

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I-III

23 CFR Chs. I-III

33 CFR Chs. I and IV

46 CFR Chs. I-III

48 CFR Ch. 12

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

OST Docket 99-5129

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is

expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Brett Jortland, Acting Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 366-4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755-7687.

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Background

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

To help the Department achieve these goals and in accordance with Executive Order (EO) 12866, "Regulatory Planning and Review," (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the

succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

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

of Information on the Agenda”) on these entries is available in the Unified Agenda published on the Internet.

Significant/Priority Rulemakings

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

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated March 28, 2013, requires the format for this Agenda.

First, the Agenda is divided by initiating offices. Then, the Agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the Agenda provides the following information: (1) its “significance”; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of government and, if so, which

categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information." One such example of this is the letters "SB," "IC," "SLT." These refer to information used as part of our required reports on Retrospective Review of DOT rulemakings. A "Y" or an "N," for yes and no, respectively, follow the letters to indicate whether or not a particular rulemaking would have effects on: small businesses (SB); information collections (IC); or State, local, or tribal (SLT) governments.

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

In the "Timetable" column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed

Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

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

Request for Comments

General

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

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D. In response to Executive Order 13563 "Retrospective Review and Analysis of Existing Rules," we have

prepared a retrospective review plan providing more detail on the process we use to conduct reviews of existing rules, including changes in response to Executive Order 13563. We provided the public opportunities to comment at www.regulations.gov and IdeaScale on both our process and any existing DOT rules the public thought needed review. The plan and the results of our review can be found at <http://www.dot.gov/regulations>.

Regulatory Flexibility Act

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

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

Consultation with State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable process to ensure “meaningful and timely input” by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have “substantial

direct effects” on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of government or Indian tribes. Therefore, we encourage State and local governments or Indian tribes to provide us with information about how the Department’s rulemakings impact them.

Purpose

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

DATED: April 29, 2013.

NAME: Ray LaHood,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address

below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the Internet at <http://www.regulations.gov>. See appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE., Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591).

Appendix B—General Rulemaking Contact Persons

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

FAA—Mark Bury, Acting Chief Counsel, International Law, Legislation and Regulations Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone (202) 267-3110.

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

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

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

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

FTA—Richard Wong, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56-
308, Washington, DC 20590; telephone (202) 366-0675.

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

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

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

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

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

Appendix C—Public Rulemaking Dockets

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

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

Appendix D—Review Plans for Section 610 and Other Requirements

Part I – The Plan

General

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

In accordance with Executive Order 13563, “Improving Regulation and Regulatory Review,” issued by the President on January 18, 2011, the Department has added other elements to its review plan. The Department has decided to improve its plan by adding special oversight processes within the Department; encouraging effective and timely reviews, including providing additional guidance on particular problems that warrant review; and expanding opportunities for public participation. These new actions are in addition to the other steps described in this appendix.

Section 610 Review Plan

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

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially-mandated review. If there is any change to the review plan, we will note

the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We

request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (e.g., “these rules only establish petition processes that have no cost impact” or “these rules do not apply to any small entities”). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

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

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting “(Section 610 Review),” after the title for the specific entry. For further information on the pending

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

OFFICE OF THE SECRETARY

SECTION 610 AND OTHER REVIEWS

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

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

49 CFR part 95—Advisory Committees

- Section 610: The agency has determined that the rule does not have a significant economic impact on a substantial number of small entities.
- General: The agency plans to remove part 95 because it has been made obsolete by other laws, regulations, and agency procedures. Removal of these regulations would be cost effective and impose no burdens. Since the regulations will be removed, a review for plain language is not necessary.

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

49 CFR part 91—International Air Transportation Fair Competitive Practices

49 CFR part 92—Recovering Debts to the United States by Salary Offset

49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities

49 CFR part 99—Employee Responsibilities and Conduct

14 CFR part 200—Definitions and Instructions

14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]

14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses

14 CFR part 204—Data to Support Fitness Determinations

14 CFR part 205—Aircraft Accident Liability Insurance

14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions

14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers

14 CFR part 208—Charter Trips by U.S. Charter Air Carriers

14 CFR part 211—Applications for Permits to Foreign Air Carriers

14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

Year 3 (fall 2010) List of rules with ongoing analysis

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits

14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits
Authorizing Charter Transportation Only

