

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

DOT-OST-1999-5129

Department Regulatory and Deregulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Unified Agenda of Federal Regulatory and Deregulatory Actions (Regulatory Agenda).

SUMMARY: The Regulatory and Deregulatory 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 more effectively participate in the Department's regulatory process. 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 Jonathan Moss, Assistant General Counsel for Regulation, Office of General Counsel, 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.

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SUPPLEMENTARY INFORMATION:

Background

A primary goal of the Department of Transportation (Department or DOT) is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. As such, it is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder. The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 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 and deregulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed

actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

In addition, this Agenda was prepared in accordance with three Executive orders issued by President Trump, which directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, Enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. As a result of the RRTF's work, since January 2017, the Department has issued deregulatory actions that reduce regulatory costs on the public by over \$3.2 billion (in net present value cost savings). Even when the costs of significant regulatory actions are factored in, the Department's deregulatory actions still result in over \$2.9 billion in net cost savings (in net present value). With the RRTF's assistance, the Department has achieved these cost savings in a manner that is fully consistent with

enhancing safety. For example, in March 2019, FMCSA promulgated a rule titled ELDT Class B to Class A Upgrade, which will save truck drivers more than \$250 million by making it easier (and cheaper) for a driver who already holds a Class B CDL to upgrade to a Class A CDL, without having to take the same training again. This reduces waste without affecting safety.

The Department has also significantly increased the number of deregulatory actions it is pursuing. Today, DOT is pursuing over 130 deregulatory rulemakings, up from just 16 in the fall of 2016.

While each regulatory and deregulatory action is evaluated on its own merits, the RRTF augments the Department's consideration of prospective rulemakings by conducting monthly reviews across all OAs to identify appropriate deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: <https://www.transportation.gov/regulations/regulatory-reform-task-force-report>.

The Department's ongoing regulatory effort is guided by four fundamental principles—safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and being sure that we do not regress from the successes already achieved. Our planned regulatory actions reflect a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe, reliable, and sustainable transportation system.

For example, the National Highway Traffic Safety Administration (NHTSA) is working on reducing regulatory barriers to technology innovation, including the integration of automated vehicles, while continuing to focus on safety. Automated vehicles are expected to increase safety significantly by reducing the likelihood of human error when driving, which today accounts for the overwhelming majority of accidents on our nation's roadways. NHTSA plans to issue regulatory actions that; (1) allow for permanent updates to current FMVSS reflecting new technology; and (2) allow for updates to NHTSA's regulations outlining the administrative processes for petitioning the agency for exemptions, rulemakings, and reconsiderations. Similarly, the Federal Aviation Administration (FAA) is working to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System. UAS are expected to continue to drive innovation and increase safety as operators and manufacturers find new and inventive uses for UAS. For instance, UAS are poised to assist human operators with a number of different mission sets such as inspection of critical infrastructure and search and rescue, enabling beneficial and lifesaving activities that would otherwise be difficult or even impossible for a human to accomplish unassisted. The Department has regulatory efforts underway to further integrate UAS safely and efficiently.

The Department is working on several rulemakings to facilitate a major transformation of our national space program from one in which the federal government has a primary role to one in which private industry drives growth in innovation and launches. The FAA has proposed a rule that will fundamentally change how FAA licenses launches and reentries of commercial space vehicles moving from prescriptive requirements to a performance based approach.

Explanation of Information in the Agenda

An Office of Management and Budget memorandum, dated June 26, 2019, establishes 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 when a rulemaking document may publish; (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; (15) the action's designation under Executive Order 13771 explaining whether the action will have a regulatory or deregulatory effect; and (16) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

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 a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after 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.

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. A portion of the Agenda is published in the **Federal Register**, however, because the Regulatory Flexibility Act (5 U.S.C. 602) mandates publication for the regulatory flexibility agenda. Accordingly, 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.

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 making the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

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

Regulatory Flexibility Act

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

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (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 account 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.

NAME: Elaine L. Chao,

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.

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—Brandon Roberts, Acting Executive Director, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-9677.

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—Amanda Maizel, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 493-8014.

FTA—Chaya Koffman, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-3101.

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

PHMSA—Stephen Gordon, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-1101.

MARAD—Gabriel Chavez, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-2621.

OST—Jonathan Moss, Assistant General Counsel for Regulation, 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: 9:00 AM to 5:00 PM.

