	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 401 Railroads

**Analysis:** Regulatory Evaluation 11/30/90 (58 FR 49648)

**Agency Contact:** Laurence Fitzgerald, Program Analyst, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1677

**RIN:** 2130-AA60

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Federal Railroad Administration (FRA)**

**Completed Actions**

**2990. +TIMELY RESPONSE TO GRADE CROSSING SIGNAL SYSTEM MALFUNCTIONS AND MAINTENANCE, INSPECTION, AND TESTING OF GRADE CROSSING SIGNAL SYSTEMS**

**Legal Authority:** 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 38; 45 USC 42

**CFR Citation:** 49 CFR 234; 49 CFR 1.49(f); 49 CFR 1.49(g); 49 CFR 1.49(m); 49 CFR 212

**Legal Deadline:** Final, Statutory, June 22, 1989.

**Abstract:** This action requires that railroads take specific and timely actions to protect the travelling public

and railroad employees from the hazards posed by malfunctioning highway-rail grade crossing warning systems, and that railroads follow specific standards for maintenance, inspection, and testing of those systems. This action was considered significant because of its railroad safety issues.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/92	57 FR 28819
NPRM Comment Period Extended to 09/25/92	08/12/92	57 FR 36054

Action	Date	FR Cite
NPRM Comment Period End	09/11/92	
NPRM Comment Period Extended to 12/01/92	09/25/92	57 FR 44355
NPRM Comment Period Extended to 01/15/93	11/12/92	57 FR 53684
NPRM Comment Period Extended to 02/15/93	01/14/93	58 FR 4400
SNPRM; Comment Period End 03/21/94	01/20/94	59 FR 3051
Final Action	09/30/94	59 FR 50086
Final Action Effective	01/01/95	

## DOT—FRA

## Completed Actions

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation  
09/30/94 (59 FR 50086)

**Additional Information:** A public meeting was held 12/11/92 in Washington, DC.

**Agency Contact:** Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

**RIN:** 2130-AA70

### 2991. RAILROAD OPERATING RULES AND RADIO STANDARDS AND PROCEDURES

**Legal Authority:** 45 USC 431; 45 USC 437; 45 USC 438

**CFR Citation:** 49 CFR 217; 49 CFR 220

**Legal Deadline:** None

**Abstract:** This action amended the Railroad Operating Rules and Radio Standards and Procedures by removing requirements that railroads file operating rules, radio rules, and certain other documents with the Federal Railroad Administration and by substituting requirements that will enable the railroads to maintain records of such documents and make them available to FRA representatives during regular business hours. This action is no longer considered significant since the anticipated substantial public interest did not materialize.

**Timetable:**

Action	Date	FR Cite
NPRM	10/19/92	57 FR 47803
NPRM Comment Period End	11/20/92	
NPRM Comment Period Extended to 12/21/92	12/10/92	57 FR 58436
Public Hearing Notice	12/10/92	57 FR 58436
Final Action	08/22/94	59 FR 43064
Final Action Correction	09/09/94	59 FR 46703
Final Action Effective	1/21/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/22/94 (59 FR 43064)

**Additional Information:** A public hearing was held 12/14/92 in Washington, DC.

**Agency Contact:** Jon Kaplan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

**RIN:** 2130-AA76

### 2992. REMEDIAL ACTIONS REPORTING

**Legal Authority:** 45 USC 6; 45 USC 10; 45 USC 13; 45 USC 34; 45 USC 43; 45 USC 43a; 45 USC 64a; 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 439; 49 USC 1655(e); 49 USC 1804; PL 102-365; PL 100-342

**CFR Citation:** 49 CFR 209 (Revision); 49 CFR 1.49

**Legal Deadline:** NPRM, Statutory, June 3, 1993. Final, Statutory, September 3, 1994.

**Abstract:** Pursuant to section 3 of the Rail Safety Enforcement and Review Act, this action requires that any responsible company that is notified by this agency both that the assessment of a civil penalty will be recommended against that company for a failure to comply with a provision of the Federal Railroad safety laws and that a remedial actions report must be submitted, shall report to FRA, within 30 days after the end of the month in which such notification is received, actions taken to remedy that failure. The rule also provides pursuant to section 3 that, if appropriate remedial actions cannot be taken by a responsible company within such 30-day period, such company shall submit to FRA a written explanation of the reasons for any delay and a final report upon completion of the remedial actions. As this action will have

minimal safety implications, it was no longer considered significant.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/93	58 FR 23595
NPRM Comment Period End	10/29/93	
Final Action	08/24/94	59 FR 43666
Final Action Effective	01/01/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation  
08/24/94 (59 FR 43666)

**Agency Contact:** David H. Kasminoff, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW Room 8209, Washington, DC 20590, 202 366-0635

**RIN:** 2130-AA85

### 2993. BRIDGE WORKER SAFETY STANDARDS

**Legal Authority:** 45 USC 431

**CFR Citation:** 49 CFR 214

**Legal Deadline:** None

**Abstract:** In response to a petition for reconsideration of a final rule published June 24, 1992 (57 FR 28127) this action will clarify the requirements of this rule.

**Timetable:**

Action	Date	FR Cite
Final Action	06/16/94	59 FR 30879
Final Action Effective	07/18/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Ms. Christine Beyer, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington DC 20590, 202 366-0621

**RIN:** 2130-AA91

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Federal Transit Administration (FTA)**

Proposed Rule Stage

**2994. +DEPARTMENT OF TRANSPORTATION (FTA, FRA, FHWA) ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**

**Legal Authority:** 49 USC 5304(e)

**CFR Citation:** 49 CFR 622; 23 CFR 771

**Legal Deadline:** Final, Statutory, May 18, 1992.

**Abstract:** The Federal Transit Administration and the Federal Highway Administration currently have a joint environmental regulation at 23 CFR 771, "Environmental Impact and Related Procedures". The agencies first issued an environmental regulation together in 1980. The joint regulation was amended in 1987 and again in 1991. Even though FTA and FHWA have joint regulations, each agency's guidance for implementing those regulations is procedurally different. This causes difficulties and inconsistencies for sponsors of transportation projects, particularly where joint FTA and FHWA funds are involved. In the ISTEA, the Congress recognized the importance of providing uniformity and consistency between FTA and FHWA environmental procedures. This is needed to accommodate the increased funding flexibility for surface transportation provided by ISTEA. Because of an increased emphasis on intermodal planning and proposals to advance a high-speed rail program, the proposed, new joint regulations will include the Federal Railroad Administration (FRA). The proposed regulations will therefore

be applied to all three modal Administrations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** Section 134(h)(4) of title 23, United States Code and section 8(h)(4) of the Federal Transit Act, as amended (now 49 USC 5304(e)), direct the Secretary of Transportation to initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act of 1969, to comparable requirements for highway projects. This action is considered significant because of public, congressional, and environmental concerns and because it involves several departmental modes. The corresponding FHWA RIN is 2125-AD32; for FRA, RIN 2130-AA93.

**Agency Contact:** Scott Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0952

**RIN:** 2132-AA43

**2995. TRANSPORTATION FOR THE ELDERLY AND PERSONS WITH DISABILITIES**

**Legal Authority:** 49 USC 5301(d)

**CFR Citation:** 49 CFR 609

**Legal Deadline:** None

**Abstract:** The regulation sets forth requirements regarding transportation for the elderly and persons with disabilities mandated by 49 USC 5301(d), formerly section 16 of the Federal Transit Act, as amended. The ADA and DOT's implementing regulations supersede many provisions of part 609. The Federal Transit Administration will revise part 609 to acknowledge new ADA provisions and to update continuing provisions emanating from the Federal Transit Act.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

**Analysis:** Draft Regulatory Evaluation 10/00/94

**Agency Contact:** Trudy Levy, Assistant Chief Counsel, General Law Division, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

**RIN:** 2132-AA46

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Federal Transit Administration (FTA)**

Final Rule Stage

**2996. +BUS TESTING**

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

**CFR Citation:** 49 CFR 665

**Legal Deadline:** None

**Abstract:** This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary in Altoona, PA. This regulation is significant because of the large amount of public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716

Action	Date	FR Cite
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158
Interim Final Rule; Comment Period Reopened	11/30/89	54 FR 35158
Interim Final Rule; Second	10/09/90	55 FR 41174
Interim Final Rule Extending Interim Procedures	09/13/91	56 FR 46572
Interim Final Rule New Vehicle Types	07/28/92	57 FR 33394
Interim Final Rule Partial Effectiveness Postponed	10/13/92	57 FR 46814

Action	Date	FR Cite
Interim Final Rule Comment Period Reopened to 01/29/93	01/07/93	58 FR 2989
Interim Final Rule Partial Effectiveness Postponed	02/23/93	58 FR 10989
Notice of Meeting	02/26/93	58 FR 11549
Interim Final Rule Small Vehicle Testing, Phase-in of Effective Date	11/03/93	58 FR 58732
Next Action Undetermined		

**Small Entities Affected:** None  
**Government Levels Affected:** None

DOT—FTA

Final Rule Stage

**Analysis:** Regulatory Evaluation  
07/28/92 (57 FR 33394)

**Additional Information:** Former section 12(h) of the FT Act, as amended (now 49 USC 5302(a)(9)), defines a "new bus model" model" as a bus model which has not been used in mass transportation service in the United States before the date of production of such model, or a bus model which has been used in such service, but which is being produced with a major change in configuration or components. A third interim final rule, published on 07/28/92, added two new categories of buses required to be tested. On 10/13/92 FTA published a notice postponing the application of the interim final rule for these vehicle types until 02/10/93. The FTA's fourth interim final rule, issued on November 3, 1993, established four subcategories of small vehicles to facilitate the phase-in of testing, and set forth guidance for the partial testing of models that have been fully tested, but later are produced with changes in configuration or components.