14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and
Commuter Air Carriers

14 CFR part 216—Comingling of Blind Sector Traffic by Foreign Air Carriers

14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian
Scheduled, Charter, and Nonscheduled Services

14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With
Crew

14 CFR part 221—Tariffs

14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers

14 CFR part 223—Free and Reduced-Rate Transportation

14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General

Year 4 (fall 2011) List of rules analyzed and summary of results

14 CFR part 234—Airline Service Quality Performance Reports

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: The Department is anticipating proposing changes to the existing rule to expand the on-time performance “reporting carrier” pool to include smaller carriers to enable the Department to obtain and provide to the flying public a more complete picture

of the performance of scheduled passenger service in general. Also, in July 2011, the Department proposed to change the way the Department computes mishandled baggage rates from mishandled baggage reports per domestic enplanement to mishandled bags per checked bags as the Department believes that the current matrix for comparing airline mishandled baggage information is outdated. OST's plain language review indicates no need for substantial revision.

14 CFR part 250—Oversales

- Section 610: Certain elements of this existing rule impose requirements on certain small air carriers but the Department has determined that the economic impact is not significant.
- General: The Department made some changes to this part in April 2008 and April 2011. No additional changes are needed. These regulations are cost effective and impose the least burden as all air carriers have control over the extent to which the rule impacts them because they control their own overbooking rates. OST's plain language review indicates no need for substantial revision.

14 CFR part 252—Smoking Aboard Aircraft

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: In September 2011, the Department proposed to change the existing rule to explicitly ban the smoking of electronic cigarettes on air carriers and foreign air carrier flights in scheduled intrastate, interstate, and foreign air transportation. The Department is also considering banning smoking on charter flights with 19 or more passenger seats in part out of concern about the health effects of secondhand smoke on flight attendants

aboard such flights. Carriers that provide air transportation exclusively with aircraft that seat no more than 60 passenger seats are considered to be small entities. OST's plain language review indicates no need for substantial revision.

14 CFR part 253—Notice of Terms of Contract of Carriage

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: A minor change to a provision in this part regarding retroactive changes to contracts of carriage was finalized in 2009. No additional changes are needed. These regulations are cost effective. OST's plain language review indicates no need for substantial revision.

14 CFR part 254—Domestic Baggage Liability

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: The Department periodically raises the minimum limit on domestic baggage liability applicable to air carriers to reflect inflation. The Department anticipates adjusting the minimum limit of liability from the current amount of \$3,300 announced by the Department in November 2008 to \$3,400, to take into account the changes in consumer prices since the prior revision. This revision would affect only flight segments operated with large aircraft and other flight segments appearing on the same ticket as a large-aircraft segment. As a result, many operations of small entities, such as air taxis and many commuter air carriers, would not be covered by the rule. OST's plain language review indicates no need for substantial revision.

Year 4 (fall 2011) List of rules with ongoing analysis

14 CFR part 240—Inspection of Accounts and Property

14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers

14 CFR part 243—Passenger Manifest Information

14 CFR part 247—Direct Airport-to-Airport Mileage Records

14 CFR part 248—Submission of Audit Reports

14 CFR part 249—Preservation of Air Carrier Records

Year 5 (fall 2012) List of rules to be analyzed during the next year

14 CFR part 255—Airline Computer Reservations Systems

14 CFR part 256—[Reserved]

14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation

14 CFR part 272—Essential Air Service to the Freely Associated States

14 CFR part 291—Cargo Operations in Interstate Air Transportation

14 CFR part 292—International Cargo Transportation

14 CFR part 293—International Passenger Transportation

14 CFR part 294—Canadian Charter Air Taxi Operators

14 CFR part 296—Indirect Air Transportation of Property

14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations

14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

Year 5 (fall 2012) List of rules analyzed and a summary of results

14 CFR part 257—Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases

- Section 610: The agency has determined that the existing rule does not have a significant effect on a substantial number of small entities.
- General: The Department is anticipating proposing changes to the existing rule to codify the requirements in a statute (49 U.S.C. 41712(c)) and the Department's enforcement policy with respect to website disclosure of code-share and long-term wet lease arrangements. OST's plain language review indicates no need for substantial revision.

