

E.O. 13563 Retrospective Regulatory Review Report for DOT – July 2013

MODE NAME	RIN	TITLE	ABSTRACT	CURRENT STAGE	ORIGINAL DATE	REVISED DATE	ACTUAL DATE	ADDITIONAL INFO
Federal Aviation Administration	2120-AJ94	Enhanced Flight Vision System (EFVS) (RRR)	This rulemaking would permit operators to use an EFVS in lieu of natural vision to continue descending from 100 feet height above runway touchdown zone elevation to the runway and land on certain straight-in instrument approach procedures under instrument flight rules. This action would also permit certain operators using EFVS-equipped aircraft to dispatch, release, or takeoff under instrument flight rules (IFR), and to initiate and continue an approach, when the destination airport weather is	2	06/25/2012	06/13/2013	06/11/2013	SB: N IC: N SLT: N Anticipated costs/benefits: The FAA estimated the costs of the proposed rule over 10 years would be approximately \$5.3 million nominal value.

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			below authorized visibility minimums for the runway of intended landing. Pilot training, recent flight experience, and proficiency would be required for operators who use EFVS in lieu of natural vision to descend below decision altitude, decision height, or minimum descent altitude. The FAA believes that an EFVS can provide operational and safety benefits during Category II and Category III approach operations. The rulemaking would enable expanded EFVS operations, which would increase access and					

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			efficiency in low visibility conditions, and potentially result in fewer missed approaches and delayed take-offs.					
Federal Aviation Administration	2120-AJ97	14 CFR Part 16; Rules of Practice for Federally-Assisted Airport Enforcement Proceedings (RRR)	This action would update, simplify, and streamline rules of practice and procedure for filing and adjudicating complaints against federally-assisted airports. It would improve efficiency by enabling parties to file submissions with the Federal Aviation Administration (FAA) electronically, and by incorporating modern business practices into how the FAA handles complaints. This rulemaking is	3	08/26/2013			SB: Y, IC: N, SLT: Y Anticipated costs/benefits: The rulemaking adds no costs. Small businesses, including general aviation operators and aviation service businesses such as fixed base operators (FBOs), charter providers, and aircraft management companies, who are often involved in complaints, would benefit from this rule because it would decrease time spent and volume of paper

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			necessary to reflect changes in applicable laws and regulations, and to apply lessons learned since the existing rules were implemented in 1996. The intended effects of this action are to improve the efficiency of the complaint and investigation processes, and clarify process requirements for persons involved in complaint proceedings. Small businesses, including general aviation operators and aviation service businesses such as fixed base operators (FBOs), charter providers, and aircraft management					documents needed to process complaints by allowing parties to file electronically. A new option allowing a respondent to file a motion to dismiss or a motion for summary judgment would potentially reduce the length of the proceedings. Because the rule does not involve widespread, mandated information collection/record keeping, it does not have ICR implications. Progress status: The final rule is in FAA senior management coordination.

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			companies, who are often involved in complaints, would benefit from this rule because it would decrease time spent and volume of paper documents needed to process complaints by allowing parties to file electronically.					
Federal Aviation Administration	2120-AK01	Combined Drug and Alcohol Testing Programs for Operators Conducting Commercial Air Tours (RRR)	This rulemaking would allow air carrier operators and commuter or on-demand operators that also conduct commercial air tour operations to combine the drug and alcohol testing required for each operation into one testing program. The current rule requires those operators to conduct separate testing	3	05/27/2013	07/29/2013		SB: N, IC: N, SLT: N Anticipated Costs/Benefits: Currently, part 121 operators or part 135 operators who also conduct air tour operations must have separate drug and alcohol testing programs for the air tour operations and their other (part 121 or part 135) operations. The intended effect of

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			<p>programs for their commercial air tour operations. This results in an unnecessary duplication of effort. The intended effect of this rulemaking is to decrease operating costs by eliminating the requirement for duplicate programs while maintaining the level of safety intended by existing rules. This rulemaking would also clarify existing instructions within the rule, would correct a typographical error, and would remove language describing a practice that has been discontinued.</p>					<p>this rulemaking is to decrease this duplicative drug and alcohol testing by eliminating the requirement for two testing programs while maintaining the level of safety required by the current drug and alcohol testing regulations. This may reduce operators' costs by allowing them to eliminate one testing program and its associated costs. This final rule will also reduce the FAA's costs by reducing the number of drug and alcohol testing programs that the FAA will have to inspect. Project Status: The final rule will publish</p>

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								07/15/2013. The effective date is September 13, 2013.
Federal Aviation Administration	2120-AK11	Minimum Altitudes for Use of Autopilots (RRR)	This rulemaking will modify the way pilots operate an aircraft’s autopilot capabilities during flight. This action is necessary because evolving aircraft technologies have outpaced current FAA’s operational guidance for use of autopilots. The intended effect of this rulemaking is to allow movement of aircraft in safer and more efficient flight patterns, resulting in operator efficiency, while smoothly incorporating ever-increasing related technological changes.	3	11/18/2013			SB: N, IC: N, SLT: N Anticipated costs/benefits: This rulemaking would allow operators the option to operate as they currently do or pursue the proposed lower minimum use heights based on their aircraft certification. Status: FAA drafting FR.

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Federal Aviation Administration	2120-AK24	Fuel Tank and System Lightning Protection (RRR)	This rulemaking would remove the requirement covering lightning ignition sources for fuel tank ignition prevention. It would also re-state the intention to prevent catastrophic fuel tank vapor ignition due to lightning in the broader fuel system lighting protection requirements. This action is necessary because of the impracticality of controlling structural lightning ignition sources, which has resulted in a series of exemptions. This action would be cost-relieving as it would remove the need to comply with a specific	2	01/02/2014			This is a relieving rulemaking project, so no significant costs are anticipated. Based on historical numbers of related exemptions and type certification applications, we estimate that we would not have to process 40 exemptions over the next 20 years. This RIN is related to 2120-ZA06.