**Agency Contact:** Richard Wong, Attorney-Advisor, Department of Transportation, Federal Transit Administration, Office of Chief Counsel, Room 9316, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

RIN: 2132-AA30

#### 2997. +STATE RESPONSIBILITY FOR FIXED-GUIDEWAY SYSTEM SAFETY

**Regulatory Plan:** This entry is Seq. No. 130 in Part II of this issue of the Federal Register.

RIN: 2132-AA39

#### 2998. +MANAGEMENT AND MONITORING SYSTEMS

**Legal Authority:** PL 102-240, sec 1034; 23 USC 303

**CFR Citation:** 49 CFR 614; 23 CFR 626; 23 CFR 500

**Legal Deadline:** Final, Statutory, December 18, 1992.

**Abstract:** The Intermodal Surface Transportation Efficiency Act mandates the FTA and FHWA to issue regulations for State development and implementation of systems for managing: (1) highway pavement of Federal-aid highways; (2) bridges on and off Federal-aid highways; (3)

highway safety; (4) traffic congestion; (5) public transportation facilities and equipment; (6) intermodal transportation facilities and systems. States must be implementing each management system in Federal fiscal year 1955 or the Secretary may withhold up to 10 percent of funds apportioned under Title 23, U.S.C., or under 49 USC chapter 53 (mass transportation), for any fiscal year beginning after September 30, 1995. The primary purpose of these systems is to improve the efficiency of, and protect the investment in, existing and future transportation infrastructure. The systems will provide additional information needed to make informed decisions for optimum utilization of limited resources. (cont)

#### Timetable:

Action	Date	FR Cite
ANPRM	06/03/92	57 FR 23460
ANPRM Comment Period End	08/03/92	
NPRM	03/02/93	58 FR 12096
Request for Comments	03/24/93	58 FR 15816
NPRM Comment Period End	05/03/93	
Interim Final Rule	12/01/93	58 FR 63442
Interim Final Rule Correction	12/07/93	58 FR 64374
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 12/01/93 (58 FR 63442)

**Additional Information:** ABSTRACT CONT: The economic impact of the regulation is expected to be minimal. This regulation is issued jointly with the Federal Highway Administration (RIN 2125-AC97). The regulation is considered significant because of substantial State and local government, public, and congressional interest. The interim final rule was effective January 3, 1994; comments were due by January 31, 1994.

**Agency Contact:** Ron Jensen-Fisher, Senior Community Planner, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0257

RIN: 2132-AA47

#### 2999. +TEMPORARY LOCAL MATCH WAIVER FOR SECTIONS 9 AND 18

**Legal Authority:** PL 102-240, sec 1054; PL 102-388; PL 102-302

**CFR Citation:** 49 CFR 671

**Legal Deadline:** None

**Abstract:** The rulemaking is mandated by the 1992 Dire Emergency Supplemental Appropriations Act and 1993 Department of Transportation and Related Appropriations Act. The rule will allow recipients to ask for a temporary waiver in 1992 and 1993, of the local match required under sections 9 and 18 of the Federal Transit Act, as amended. An interim final rule, which announces the availability of the program and establishes the procedures for applying for that program, was employed, since this matter is extremely time-sensitive and of substantial public interest.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	08/11/93	58 FR 42690
Interim Final Rule Effective	09/10/93	
Interim Final Rule Comment Period End	10/12/93	
Final Action	10/00/94	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Analysis:** Regulatory Evaluation 08/11/93 (58 FR 42690)

**Additional Information:** The comment period ended on October 12, 1993, and the FTA anticipates issuing a final rule based on the interim final rule. A policy statement providing general guidance on local share issues was published on July 10, 1992 (57 FR 30880).

**Agency Contact:** Nancy Zaczek, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4011

RIN: 2132-AA49

#### 3000. +NEW STARTS CRITERIA

**Legal Authority:** 49 USC 5309(e)(4)(A)

**CFR Citation:** 49 CFR 611

**Legal Deadline:** None

DOT-FTA

Final Rule Stage

**Abstract:** The Intermodal Surface Transportation Efficiency Act requires new criteria to be used in determining whether a major new construction project is eligible for funding. The agency is reviewing this matter to determine whether to develop a rulemaking or to issue "guidance" on this matter. If guidance is developed, this project would no longer be considered significant.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Ron Jensen-Fisher, Senior Community Planner, Department of Transportation, Federal Transit Administration, 400 Seventh Street

SW., Washington, DC 20590, 202 366-0096

**RIN:** 2132-AA50

**3001. BUY AMERICA**

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

**CFR Citation:** 49 CFR 661

**Legal Deadline:** Final, Statutory, May 30, 1992.

**Abstract:** The Intermodal Surface Transportation Efficiency Act of 1991 amended section 165(a) of the Surface Transportation Assistance Act of 1982 (now 49 USC 5323(j)) by adding "iron" to the list of products subject to "Buy America" provisions. The Federal Transit Administration's "Buy America" regulations are being amended include this new statutory provision.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Since the requirement to add iron to the list of products subject to the Buy America requirement is clearly stated in the statute and the agency has no discretion, the agency is not required to first issue the rule in proposed form.

**Agency Contact:** Rita Daguillard, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

**RIN:** 2132-AA42

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Federal Transit Administration (FTA)

**3002. +NOTICE OF FINAL ACTION ON PROPOSED RECISION OF PRIVATE ENTERPRISE PARTICIPATION GUIDANCE**

**Legal Authority:** 49 USC 5306

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** On November 26, 1993, the Federal Transit Administration published a Notice in the Federal Register proposing to rescind its current guidance on private enterprise participation, which was believed to be unnecessary, as well as overly restrictive of the ability of local

planning agencies and transit operators to make rational transportation choices in light of local needs. On April 26, 1994, the agency published a final Notice of Recision of Private Enterprise Participation Guidance, which announced the agency's decision to rescind the private enterprise guidance as proposed, and presented the agency's statement of policy on this matter. This action was considered significant because of substantial public, congressional, and State and local government interest.

**Timetable:**

Action	Date	FR Cite
Recision Notice	11/26/93	58 FR 62407
Final Action	04/26/94	59 FR 21890
Final Action Effective	05/26/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Spencer, Associate Administrator, Budget and Policy, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Room 9315, Washington, DC 20590, 202 366-4050

**RIN:** 2132-AA51

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Research and Special Programs Administration (RSPA)

**3003. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34**

**Legal Authority:** 49 USC 1803 to 1808

**CFR Citation:** 49 CFR 172; 49 CFR 173; 49 CFR 178

**Legal Deadline:** None

**Abstract:** This rulemaking involves a proposal to revise the requalification requirements for cylinders and consolidate and revise the

specifications for high-pressure seamless cylinders. (Project No. 305-83).

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Additional Information:** Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders.

**Agency Contact:** Gopala Vinjamuri, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4545

**RIN:** 2137-AA92

DOT-RSPA

Prerule Stage

**3004. MODERNIZING THE PASSENGER ORIGIN-DESTINATION SURVEY**

**Legal Authority:** 49 USC 1377; 49 USC 1441

**CFR Citation:** 14 CFR 241

**Legal Deadline:** None

**Abstract:** Historically, the source document for the Passenger Origin-Destination Survey was the auditor's coupon of the ticket. Until recently, these coupons provided all the information that was needed for the survey. In the last few years, the carriers have begun using trip passes in conjunction with the tickets, thereby eliminating some of the data that is required to be reported in the Survey. Other innovations used by the industry, such as funnel flights and code-sharing, have impacted the Survey and obscured some of the data that is required to be reported, such as change of planes and

junction points. This rulemaking will explore whether there are alternative sources for the data and modernize the collection system to keep pace with the industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1, Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

**RIN:** 2137-AB92

**CFR Citation:** 49 CFR 173; 49 CFR 179

**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to consider ways for the Department of Transportation to approve the design and manufacture of multi-unit tank car tanks, which are also known as "ton tanks."

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Diane LaValle, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

**RIN:** 2137-AC43

**3005. APPROVAL OF MULTI-UNIT TANK CAR TANKS**

**Legal Authority:** 49 USC 1802 to 1808; 49 USC 1818

**DEPARTMENT OF TRANSPORTATION (DOT)**

Proposed Rule Stage

**Research and Special Programs Administration (RSPA)**

**3006. +GAS GATHERING LINE DEFINITION**

**Legal Authority:** 49 USC 1672; 49 USC 1804; PL 102-508, Sec 109(b)

**CFR Citation:** 49 CFR 192.3

**Legal Deadline:** Final, Statutory, October 24, 1994.

**Abstract:** The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is of Congressional interest and is required by the Pipeline Safety Act of 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48505
NPRM Comment Period End	11/25/91	
NPRM Comment Period Extended to	09/07/94	59 FR 46219
	10/31/94	
Public Meeting Notice	09/07/94	59 FH 46219
SNPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/25/91 (56 FR 48505)

**Agency Contact:** C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1640

**RIN:** 2137-AB15

**3007. +QUALIFICATION OF PIPELINE PERSONNEL**

**Legal Authority:** 49 USC 1672; 49 USC 2002; PL 102-508, Sec 106; PL 102-508, Sec 205

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** Training and qualification standards have been proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial State and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189
NPRM	08/03/94	59 FR 39506
NPRM Comment Period End	10/03/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/03/94 (59 FR 39506)

**Additional Information:** Docket No. PS 94. Formerly entitled: Pipeline Operator Qualifications. The proposals regarding certification of personnel and emergency response in "Proposals for Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

**Agency Contact:** A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2036

**RIN:** 2137-AB38

DOT-RSPA

Proposed Rule Stage

**3008. +MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY**

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** Final, Statutory, November 1, 1989.