14 CFR part 258—Disclosure of Change-of-Gauge Services

- Section 610: The agency has determined that the rule does not have a significant effect on a substantial number of small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review indicates no need for substantial revision.

14 CFR part 259—Enhanced Protections for Airline Passengers

- Section 610: This rule imposes requirements on small air carriers but the Department believes that the economic impact will not be significant.
- General: The Department is anticipating proposing changes to the existing rule to require comfortable cabin temperatures when there is a lengthy tarmac delay and to require a marketing carrier provide assistance to its code-share partner when a flight operated by the code-share partner experiences a lengthy tarmac delay. OST's plain language review indicates no need for substantial revision.

Federal Aviation Administration

Section 610 Review Plan

The FAA has elected to use the two-step, 2-year process used by most DOT modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the “analysis year”), all rules published during the previous 10 years within a 10 percent block of the regulations will be analyzed to identify those with a SEIOSNOSE. During the second year (the “review year”), each rule identified in the analysis year as having a SEIONOSE will be reviewed in accordance with section 610 (b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

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

10	14 CFR parts 417 through 460	2017	2018
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Year 5 (2012) List of rules analyzed and summary of results

14 CFR part 17—Procedures for Protests and Contract Disputes

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 21—Certification Procedures for Products and Parts

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 23—Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 25—Airworthiness Standards: Transport Category Airplanes

- Section 610: The agency conducted a section 610 review of this part and found that the SEIOSNOSE no longer exists.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 26—Continued Airworthiness and Safety Improvements for Transport Category Airplanes

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 27—Airworthiness Standards: Normal Category Rotorcraft

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 29—Airworthiness Standards: Transport Category Rotorcraft

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 31—Airworthiness Standards: Manned Free Balloons

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 33—Airworthiness Standards: Aircraft Engines

- Section 610: The agency conducted a section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Year 6 (2013) List of rules to be analyzed during the next year

14 CFR part 34—Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes

14 CFR part 35—Airworthiness Standards: Propellers

14 CFR part 36—Noise Standards: Aircraft Type and Airworthiness Certification

14 CFR part 39—Airworthiness Directives

14 CFR part 400—Basis and Scope

14 CFR part 401—Organization and Definitions

14 CFR part 404—Regulations and Licensing Requirements

14 CFR part 405—Investigations and Enforcement

FEDERAL HIGHWAY ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

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

Federal-Aid Highway Program

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

Year 4 (fall 2011) List of rules analyzed and a summary of results

23 CFR part 500—Management and Monitoring Systems

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

Year 5 (fall 2012) List of rules that will be analyzed during the next year

23 CFR part 620—Engineering

23 CFR part 625—Design Standards for Highways

23 CFR part 626—Pavement Policy

23 CFR part 627—Value Engineering

23 CFR part 630—Preconstruction Procedures

23 CFR part 633—Required Contract Provisions

23 CFR part 635—Construction and Maintenance

23 CFR part 636—Design-build Contracting

23 CFR part 637—Construction Inspection and Approval

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 356, 367, 369 to 371, 372 (subparts B and C)	2013	2014
7	49 CFR parts 373, 374, 376, and 379	2014	2015
8	49 CFR parts 360, 365, 366, and 368	2015	2016
9	49 CFR parts 377, 378	2016	2017
10	49 CFR part 395	2017	2018

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

49 CFR part 372—Exemptions From the Operating Authority Regulations Applicable to For-Hire Motor Carriers

- Section 610: There is no SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations provide exemptions from the requirements for certain for-hire motor carriers to apply for operating authority from FMCSA. The regulations reduce the regulatory burden on small businesses by enabling certain for-hire carriers to conduct business without being required to apply for operating authority. The regulations are cost effective and impose the least burden. FMCSA's plain language review of these rules indicates no need for substantive revision.

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

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

- Section 610: There is a SEIOSNOSE, as a significant number of small entities may be affected by legal fees and safety consultants' fees associated with preparing an adequate response to FMCSA notices of claims and notices of violations and the submission of corrective action plans following an unsuccessful new entrant audit or compliance review. It was found that the cost for legal representation and other costs for a formal hearing to appeal a decision may have a significant impact on small firms. However, these proceedings would only come about if the regulated entity failed to comply with applicable Federal regulations and FMCSA initiated enforcement action as a result of non-compliance.