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			requirement that has provided little or no safety benefits.					
Federal Aviation Administration	2120-AK28	Part 61 and 91 Recommended Rule Changes (Retrospective Regulatory Review)	This rulemaking would relieve burdens on pilots seeking to obtain aeronautical experience for certification and recency by promoting increased use of aviation training devices which have proven an effective, safe, and affordable means of obtaining pilot experience. The rulemaking also addresses changing technologies by accommodating the use of electronic logbooks and providing an alternative that permits pilots to train in	2	11/14/2013	07/21/2014		SB: N, IC: N, SLT: N Anticipated Costs/Benefits: The costs and benefits related to this action have not been determined at this time. However, this is a nonsignificant regulatory action whose benefits will be great enough to outweigh any costs. Progress Update: FAA is drafting NPRM.

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			technologically advanced airplanes in place of older complex single engine airplanes. Additionally, the rulemaking broadens the opportunities for military instructors to obtain civilian ratings based on military experience, expands opportunities for logging pilot time, and removes a burden on sport pilot instructors by permitting them to serve as safety pilots. Finally, this rulemaking corrects several unintended burdens resulting from a 2009 final rule and codifies several exemptions.					
Federal Aviation	2120-ZA04	Flammability Requirements	The FAA has tasked the Aviation	4				SB: N, IC: N, SLT: N

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Administration		(RRR)	Rulemaking Advisory Committee (ARAC) to comment on and make recommendations for a threat-based approach to material and component flammability requirements.					
Federal Aviation Administration	2120-ZA05	Short term increases in CO2 (RRR)	The FAA is considering revision to cabin air quality standards. The FAA is awaiting the outcome of the air quality survey and the ARAC recommendations pertaining to this issue.	4				SB: N, IC: N, SLT: N The FAA is considering revision to cabin air quality standards. The FAA is awaiting the outcome of the air quality survey and the ARAC recommendations pertaining to this issue.
Federal Aviation Administration	2120-ZA07	Part 23 Reorganization ARC (RRR)	The FAA conducted a comprehensive review of 14 CFR part 23 in 2010,	4				SB: N, IC: N, SLT: N The FAA conducted a comprehensive

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			with industry and public participation, and developed recommendations for change (including the partial elimination of weight classifications). The FAA chartered an Aviation Rulemaking Committee to provide input on these recommendations by September 2013.					review of 14 CFR part 23 in 2010, with industry and public participation, and developed recommendations for change (including the partial elimination of weight classifications). The FAA chartered an Aviation Rulemaking Committee to provide input on these recommendations by September 2013.
Federal Aviation Administration	2120-ZA09	Aircraft Certification Process Review and Reform ARC (RRR)	The FAA chartered an Aviation Rulemaking Committee to provide input for a recommendation to evaluate and streamline aircraft certification.	4				SB: N, IC: N, SLT: N The Aircraft Certification Process Review and Reform Aviation Rulemaking Committee (ACPRR ARC) was formed in response to Section 312 of the FAA

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								Modernization and Reform Act of 2012 and held the first team meeting in April 2012. The ARC issued their final report on May 22, 2012. FAA is reviewing the ARC's recommendations.
Federal Aviation Administration	2120-ZA10	Certificated Flight Instructor (RRR)	The FAA is considering a change to the certificated flight instructor process by requiring proof of currency in lieu of the reissuance of a new plastic certificate with an expiration date.	4				SB: N, IC: N, SLT: N
Federal Aviation Administration	2120-ZA11	Land Transfers (RRR)	The FAA plans to investigate ways to make land transfers less onerous for airports. The FAA is willing to consider revising	4				SB: N, IC: N, SLT: Y Congress delegated authority to the FAA in the 2012 Reauthorization Act to handle land

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			these procedures subject to the Office of the Inspector General (OIG) concurrence.					conveyances under Section 16 of the Federal Airport Act of 1946 and Section 23 of the Airport and Airway Development Act of 1970.
Federal Aviation Administration	2120-ZA12	High Density (RRR)	The FAA is considering regulations to amend the high density rule (HDR) in part 93 subparts K and S to increase competitive options at DCA and LGA. In addition, the FAA has established a rulemaking to address congestion management and competition issues at LGA, JFK, and EWR, which currently are limited by FAA Orders.	4				SB: N, IC: N, SLT: Y The FAA is considering regulations to amend the high density rule (HDR) in part 93 subparts K and S to increase competitive options at DCA and LGA. In addition, the FAA has established a rulemaking to address congestion management and competition issues at LGA, JFK, and EWR, which currently are limited by FAA Orders.

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Federal Highway Administration	2125-AF44	Administration of Engineering and Design Related Service Contracts (RRR)	This rulemaking would revise and update regulations governing the procurement, management, and administration of engineering and design related services directly related to a highway construction project and reimbursed with Federal-aid highway program funding. To comply with statutory amendments, this rulemaking would remove all references to alternative or equivalent procedures contained in the existing regulations. This rulemaking proposes to revise existing small purchase	3	06/14/2013	08/21/2013		SB - No; IC - No; SLT - No. Actual or Target Completion Date - An NPRM was published on 9/4/12 at 77 FR 53902. Progress Updates and Anticipated Accomplishments - An NPRM has been published. Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits - The proposed changes to part 172 will provide additional clarification, guidance, and flexibility to stakeholders implementing these regulations. As these proposed amendments are

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			procurement procedures to reflect an increase in the Federal threshold. This rulemaking would also address certain findings and recommendations contained in a 2008 Government Accountability Office regarding increased State DOT reliance on consultants and a 2009 DOT Office of the Inspector General audit regarding consultant indirect costs. This rulemaking would clarify existing Federal requirements in support of enhancing consistency with other Federal laws					required by changes in authorizing legislation, other applicable regulations, and industry practices, the FHWA anticipates that the economic impact of this rulemaking would be minimal. Notes - None.