Deadline pertains to pipe inventory and State agency information.

**Abstract:** Maintenance of appropriate information about pipelines is essential for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines. Operators would also be required to keep an inventory of pipe and annually report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of congressional and State concerns about the need for appropriate public officials to have pipeline information.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/00/94

**Additional Information:** RIN 2137-AB62, "Annual Report for Hazardous Liquid Pipelines," has been consolidated into this rulemaking. The proposals regarding information for local authorities, pipeline inventory, and condition reports in "Proposals for Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

**Agency Contact:** L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

**RIN:** 2137-AB48

**3009. +IMPROVEMENTS TO HAZARDOUS MATERIALS IDENTIFICATION SYSTEMS**

**Regulatory Plan:** This entry is Seq. No. 131 in Part II of this issue of the Federal Register.

**RIN:** 2137-AB75

**3010. +INFECTIOUS SUBSTANCES**

**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1808

**CFR Citation:** 49 CFR 171 to 173

**Legal Deadline:** None

**Abstract:** This action explores whether amendments are needed to the Hazardous Materials Regulations concerning the regulation of infectious substances, particularly medical waste containing infectious substances. The rulemaking is considered significant because it is of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/03/93	58 FR 12207
ANPRM Comment Period End	04/20/93	
Compliance Date Extended to 10/01/94	12/20/93	58 FR 66302
Compliance Date Extended for Other Infectious Substances to 01/01/95	09/22/94	59 FR 48762
Compliance Date Extended for RMW & Animal-Infectious to 10/01/95	09/22/94	59 FR 48762
NPRM	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/94

**Additional Information:** The ANPRM included notice of a public hearing in Washington, DC, March 17, 1993. Docket No. HM-181G.

**Agency Contact:** E. Martin/J. Posten, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

**RIN:** 2137-AC36

**3011. +INCREASED INSPECTION REQUIREMENTS**

**Regulatory Plan:** This entry is Seq. No. 132 in Part II of this issue of the Federal Register.

**RIN:** 2137-AC38

**3012. +EMERGENCY FLOW-RESTRICTING DEVICES**

**Regulatory Plan:** This entry is Seq. No. 133 in Part II of this issue of the Federal Register.

**RIN:** 2137-AC39

**3013. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS**

**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808

**CFR Citation:** 49 CFR 178

**Legal Deadline:** None

**Abstract:** Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. The ANPRM was to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	52 FR 26027
NPRM	10/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 10/00/95

**Additional Information:** Docket No. HM-176A

**Agency Contact:** Charles Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4545

**RIN:** 2137-AB51

**3014. PASSAGE OF INTERNAL INSPECTION DEVICES**

**Legal Authority:** PL 100-561, sec 1027; PL 100-561, sec 207

**CFR Citation:** 49 CFR 192; 49 CFR 195

DOT-RSPA

Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This rulemaking established minimum Federal safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. This rulemaking is mandated by PL 100-561. In response to petitions for reconsideration of the final rule, an NPRM was issued.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/92	57 FR 54745
NPRM Comment Period End	01/19/93	57 FR 54745
Final Rule; Effective 5/12/94	04/12/94	59 FR 17275
NPRM	09/30/94	59 FR 49896
NPRM Comment Period End	10/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/12/94 (59 FR 17275)

**Additional Information:** The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, was consolidated, in part, in this rulemaking. Docket No. PS-126.

Comments on other than compliance dates are due 11/29/94.

**Agency Contact:** A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2036

**RIN:** 2137-AB71

**3015. DESIGN AND CONSTRUCTION OF WELDED BREAKOUT TANKS**

**Legal Authority:** 49 USC 2002

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to add safety standards for the design and construction of pipeline breakout tanks. This action would incorporate by reference the applicable standards for breakout tank design and construction that are contained in American Petroleum Institute Standard 650. This standard is already widely followed in the pipeline industry.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2036

**RIN:** 2137-AC11

**3016. UNDERWATER ABANDONED PIPELINE FACILITIES**

**Legal Authority:** PL 102-508, Sec 117; PL 102-508, Sec 216

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** Final, Statutory, April 24, 1994.

**Abstract:** This action would result in regulations specifying procedures for operators to report on underwater pipelines abandoned prior to October 24, 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 04/00/95

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2392

**RIN:** 2137-AC33

**3017. ENVIRONMENTALLY SENSITIVE AREAS AND HIGH-DENSITY POPULATION AREAS**

**Legal Authority:** PL 102-508, Sec 102; PL 102-508, Sec 202

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** Final, Statutory, October 24, 1994.

**Abstract:** This action would require gas pipeline operators to identify pipeline facilities located in high-density population areas, and require hazardous liquid pipeline operators to identify pipeline facilities located in environmentally sensitive areas and high-density population areas.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meeting on 6/28/94 to Discuss Issues	06/15/94	59 FR 30755
Public Meeting and Supplemental Notice	06/22/94	59 FR 32178
Public Meeting Comment Period End	08/01/94	
NPRM	12/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 12/00/94

**Additional Information:** A public meeting was held on June 28, 1994, in Washington, DC, to discuss the definition of "environmentally sensitive areas," and allow written comments to be filed until August 1, 1994.

**Agency Contact:** Christina Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-1640

**RIN:** 2137-AC34

**3018. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS**

**Legal Authority:** 49 USC 1802 to 1808; 49 USC 1818

**CFR Citation:** 49 CFR 171 to 178

**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to issue nonsignificant regulations routinely to keep an established body of regulations operationally current.

**Timetable:**

Action	Date	FR Cite
Total Actions Expected to End	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-166Y.

**Agency Contact:** Ann Weiss, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

**RIN:** 2137-AC41

DOT—RSPA

Proposed Rule Stage

**3019. INCORPORATION OF LATEST UNITED NATIONS RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS****Legal Authority:** 49 USC 1802 to 1808; 49 USC 1818**CFR Citation:** 49 CFR 171 to 180**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to incorporate changes into the Hazardous Materials Regulations, based on recent changes to the United Nations Recommendations on the Transport of Dangerous Goods, the International Civil Aviation Organization Technical Instructions, and the International Maritime Dangerous Goods Code.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/94	59 FR 36488
NPRM Comment Period End	09/06/94	
Next Action Undetermined		

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
07/18/94 (59 FR 36488)**Additional Information:** Docket No.  
HM-215A.

**Agency Contact:** Beth Romo/John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

**RIN:** 2137-AC42**3020. SAFETY PERMITS—SHIPPER'S RESPONSIBILITY****Legal Authority:** 49 USC 1803 to 1808**CFR Citation:** 49 CFR 171**Legal Deadline:** Final, Statutory,  
November 16, 1991.

**Abstract:** The purpose of this rule is to prohibit shippers from offering to motor carriers certain hazardous materials for transportation, if such motor carriers are required to have a safety permit but do not.

**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** Docket No.  
HM-218.

**Agency Contact:** Helen Engrum, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AC45**3021. LABELING REQUIREMENTS FOR POISONOUS MATERIALS****Legal Authority:** 49 USC 1804**CFR Citation:** 49 CFR 172; 49 CFR 174 to 177**Legal Deadline:** None

**Abstract:** This action considers changes to certain labeling provisions of the Hazardous Materials Regulations to require the use of a POISON label on packages containing materials meeting the toxicity criteria for poisonous materials in Division 6.1, Packing Group III.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/08/93	58 FR 59224
ANPRM Comment Period End	01/10/94	
NPRM	10/00/95	

**Small Entities Affected:** Undetermined**Government Levels Affected:**  
Undetermined**Analysis:** Regulatory Evaluation**Additional Information:** Docket No.  
HM-217.

**Agency Contact:** Beth Romo, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St. SW., Washington, DC 20590-0001, 202 366-4488

**RIN:** 2137-AC47**3022. REVIEW OF CONFIDENTIALITY REQUIREMENTS FOR SCHEDULE T-100 DOMESTIC MARKET DATA**

**Legal Authority:** 49 USC 1301; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1472; 49 USC 1482; 49 USC 1551

**CFR Citation:** 14 CFR 241**Legal Deadline:** None

**Abstract:** Domestic data filed in Schedule T-100 "U.S. Air Carrier Traffic and Capacity Data by Nonstop Segment and On-Flight Market" are released to the public immediately after

edit. This rulemaking will explore whether the policy of immediate release should be modified for sensitive domestic market data to include a period of confidentiality.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4383

**RIN:** 2137-AC49**3023. HAZARDOUS LIQUID GATHERING LINE DEFINITION****Legal Authority:** 49 USC 2002**CFR Citation:** 49 CFR 195**Legal Deadline:** Final, Statutory,  
October 24, 1994.