Subpart D, “General Rules and Hearings,” addresses rules and procedures for the conduct of formal hearings. The principal economic impact of part 386 is the cost to a small firm of defending itself under these procedures. However, as noted above, carriers that achieve compliance with FMCSA’s commercial and safety regulations would not be subject to enforcement actions and therefore would not undergo such procedures.

- General: The Agency considered whether the rules of practice impose unnecessary burdens on small businesses that undergo enforcement actions as a result of non-compliance with the Agency’s commercial and safety regulations. The Agency concluded that the rules of practice do not impose unnecessary burdens on such businesses when they achieve compliance with the applicable safety and hazardous materials regulations.

Year 3 (Fall 2010) List of rules with ongoing analysis

49 CFR part 325—Compliance with Interstate Motor Carrier Noise Emission

49 CFR part 390 — Federal Motor Carrier Safety Regulations, General

- *This rule was moved up from Year 4 as a result of the Department’s Retrospective Regulatory Review.*

Year 4 (Fall 2011) List of rules with ongoing analysis

49 CFR part 391—Driver Qualifications

49 CFR part 392—Driving of Commercial Motor Vehicles

49 CFR part 393—Parts and Accessories Necessary for Safe Operation

49 CFR part 396—Inspection, Repair and Maintenance of Commercial Motor Vehicles

49 CFR part 397—Transportation of Hazardous Materials; Driving and Parking Rules

49 CFR part 398—Transportation of Migrant Workers

49 CFR part 399—Employee Safety and Health Standards

Year 5 (Fall 2012) List of rule(s) that will be analyzed this year

49 CFR part 387—Minimum Levels of Financial Responsibility for Motor Carriers

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

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

9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 4 (fall 2011) List of rules analyzed and a summary of the results

49 CFR part 571.131—School Bus Pedestrian Safety Devices

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

49 CFR part 571.217—Bus Emergency Exits and Window Retention and Release

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

49 CFR part 571.220—School Bus Rollover Protection

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

49 CFR part 571.221—School Bus Body Joint Strength

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

49 CFR part 571.222—School Bus Passenger Seating and Crash Protection

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

Year 5 (fall 2012) List of rules that will be analyzed during the next year

49 CFR part 571.101—Controls and Displays

49 CFR part 571.102—Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect

49 CFR part 571.103—Windshield Defrosting and Defogging Systems

49 CFR part 571.104—Windshield Wiping and Washing Systems

49 CFR part 571.105—Hydraulic and Electric Brake Systems

49 CFR part 571.106—Brake Hoses

49 CFR part 571.107—Reserved]

49 CFR part 571.108—Lamps, Reflective Devices, and Associated Equipment

49 CFR part 571.109—New Pneumatic and Certain Specialty Tires

49 CFR part 571.110—Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 Pounds) or Less

49 CFR part 571.135—Light Vehicle Brake Systems

49 CFR part 571.138—Tire Pressure Monitoring Systems

49 CFR part 571.139—New Pneumatic Radial Tires for Light Vehicles

FEDERAL RAILROAD ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

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

Year 4 (fall 2011) List of rules analyzed and a summary of results

49 CFR part 219—Control of Alcohol and Drug Use

- Section 610: There is no SEIOSNOSE.

- General: No changes are needed. This rule is cost effective and imposes the least burden. FRA's plain language review of this rule indicates no need for substantial revision.

Year 5 (fall 2012) List of rule(s) that will be analyzed during next year

49 CFR part 218—Control of Alcohol and Drug Use

49 CFR part 221—Rear End Marking Device Passenger, Commuter, and Freight Trains

49 CFR part 241—United States Locational Requirement for Dispatching of United States Rail Operations

49 CFR part 244—Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, and Acquisitions of Control

FEDERAL TRANSIT ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

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

9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 3 (fall 2010) List of rules analyzed and summary of results

49 CFR part 605—School Bus Operations

- Section 610: The agency has determined that the rule does not have a significant effect on a substantial number of small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FTA's plain language review indicates no need for substantial revision.