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			and applicable regulations and addressing evolutions in industry practices to improve the procurement, management, and administration of consultant services.					
Federal Highway Administration	2125-AF62	Acquisition of Right-of-Way (RRR; MAP-21)	This rulemaking would update 23 CFR 710 to conform with MAP-21. Section 1302 of MAP-21 amends 23 U.S.C. 108 to provide States with new flexibility for reimbursements of costs of State-funded acquisitions of interests in real property incurred before completion of the NEPA environmental review process for the entire project. MAP-21 also	2	10/11/2013			

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			allows the Secretary to authorize a State to use Federal funds for early acquisition of a real property interest if certain conditions are met, including completion of the NEPA environmental review process for the acquisition only.					
Federal Highway Administration	2125-ZA00	Early Acquisition of Right-of-Way (RRR) (MAP-21)	The FHWA received extensive public comment on the issue of advance acquisition of right-of-way, most noting that current regulations make it difficult to identify and preserve potential future transportation corridors, and that they otherwise disrupt project delivery. Section 1302 of MAP-21	4				SB - No; IC - No; SLT - Yes. Actual or Target Completion Date - To be determined. Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits - The FHWA has substantial experience dealing with States on this issue. While

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			<p>amends section 108 of title 23 U.S.C. to provide States with new flexibility for reimbursements of costs of State funded acquisitions of interests in real property incurred before completion of the NEPA environmental review process for the entire project. MAP-21 also allows the Secretary to authorize a State to use Federal funds for early acquisition of a real property interest if certain conditions are met, including completion of NEPA environmental review process for the acquisition only. This rulemaking will amend 23 CFR</p>					<p>FHWA is constrained by statutory requirements, such as 23 U.S.C. 108(c) and CEQ regulations in this area (40 CFR § 1506.1), we believe that a reexamination of the regulations and/or guidance for the advance acquisition of right-of-way may accelerate project delivery and provide States with enhanced flexibility. Progress updates and anticipated accomplishments - The FHWA plans to issue interim guidance and follow up with a rulemaking in this area that will cover</p>

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			710.501 to conform with MAP-21. The agency has decided to move forward with a rulemaking at RIN 2125-AF62.					concerns raised in the RRR public comment period and the required MAP-21 provisions. Notes - None.
Federal Highway Administration	2125-ZA01	Revision of 23 CFR Part 230, Civil Rights External Program (RRR)	As part of our retrospective regulatory review, the FHWA intends to update 23 CFR Part 230. This Part of the CFR has not been substantially updated since it was published in 1975. The FHWA has been considering a full update to this Part for many years as questions and issues from our Division offices, who implement these programs, have increased in frequency. The FHWA believes that reexamining	4				SB - No; IC - No; SLT - No. Actual or Target Completion Date - To be determined. Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits - 23 CFR Part 230, Civil Rights External Programs, has not been substantially updated since it was published in 1975. The FHWA has been considering a full update to this Part for many years as questions and

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			this Part will improve the efficiency of our Civil Rights external programs. Further study is necessary to identify specific areas for improvement and to determine what, if any, changes would be most beneficial.					issues from our Division offices, who implement these programs, have increased in frequency. The FHWA believes that reexamining this Part will improve the efficiency of our Civil Rights external programs. Progress updates and anticipated accomplishments - Program office has established team to begin discussions on necessary changes. Informal working drafts of proposed regulatory changes will be circulated to FHWA staff for internal review this fall. Notes - None.
Federal Motor Carrier Safety	2126-AB43	Self Reporting of Out-of-State	This rule clarified the requirement for	5	08/28/2012	06/13/2013	04/26/2013	This rule has been completed. SB y IC

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Administration		Convictions (RRR)	holders of commercial drivers licenses (CDL) convicted of violating traffic laws in a State other than the State that issued their CDL, to notify the State of issuance about those violations under part 383.31 of FMCSA's Commercial Drivers License Standards; and clarified the requirement for the licensing agency from the jurisdiction in which the conviction takes place to notify the State licensing Agency that issued the CDL under part 384.209 State Compliance with Commercial					y SLT no Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits (please quantify, to the extent feasible, and also specify baseline, time horizon, and affected groups) - Unquantified, although there should be some savings for drivers not having to report a conviction it will not be substantial as States were not utilizing this method of notification.

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			Drivers License Program. This rulemaking also ensured that notifications required in sections 383.31 and 384.209 take place within 30 days of the conviction.					
Federal Motor Carrier Safety Administration	2126-AB46	Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR)	This rulemaking would rescind the requirement that commercial motor vehicle (CMV) drivers operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports when the driver has neither found nor been made aware of any vehicle defects or deficiencies. Specifically, this rulemaking would remove a significant information	2	05/21/2013	09/18/2013		SB - Y, IC - Y; SLT - N Costs/Benefits - This rule is expected to reduce paperwork costs by \$1.7 billion annually.

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			collection burden without adversely impacting safety. This rulemaking responds in part to the President’s January 2012 Regulatory Review and Reform initiative.					
Federal Motor Carrier Safety Administration	2126-AB47	Electronic Signatures (E-Signatures) (RRR)	This rulemaking would incorporate the principles of FMCSA’s regulatory guidance concerning e-signatures by amending various sections of the Federal Motor Carrier Safety Regulations (FMCSRs) to enable the use of e-signatures in support of electronic recordkeeping. This would provide significant	2		03/05/2014		SB - Y; IC - Y, SLT - N Target date TBD

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			paperwork reductions and be less burdensome to the motor carrier industry than the paper records the Agency currently requires.					
Federal Motor Carrier Safety Administration	2126-AB48	Rescission of Quarterly Financial Reporting Requirements (RRR)	This rule would rescind the quarterly financial reporting requirements for certain for-hire motor carriers of property (Form QFR) and for-hire motor carriers of passengers (Form MP-1). These requirements apply to Class I (average annual gross transportation operating revenues of \$10 million or more) and Class II (average annual gross transportation operating revenues	2		06/15/2013	05/24/2013	SB - Y, IC - Y, SLT - N Costs/Benefits unknown An adverse comment was received and the DFR has been withdrawn; an NPRM was published 5/24/2013.

