

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

#	MODE NAME	RIN	TITLE	ABSTRACT	STAGE	SCHEDULED DATE	PROPOSED DATE	ACTUAL DATE	ADDITIONAL INFO
1	Maritime Administration	2133-AB77	MARAD NEPA Procedures (RRR)	Update of MARAD Regulations pertaining to the National Environmental Protection Act (NEPA)--This rulemaking would update MARAD's NEPA regulations to streamline the process and make them consistent with NEPA regulations for the other modes.	1	07/31/2012	06/01/2013		Includes Retrospective Review under E.O.13563: SB no IC no SLT no cost/benefits unknown at this time MARAD is part of an interagency group within DOT working on this issue
2	Maritime Administration	2133-AB78	Transportation Priority Allocation System, Part 341 (RRR)	Transportation Priority Allocation System Part 341- These regulations will complement DOT's Defense Production Act regulations.	4				SB no IC no SLT no; costs/benefits unknown Schedule undetermined - dependent on OST's Defense Production Act rulemaking.
3	Maritime Administration	2133-AB79	Administrative Claims, Part 327 (RRR)	Administrative Claims, Part 327 These provisions are extremely out of date and revision would provide clarity and modernize the rule. Subpart I of Part 327 is proposed to be updated to include technical changes, such as corrections to statutory references, some of which were made obsolete as the result of the codification	3	08/02/2012	09/14/2012		SB no IC no SLT no; costs/benefits: no costs; minimal benefits from clarification of rule

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			<p>of the Appendix to title 46 of the United States Code. MarAd also proposes to modernize the regulation by allowing the use of pictures and video recordings as evidence in administrative actions and litigation. Subpart II would provide that no civil suit can be filed against the United States 'until the expiration of the 6-month period after the claim has been presented in writing to the agency owning or operating the vessel causing the injury or damage.' Subpart III would provide a means whereby an administrative claim can be filed with respect to any other admiralty matters not addressed in Subparts I and II or in the Contracts Disputes Act (41 U.S.C. § 601 et. seq.). This would provide a means to address administrative admiralty claims made by other persons injured aboard vessels, and the owners of damaged vessels filing</p>					
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				claims.					
4	Maritime Administration	2133-AB80	Operating Differential Subsidy and Construction Differential Subsidy Programs (RRR)	These programs had been superseded or unfunded for more than 30 years. Rationale for deleting these sections was to remove any confusion the public would have had as to the existence of these programs.	5	03/30/2012	03/30/2012	02/02/2012	Includes Retrospective Review under E.O.13563: SB no IC no SLT no; costs/benefits: none, removal of obsolete rules
5	Maritime Administration	2133-AB81	Foreign Transfer Regulations (RRR)	Foreign Transfer Regulations, Part 221--These provisions are extremely out of date and revision would provide clarity and modernize the rule. It will provide technical changes to include corrections to statutory references, some of which were made obsolete as the result of the codification of the Appendix to title 46 of the United States Code.	2	06/29/2012	12/31/2012		SB no IC no SLT no costs/benefits unknown
6	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	2	12/31/2012	12/31/2012		SB - N, IC - N, SLT - N

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				used by MARAD. Pursuant to DOT's retrospective review plan under Executive Order 13563, this action would eliminate requirements that no longer address current issues.					
7	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.	2	05/10/2011	08/29/2012		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.
8	Federal Highway Administration	2125-AF41	National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Engineering Judgments (RRR)	As part of our retrospective regulatory review, this rulemaking makes changes to the Manual on Uniform Traffic Control Devices (MUTCD) to clarify the definition of "Standard Statements" in the MUTCD and to clarify the use of engineering judgment and studies in the application of traffic control devices.	5	06/15/2012		05/14/2012	SB - No; IC - No; SLT - Yes. Includes Retrospective Review under E.O. 13563: Actual or Target Completion Date - The final rule was published in the Federal Register on May 14, 2012 at 77 FR 28456. Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits - The changes in

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

									the MUTCD will provide additional clarification, guidance, and flexibility in the application of traffic control devices. The FHWA believes that the uniform application of traffic control devices will greatly improve the traffic operations efficiency and roadway safety. The standards, guidance, and support are also used to create uniformity and to enhance safety and mobility at little additional expense to public agencies or the motoring public. Progress updates and anticipated accomplishments - The final rule was published in the Federal Register on May 14, 2012 at 77 FR 28456. Notes - None.
9	Federal Highway Administration	2125-AF43	National Standards for Traffic Control Devices; the Manual on Uniform Traffic	As part of our retrospective regulatory review, this rulemaking makes changes to the Manual on Uniform Traffic Control Devices (MUTCD) to revise the	5	06/29/2012	07/06/2012	05/14/2012	SB - No; IC - No; SLT - Yes. Includes Retrospective Review under E.O.13563: Actual or Target Completion Date - The final rules was