Year 4 (fall 2011) List of rules with ongoing analysis

49 CFR part 609—Transportation for Elderly and Handicapped Persons

Year 5 (fall 2012) List of rule(s) that will be analyzed during the next year

49 CFR part 613—Planning Assistance and Standards

49 CFR part 614—Transportation Infrastructure Management

MARITIME ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010

3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 4 (fall 2011) List of rules with ongoing analysis

46 CFR part 381—Cargo Preference—U.S.-Flag Vessels

46 CFR part 383—Cargo Preference—Compromise, Assessment, Mitigation, Settlement
& Collection of Civil Penalties

46 CFR part 221—Foreign Transfer Regulations

46 CFR part 249—Approval of Underwriters for Marine Hull Insurance

46 CFR part 272—Requirements and Procedures for Conducting Condition Surveys and
Administering Maintenance and Repair Subsidy

46 CFR part 287—Establishment of Construction Reserve Funds

46 CFR part 295—Maritime Security Program (MSP)

46 CFR part 296—Maritime Security Program (MSP)

Year 5 (2012) List of rules that will be analyzed during the next year

46 CFR part 307—Mandatory Position Report System for Vessels

46 CFR part 308—War Risk Insurance

46 CFR part 309—War Risk Ship Valuation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

SECTION 610 AND OTHER REVIEWS

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

Year 4 (fall 2011) List of rules analyzed and a summary of results

49 CFR section 171.15—Immediate Notice of Certain Hazardous Materials Incidents

- Section 610: There is no SEIOSNOSE. Annually fewer than 100 small entities are required to file a report telephonic report. Therefore, though some small entities may be affected the economic impact on small entities will not be significant.

- General: This rule prescribes requirements for the immediate notice of certain hazardous materials incidents by telephone to the National Response Center (NRC).

The primary function of the National Response Center is to serve as the sole national

point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. In addition to gathering and distributing spill data for Federal On-Scene Coordinators and serving as the communications and operations center for the National Response Team, the NRC maintains agreements with a variety of Federal entities to make additional notifications regarding incidents meeting established trigger criteria. Section 171.15(b) establishes the trigger criteria for a reportable hazardous materials incident. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR section 171.16—Detailed Hazardous Materials Incident Reports

- Section 610: There is no SEIOSNOSE. Based on a review of detailed incident reports PHMSA found that only 3 percent of the nearly 15,000 incidents reports submitted in FY2011 were filed by small entities. Therefore, though some small entities may be affected the economic impact on small entities will not be significant.
- General: This rule prescribes requirements for detailed hazardous materials incident reports. PHMSA relies on this data and information to evaluate the effectiveness of the existing regulations; determine the need for regulatory changes to cover changing transportation safety problems; and identify major problem areas that should receive priority attention. In addition, both government and industry use this information to chart trends, identify problems and training inadequacies, evaluate packaging, and assess ways to reduce hazardous materials releases. In FY2011 PHMSA accepted two petitions for rulemaking (P-1562; PHMSA-2010-0207 and P-1566; PHMSA-2010-0225) that request revisions to the incident reporting requirements. As a result of these petitions, PHMSA is currently conducting research to evaluate the effectiveness of the requirements for detailed hazardous materials incident reporting in section 171.16. PHMSA concluded this study in FY2012. Based on the results of the study PHMSA is

considering regulatory action to address its findings, the petitions, and simplify the incident reporting process. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 5 (fall 2012) List of rules that will be analyzed during the next year

49 CFR part 106—Rulemaking Procedures

49 CFR part 107—Hazardous Materials Program Procedures

49 CFR part 171—General Information, Regulations, and Definitions

49 CFR part 190—Pipeline Safety Programs and Rulemaking Procedures

49 CFR part 195—Transportation of Hazardous Liquids by Pipeline

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA)

SECTION 610 AND OTHER REVIEWS

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

9	14 CFR part 250	2016	2017
10	14 CFR part 374a, ICAO	2017	2018

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

14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers, Form 41

Year 3 (fall 2010) List of rules with ongoing analysis

14 CFR part 298, subpart f—Exemptions for Air Taxi and Commuter Air Carrier Operations—Reporting Requirements

Year 4 (fall 2011) List of rules with ongoing analysis

14 CFR part 241, section 19-7—Passenger Origin-Destination Survey

Year 5 (fall 2012) List of rules that will be analyzed during the next year

14 CFR part 291—Cargo Operations in Interstate Air Transportation

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SECTION 610 AND OTHER REVIEWS

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

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

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

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