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 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, "Regulatory Planning and Review," Executive Order 13563, "Improving Regulation and Regulatory Review," 76 FR 3821 (January 18, 2011), Executive Order 13771 "Reducing Regulation and Controlling Regulatory Costs," Executive Order 13777, "Enforcing the Regulatory Agenda," and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the designation of a Regulatory Reform Officer, the establishment of a Regulatory Reform Task Force, and the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to revise them. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. The Department will begin a new 10-year review cycle with the Fall 2018 Agenda.

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" (SEISNOSE). 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. Most agencies provide historical information about the reviews that have occurred over the past 10 years. Thus, Year 1 (2018) begins in the fall of 2018 and ends in the fall of 2019; Year 2 (2019) begins in the fall of 2019 and ends in the fall of 2020, and so on. The exception to this general rule is the FAA, which provides information about the reviews it completed for this year and prospective information about the reviews it intends to complete in the next 10 years. Thus, for FAA Year 1 (2017) begins in the fall of 2017 and ends in the fall of 2018; Year 2 (2018) begins in the fall of 2018 and ends in the fall of 2019, 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 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 SEISNOSE 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 SEISNOSE, 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 SEISNOSE, 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 pre-rulemaking 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 are in 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 14 CFR parts 200 through 212 48 CFR parts 1201 through 1224	2018	2019
2	48 CFR parts 1227 through 1253 and new parts and subparts	2019	2020

3	14 CFR parts 213 through 232	2020	2021
4	14 CFR parts 234 through 254	2021	2022
5	14 CFR parts 255 through 298 and 49 CFR part 40	2022	2023
6	14 CFR parts 300 through 373	2023	2024
7	14 CFR parts 374 through 398	2024	2025
8	14 CFR part 399 and 49 CFR parts 1 through 15	2025	2026
9	49 CFR parts 17 through 28	2026	2027
10	49 CFR parts 29 through 39 and parts 41 through 89	2027	2028

Year 1 (Fall 2018) List of rules that are under 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

- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: The agency is aware of several outdated references to operating administrations within the Department that need to be updated. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 93—Aircraft Allocation

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

48 CFR part 1201—Federal Acquisition Regulations System

48 CFR part 1202—Definitions of Words and Terms

48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest

48 CFR part 1204—Administrative Matters

48 CFR part 1205—Publicizing Contract Actions

48 CFR part 1206—Competition Requirements

48 CFR part 1207—Acquisition Planning

48 CFR part 1208-1210—[Reserved]

48 CFR part 1211—Describing Agency Needs

48 CFR part 1212— [Reserved]

48 CFR part 1213—Simplified Acquisition Procedures

48 CFR part 1214—Sealed Bidding

48 CFR part 1215—Contracting by Negotiation

48 CFR part 1216—Types of Contracts

48 CFR part 1217—Special Contracting Methods

48 CFR part 1218—[Reserved]

48 CFR part 1219—Small Business Programs

48 CFR part 1220—1221—[Reserved]

48 CFR part 1222—Application of Labor Laws to Government Acquisitions

48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace

48 CFR part 1224—Protection of Privacy and Freedom of Information

Year 2 (Fall 2019) List of rules that will be analyzed during the next year

48 CFR parts 1227 through 1253 and new parts and subparts

48 CFR part 1227 – Patents, Data, and Copyrights

48 CFR part 1228 – Bonds and Insurance

48 CFR part 1231 – Contract Costs Principles and Procedures

48 CFR part 1232 – Contract Financing

48 CFR part 1233 – Protests, Disputes, and Appeals

48 CFR part 1235 – Research and Development Contracting

48 CFR part 1236 – Construction and Architect-Engineer Contracts

48 CFR part 1237 – Service Contracting

48 CFR part 1239 – Acquisition of Information Technology

48 CFR part 1242 – Contract Administration and Audit Services

48 CFR part 1245 – Government Contracting

48 CFR part 1246 – Quality Assurance

48 CFR part 1247 – Transportation

48 CFR part 1252 – Solicitation Provisions and Contract Clauses

48 CFR part 1253 -- Forms

FEDERAL AVIATION ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

The Federal Aviation Administration (FAA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes in past plans. As