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			Control Devices for Streets and Highways; Compliance Dates Revision (RRR)	compliance dates for certain requirements in the MUTCD. The changes adopted are intended to reduce the costs and impacts of compliance dates on State and local highway agencies and to streamline and simplify the information.					published in the Federal Register on May 14, 2012 at 77 FR 28460. Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits - The changes in this rulemaking will not require the expenditure of additional funds, but rather will provide State and local governments with the flexibility to allocate scarce financial resources based on local conditions and the useful service life of its traffic control devices. It is anticipated that the economic impacts will be minimal and that costs and burdens will be reduced. Progress updates and anticipated accomplishments - The final rules was published in the Federal Register on May 14, 2012 at 77 FR 28460. Notes - None.
10	Federal	2125-	Administration	This rulemaking would	2	10/05/2012	10/26/2012	09/04/2012	SB - No; IC - No; SLT -

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

Highway Administration	AF44	of Engineering and Design Related Service Contracts (RRR)	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 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					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 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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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				would clarify existing Federal requirements in support of enhancing consistency with other Federal laws and applicable regulations and addressing evolutions in industry practices to improve the procurement, management, and administration of consultant services.					
11	Federal Highway Administration	2125-ZA00	Early Acquisition of Right-of-Way (RRR)	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 1316 of MAP-21 defines operational right-of-way and expands the criteria for projects within the right-of-way meeting categorical exclusion criteria. MAP-21 requires a rulemaking in this area. FHWA plans to issue interim guidance and follow up with a rulemaking in this	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 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

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				area that will cover concerns raised in the RRR public comment period and the required MAP-21 provisions.					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 concerns raised in the RRR public comment period and the required MAP-21 provisions. Notes - None.
12	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	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

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				believes that reexamining 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.					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 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.
13	Federal Highway Administration	2125-ZA02	Proprietary Products (RRR)	Commenters have concerns that FHWA regulations governing proprietary products impose broad restrictions on the States? ability to utilize proprietary methods, materials, and	5				Terminated.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				equipment on Federal-aid projects and, as a result, limit the development of new products and discourage innovation. As part of our retrospective regulatory review, the FHWA issued revised guidance in November 2011 on this topic to ensure competition in the selection of materials. The FHWA does not plan any further action on this topic.					
14	Federal Transit Administration	2132-AB02	Major Capital Investment Projects (RRR)	This rulemaking proposed to create a new regulatory framework for FTA's evaluation and rating of projects seeking funding under the discretionary New Starts and Small Starts programs authorized by 49 U.S.C. 5309. Specifically, this rulemaking would simplify the measures for assessing the mobility improvements and cost-effectiveness of projects; would place greater emphasis on the environmental benefits of projects and the effects of projects on local economic development;	3	10/31/2012	10/01/2012		Includes Retrospective Review under E.O.13563: FTA estimated that the proposed rule would reduce paperwork burdens by 15 hours per applicant, which amounts to a total annual burden hour reduction of 2000 hours. The estimated monetized value of this time savings is \$150,000 annually. SB - N IC - N SLT - Y This item encompasses the third and fourth FTA item in the August RRR plan.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				would clarify the criteria for assessing the local financial commitment of project sponsors; would streamline the evaluation process for projects that remain within a certain envelope of cost and scope during the project development process; and would provide a very quick evaluation process for certain types of projects seeking funding under the Small Starts program.					
15	Federal Transit Administration	2132-AB03	Environmental Impact and Related Procedures (RRR)	This rulemaking proposed to establish a number of categorical 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 proposed CEs were developed after an extensive effort, in line with Council on Environmental Quality guidance, to identify activities that FTA believes do not have a significant effect on the environment.	3	12/12/2012	12/12/2012		SB - N IC - N SLT -Y This item encompasses the first and second FTA items in the August RRR plan. FTA anticipates that the proposed changes would enable projects to move more expeditiously through the federal review process and would reduce the preparation of extraneous environmental documentation and analysis not needed for compliance with NEPA and for ensuring that projects are built in an