**Abstract:** The existing definition of "gathering line" would be better defined to distinguish gathering lines from other pipelines.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/95	

**Small Entities Affected:** Undetermined**Government Levels Affected:**  
Undetermined**Analysis:** Regulatory Evaluation

**Agency Contact:** Cesar De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-1640

**RIN:** 2137-AC52**3024. REGULATED GAS AND HAZARDOUS LIQUID GATHERING LINES****Legal Authority:** 49 USC 1672; 49 USC 2002**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** Final, Statutory,  
October 24, 1995.

**Abstract:** This action would establish certain regulations for gas and hazardous liquid gathering lines in rural areas.

**DOT—RSPA**

**Proposed Rule Stage**

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Cesar De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-1640

**RIN:** 2137-AC53

**3025. PERMANENT UNDERWATER INSPECTIONS**

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:**

Final, Statutory, May 16, 1993.  
Final, Statutory, April 24, 1995.  
Final, Statutory, October 24, 1995.

**Abstract:** This action would require operators of natural gas and hazardous liquid pipelines to conduct periodic underwater inspections of offshore pipelines and those in navigable waterways. This action would also define what constitutes an exposed underwater pipeline and what constitutes a hazard to navigation.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** E. Herrick, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2392

**RIN:** 2137-AC54

**3026. EXCESS FLOW VALVE CUSTOMER NOTIFICATION**

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 192

**Legal Deadline:** Final, Statutory, October 24, 1994.

**Abstract:** This action would require operators of natural gas distribution systems to notify their customers, with lines in which excess flow valves are not required by law, of the availability of excess flow valves, safety benefits of these valves, and the costs of installation.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** Jack Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

**RIN:** 2137-AC55

**3027. • MANDATORY ONE-CALL PARTICIPATION**

**Legal Authority:** 49 USC 1671 49 USC 2002

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** This action would require operators of gas and hazardous liquid pipelines to participate in qualified one-call damage prevention systems.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** C. Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-7697

**RIN:** 2137-AC57

**DEPARTMENT OF TRANSPORTATION (DOT)**

**Final Rule Stage**

**Research and Special Programs Administration (RSPA)**

**3028. +HAZARDOUS MATERIALS IN INTRASTATE COMMERCE**

**Legal Authority:** 49 USC 1802 to 1808

**CFR Citation:** 49 CFR 171 to 179

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to extend the applicability of the Hazardous Materials Regulations to govern all intrastate shipments of hazardous materials in commerce. This rulemaking is significant because of substantial public interest and possible federalism implications. The Hazardous Materials Transportation Uniform Safety Act of 1990 mandates that the Secretary issue regulations for the intrastate transportation of hazardous materials in commerce.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
Comment Period Extended to	09/21/87	52 FR 35464
11/28/87		
ANPRM Comment Period End	09/28/87	
NPRM	07/09/93	58 FR 36920
NPRM Correction	07/15/93	58 FR 38111
NPRM Comment Period End	10/13/93	
Final Action	00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 07/09/93 (58 FR 36920)

**Additional Information:** Docket No. HM-200.

**Agency Contact:** Jacquelyn Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AB37

**3029. +EXCAVATION DAMAGE PREVENTION PROGRAMS FOR GAS AND HAZARDOUS LIQUID PIPELINES**

**Legal Authority:** 49 USC 1672(a); 49 USC 2002(e)

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

DOT-RSPA

Final Rule Stage

**Abstract:** Each year a large percentage of gas and hazardous liquid pipeline accidents are caused by excavation damage. Based on existing rules intended to reduce damage to gas pipelines in populated areas, this action would require hazardous liquid and carbon dioxide pipeline operators to provide damage prevention programs, and gas operators would have to expand their programs to cover rural areas. This is a significant action because of widespread interest in the use of "one-call" programs to prevent damage to buried pipelines. Where appropriate, operators would have to participate in "one-call" programs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24747
NPRM Comment Period End	08/29/88	53 FR 24747
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/30/88 (53 FR 24747)

**Additional Information:** Docket No. PS-101. Formerly entitled: Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program. The one-call system proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, has been consolidated, in part, in this rulemaking.

**Agency Contact:** A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2036

**RIN:** 2137-AB47

**3030. +CRASHWORTHINESS PROTECTION REQUIREMENTS FOR TANK CARS**

**Legal Authority:** 49 USC 1803 to 1808  
**CFR C** 49 CFR 173

**Legal Deadline:** NPRM, Statutory September 30, 1993.

**Abstract:** This rulemaking proposes revisions to the Hazardous Materials Regulations that would improve the crashworthiness of tank cars and restrict the continued use in hazardous materials service of tank cars that no longer meet current safety requirements. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/15/90	55 FR 20242
ANPRM Comment Period End	08/21/90	
SANPRM; Comment Period End	08/29/90	55 FR 35327
01/04/91		
NPRM	10/08/93	58 FR 52574
NPRM Comment Period End	02/07/94	
Final Action	10/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/08/93 (58 FR 52574)

**Additional Information:** Docket HM-175A. Formerly entitled, "Specifications for Tank Car Tanks."

**Agency Contact:** E. Martin, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AB89

**3031. +EXCESS FLOW VALVES IN SERVICE LINES**

**Legal Authority:** 49 USC 1672, PL 102-508, Sec 104

**CFR Citation:** 49 CFR 192

**Legal Deadline:** Final, Statutory April 24, 1994.

**Abstract:** Service line breaks due to excavation damage and other causes continue to be a threat to public safety despite the precautions being taken through one-call damage prevention programs and line surveys for corrosion or leaks. Excess flow valves would be required on new and renewed service lines to stop the flow of gas in the event of a line break. This rulemaking is considered significant because it involves a substantial change in regulations and concerns a matter of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/20/90	55 FR 52188
ANPRM Comment Period End	03/20/91	
NPRM	04/21/93	58 FR 21524
NPRM Notice of meeting and extension of comment period to	06/15/93	58 FR 33064
7/6/93		

**Action Date FR Cite**

NPRM Comment Period End	06/21/93	
NPRM Comment Period Extended to	08/02/94	59 FR 39319
10/03/94		
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/21/93 (58 FR 21524)

**Additional Information:** Docket No. PS-118

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4571

**RIN:** 2137-AB97

**3032. +SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION**

**Legal Authority:** PL 101-500  
**CFR Citation:** 49 CFR 1

**Legal Deadline:** Final, Statutory, August 1, 1991.

**Abstract:** The Sanitary Food Transportation Act of 1990 (SFTA, Pub. L. 101-500) requires the Secretary of Transportation, in consultation with the Secretaries of Agriculture and Health and Human Services and the Administrator of the Environmental Protection Agency, to issue regulations concerning the transportation of food, food additives, drugs, devices, and cosmetics in motor and rail vehicles also used to transport nonfood products that could pose an unreasonable danger to human or animal health when so transported. This rulemaking will implement the statutory requirements. This rulemaking is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
ANPRM Comment Period Extended to	03/21/91	56 FR 11982
04/29/91		
ANPRM Comment Period End	03/26/91	
NPRM	05/21/93	58 FR 25698
Public Hearings Notice	05/21/93	58 FR 29698
NPRM Comment Period End	10/18/93	
Final Action	05/00/95	

DOT—RSPA

Final Rule Stage

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/21/93 (58 FR 29698)

**Additional Information:** Docket FS-1.

**Agency Contact:** E. Richards/J. Gale,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590-0001, 202 366-0656

**RIN:** 2137-AC00

**3033. +REGULATORY REVIEW: GAS  
PIPELINE SAFETY STANDARDS**

**Legal Authority:** 49 USC 1672; 49 USC  
1804

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** Gas pipeline safety standards  
would be amended or clarified to  
eliminate burdensome requirements  
without reducing safety. This action is  
significant because it would reduce  
regulatory burden that could hinder  
economic growth, and because of  
substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/92	57 FR 39572
NPRM Comment Period End	09/30/92	
Notice of Request For Information	11/09/93	58 FR 59431
Extension of Comment Period on Request For Information	12/27/93	58 FR 68382
Final Action	02/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/31/92 (57 FR 39572)

**Additional Information:** Certain  
proposals in "Alternative Weld Defect  
Acceptance Criteria," RIN 2137-AC03;  
"Petroleum Gas Systems," RIN 2137-  
AC04; and "Temperature Limits for  
Plastic Gas Pipelines," RIN 2137-AC20  
have been consolidated into this  
rulemaking. Docket No. PS-124.

**Agency Contact:** A. Garnett,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590-0001, 202 366-2392

**RIN:** 2137-AC25

**3034. +RESPONSE PLANS FOR  
ONSHORE OIL PIPELINES**

**Legal Authority:** 33 USC 1321(j)(5)

**CFR Citation:** 49 CFR 194

**Legal Deadline:** Final, Statutory,  
August 18, 1992.

**Abstract:** This interim final rule  
establishes regulations requiring  
response plans for certain onshore oil  
pipelines. Those regulations are  
mandated by the Federal Water  
Pollution Control Act as amended by  
the Oil Pollution Act of 1990 (Pub. L.  
101-380). The purpose of these  
requirements is to improve response  
capabilities and minimize the impact of  
onshore oil spills from pipelines.