such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the “analysis year”), all rules published during the previous 10 years within a 10% block of the regulations will be analyzed to identify those with a significant economic impact on a substantial number of small entities (SEISNOSE). During the second year (the “review year”), each rule identified in the analysis year as having a SEISNOSE 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 133 through 139 and parts 157 through 169	2019	2020
2	14 CFR parts 141 through 147 and parts 170 through 187	2020	2021
3	14 CFR parts 189 through 198 and parts 1 through 16	2021	2022
4	14 CFR parts 17 through 33	2022	2023
5	14 CFR parts 34 through 39 and parts 400 through 405	2023	2024
6	14 CFR parts 43 through 49 and parts 406 through 415	2024	2025
7	14 CFR parts 60 through 77	2025	2026
8	14 CFR parts 91 through 105	2026	2027
9	14 CFR parts 417 through 460	2027	2028
10	14 CFR parts 119 through 129 and parts 150 through 156	2028	2029

Defining SEISNOSE for FAA Regulations

The RFA does not define “significant economic impact.” Therefore, there is no clear rule or number to determine when a significant economic impact occurs. However, the Small Business Administration (SBA) states that significance should be determined by considering the size of the business, the size of the competitor’s business, and the impact the same regulation has on larger competitors.

Likewise, the RFA does not define “substantial number.” However, the legislative history of the RFA suggests that a substantial number must be at least one but does not need to be an overwhelming percentage such as more than half. The SBA states that the substantiality of the number of small businesses affected should be determined on an industry-specific basis.

This analysis consisted of the following three steps:

1. Review of the number of small entities affected by the amendments to parts 133 through 139 and parts 157 through 169.
2. Identification and analysis of all amendments to parts 133 through 139 and parts 157 through 169 since 2009 to determine whether any still have or now have a SEISNOSE.
3. Review of the FAA’s regulatory flexibility assessment of each amendment performed as required by the RFA.

Year 2 (2020) List of rules to be analyzed the next year

- 14 CFR part 141 Pilot Schools
- 14 CFR part 142 Training Centers

- 14 CFR part 143 Reserved
- 14 CFR part 145 Repair Stations
- 14 CFR part 147 Aviation Maintenance Technician Schools
- 14 CFR part 170 Establishment and Discontinuance Criteria for Air Traffic Control Services and Navigational Facilities
- 14 CFR part 171 Non-Federal Navigation Facilities
- 14 CFR part 183 Representatives of the Administrator
- 14 CFR part 185 Testimony by Employees and Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
- 14 CFR part 187 Fees

Year 2 (2019) List of rules to be analyzed the next year

- 14 CFR part 133—Rotorcraft External-Load Operations
- 14 CFR part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons on Board Such Aircraft
- 14 CFR part 136—Commercial Air Tours and National Parks Air Tour Management
- 14 CFR part 137—Agricultural Aircraft Operations
- 14 CFR part 139—Certification of Airports
- 14 CFR part 157—Notice of Construction, Alteration, Activation, and Deactivation of Airports
- 14 CFR part 158—Passenger Facility Charges
- 14 CFR part 161—Notice and Approval of Airport Noise and Access Restrictions
- 14 CFR part 169—Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon

Year 1 (2018) List of rules analyzed and summary of results

14 CFR part 133

Rotorcraft External-Load Operations

- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden

14 CFR part 135

Operating Requirements: Commuter and on Demand Operations and Rules

Governing Persons on Board Such Aircraft

- Section 610: The agency conducted a Section 610 review of this part and found *Amendment 135-129, 79 FR 9973, Feb. 21, 2014* section 135.117 Briefing of passengers before flight in 14 CFR 135 promulgated since January 2009 has a SEISNOSE within the meaning of the RFA.
- General: The FAA has considered a number of alternatives and has taken steps to minimize the impact on small entities in attempts to lower compliance costs for small entities, but could not go forward without compromising the safety for the industry. No revisions are needed.

14 CFR part 136

Commercial Air Tours and National Parks Air Tour Management

- Section 610: The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
- General: No changes are needed.

14 CFR part 137

Agricultural Aircraft Operations

- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 139

Certification of Airports

- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden

14 CFR part 157

Notice of Construction, Alteration, Activation, and Deactivation of Airports

- Section 610: The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
- General: No changes are needed.

14 CFR part 158

Passenger Facility Charges

- Section 610: The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
- General: No changes are needed.

14 CFR part 161

Notice and Approval of Airport Noise and Access Restrictions

- Section 610: The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
- General: No changes are needed.