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				The proposed CE covers some of the same actions as existing CEs, but would provide a tool that would expedite the delivery of transit projects without compromising environmental quality. The rulemaking would also make targeted revisions to the joint FTA/FHWA NEPA regulation that would only apply to FTA and would serve to support FTA's focus on streamlining its environmental process.					environmentally responsible manner. FTA is not able to quantify the economic effects of these changes because the types of projects that will be proposed for FTA funding and their potential impacts are unknown at this time.
16	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	2	06/25/2012	03/14/2013		SB: N IC: N SLT: N Anticipated costs/benefits: Previously, the FAA estimated the costs of the propose rule over 10 years would be approximately \$5.3 million nominal value. Subsequently, the FAA expanded the scope of this rulemaking project, which will impact the cost and benefits of this rule. The team is currently in the process

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				(IFR), and to initiate and continue an approach, when the destination airport weather is 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 efficiency in low visibility conditions, and potentially result in fewer missed approaches and delayed take-offs.					of drafting the NPRM and preliminary cost savings data is not yet available.
17	Federal Aviation Administration	2120-AJ97	14 CFR Part 16; Rules of Practice for Federally-Assisted Airport	This action would update, simplify, and streamline rules of practice and procedure for filing and	4				SB: Y, IC: N, SLT: Y Anticipated costs/benefits: The rulemaking adds no costs.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			<p>Enforcement Proceedings (RRR)</p>	<p>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 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. The benefits would include time, resources, and paperwork savings for all participants in the process.</p>					<p>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 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. The FAA is analyzing</p>
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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

									comments to the NPRM.
18	Federal Aviation Administration	2120-AK00	Medical Certificate Endorsement Issue (RRR)	This rulemaking would remove an amendment, imposed in 2008, requiring individuals granted the Special Issuance of a Medical Certificate to have their letter of Authorization in their physical possession or readily accessible on the aircraft while exercising pilot privileges. This rulemaking responds to a 2007 International Civil Aviation Organization audit finding.	5			07/03/2012	SB: N, IC: N, SLT: N Anticipated costs/benefits: The benefit of the direct final rule will be that it relieves approximately 28,000 airmen vetted through the FAA special-issuance medical certification process from having the paperwork burden to carry their FAA-issued LOA with them when exercising pilot privileges. Final rule effective as of July 20, 2012.
19	Federal Aviation Administration	2120-AK01	Combined Drug and Alcohol Testing Programs for Operators Conducting Commercial Air Tours (RRR)	This rulemaking would allow part 119 certificate holders with operations under part 121 or 135 who also conduct commercial air tour operations under 14 CFR part 91.147 to combine drug and alcohol testing programs. This rulemaking is necessary because it would allow certificate holders to implement one drug and alcohol testing program while conducting operations	2	05/18/2012	07/09/2012	07/02/2012	SB: Y, IC: Y, SLT: N Anticipated costs/benefits: This revision will allow operators who are currently required to have 2 separate drug and alcohol testing programs to consolidate these programs into one, which FAA believes will result in cost-savings due to a reduction in duplicate administrative and

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				for what has been considered historically two separate employing entities. The intended effect is to decrease operating costs by eliminating the requirement for duplicate programs while ensuring the level of safety required by the current drug and alcohol testing regulations.					recordkeeping costs. In addition, for those operators currently combining their drug testing programs under an exemption, this rulemaking will eliminate the need to file an exemption request, resulting in additional reduction in paperwork burdens. Comment period closed 8/31/12 and FAA is analyzing comments.
20	Federal Aviation Administration	2120-AK03	CAT III Definitions (RRR)	This rulemaking would remove the definitions of Category IIIa, IIIb, and IIIc operations. The definitions are outdated and no longer necessary for aircraft certification or operational authorization. The removal of the definitions will aid in future international harmonization efforts, future landing minima reductions and airspace system capacity improvements due to the implementation of performance based operations.	5	02/20/2012		02/16/2012	SB: N, IC: N, SLT: N Anticipated costs/benefits: This final rule removed outdated and unnecessary definitions.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

21	Federal Aviation Administration	2120-AK10	Operations in Class D Airspace; Amendment of Taxi Clearance Language - Taxi To Removal (RRR)	This rulemaking would remove the provision describing an abbreviated taxi clearance in Class D airspace. The FAA no longer uses these abbreviated taxi clearances and with this regulatory removal responds to National Transportation Safety Board (NTSB) recommendations.	5		03/26/2012	05/14/2012	SB: N, IC: N, SLT: N Anticipated costs/benefits: The amendment removed an outdated provision addressing abbreviated taxi clearances that was no longer being used by either FAA or the public.
22	Federal Aviation Administration	2120-AK11	Minimum Altitudes for Use of Autopilots (RRR)	This rulemaking would 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.	2	10/19/2012			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.
23	Federal Aviation Administration	2120-ZA04	Flammability Requirements (RRR)	The FAA has tasked the Aviation Rulemaking Advisory Committee	4				SB: N, IC: N, SLT: N