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			of \$3 million dollars or more, but less than \$10 million) for-hire motor carriers of property. The requirements also apply to Class I (average annual gross transportation operating revenues of \$5 million or more) for-hire motor carriers of passengers. This burden can be removed without an adverse impact on safety or the Agency’s ability to maintain effective commercial regulations over the for-hire trucking and passenger-carrying industries. FMCSA estimates that the elimination of these reporting requirements					

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			reduces the burden to industry by 202.4 hours or \$9,989.					
Federal Motor Carrier Safety Administration	2126-AB49	Elimination of Redundant Maintenance Rule (RRR)	The FMCSA would amend the Federal Motor Carrier Safety Regulations to eliminate redundant inspection, repair, and maintenance requirements. Specifically, the FMCSA would amend the regulations to include within 49 CFR 396.3, concerning general maintenance rules, requirements that vehicles be properly lubricated and free of oil and grease leaks. Currently, the requirements addressing oil and grease leaks, and lubrication are covered in a	2				SB - Y, IC - N, SLT - N Costs/Benefits - consolidating the regulations will have minimal benefit. Target Date TBD.

Current Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action – Dates are publication dates for current stage. Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

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			separate section. The Agency believes combining the requirements in a single section of the Federal Motor Carrier Safety Regulations would improve the clarity of the safety regulations and eliminate a redundancy in the maintenance rules.					
Federal Motor Carrier Safety Administration	2126-ZA01	Redundant Credentialing (RRR)	The FMCSA will coordinate with the Transportation Security Administration to identify whether there is a policy that could be put into place to reduce any redundancies in credentialing requirements for drivers who carry hazardous materials.	1	01/01/2013	09/01/2013		SB - N, IC - N, SLT - N.

Current Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action – Dates are publication dates for current stage. Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

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Federal Railroad Administration	2130-AC32	Positive Train Control Systems: De Minimis Exception, Yard Movements, En Route Failures; Miscellaneous Grade Crossing/Signal and Train Control Amendments (RRR)	This rulemaking would revise Positive Train Control regulations by defining the de minimis exception and en route failures, proposing exceptions relating to yard movements that may not be considered on the main line system, and amending regulations governing grade crossing and signal and train control systems. The rulemaking is in response to a petition for rulemaking from the Association of American Railroads.	3	12/30/2013			SB - N SLT - N IC - N This rulemaking could have positive net benefits of \$156.2 million when discounted at 7% over 20 years and \$211 million over 20 years when discounted at 3%.
Federal Railroad Administration	2130-AC40	Qualification and Certification of Locomotive Engineers;	This rulemaking would make conforming revisions to Part	2		08/15/2013		

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		Miscellaneous Revisions (RRR)	240 "Qualification and certification of locomotive engineers" consistent with Part 242 "Qualification and Certification of Conductors". The promulgation of the conductor certification regulation highlighted areas in the regulation governing locomotive engineer certification that may require conforming changes. Such changes could include amending the program submission process, adding 49 CFR 218, subpart F violations as revocable offenses, handling engineer and					

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			conductor petitions for review with a single FRA board, and revising filing requirements for petitions to the Locomotive Engineer Review Board.					
Federal Railroad Administration	2130-AC41	Hours of Service Recordkeeping; Electronic Recordkeeping Amendments (RRR)	This rulemaking would propose to provide simplified recordkeeping requirements to allow Class III and commuter railroads to utilize electronic recordkeeping. It would propose to permit railroads without electronic recordkeeping systems to manage reports of excess service internally without submitting them to the FRA, as currently required. The rule would not require the use of	2		10/31/2013		

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			electronic recordkeeping, would be better tailored to small operations, and is expected to decrease the burden hours spent on recordkeeping.					
Federal Railroad Administration	2130-AC43	Safety Glazing Standards; Miscellaneous Revisions (RRR)	This rulemaking would propose to eliminate the requirement to stencil the interior wall of a locomotive, passenger car, or caboose which has compliant FRA glazing (section 223.17), update FRA's interpretation of "historical or antiquated equipment[.]" add a definition of the term to the rule text, and generally update the part to	2		07/31/2013		

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			remove passed compliance dates.					
Federal Railroad Administration	2130-AC44	Revisions to Signal System Reporting Requirements (RRR)	This rulemaking would propose the elimination of the requirement to submit a signal system report every 5 years. FRA believes that the information contained in such reports is available to FRA through other sources and the need for a separate and somewhat duplicative report every 5 years is unnecessary.	2	06/28/2013	06/17/2013	06/19/2013	
Federal Railroad Administration	2130-ZA06	Development of Electronic Federal Custody and Control Form (RRR)	This action would respond to a comment received from the Union Pacific Railroad that an electronic recordkeeping option should be	4				SB - Y, IC - Y, SLT - N This action is being prompted by a comment that was received during the RRR process. In response to the comment FRA is

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			available for various recordkeeping requirements found in 49 CFR §§ 40.45 and 40.225. The Federal Custody and Control Form, which is required by 49 CFR § 40.45, is actually owned by HHS. However, this form has been adopted by DOT for DOT’s drug testing program. HHS is working with OMB and the Federal Agencies to develop an electronic version of the Federal Custody and Control Form.					working with a Federal panel to move toward an acceptable electronic format and FRA is actively providing input to that process. Once HHS develops an electronic version of the Federal Custody and Control Form, DOT intends to develop an electronic version of the DOT Alcohol Testing Form (which is required by 49 CFR 40.225) which will incorporate standards used in the electronic Federal Custody and Control Form.
Federal Railroad Administration	2130-ZA07	National Environmental Policy Act (RRR)	This action would respond to a comment received from the North Carolina	4			01/14/2013	SB - N, IC - Y, SLT - Y This action is being prompted by a comment that was received during

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			<p>Department of Transportation that it would be prudent and more efficient if FRA could accept NEPA documents that have been prepared by FTA or FHWA, in order to fulfill FRA’s responsibilities under NEPA. In sum, it appears that the North Carolina Department of Transportation is objecting to the fact that FRA does not have the authority to use FTA or FHWA’s categorical exclusions. Categorical exclusions have been created by FTA and FHWA based upon their individual experience in</p>					<p>the RRR process. The comment period on new proposed categorical exceptions closed on July 13, 2012. FRA expects to issue the final document containing updated categorical exceptions in the near future.</p>