14 CFR part 169

Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon

- Section 610: The agency conducted a Section 610 review of this part and determined no amendments to 14 CFR part 136 published since 2009. Thus, no SEISNOSE exists in this part.
- General: No changes are needed.

FEDERAL HIGHWAY ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year

1	None	2018	2019
2	23 CFR parts 1 to 260	2019	2020
3	23 CFR parts 420 to 470	2020	2021
4	23 CFR part 500	2021	2022
5	23 CFR parts 620 to 637	2022	2023
6	23 CFR parts 645 to 669	2023	2024
7	23 CFR parts 710 to 924	2024	2025
8	23 CFR parts 940 to 973	2025	2026
9	23 CFR parts 1200 to 1252	2026	2027
10	New parts and subparts	2027	2028

Federal-Aid Highway Program

The Federal Highway Administration (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, which 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 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 1 (Fall 2018) List of rules analyzed and a summary of results

None

Year 2 (Fall 2019) List of rules that will be analyzed during the next year

23 CFR part 1 – General

23 CFR part 140 – Reimbursement

23 CFR part 172 – Procurement, management, and administration of engineering and design related services

23 CFR part 180 – Credit assistance for surface transportation projects

23 CFR part 190 – Incentive payments for controlling outdoor advertising on the interstate system

23 CFR part 192 – Drug offender’s driver’s license suspension

23 CFR part 200 – Title VI program and related statutes – implementation and review procedures

23 CFR part 230 – External programs

23 CFR part 260 – Education and training programs

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 386	2018	2019
2	49 CFR part 385	2019	2020

3	49 CFR part 383 and 384	2020	2021
4	49 CFR parts 382	2021	2022
5	49 CFR part 387	2022	2023
6	49 CFR part 398	2023	2024
7	49 CFR part 392	2024	2025
8	49 CFR part 375	2025	2026
9	49 CFR part 367	2026	2027
10	49 CFR part 395	2027	2028

Year 10 (Fall 2018) List of rules with ongoing analysis

49 CFR part 395—Hours of Service (HOS) of Drivers

Section 610: FMCSA conducted a review of 49 CFR part 395, and found there was a significant economic impact on a substantial number of small entities (SEIOSNOSE). The rule restricts the number of hours that a commercial driver can operate a commercial motor vehicle (CMV). The SEIOSNOSE is driven by the potential loss of revenue that drivers and motor carriers could experience if they could operate without restriction. The Federal HOS regulations promote safe driving of CMV's by limiting on-duty driving time; thereby improving the likelihood that drivers have adequate time for restorative rest. Tangible benefits to small businesses include; streamlined operations, reduced operational cost, maximized productivity, lowered insurance, improved vehicle diagnostics, reduced administrative burden, and increased profits.

General: FMCSA currently is engaged in rulemakings that would: (1) add flexibilities to the HOS regulations; and (2) clarify the meaning of "agricultural commodities" whose transport is exempt from the HOS regulations if certain requirements are met. Aside from the issues being addressed in these rulemakings, FMCSA has determined that the

regulatory value of the HOS regulations is significant and that it should be retained. The rule reduces fatigue related crashes, fatalities, and injuries. These regulations are written consistent with plain language guidelines, and uses clear and unambiguous language. The cost burden imposed on a small business is reasonable when compared to the benefits.

Year 1 (2019) List of rules with ongoing analysis

49 CFR part 386 Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

Section 610: FMCSA conducted a review of 49 CFR part 386, and found no SEIOSNOSE. 49 CFR part 386 is a permissive set of rules that establish procedures and proceedings for respondents, petitioners, and others seeking relief from a determination of non-compliance with Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations. The rule also provides a recourse for commercial drivers to report harassment or coercion. Although not required by the rule, a small business could elect to incur significant attorney and court fees to challenge an unfavorable decision.

General: There is no need for substantial revision. These regulations provide necessary/clear guidance to industry and drivers. The regulations are written consistent with plain language guidelines, are cost effective, and impose the least economic burden to industry.