This rule is significant because of  
substantial public and congressional  
interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/05/93	58 FR 244
Interim Final Rule Comment Period End 02/19/93	01/05/93	58 FR 244
Notice of Public Meeting on 6/28/94 to Discuss Issues	06/15/94	59 FR 30755
Public Meeting Comment Period End	08/01/94	
Final Action	12/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
01/05/93 (58 FR 244)

**Additional Information:** Docket No. PS-  
130. A public meeting was held on  
June 28, 1994, in Washington, DC, to  
discuss the definition of  
"environmentally sensitive areas," and  
allow written comments to be filed  
until August 1, 1994.

**Agency Contact:** Lloyd Ulrich,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4556

**RIN:** 2137-AC30

**3035. +OIL SPILL PREVENTION AND  
RESPONSE PLANS**

**Legal Authority:** 33 USC 1321(j)(5)

**CFR Citation:** 49 CFR 130

**Legal Deadline:** Final, Statutory,  
August 18, 1992.

**Abstract:** This action establishes  
response plans for certain  
transportation containers such as cargo  
tanks and tank car tanks. These  
regulations are required by the Oil  
Pollution Act of 1990 (PL 101-380). The  
purpose of these regulations is to  
improve response capabilities and  
minimize the impact of onshore oil  
spills. This rule is significant because  
of substantial public and congressional  
interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/02/93	58 FR 6864
Interim Final Rule; Correction	02/17/93	58 FR 8820
Interim Final Rule; Public Hearing Notice; Comments Due 06/03/93	04/20/93	58 FR 21260
Interim Final Rule; Comment Period End 7/30/93	06/16/93	58 FR 33302
Interim Final Rule; Agenda for Public Meeting	06/22/93	58 FR 33918
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/16/93 (58 FR 33302)

**Additional Information:** Docket Nos.  
HM-214 and PC-1. All rulemaking now  
under Docket No. PC-1. Formerly  
entitled "Oil and Hazardous  
Substances: Spill Prevention,  
Containment, and Response Plans."

**Agency Contact:** Diane LaValle,  
Transportation Regulations Specialist,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4488

**RIN:** 2137-AC31

**3036. QUANTITY LIMITATIONS  
ABOARD AIRCRAFT**

**Legal Authority:** 49 USC 1803; 49 USC  
1804; 49 USC 1807; 49 USC 1808

**CFR Citation:** 49 CFR 175

**Legal Deadline:** None

**Abstract:** This action proposed to  
remove the fifty-pound limit on the  
quantity that may be stowed in an  
inaccessible cargo location on  
passenger-carrying aircraft. Comments  
to the NPRM indicated that further  
evaluation is needed. Therefore, RSPA.

DOT-RSPA

Final Rule Stage

is reevaluating the proposal and the alternatives available.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment	09/01/84	49 FR 13717
Period End		
NPRM	02/13/85	50 FR 6013
NPRM Comment	05/30/85	50 FR 6013
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 02/13/85 (50 FR 6013)

**Additional Information:** This project was formerly entitled: Limitation Aboard Aircraft. Docket HM-192.

**Agency Contact:** Jennifer Posten, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AA85

**3037. ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS**

**Legal Authority:** 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

**CFR Citation:** 49 CFR 171; 49 CFR 173; 49 CFR 387

**Legal Deadline:** None

**Abstract:** This notice solicited comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR part 387. Comments received generally oppose imposition of the petition's proposed requirements. Evaluation of the merits of the comments indicate safety would not be significantly enhanced by the proposed requirements. Therefore, this rulemaking will be withdrawn.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116

Action	Date	FR Cite
ANPRM Comment	08/18/87	
Period End		
To Be Withdrawn	10/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Docket No. HM-199.

**Agency Contact:** Diane LaValle, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AB35

**3038. DETECTION AND REPAIR OF CRACKS, PITS, CORROSION, LINING FLAWS, THERMAL DETECTION FLAWS, AND OTHER DEFECTS OF TANK CAR TANKS**

**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

**CFR Citation:** 49 CFR 173

**Legal Deadline:** NPRM, Statutory, September 30, 1993.

**Abstract:** This rule would clarify existing inspection requirements for tank car tanks; add new inspection requirements for thermal protection on tank car tanks; permit the use of new inspection techniques for tank cars transporting low vapor pressure commodities in lieu of periodic hydrostatic retests; and establish minimum in-service tank thickness requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/08/87	52 FR 46510
ANPRM Comment	02/11/88	52 FR 46510
Period End		
ANPRM Comment	02/18/88	53 FR 4862
Period Extended to	05/13/88	
NPRM	09/16/93	58 FR 48485
NPRM Comment	03/16/94	
Period End		
Final Action	09/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 09/16/93 (58 FR 48485)

**Additional Information:** Docket HM-201.

**Agency Contact:** P. Olekszyk (FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0897

**RIN:** 2137-AB40

**3039. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES**

**Legal Authority:** 49 USC 1672

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27041
NPRM Comment	09/25/89	54 FR 27041
Period End		
Final Action	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/27/89 (54 FR 27041)

**Additional Information:** National Transportation Safety Board Recommendation P-87-3 provides a basis for this action. Docket No. PS-107

**Agency Contact:** C. Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-7697

**RIN:** 2137-AB50

**3040. TRANSPORTATION REGULATIONS; COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY**

**Legal Authority:** 49 USC 1804; 49 USC 1805; 49 USC 1808

**CFR Citation:** 49 CFR 171 to 178

DOT—RSPA

Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rulemaking would align the Hazardous Materials Regulations (HMR) with the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6. This action is necessary to implement practices and procedures that will improve safety in the transportation of radioactive materials and to facilitate international commerce.

**Timetable:**

Action	Date	FR Cite
Request for Comments; Comment Period End 12/23/88	11/21/88	53 FR 46973
NPRM	11/14/89	54 FR 47454
NPRM Comment Period Extended to 05/11/90	02/08/90	55 FR 4445
NPRM Comment Period End	02/09/90	
Final Action	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 11/14/89 (54 FR 47454)**Additional Information:** Docket HM-169A

**Agency Contact:** John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AB60

**3041. TRANSPORTATION OF HYDROGEN SULFIDE BY PIPELINE****Legal Authority:** 49 USC 1672; 49 USC 1804**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** In a few reported instances, excessive amounts of hydrogen sulfide were introduced into natural gas pipelines. High concentrations of hydrogen sulfide are very detrimental to steel pipelines and extremely toxic. This action examined the need to establish a maximum allowable concentration and other control measures. Based upon public comments and the views of its gas pipeline advisory committee, RSPA has decided that the proposed rule should be reevaluated.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/07/89	54 FR 24361
ANPRM Comment Period End	09/05/89	54 FR 24361
NPRM	03/18/91	56 FR 11490
NPRM Comment Period End	06/17/91	
To Be Withdrawn	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 03/18/91 (56 FR 11490)

**Additional Information:** Docket No. PS-106. As a result of public comments, this action will be withdrawn. Some of the proposals in this action will be included in a later rulemaking.

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

RIN: 2137-AB63

**3042. TANK CARS AND CARGO TANK MOTOR VEHICLES: ATTENDANCE REQUIREMENTS****Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1805; 59 USC 1808**CFR Citation:** 49 CFR 174; 49 CFR 177**Legal Deadline:** None

**Abstract:** This action proposes to establish standards to allow the use of electronic surveillance and monitoring equipment (signalling systems) for unloading tank cars and loading cargo tank motor vehicles, and to revise other unloading requirements for tank cars. This action would recognize recent technological innovations and improve safety during the loading/unloading of bulk quantities of hazardous materials.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/92	57 FR 42466
NPRM Comment Period End	12/14/92	
Final Action	04/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 09/14/92 (57 FR 42466)**Additional Information:** Docket No. HM-212.

**Agency Contact:** Jennifer Karim, Department of Transportation, Research

and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC24

**3043. HAZARDOUS MATERIALS IN COFC/TOFC SERVICE****Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1808**CFR Citation:** 49 CFR 171; 49 CFR 174**Legal Deadline:** None

**Abstract:** This action proposes to revise the Hazardous Materials Regulations to permit the use of certain portable tanks and IM (intermodal) portable tanks to transport certain hazardous materials that pose a relatively low or moderate hazard in container-on-flatcar (COFC) service by rail without obtaining prior approval from the Federal Railroad Administration. Based on comments to the ANPRM, earlier proposals to allow cargo tanks and multi-unit tank car tanks in trailer-on-flatcar (TOFC) service by rail without prior approval are not included in this action.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/30/85	50 FR 18278
ANPRM Comment Period End	06/27/85	
NPRM	05/07/93	58 FR 27257
NPRM Comment Period End	07/12/93	
Final Action	04/00/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 05/07/93 (58 FR 27257)

**Additional Information:** Docket No. HM-197. Formerly entitled "Use of Cargo Tanks, Portable Tanks, and Multi-Unit Tank Car Tanks in TOFC/COFC Service."

**Agency Contact:** Diane LaValie, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC26

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Final Rule Stage

**3044. REGULATORY REVIEW: ADMINISTRATIVE PRACTICES, REPORTING PIPELINE INCIDENTS, GAS PIPELINE STANDARDS, AND LIQUEFIED NATURAL GAS FACILITY STANDARDS**

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 190; 49 CFR 191; 49 CFR 192; 49 CFR 193

**Legal Deadline:** None

**Abstract:** Administrative practices and various gas pipeline and liquefied natural gas facility requirements would be amended to eliminate burdensome requirements without reducing safety. This action would reduce regulatory impediments to economic growth.