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			assessing and implementing projects that allow FTA/FHWA to conclude that a particular category of actions does not typically lead to environmental impacts. FRA’s funding programs do not have this long history. However, FRA has been working to update its list of categorical exclusions consistent with CEQ’s November 23, 2010 guidance on Establishing, Applying, and Revising Categorical Exclusions.					
Federal Transit Administration	2132-AB03	Environmental Impact and Related Procedures (RRR)	This rulemaking established a number of categorical	5	12/12/2012	03/13/2013	02/07/2013	SB - N IC - N SLT -Y This item encompasses the first and second

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			<p>exclusions (CE) from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (NEPA) for FTA-funded actions. The CEs were developed after an extensive effort, and are consistent with Council on Environmental Quality guidance, Executive Order 13571 on 'Streamlining Service Delivery and Improving Customer Service,' and the Presidential Memorandum on 'Speeding</p>					<p>FTA items in the August RRR plan. FTA expects costs to be minimal.</p>

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			<p>Infrastructure Development through More Efficient and Effective Permitting and Environmental Review’ They were developed to identify activities that FTA believes do not have a significant effect on the environment. The CEs cover some of the same actions as the prior CEs, but provide a tool that would expedite the delivery of transit projects without compromising environmental quality. The rulemaking also made targeted revisions to the joint FTA/FHWA NEPA regulation that only apply to</p>					

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			FTA and will serve to support FTA’s focus on streamlining its environmental process.					
Maritime Administration	2133-AB77	MARAD NEPA Procedures (RRR)	Update of MARAD Order pertaining to the National Environmental Protection Act (NEPA)--This rulemaking would have updated MARAD’s NEPA Order to streamline the process and make it consistent with NEPA regulations/Orders for the other modes.	5				This will be dealt with via an updated order, rather than a rulemaking.
Maritime Administration	2133-AB78	Transportation Priority Allocation System, Part 341 (RRR)	These regulations would complement DOT’s Defense Production Act regulations.	4				SB no IC no SLT no; costs/benefits unknown Considering whether rule necessary since OST’s rule was meant to cover

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								entire DOT. Schedule undetermined - dependent on OST's Defense Production Act rulemaking.
Maritime Administration	2133-AB81	Foreign Transfer Regulations (RRR)	This rule updated statutory references, provide clarity, and modernize the foreign transfer regulations.	5	04/05/2013	06/14/2013	06/14/2013	SB no IC no SLT no costs/benefits minimal from clarification.
Maritime Administration	2133-AB82	War Risk Ship Valuation (RRR)	This rulemaking would remove outdated information related to War Risk Evaluation. Certain parts of these regulations refer to a War Valuation Committee that no longer exists and specify methods for valuation that are not being used by MARAD. Pursuant to DOT's retrospective review	3	03/31/2013	04/05/2013		no costs/benefits expected from removing obsolete rule language. SB - N, IC - N, SLT - N

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			plan under Executive Order 13563, this action would eliminate requirements that no longer address current issues.					
National Highway Traffic Safety Administration	2127-AK98	Pedestrian Safety Global Technical Regulation (RRR)	This rulemaking would provide requirements to protect pedestrian heads and legs when impacted by the front end of vehicles. NHTSA initiated this rulemaking following the establishment of the Global Technical Regulation (GTR) by the UNECE’s World Forum for the Harmonization of Vehicle Regulations (WP.29) in November 2008 and plans to base the new FMVSS based	4				Before NHTSA can propose a pedestrian standard based on the GTR additional research is needed to address technical issues related to the test procedure and test devices. SB: Y IC: N SLT: N

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			on the GTR.					
National Highway Traffic Safety Administration	2127-AL03	Part 571 FMVSS No. 205, Glazing Materials, GTR (RRR)	This rulemaking would enhance FMVSS No. 205 by adopting a Global Technical Regulation (GTR), which contains updated performance tests for glazing materials that are composed of glass, laminated glass, or glass faced with plastic compared to what is currently in FMVSS No. 205. The tests in the GTR would allow manufacturers to achieve efficiencies in the certification process while not degrading safety or imposing new burdens.	3		02/28/2014		SB: Y IC: N SLT: N Those manufacturers only testing to the current FMVSS 205 (ANSI Z26.1) and not ECE Regulation 43 would experience increased testing costs of between \$1,900 and \$2,100. Those manufacturers currently testing to both standards would experience a net savings. Because we do not know how many manufacturers are testing to multiple glazing standards, we cannot directly estimate the overall economic impact of the proposal. However, we do not believe that the

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								economic impacts of this proposal would be greater than \$0.009 to \$0.01 per vehicle for a new make and model based on the possible increase in testing costs of \$1,900 to \$2,100 divided by an average vehicle design lifetime sales of 210,000 units.
National Highway Traffic Safety Administration	2127-AL05	Amend FMVSS No. 210 to Incorporate the Use of a New Force Application Device (RRR)	This rulemaking would amend Federal Motor Vehicle Safety Standard (FMVSS) No. 210, Seat belt assembly anchorages, to replace the existing body blocks for testing the strength of seat belts with a new Force Application Device and associated	3		12/30/2014		SB: Y IC: N SLT: N We anticipate that this rule will reduce testing costs compared to current standard. This rule will also reduce NHTSA compliance costs and industry testing costs annually starting with the effective date. We estimate the cost of each of the two

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			positioning procedure. Because the device is easier to use than the current body blocks, this rulemaking would simplify the compliance test of the standard and make NHTSA’s evaluation of seat belt anchorage strength more effective. We estimate the one-time cost of purchasing a set of these devices (approximately \$40,000) would be offset by the continual labor cost savings in setting up the devices for testing. NHTSA’s testing has demonstrated that the proposed force application devices					sizes of the Force Application Device to be approximately \$8,000 each. Assuming a vehicle manufacturer or testing facility purchases a set of two FAD1s and three FAD2s, the principal cost associated with this NPRM is the one-time purchase cost of the set, totaling \$40,000. The FADs require significantly less effort, time and personnel to install in the test vehicle. Thus, we believe there would be associated cost savings which could off-set the purchase cost of the FADs.