Year 2 (2020) List of rules that will be analyzed during the next year

49 CFR part 385—Safety Fitness Procedures

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	2018	2019
2	23 CFR parts 1200 and 1300	2019	2020
3	49 CFR parts 501 through 526 and 571.213	2020	2021
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2021	2022
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.136, 571.138 and 571.139	2022	2023
6	49 CFR parts 571.141, 529 through 578, except parts 571 and 575	2023	2024
7	49 CFR parts 571.111 through 571.129 and 580 through 588	2024	2025
8	49 parts CFR 571.201 through 571.212	2025	2026
9	49 parts CFR 571.214 through 571.219, except 571.217	2026	2027
10	49 CFR parts 591 through 595 and new parts and subparts	2027	2028

Year 1 (Fall 2019) List of rules with ongoing analysis

49 CFR part 571.223 – Rear Impact Guards

49 CFR part 571.224 – Rear Impact Protection

49 CFR part 571.225 – Child Restraint Anchorage Systems

- 49 CFR part 571.226 – Ejection Mitigation
- 49 CFR part 571.301 – Fuel System Integrity
- 49 CFR part 571.302 – Flammability of Interior Materials
- 49 CFR part 571.303 – Fuel System Integrity of Compressed Natural Gas Vehicles
- 49 CFR part 571.304 – Compressed Natural Gas Fuel Container Integrity
- 49 CFR part 571.305 – Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection
- 49 CFR part 571.401 – Interior Trunk Release
- 49 CFR part 571.403 – Platform Lift Systems for Motor Vehicles
- 49 CFR part 571.404 – Platform Lift Installations in Motor Vehicles
- 49 CFR part 571.500 – Low-Speed Vehicles
- 49 CFR part 575 – Consumer Information
- 49 CFR part 579 – Reporting of Information and Communications About Potential Defects
- 23 CFR part 1200 Uniform Procedures for State Highway Safety Grant Programs
- 23 CFR part 1300 Uniform Procedures for State Highway Safety Grant Programs

FEDERAL RAILROAD ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 200, 207, 209, and 210	2018	2019
2	49 CFR parts 211, 212, 213, 214, and 215	2019	2020
3	49 CFR parts 216, 217, 218, 219, and 220	2020	2021
4	49 CFR parts 221, 222, 223, 224, and 225	2021	2022

5	49 CFR parts 227, 228, 229, 230, and 231	2022	2023
6	49 CFR parts 232, 233, 234, 235, and 236	2023	2024
7	49 CFR parts 237, 238, 249, 240, and 241	2024	2025
8	49 CFR parts 242, 243, 244, 250, and 256	2025	2026
9	49 CFR parts 261, 262, 264, 266, and 268	2026	2027
10	49 CFR parts 269, 270, and 272	2027	2028

Year 1 (Fall 2018) List of rules analyzed and a summary of results

49 CFR Part 200 – Informal Rules of Practice for Passenger Service

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

49 CFR Part 207 – Railroad Police Officers

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

49 CFR Part 209 – Railroad Safety Enforcement Procedures

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

49 CFR Part 210 – Railroad Noise Emission Compliance Regulations

- Section 610: There is no SEIOSNOSE.
- General: To support high-speed rail operations, FRA has identified substantive changes to the regulations.

Year 2 (Fall 2019) List of rules(s) that will be analyzed during next year

49 CFR part 211 – Rules of Practice

49 CFR part 212 – State Safety Participation Regulations

49 CFR part 213 – Track Safety Standards

49 CFR part 214 – Railroad Workplace Safety

49 CFR part 215 – Railroad Freight Car Safety Standards

FEDERAL TRANSIT ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

The Regulatory Flexibility Act of 1980 (RFA), as amended (sections 601 through 612 of title 5, United States Code), requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which include small businesses, organizations, and governmental jurisdictions. Section 610 requires government agencies to periodically review all regulations that will have a significant economic impact on a substantial number of small entities (SEISNOSE).

In complying with this section, the Federal Transit Administration (FTA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes. As such, FTA has divided its rules into 10 groups as displayed in the table

below. During the analysis year, the listed rules will be analyzed to identify those with a SEISNOSE. During the review year, each rule identified in the analysis year as having a SEISNOSE will be reviewed in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize the impact on small entities.