**Timetable:**

Action	Date	FR Cite
NPRM	11/06/92	57 FR 53085
NPRM Comment Period End	12/07/92	57 FR 53085
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/06/92 (57 FR 53085)

**Additional Information:** Docket No. PS-125. Proposals in "Regulatory Review: Liquefied Natural Gas Facilities," RIN 2137-AC29, were consolidated into this rulemaking.

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

**RIN:** 2137-AC28

**3045. CUSTOMER-OWNED SERVICE LINES**

**Legal Authority:** PL 102-508, Sec 115

**CFR Citation:** 49 CFR 192

**Legal Deadline:** Final, Statutory, October 24, 1993.

**Abstract:** The gas pipeline safety standards do not require operators to maintain customer-owned lines that connect customer buildings or houses to operator-maintained lines. These customer-owned lines, often called "yard lines," are subject to the same safety problems as operator-maintained lines. This action would require operators who do not maintain yard lines to advise customers with such lines of the potential hazards of not maintaining the lines, and the requirements and resources available for maintenance.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/94	59 FR 5168
SNPRM	03/21/94	59 FR 13300
NPRM Comment Period End	04/04/94	
SNPRM Comment Period End	05/05/94	
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 02/03/94 (59 FR 5168)

**Additional Information:** This action was previously entitled "Yard Lines."

**Agency Contact:** Christina Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-1640

**RIN:** 2137-AC32

**3046. CARGO TANKS; MISCELLANEOUS REQUIREMENTS**

**Legal Authority:** 49 USC 1803 to 1808

**CFR Citation:** 49 CFR 173; 49 CFR 178; 49 CFR 180

**Legal Deadline:** None

**Abstract:** The action under Docket No. HM-183C is to update the specification and retest requirements for cargo tank motor vehicles. The interim final rule under Docket No. HM-183D amended certain requirements concerning the manufacture, qualification, and maintenance of cargo tanks. The interim final rule relaxed certain requirements to reduce economic burdens on industry where there would be no adverse effect on safety. RSPA intends to issue a final rule on both dockets.

**Timetable:**

Action	Date	FR Cite
NPRM	03/03/93	58 FR 12316
NPRM Comment Period End	06/15/93	
Interim Final Rule	09/03/93	58 FR 46872
Compliance Date Extended to	01/12/94	59 FR 1784
Final Action	08/31/95	
	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/03/93 (58 FR 46872)

**Additional Information:** Docket Nos. HM-183C and HM-183D. To allow time for RSPA and the industry to resolve technical issues, the compliance date for the final rules published 6/12/89 (54 FR 24982), 5/22/90 (55 FR 21035), 9/7/90 (55 FR 37028), and 6/17/91 (56 FR 27872) was extended to 4/21/94. Based on comments received, the compliance date was further extended on January 12, 1994 (59 FR 1784) to August 31, 1995.

**Agency Contact:** Jennifer Karim, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

**RIN:** 2137-AC37

**DEPARTMENT OF TRANSPORTATION (DOT) Research and Special Programs Administration (RSPA)**

**Completed Actions**

**3047. +PRESSURE TESTING OF CERTAIN HAZARDOUS LIQUID AND CARBON DIOXIDE PIPELINES**

**Legal Authority:** 49 USC 2002

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** Recent accidents involving petroleum pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to latent material or construction defects can be prevented

by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on pipelines that carry highly volatile liquids. This rule

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extends this existing safety standard to all hazardous liquid pipelines that are subject to part 195. This rulemaking is significant because of substantial public interest in the safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/91	56 FR 23538
NPRM Comment Period End	07/22/91	
Final Action - Except Section 195.306(b), effective 8/8/94.	06/07/94	59 FR 29379
Final Action Effective	07/07/94	
Final Rule; Petroleum Prohibition Withdrawn	08/11/94	59 FR 41259

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/07/94 (59 FR 29379)

**Additional Information:** Formerly entitled: Hydrostatic Testing of Certain Hazardous Liquid Pipelines. The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, was consolidated, in part, in this rulemaking. Docket PS-121. On reconsideration, the prohibition on petroleum as a test medium was withdrawn.

**Agency Contact:** L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

**RIN:** 2137-AB46

**3048. +TRANSPORTATION OF HAZARDOUS LIQUIDS AT 20 PERCENT OR LESS OF SPECIFIED MINIMUM YIELD STRENGTH**

**Legal Authority:** 49 USC 2002; PL 102-508, Sec 206

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** The Federal pipeline safety standards governing hazardous liquid pipelines do not apply to pipelines operated at 20 percent or less of the specified minimum yield strength of the pipe. When the standards were issued in 1969, these pipelines were thought not to pose an unreasonable risk to public safety because of their low operating stress levels. Since then, however, a number of accidents have been reported on low stress level pipelines, particularly involving harm

to the environment. This rulemaking action extended the Federal safety standards to cover these low stress level pipelines that transport highly volatile liquids or that cross populated areas or navigable waterways. This rulemaking was significant because of substantial congressional and public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/31/90	55 FR 45822
ANPRM Comment Period End	12/31/90	
Public Meeting Notice	05/22/91	56 FR 23538
NPRM	03/03/93	58 FR 12213
NPRM Comment Period End	05/03/93	
Final Action	07/12/94	59 FR 35465
Final Action Effective	08/11/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/12/94 (59 FR 35465)

**Additional Information:** The Secretary of Transportation's Safety Review Task Force and the National Association of Pipeline Safety Representatives have separately recommended this action. Docket No. PS-117.

**Agency Contact:** L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

**RIN:** 2137-AB86

**3049. +AMENDMENTS TO THE DOT AIRLINE ON-TIME DISCLOSURE RULE**

**Legal Authority:** 49 USC 1302; 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 5 USC 553(e)

**CFR Citation:** 14 CFR 234

**Legal Deadline:** None

**Abstract:** This action amended the reporting requirements of 14 CFR 234 to require the on-time reporting performance of all flights, in response to an Inspector General's audit finding and recommendation, and to various industry comments. Under the former regulations, flights that were canceled or late by 15 minutes or more because of a mechanical problem were not reported. The action also requires reporting of the aircraft tail number and wheels-up and wheels-down time for each flight. This data will be used, among other things, to reduce airport

and enroute delays. The rulemaking was considered significant because it involved important Department policy concerning reporting of flight delays.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/92	57 FR 58755
NPRM Comment Period End	01/11/93	
NPRM Comment Period Extended to	01/14/93	58 FR 4370
Final Action	09/30/94	59 FR 49793
Final Action Effective	01/01/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/30/94 (59 FR 49793)

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAF-1, Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

**RIN:** 2137-AB94

**3050. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING**

**Legal Authority:** 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

**CFR Citation:** 14 CFR 298

**Legal Deadline:** None

**Abstract:** Currently, commuter and small certificated air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other provides the origination and destination for each carrier's on-line passengers. Small certificated air carriers also file a schedule summarizing charter enplanements by airport. The Department has installed a new traffic and market data system for certificated and foreign air carriers called the T-100 system. This action would have explored whether the T-100 system could have been used and be less burdensome for the commuters and small certificated air carriers than the current system. Because of limited resources, this low-priority action is terminated. The action may be reactivated when resources become available.

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**Timetable:**

Action	Date	FR Cite
Action Terminated	06/17/94	
Small Entities Affected: None		
Government Levels Affected: None		
<b>Agency Contact:</b> Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383		
RIN: 2137-AB18		

**3051. INTERMEDIATE BULK CONTAINERS FOR HAZARDOUS MATERIALS**

**Legal Authority:** 49 USC 1804; 49 USC 1808

**CFR Citation:** 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 178

**Legal Deadline:** None

**Abstract:** This action established standards for the construction, maintenance, and use of intermediate bulk containers (IBCs) for the transportation of hazardous materials. This action was based on standards contained in the United Nations Recommendations on the Transport of Dangerous Goods.

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/92	57 FR 36694
NPRM Comment Period End	09/14/92	
Final Action	07/26/94	59 FR 38040
Final Action Effective	09/30/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/26/94 (59 FR 38040)

**Additional Information:** Docket No. HM-181E.

**Agency Contact:** John Potter/Theresa Gwynn, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC23

**3052. REGULATORY REVIEW: HAZARDOUS LIQUID AND CARBON DIOXIDE PIPELINE SAFETY STANDARDS**

**Legal Authority:** 49 USC 2002

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** Hazardous liquid and carbon dioxide pipeline safety standards are amended or clarified to eliminate burdensome requirements without reducing safety. This action eliminates regulatory impediments to economic growth.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/92	57 FR 56304
NPRM Comment Period End	12/28/92	57 FR 56304
Final Action	06/28/94	59 FR 33388
Final Rule Correction	07/15/94	59 FR 36256
Final Action Effective	07/28/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/28/94 (59 FR 33388)

**Additional Information:** The proposals concerning hazardous liquid pipelines in "Alternative Weld Defect Acceptance Criteria," RIN 2137-AC03, were consolidated into this rulemaking. Docket No. PS-127.

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

RIN: 2137-AC27

**3053. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS EDITORIAL CORRECTIONS**

**Legal Authority:** 49 USC 1802 to 1808; 49 USC 1818

**CFR Citation:** 49 CFR 171 to 180

**Legal Deadline:** None

**Abstract:** This rulemaking was a routine, annual update to the Hazardous Materials Regulations to correct cross-references, spelling, and editorial errors, and make minor regulatory changes that do not establish new requirements.