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			do not appear to affect the stringency of the standard.					
National Highway Traffic Safety Administration	2127-AL24	Rapid Tire Deflation Test in FMVSS No. 110 (RRR)	This rulemaking would clarify the rapid tire deflation test included in FMVSS No. 110, Tire Selection and Rims for Motor Vehicles. After a recent review of the standard by the agency, we have tentatively concluded that the rapid tire deflation test is unclear as currently stated with respect to testing of towed vehicles.	2		04/30/2013	03/13/2013	SB: Y IC: N SLT: N This rule would not impose any costs upon manufacturers and may result in cost savings. This rule would relieve light trailer manufacturers of the burden, and the associated costs, associated with the rim retention requirement.
National Highway Traffic Safety Administration	2127-ZA06	Evaluation of Occupant Crash Protection - FMVSS 208, Advanced Air Bags (RRR)	Evaluation of Advanced Air Bag Occupant Crash Protection systems for Passenger Cars and Light Trucks. We currently expect	4				SB - N SLT - N IC - N

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			this evaluation to be completed in Fall 2013. This evaluation will focus on efforts to reduce injuries and fatalities resulting from occupants being too close to full powered air bags.					
National Highway Traffic Safety Administration	2127-ZA08	Evaluation of Tire Pressure Monitoring Systems - FMVSS 138 (RRR)	Evaluation of Tire Pressure Monitoring Systems. We currently expect that this evaluation will be completed in August 2012. This section of the evaluation examines whether tire pressure has improved. Later we will evaluate the crash reduction due to better tire pressure. A cost tear down of TPMS systems has been	4				SB - N SLT - N IC - N

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			completed.					
Office of the Secretary	2105-AE08	Disadvantaged Business Enterprise (DBE) Program Improvements, Phase 2) (RRR)	This NPRM would propose changes to the DBE rule in such areas as application and personal net worth forms, transit vehicle manufacturers, and certification standards and procedures.	4				SB - Y IC - N SLT - Y This item covers both OST items on the August RRR plan. The rule is expected to streamline and clarify regulations, which should ease compliance burdens, but there are no current quantified benefits.
Office of the Secretary	2105-AE22	Advisory Committees (RRR)	This rulemaking would remove DOT's advisory committee regulations at 49 CFR part 95. Part 95 has substantively remained unchanged since its early amendment in 1968. It has since been made obsolete by other laws, regulations, and agency procedures.	3	05/31/2013			

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Office of the Secretary	2105-AE25	Miscellaneous Amendments; Transportation for Individuals with Disabilities (RRR)	This final rule amends the guidance found in both Appendix D to Part 37 and the Appendix to Part 38 by removing obsolete and inconsistent language. Specifically, guidance language found in the Appendix to Part 38 concerning public address systems has become outdated. In addition, a final rule published on May 21, 1996, which amended portions of 49 CFR part 37 concerning equivalent facilitation determinations, inadvertently failed to update language found in Appendix D to that part.	3	06/06/2013	08/15/2013		SB - No; IC - No; SLT - No.

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Pipeline and Hazardous Materials Safety Administration	2137-AE38	Hazardous Materials: Compatibility with the Regulations of the International Atomic Energy Agency (IAEA) (RRR)	This rulemaking would amend the HMR requirements for the transportation of Class 7 (radioactive materials) based on recent changes contained in the International Atomic Energy Agency (IAEA) regulations. This rulemaking would more fully align the HMR with the international standards and would update, clarify, correct and provide relief of certain regulatory requirements applicable to the transportation of radioactive materials.	3	06/12/2012	12/31/2013		HM-250; SB - Y, IC - N, SLT - N; PHMSA initiated this rulemaking to harmonize with NRC and reduce regulatory burden. NRC's NPRM published in May 2013. PHMSA has coordinated with NRC to develop the final rule. Annualized cost estimate ranging from \$161K-487K over a 5-year period at a 3% discount rate. This rulemaking may result in a decrease in the annual burden and costs of OMB Control Number 2137-0034 due to reductions in the shipping paper requirements for excepted quantizes of RAM shipments.

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Pipeline and Hazardous Materials Safety Administration	2137-AE62	Hazardous Materials: Approval and Communication Requirements for the Safe Transportation of Air Bag Inflators, Air Bag Modules, and Seat-Belt Pretensioners (RRR)	This rulemaking would revise the Hazardous Materials Regulations applicable to air bag inflators, air bag modules, and seat-belt pretensioners. The changes would incorporate into the regulations the provisions of certain special permits with proven safety records. In addition, the rule would revise the current approval and documentation requirements for a material appropriately classified as a UN3268 air bag inflator, air bag module, or seat-belt pretensioner. This rulemaking was recently	3	06/06/2013	07/31/2013		HM-254; SB - Y, IC - Y, SLT - N; PHMSA initiated this rulemaking to reduce the burden on industry from applying for special permits for practices with an established safety record. This final rule could result in a \$890,000 annually in costs avoided. Including: 1) a decrease of \$18,000.00 in the annual burden and costs under OMB Control Number 2137-0051 due to proposed changes to incorporate provisions contained in certain widely-used or longstanding special permits that have an established safety record, 2) a

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			downgraded to nonsignificant and will not appear on next month's report.					decrease of \$11,385.00 in the annual burden and cost to OMB Control Number 2137-0557 due to the larger cost savings of reducing the number of approvals required by testers of air bags and air bag modules, 3) a decrease of \$5,706.60 in the annual burden and cost to OMB Control No. 2137-0034 due to shippers no longer being required to put the EX numbers on shipping papers for air bag modules.
Pipeline and Hazardous Materials Safety Administration	2137-AE70	Hazardous Materials: Revision of Requirements for Fireworks Approvals (RRR)	This rulemaking would amend the HMR by revising and clarifying requirements for the examination,	3	09/30/2013	07/31/2013		HM-257; SB-Y, IC-Y, SLT-N PHMSA estimates total annual benefits of this final rule will be between

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			testing, certification, and transportation of certain Division 1.4G consumer fireworks (UN0336 Fireworks). Further, this rulemaking would establish DOT-approved fireworks certification agencies that will provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA would also revise procedural regulations pertaining to certification agencies. These actions would clarify regulations with respect to PHMSA’s fireworks approval					approximately \$14.5 million and \$26.5 million, and total annual costs will be between \$4 million and \$7 million, resulting in total annual net benefits of between \$11 million and \$19 million. PHMSA identified this initiative through an internal review.