Year	Regulations to Be Reviewed	Analysis Year	Review Year
1	49 CFR parts 604, 605, and 624	2018	2019
2	49 CFR parts 609 and 640	2019	2020
3	49 CFR part 633	2020	2021
4	49 CFR part 611	2021	2022
5	49 CFR part 655	2022	2023
6	49 CFR parts 602 and 614	2023	2024
7	49 CFR parts 661 and 663	2024	2025
8	49 CFR parts 625, 630, and 665	2025	2026
9	49 CFR parts 613, 622, 670 and 674	2026	2027
10	49 CFR parts 650, 672 and 673	2027	2028

Year 1 (2018) List of rules analyzed and summary of results

49 CFR part 604 – Charter Service

- Section 610: FTA conducted a Section 610 review of 49 CFR part 604, and determined that it would not result in a SEISNOSE within the meaning of the RFA. The Charter Service rule ensures that transit agencies, subsidized with federal funds, do not unfairly compete with privately-owned charter bus companies. The rule also provides an exception that allows public transportation agencies to provide charter service to qualified organizations for the purpose of serving persons with mobility limitations related to

advanced age, persons with disabilities, or persons with low income. As such, the rule is in place to protect small entities.

- General: No changes are needed. The regulation implements the requirements of 49 U.S.C. section 5323(d), FTA estimated the costs and projected benefits of the rule and believes it is cost-effective and imposes the least burden for statutory compliance. FTA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 605—School Bus Operations

- Section 610: FTA conducted a Section 610 review of 49 CFR part 605 and determined that it would not result in a SEISNOSE within the meaning of the RFA. The School Bus Operations regulation ensures that transit agencies, subsidized with federal funds, do not engage in operations exclusively for the transportation of students and school personnel. This type of exclusive service is not public transportation and would unfairly compete with private school bus operators. As such, the rule is in place to protect small entities.

- General: No changes are needed. The regulation implements the requirements of 49 U.S.C. section 5323(f). FTA estimated the costs and projected benefits of the rule and believes it is cost-effective and imposes the least burden for statutory compliance. FTA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 624—Clean Fuels Grant Program

- Section 610: FTA conducted a Section 610 review of 49 CFR part 624 and determined that it would not result in a SEISNOSE within the meaning of the RFA. However, the Clean Fuels Grant Program was repealed by Section 20002 of the Moving Ahead for Progress in the 21st Century (MAP-21) Act (Pub. L. 112-141), and therefore, part 624 implements a program no longer authorized by law.

- General: FTA will rescind 49 CFR part 624, because the requirements set forth in the rule were rendered obsolete by statute.

Year 2 (2019) List of rules to be analyzed the next year

49 CFR part 609—Transportation for Elderly and Handicapped Persons

49 CFR part 640—Credit Assistance for Surface Transportation Project

MARITIME ADMINISTRATION

SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	46 CFR parts 201 through 205, 46 CFR parts 315 through 340, 46 CFR part 345 through 347, and 46 CFR parts 381 and 382	2018	2019
2	46 CFR parts 221 through 232	2019	2020
3	46 CFR parts 249 through 296	2020	2021
4	46 CFR parts 221, 298, 308, and 309	2021	2022
5	46 CFR parts 307 through 309	2022	2023
6	46 CFR part 310	2023	2024
7	46 CFR parts 315 through 340	2024	2025
8	46 CFR parts 345 through 381	2025	2026
9	46 CFR parts 382 through 389	2026	2027
10	46 CFR parts 390 through 393	2027	2028

Year 1 (2018) List of rules with ongoing analysis

46 CFR part 201—Rules of Practice and Procedure

46 CFR part 202—Procedures relating to review by Secretary of Transportation of actions by Maritime Subsidy Board

46 CFR part 203—Procedures relating to conduct of certain hearings under the Merchant Marine Act, 1936, as amended

46 CFR part 204—Claims against the Maritime Administration under the Federal Tort Claims Act

46 CFR part 205—Audit Appeals; Policy and Procedure

46 CFR part 315—Agency Agreements and Appointment of Agents

46 CFR part 317—Bonding of Ship's Personnel

46 CFR part 324—Procedural Rules for Financial Transactions Under Agency Agreements

46 CFR part 325—Procedure to Be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant to Provisions of NSA Order No. 47

46 CFR part 326—Marine Protection and Indemnity Insurance Under Agreements with Agents

46 CFR part 327—Seamen's Claims; Administrative Action and Litigation

46 CFR part 328— Slop Chests

46 CFR part 329—Voyage Data

46 CFR part 330—Launch Services

46 CFR part 332—Repatriation of Seamen

46 CFR part 335—Authority and Responsibility of General Agents to Undertake Emergency Repairs in Foreign Ports

46 CFR part 336—Authority and Responsibility of General Agents to Undertake in Continental United States Ports Voyage Repairs and Service Equipment of Vessels

Operated for the Account of The National Shipping Authority Under General Agency Agreement