**Timetable:**

Action	Date	FR Cite
Editorial Corrections and Clarifications	10/01/93	58 FR 51524
Final Action	09/26/94	59 FR 49128

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-189K.

**Agency Contact:** Jennifer Posten, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC44

**3054. HAZARDOUS MATERIALS; MISCELLANEOUS REVISIONS**

**Legal Authority:** 49 USC 1804

**CFR Citation:** 49 CFR 171 to 173

**Legal Deadline:** None

**Abstract:** This action updated the most recent revision of publications that are incorporated by reference in 49 CFR Parts 171 - 180.

**Timetable:**

Action	Date	FR Cite
Final Action	06/02/94	59 FR 28487
Final Action Effective	07/05/94	
Final Rule Correction	07/11/94	59 FR 35411
Final Rule Correction	07/22/94	59 FR 37537

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-166Z.

**Agency Contact:** Diane LaValle, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-8553

RIN: 2137-AC46

**3055. EXEMPTION FROM PROPERTY TARIFF FILING REQUIREMENTS**

**Legal Authority:** 49 USC 1373; 49 USC 1386

**CFR Citation:** 14 CFR 221

**Legal Deadline:** None

**Abstract:** This rulemaking would grant an exemption or waiver to United States and foreign air carriers from the requirement in 14 CFR Part 221 that they file with the Department tariffs applicable to the foreign air transportation of property. This information is no longer necessary to fulfill departmental policy objectives and, because of the common practice of using freight forwarders, does not necessarily reflect actual prices paid by the public.

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**Timetable:**

Action	Date	FR Cite
Consolidated into RIN 2105-AC09	06/30/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** As this project has been consolidated into OST RIN 2105-AC09, "Exemption from Property Tariff Filing Requirements," it will no longer appear as a separate item in the agenda.

**Agency Contact:** Nancy E. Machado, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4400

**RIN:** 2137-AC48

of hazardous materials, and made other clarifying amendments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/01/94	59 FR 15602
NPRM Comment Period End	05/02/94	
Final Action	06/27/94	59 FR 32930
Final Action Effective	07/01/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Docket No. HM-208A.

**Agency Contact:** Beth Romo, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St. SW., Washington, DC 20590-0001, 202 366-4488

**RIN:** 2137-AC50

required by the Comprehensive Response, Compensation, and Liability Act to list and regulate as hazardous materials all hazardous substances designated by the Environmental Protection Agency.

**Timetable:**

Action	Date	FR Cite
Final Action Except See Additional Information	06/20/94	59 FR 31822
Final Action Effective	08/29/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Docket HM-145J.

Petitions for reconsideration were denied since RSPA's statutory authority does not permit the discretion to grant the relief sought (08/31/94, 59 FR 44938). However, the effective date of the rule that reduces the RQ for lead sulfide was extended 90 days, to November 29, 1994.

**Agency Contact:** John Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St. SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AC56

**3056. HAZARDOUS MATERIALS REGISTRATION AND FEE ASSESSMENT PROGRAM**

**Legal Authority:** 49 USC 1806

**CFR Citation:** 49 CFR 107

**Legal Deadline:** None

**Abstract:** This action made revisions to the Hazardous Materials Registration and Fee Assessment Program to delay the compliance date for foreign offerors

**3057. • HAZARDOUS SUBSTANCES**

**Legal Authority:** 49 USC 1804

**CFR Citation:** 49 CFR 172

**Legal Deadline:** None

**Abstract:** This rule amends the Hazardous Materials Regulations by revising the list of hazardous substances and reportable quantities which appears as an appendix to the Hazardous Materials Table. RSPA is

**DEPARTMENT OF TRANSPORTATION (DOT)**

**Maritime Administration (MarAd)**

**Proposed Rule Stage**

**3058. +CARGO PREFERENCE—U.S.-FLAG VESSELS; UNIFORM CONTRACTING REQUIREMENTS FOR FEDERAL PROGRAM PARTICIPANTS**

**Regulatory Plan:** This entry is Seq. No. 134 in Part II of this issue of the Federal Register.

**RIN:** 2133-AA95

applicable to financing assistance for all types of vessel construction and shipyard modernization and improvement. An interim final rule implemented extension of the Secretary of Transportation's statutory authority to guarantee obligations issued for this financing assistance. (See RIN 2133-AB09.) The rulemaking herein is considered significant because of substantial public interest in financial assistance for the U.S. shipbuilding industry.

Deep Sea Domestic Transportation of Freight

**Analysis:** Regulatory Evaluation

**Agency Contact:** Mitchell D. Lax, Director, Office of Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5744

**RIN:** 2133-AB14

**3059. • +OBLIGATION GUARANTEES; PROGRAM ADMINISTRATION**

**Legal Authority:** 46 app USC 1114(b); 46 app USC 1271 et seq

**CFR Citation:** 46 CFR 298; 49 CFR 1.66

**Legal Deadline:** None

**Abstract:** This action would amend regulations implementing title XI of the Merchant Marine Act, 1936, so as to improve administration of the "obligation guarantees" program

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight; 442

**3060. FOREIGN TRANSFER OF DOCUMENTED VESSELS**

**Legal Authority:** 46 app USC 802 to 803; 46 app USC 808; 46 app USC 839; 46 app USC 841a; 46 app USC 1114(b); 46 app USC 1195; 46 USC ch 301; 46 USC ch 313; 46 USC 336

**CFR Citation:** 46 CFR 221

**Legal Deadline:** None

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Proposed Rule Stage

**Abstract:** This action would amend the regulations governing the transfer to foreign registry and flag or operation under the authority of a foreign country, or for scrapping in a foreign country, of vessels that are U.S.-documented or were last documented under U.S. laws. The rule clarifies the criteria in the existing regulations for MARAD approval of the foreign transfer of documented vessels with respect to the acceptability of the transferee owner and country of registry. It limits the applicability of these criteria to vessels needed to be retained under U.S. ownership or control for purposes of national security. Only these vessels will be subject to conditions imposed by the existing regulations, which currently apply to all vessels of 3,000 gross tons and above, without regard to a vessel's national security utility.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Analysis:** Regulatory Evaluation

**Agency Contact:** Edmund T. Sommer, Jr., Acting Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5181

**RIN:** 2133-AB11

### 3061. • CARGO PREFERENCE—U.S.-FLAG VESSELS; MONITORING SHIPMENTS OF MILITARY HOUSEHOLD GOODS AND PERSONAL EFFECTS

**Legal Authority:** 46 app USC 1114(b); 46 app USC 1241(a)

**CFR Citation:** 46 CFR 381; 49 CFR 1.66**Legal Deadline:** None

**Abstract:** This action would amend the cargo preference regulations so as to allow the Maritime Administration (MARAD) to discharge its responsibility for the administration of cargo preference laws of the United States and to report to the Congress with respect to the movement of household goods and personal effects of Government employees. It would include DOD as an agency, subject to section 901 of the Merchant Marine Act, 1936, as amended, that is required to submit information about the carriage of preference cargoes to MARAD. MARAD needs to receive periodic information from DOD detailing shipments of military household goods and personal effects to effectively monitor compliance with cargo preference requirements. MARAD has reason to believe that noncompliance is having a significant adverse economic impact on U.S.-flag carriers. This is considered to be a significant regulatory action since it substantially affects another Federal agency (DOD) that would be required to forward information to MARAD.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/94	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

**Analysis:** Regulatory Evaluation

**Agency Contact:** James J. Roberts, Chief, Division of Military Cargoes, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4610

**RIN:** 2133-AB12

### 3062. • FEDERAL PORT CONTROLLERS

**Legal Authority:** 50 USC app 2071**CFR Citation:** 46 CFR 346**Legal Deadline:** None

**Abstract:** This action would amend the Federal Port Controller (FPC) regulations (46 CFR 346) and would permit the FPC standby service agreements (FPC Agreements) to become operational upon the deployment of the armed forces of the United States, or other requirements of the nation's defense. Currently, the regulation permits activation only upon the declaration of war or national emergency. The events that activate the FPC Agreements are not now consistent with the events that trigger the activation of the Priority Use and Allocation regulations (46 CFR 340). The amendment would make these port readiness regulations consistent regarding activation, and benefits the defense capabilities by assuring that the authority to activate the FPC Agreement and the Priority Use and Allocation regulations are the same.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/94	

**Small Entities Affected:** None**Government Levels Affected:** State, Local**Analysis:** Regulatory Evaluation

**Agency Contact:** John Carnes, Chief, Division of Ports and, Internal Planning, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4357

**RIN:** 2133-AB15

DEPARTMENT OF TRANSPORTATION (DOT)  
Maritime Administration (MarAd)

Final Rule Stage

### 3063. CENTRALIZATION OF FORMAL HEARING DOCKETS (MARAD)

**Legal Authority:** 46 app USC 1114(b); PL 101-595

**CFR Citation:** 46 CFR 201**Legal Deadline:** None

**Abstract:** This final rule would provide that documents and evidence in formal hearing cases adjudicated within the Maritime Administration (MARAD) will be filed and maintained in the OST Office of Documentary Services. The change is being considered in order to streamline operations and to

consolidate the documents used in formal hearing cases.