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			process and provide regulatory flexibility in seeking authorization for the transportation of Division 1.4G consumer fireworks. This rulemaking was recently downgraded to nonsignificant and will not appear on next month's report.					
Pipeline and Hazardous Materials Safety Administration	2137-AE72	Pipeline Safety: Gas Transmission (RRR)	In this rulemaking, PHMSA will be revisiting the requirements in the Pipeline Safety Regulations addressing integrity management principles for Gas Transmission pipelines. In particular, PHMSA will be reviewing the definition of an	2	08/05/2013	01/17/2014		SB- Y IC-N SLT-N;

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			HCA (including the concept of a potential impact radius), the repair criteria for both HCA and non-HCA areas, requiring the use of automatic and remote controlled shut off valves, valve spacing, and whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements.					
Pipeline and Hazardous Materials Safety Administration	2137-AE78	Hazardous Materials: Miscellaneous Amendments (RRR)	This rulemaking updated and clarified existing requirements by incorporating changes into the Hazardous Materials	5	12/31/2012	02/28/2013	03/11/2013	HM-218G; SB - Y, IC - N, SLT - N; The amendments in the final rule are marginally cost beneficial but are difficult to quantify. These changes

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			<p>Regulations (HMR) based on PHMSA’s own initiatives through an extensive review of the HMR and previously issued letters of interpretation. Specifically, among other provisions, PHMSA provided for the continued use of approvals until final administrative action is taken, when a correct and completed application for approval renewal was received 60 days prior to expiration date; updated various entries in the hazardous materials table and the corresponding special provisions;</p>					<p>reduce the paperwork burden, ensure consistency between domestic and international regulations, and result in net benefits without compromising safety. PHMSA issues a rulemaking similar to this one every two years to improve the quality of its regulations.</p>

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			clarified the lab pack requirements for temperature controlled materials; corrected an error in the HMR with regard to the inspection of cargo tank motor vehicles containing corrosive materials; and revised the training requirements to require that hazardous materials employers ensure their hazardous materials employee training records are available upon request to an authorized official of the Department of Transportation or the Department of Homeland Security.					
Pipeline and Hazardous Materials	2137-AE79	Hazardous Materials: Miscellaneous	This rulemaking addressed petitions that requested	5		02/28/2013	03/07/2013	HM-219; SB - Y, IC - Y, SLT - N; The amendments in

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Safety Administration		Amendments; Petitions for Rulemaking (RRR)	<p>minor changes to the Hazardous Materials Regulations (HMR) for purposes of clarifying the HMR or enhancing safety, while offering some net economic benefits. These petitions require an equivalent or increased level of safety as is currently required by the HMR. Among the petitions included in this rulemaking were: P-1479 - pertaining to manufacturer and third-party laboratory package markings; P-1554 - IBC material thickness standards; P-1555 - drop test requirements for small quantities of certain hazardous</p>					<p>the final rule are marginally cost beneficial but are difficult to quantify. These changes reduce packaging and transportation costs, reduce the paperwork burden, ensure consistency between domestic and international regulations, and result in net benefits without compromising safety. PHMSA plans to issue a rulemaking similar to this one every two years to address petitions for rulemaking submitted by the regulated community.</p>

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			materials transported by air and vessel; and P-1556 - incorporating a special permit that allows the dangerous cargo manifest to be in locations designated by the master of the vessel besides 'on or near the bridge' while the vessel is in port.					
Pipeline and Hazardous Materials Safety Administration	2137-AE80	Hazardous Materials: Miscellaneous Pressure Vessel Requirements (DOT Spec Cylinders) (RRR)	This rulemaking would revise certain requirements of the Hazardous Materials Regulations (HMR) applicable to the manufacture, maintenance, and use of DOT specification cylinders. These revisions clarify certain important safety requirements,	2		03/31/2014		HM-234; SB - Y, SLT - N, IC - N; PHMSA anticipates that this NPRM will generally reduce burdens for most stakeholders and eliminate the need to apply for special permits, as three special permits may be incorporated and lower paperwork burden. Other benefits include

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			incorporate industry consensus standards and, where appropriate, decrease the regulatory burden without compromising the safe transportation of compressed gases in commerce. This rulemaking responds to eleven petitions for rulemaking, incorporates two special permits into the HMR and addresses the National Transportation Safety Board (NTSB) Recommendation I-93-1. Among other provisions, PHMSA would provide requirements for the transport of fire suppression					simplifying hazard communication requirements and increased filling density for certain gases leading to potentially fewer vehicle trips. A future rulemaking may result in a decrease in the annual burden and costs under certain OMB Control Numbers.