46 CFR part 337—General Agent's Responsibility in Connection with Foreign Repair Custom's Entries

46 CFR part 338—Procedure for Accomplishment of Vessel Repairs Under National Shipping Authority Master Lump Sum Repair Contract—NSA-Lumpsumrep

46 CFR part 339—Procedure for Accomplishment of Ship Repairs Under National Shipping Authority Individual Contract for Minor Repairs—NSA-Worksmalrep

46 CFR part 340—Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations

46 CFR part 345—Restrictions Upon the Transfer or Change in Use or In Terms Governing Utilization of Port Facilities

46 CFR part 346—Federal Port Controllers

46 CFR part 347—Operating Contract

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

46 CFR part 382—Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels

Year 2 (Fall 2019) List of rules that will be analyzed during the next year

46 CFR parts 221 and 232

46 CFR part 221 Regulated Transactions Involving Documented Vessels and Other Maritime Interests

46 CFR 232 Uniform Financial Reporting Requirements

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

SECTION 610 AND OTHER REVIEWS

Year	Regulations To Be Reviewed	Analysis Year	Review Year
1	49 CFR part 178	2018	2019
2	49 CFR parts 178 through 180	2019	2020
3	49 CFR parts 172 and 175	2020	2021
4	49 CFR part 171, sections 171.15 and 171.16	2021	2022
5	49 CFR parts 106, 107, 171, 190, and 195	2022	2023
6	49 CFR parts 174, 177, and 199	2023	2024
7	49 CFR parts 176, 191 and 192	2024	2025
8	49 CFR parts 172 and 178	2025	2026
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2026	2027
10	49 CFR parts 173 and 194	2027	2028

Year 1 (Fall 2019) List of rules analyzed and a summary of results

49 CFR part 178—Specifications for Packaging Section 610: PHMSA conducted a review of this part and found no SEISNOSE.

- General: PHMSA has reviewed this part and found that while the part does not have a SEISNOSE, it could be streamlined to reflect new technologies and harmonize with certain international references. Therefore, even though the review indicated that the economic impact on small entities is not significant, PHMSA has initiated multiple new deregulatory rulemakings to reduce the compliance burdens of part 178. Further, PHMSA's plain language review of this part indicates no need for substantial revision. Where confusing or wordy language has been identified, PHMSA plans to propose or finalize revisions in the upcoming biennial international harmonization rulemaking or other deregulatory rulemakings.

For example, the Harmonization of International Standards, 2137-AF32, rulemaking action is part of PHMSA's ongoing biennial process to harmonize the HMR with international regulations and standards. Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 et seq.) directs PHMSA to participate in relevant international standard-setting bodies and promotes consistency of the HMR with international transport standards to the extent practicable. Federal hazmat law permits PHMSA to depart from international standards where appropriate, including to promote safety or other overriding public interests. However, Federal hazmat law otherwise encourages domestic and international harmonization (see 49 U.S.C. 5120).

Harmonization facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for transportation of hazardous materials. Safety is enhanced by creating a uniform framework for compliance, and as the volume of hazardous materials transported in international commerce continues to grow, harmonization becomes increasingly important.

The impact that the 2137-AF32 rulemaking will have on small entities is not expected to be significant. The rulemaking will clarify provisions based on PHMSA's initiatives and correspondence with the regulated community and domestic and international stakeholders. The changes are generally intended to provide relief and, as a result, positive economic benefits to shippers, carriers, and packaging manufacturers and testers, including small entities.

In conclusion, many companies will realize economic benefits, because of the amendments in the 2137-AF32 rulemaking. The amendments are expected to result in an overall net cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America. Additionally, the effective changes of this rulemaking will relieve U.S.

companies, including small entities competing in foreign markets, from the burden of complying with a dual system of regulations. This rulemaking is one example of PHMSA's review of rulemakings which ensures that our rules do not have a significant economic impact on a substantial number of small entities.

Year 2 (Fall 2020) List of rules that will be analyzed during the next year

49 CFR part 178 – Specifications of Packagings

49 CFR part 179 – Specifications for Tank Cars

49 CFR part 180 – Continuing Qualification and Maintenance of Packagings

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	2018	2019

**The review for these regulations is recurring each year of the 10-year review cycle (currently 2018 through 2027).*

Year 1 (Fall 2018) List of rules that will be analyzed during the next year

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

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

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