**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

DOT—MarAd

Final Rule Stage

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306  
**RIN:** 2133-AA84

**Abstract:** The ANPRM in 1991 solicited comments on proposed changes to MARAD'S ship valuation methodology for issuing war risk insurance. That methodology has been in effect since 1959. However, in view of substantial issues raised in the comments, MARAD is withdrawing this rulemaking for further consideration.

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

**3064. VALUES FOR WAR RISK INSURANCE; REVIEW OF WAR RISK INSURANCE VALUATION METHODOLOGY**

**Legal Authority:** 49 app USC 1114(b); 46 app USC 1289  
**CFR Citation:** 46 CFR 308; 46 CFR 309  
**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/91	56 FR 21118
ANPRM Comment Period End	07/08/91	
To Be Withdrawn	10/00/94	

**Agency Contact:** Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2400  
**RIN:** 2133-AA89

**DEPARTMENT OF TRANSPORTATION (DOT) Maritime Administration (MarAd)**

Completed Actions

**3065. +OBLIGATION GUARANTEES**

**Legal Authority:** 46 app USC 1271 et seq, as amended by PL 103-160  
**CFR Citation:** 46 CFR 298  
**Legal Deadline:** Final, Statutory, February 28, 1994, for Interim Final Rule. Final, Statutory, August 27, 1994.

**Government Levels Affected:** None  
**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

flag vessels. Determinations of fair and reasonable rates for U.S. commercial vessels would include through bills of lading for such available vessels (if offered). This amendment allows Great Lakes ports to compete for agricultural commodity preference cargoes. This action was considered significant because of substantial public interest and its impact on programs of other Federal agencies.

**Abstract:** This action developed regulations to implement provisions in Subtitle D of Title XIII of the "National Defense Authorization Act for Fiscal Year 1994" (Act), to be cited as the "National Shipbuilding and Shipyard Conversion Act of 1993." These provisions amend Title XI of the Merchant Marine Act, 1936, as amended, 46 app. U.S.C. 1271 et seq., by authorizing Title XI guarantees of debt obligations for eligible export vessels and for shipyard modernization and improvement. Section 1362 of the Act required the Secretary of Transportation to issue regulations within 90 days of enactment to carry out the Secretary's responsibilities under Title XIII of the Act, and specifically required that interim regulations be followed by a final rule within 270 days of enactment of the Act. This action was economically significant pursuant to EO 12866.

**Analysis:** Regulatory Evaluation  
**Additional Information:** The issue of program administration for obligation guarantees is being handled separately under RIN 2133-AB14.

**Timetable:**

Action	Date	FR Cite
NPRM	05/11/94	59 FR 24390
NPRM Comment Period End	05/31/94	
Final Action	08/08/94	59 FR 40260

**Agency Contact:** Mitchell D. Lax, Director, Office of Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5744  
**RIN:** 2133-AB09

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation  
**Agency Contact:** John E. Graykowski, Deputy Maritime Administrator for Inland Waterways and Great Lakes, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1718  
**RIN:** 2133-AB13

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/31/94	59 FR 15123
Final Action	09/16/94	59 FR 47548
Interim Final Rule Amendment	10/00/94	

**Small Entities Affected:** None

**3066. • +CARGO PREFERENCE—U.S.-FLAG VESSELS; AVAILABLE U.S.-FLAG COMMERCIAL VESSELS**

**Legal Authority:** 46 app USC 1114(b); 46 app USC 1122(d); 46 app USC 1241  
**CFR Citation:** 46 CFR 381; 49 CFR 1.66  
**Legal Deadline:** None

**Abstract:** This rulemaking added a new section to the cargo preference regulations to provide that, during a one-season trial period, carriage of preference cargoes on privately owned "available" U.S.-flag commercial vessels would be satisfied by those vessels calling at a Canadian transshipment port or point outside the St. Lawrence Seaway to load and carry to a foreign destination preference cargoes transshipped from U.S. ports on the Great Lakes by U.S.-flag or foreign-

**3067. MERCHANT MARINE TRAINING**

**Legal Authority:** 49 app USC 1114(b); PL 101-595  
**CFR Citation:** 46 CFR 310  
**Legal Deadline:** None  
**Abstract:** This action was to amend provisions in MARAD's regulations governing admission and training at the

DOT—MarAd

Completed Actions

United States Merchant Marine Academy to reflect and conform to provisions in PL101-595. However, pending review of the need for further amendment of 46 CFR 310, Subpart C, this action was terminated.

**Timetable:**

Action	Date	FR Cite
Action Terminated	03/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bruce J. Carlton, Acting Director, Office of Maritime Labor and Training, Department of Transportation, Maritime Administration, 400 Seventh Street

SW., Washington, DC 20590, 202 366-5755

**RIN:** 2133-AA94

**3068. SEAMEN'S SERVICE AWARDS**

**Legal Authority:** 46 app USC 2001 et seq; PL 100-324

**CFR Citation:** 46 CFR 350

**Legal Deadline:** None

**Abstract:** This rule was to provide a point of contact within MARAD for obtaining merchant marine awards authorized by law and reflect significant changes in P.L. 100-324 governing the award of merchant marine decorations and medals. MARAD has determined that existing procedures are adequate and has

terminated this rulemaking as unnecessary.

**Timetable:**

Action	Date	FR Cite
Action Terminated	03/31/94	

**Small Entities Affected:** None

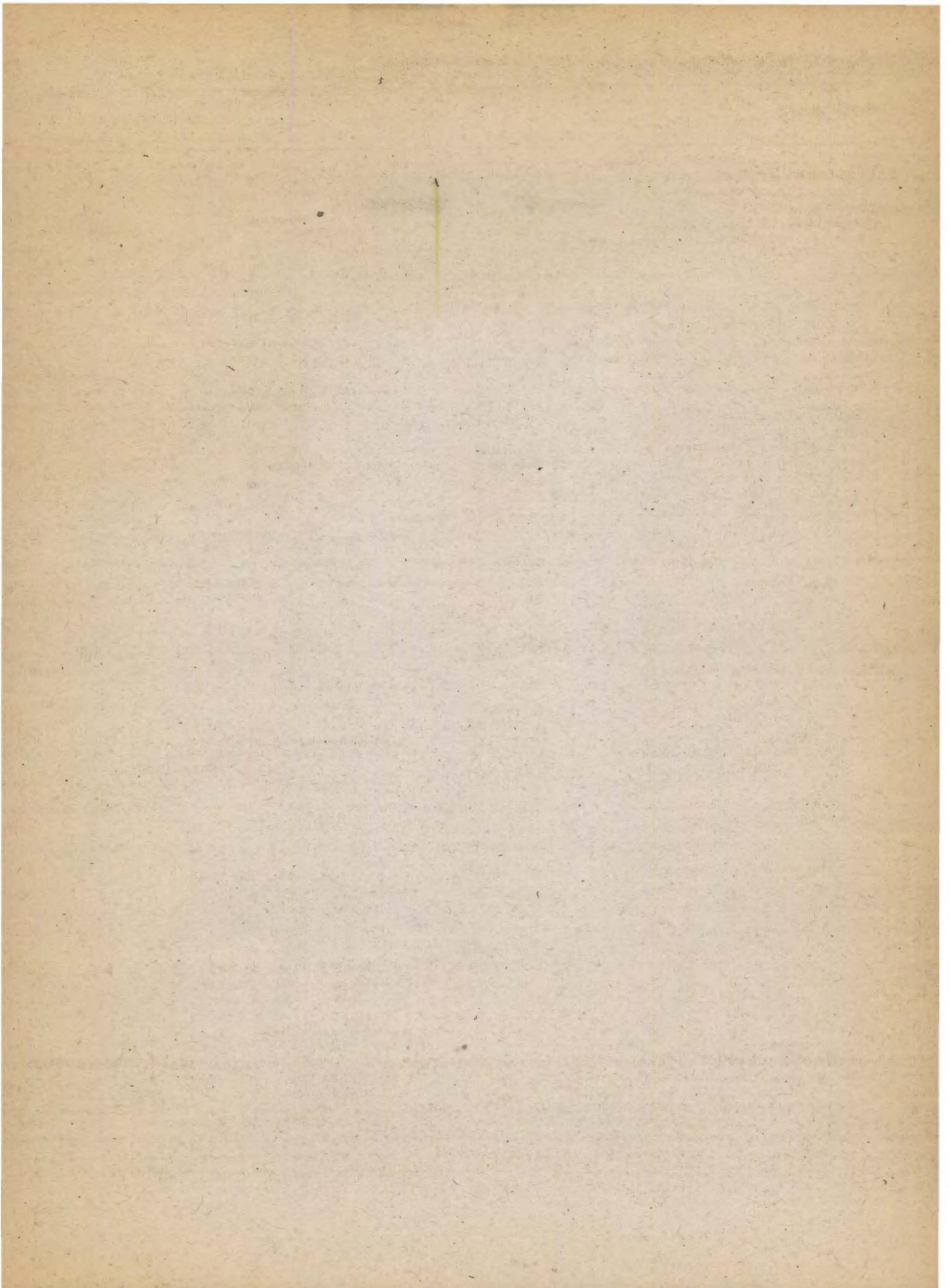
**Government Levels Affected:** None

**Agency Contact:** Bruce Carlton, Acting Director, Office of Maritime Labor and Training, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Room 7302, Washington, DC 20590, 202 366-5755

**RIN:** 2133-AB02

[FR Doc. 94-22298 Filed 11-10-94; 8:45 am]

**BILLING CODE** 4910-62-F



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