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			systems, clarify cylinder specification and requalification requirements, and adopt new and update current incorporations by reference of industry consensus standards issued by the Compressed Gas Association.					
Pipeline and Hazardous Materials Safety Administration	2137-AE81	Hazardous Materials: Reverse Logistics (RRR)	This rulemaking would address changes to the Hazardous Materials Regulations (HMR) that are applicable to reverse logistics based on petitions received by the agency. The issue of reverse logistics involves the transportation of hazardous materials that have been damaged or	2	12/27/2013			HM-253; SB - Y, SLT - N, IC - N; The NPRM aims to identify ways to reduce the burden on the regulated community when returning retail products that pose a low hazard in transportation. These actions include the return of damaged retail products from the consumer back to the distribution

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			returned from the retailer to a return center. Specifically, the rulemaking would establish a regulatory definition of 'reverse logistics' and outline the responsibilities of those that offer hazardous materials returned by retail customers.					facility. Further, this action is in support of governmental efforts to provide regulatory relief to the regulated community while enhancing existing safety.
Pipeline and Hazardous Materials Safety Administration	2137-AE82	Hazardous Materials: Incorporation of Certain Special Permits and Competent Authorities into the HMR (RRR)	This rulemaking would amend the Hazardous Materials Regulations (HMR) to incorporate provisions contained in certain widely used or longstanding special permits and competent authorities that have established safety records. Incorporating such	3	10/29/2013			HM-233C; SB - N, SLT - N, IC - N; This final rule will incorporate over 20 special permits and competent authority approvals into regulations. It will provide an economic benefit to the hazardous materials transportation industry as a whole while maintaining an appropriate level

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			<p>provisions into the HMR is intended to provide wider access to the regulatory flexibility offered in the special permits and competent authorities The adoption of the provisions would eliminate the need for numerous application and renewal requests. The special permits proposed to be added to the regulations here would allow the transportation of 'Self-heating' solid, organic n.o.s. (spent bleaching earth) in sift-proof bulk packaging; would allow the use of regulated medical waste shipping names and</p>					<p>of safety. We estimate that this final rule will reduce the paperwork burden identified under OMB Control No. 2137-0051 by \$4,682 per year. PHMSA will also have nominal savings since it will no longer need to process, review, and maintain these special permits and CA approvals.</p>

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			<p>markings that differ from those prescribed in the HMR; would allow for the transportation of Class 9 solid coal pitch compounds in non-specification open top or closed-top sift-proof metal cans or fiber drums; and would allow for the transportation of self-inflating life-saving appliances that contain non-specification steel cylinders when being transported between a vessel and an authorized facility for servicing. This rulemaking action would facilitate commerce activity and reduce paperwork burdens while maintaining</p>					

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			an appropriate level of safety. Incorporation of these provisions would reduce the compliance burden and cost on both industry and government.					
Pipeline and Hazardous Materials Safety Administration	2137-AE85	Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments (RRR)	This rulemaking would amend the pipeline safety regulations to incorporate by reference all or parts of new, updated, or reaffirmed editions of voluntary consensus standards. The use of voluntary consensus standards allows pipeline operators to use the most current industry technologies, materials, and management	2	07/09/2013	12/06/2013		SB - N SLT - N IC - N

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			practices available in today’s market. It also would make non-substantive edits and clarify regulatory language in certain provisions. These amendments to the pipeline safety regulations would not require pipeline operators to undertake any significant new pipeline safety initiatives.					
Pipeline and Hazardous Materials Safety Administration	2137-AE86	Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives (RRR)	This rulemaking would amend the Hazardous Materials Regulations (HMR) by establishing standards for the safe transportation of bulk explosives. This rulemaking would be responsive to two petitions for	2	07/05/2013	12/31/2013		HM-233D; SB - N, SLT - N, IC - N; This NPRM is responsive to two petitions for rulemaking submitted by industry representatives, requesting action. Developing requirements for the HMR would

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			rulemaking submitted by industry representatives, requesting this action. Developing requirements for the HMR would provide wider access to the regulatory flexibility currently only offered by special permit and competent authorities. The HMR would authorize the transportation of certain explosives, ammonium nitrate, ammonium nitrate emulsions, and other specific hazardous materials in bulk packagings, which are not otherwise authorized under the HMR. These					provide wider access to the regulatory flexibility currently only offered by special permit and competent authorities. This rulemaking is expected to result in a decrease of \$10.6 million in the annual burden and cost to multiple OMB Control Numbers due to decreased paperwork burdens.

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			hazardous materials are used in blasting operations on specialized vehicles, multi-purpose bulk trucks (MBTs). MBTs are used as mobile work platforms to create blends of explosives that are unique for each blast site.					
Pipeline and Hazardous Materials Safety Administration	2137-AE91	Hazardous Materials: Rail Petitions and Recommendations to Improve the Safety of Railroad Tank Car Transportation (RRR)	PHMSA is considering amendments that would enhance safety and revise and clarify the HMR applicable to the transportation of hazardous materials by rail. This action responds to petitions for rulemaking submitted by the regulated community and NTSB	1	10/31/2012	08/07/2013		HM-251; SB-Y; IC-Y; SLT-N; This ANPRM will provide the greatest opportunity for public participation in the development of regulatory amendments, and promote greater exchange of information and perspectives among the various stakeholders. This additional step will lead to more

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			<p>recommendations that are associated with the petitions. Specifically, these amendments would identify elements of non-conformity that do not require a movement approval from the Federal Railroad Administration (FRA); correct an unsafe condition associated with pressure relief valves (PRV) on rail cars transporting carbon dioxide, refrigerated liquid; revise outdated regulations applicable to the repair and maintenance of DOT Specification 110, DOT Specification 106, and ICC 27 tank car tanks (ton tanks);</p>					<p>focused and well-developed proposals that reflect the views of all regulated entities. Comments received will be used in our evaluation and development of future regulatory action on these issues.</p>

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			except ruptured discs from removal if the inspection itself damages, changes, or alters the intended operation of the device; and enhance the standards for DOT Specification 111 tank cars used to transport Packing Group I and II hazardous materials.					
Pipeline and Hazardous Materials Safety Administration	2137-AE94	Pipeline Safety: Operator Qualification, Cost Recovery and other Pipeline Safety Proposed Changes (RRR)	This rulemaking would address miscellaneous issues that have been raised because of the reauthorization of the pipeline safety program in 2012 and petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking	2	06/10/2013	10/31/2013		SB-Y IC-N SLT-N;

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			would address include: renewal process for special permits, cost recovery for design reviews, and incident reporting.					

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