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				(ARAC) to comment on and make recommendations for a threat-based approach to material and component flammability requirements.					
24	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.
25	Federal Aviation Administration	2120-ZA06	Fuel System Lightning Protection (RRR)	The FAA chartered the Fuel System Lightning Protection Aviation Rulemaking Committee (ARC) to recommend changes to 14 CFR 25.981 and associated guidance. The FAA is awaiting the final ARC recommendations.	4				SB: N, IC: N, SLT: N The FAA chartered the Fuel System Lightning Protection Aviation Rulemaking Committee (ARC) to recommend changes to 14 CFR 25.981 and associated guidance. The FAA is awaiting the final ARC recommendations
26	Federal Aviation Administration	2120-ZA07	Part 23 Reorganization ARC (RRR)	The FAA conducted a comprehensive review of 14 CFR part 23 in 2010, with industry and public participation, and developed recommendations for change	4				SB: N, IC: N, SLT: N The FAA conducted a comprehensive review of 14 CFR part 23 in 2010, with industry and public participation, and

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				(including the partial elimination of weight classifications). The FAA chartered an Aviation Rulemaking Committee to provide input on these recommendations by September 2013.					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.
27	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 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.
28	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	4				SB: N, IC: N, SLT: N

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				in lieu of the reissuance of a new plastic certificate with an expiration date.					
29	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 these procedures subject to the Office of the Inspector General (OIG) concurrence.	4				SB: N, IC: N, SLT: Y
30	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
31	Federal Railroad Administration	2130-AC06	Training Standards for Railroad Employees (RRR)	This rulemaking would (1) establish minimum training standards for each class or craft of safety-related employee and equivalent railroad contractor and subcontractor employee by	3	04/15/2013			SB - N SLT - N IC - N The NPRM for this rule are expected to equal, if not exceed costs of approximately \$63.3 million (discounted at 7% over 20 years) or \$81.5

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				requiring railroads, contractors, and subcontractors to qualify and document the proficiency of such employees on their knowledge and ability to comply with Federal railroad safety laws and regulations and railroad rules and procedures intended to implement those laws and regulations, etc.; (2) require submission of the training and qualification programs for FRA approval; and (3) establish a minimum training curriculum and ongoing training criteria, testing, and skills evaluation measures. RRR Feature of Rule - It is anticipated that crane operator provisions contained in this rulemaking will further the objectives of EO 13563.					million (discounted at 3% over 20 years). The comments received contend that the costs are higher than estimated by FRA.
32	Federal Railroad Administration	2130-AC16	Locomotive Safety Standards Amendments (RRR)	This rulemaking would amend the rules pertaining to Locomotive Safety Standards. The amendments update, consolidate, and clarify existing rules, and adopt existing industry and	5	03/15/2012	04/06/2012	04/09/2012	SB - N, SLT - N, IC - N Comments on this rulemaking were received in the RRR process related to reducing the frequency of periodic inspections. The final

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				engineering best practices. The amendments include: extending periodic inspection times for newer electronically controlled locomotives, updating locomotive inspection record keeping requirements by permitting electronic records; clarifying locomotive headlight requirements to address new technology; and, establishing locomotive electronics standards based on existing industry and engineering best practices.					rule reduced the burdens of periodic inspections for newer electronically controlled locomotives and made other modernizing changes saving the industry over \$350 million over 20 years.
33	Federal Railroad Administration	2130-AC27	Positive Train Control Systems Amendments (RRR)	This rulemaking removes provisions relating to the alternative route analysis and residual risk analysis used to determine whether Positive Train Control System implementation may be avoided.	5	06/18/2012	04/19/2012	05/14/2012	SB - N SLT - N IC - N The potential cost savings from this rulemaking could reach \$590 million over 20 years when discounted at 7% and \$775 million over 20 years when discounted at 3%.
34	Federal Railroad Administration	2130-AC32	Positive Train Control Systems: De Minimis Exception, Yard Movements, En Route Failures;	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	2	05/14/2012	09/28/2012		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

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			Miscellaneous Grade Crossing/Signal and Train Control Amendments (RRR)	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.					discounted at 3%.
35	Federal Railroad Administration	2130-ZA00	Revised Proposal for Revisions to the Schedules of Civil Penalties for a Violation of a Federal Railroad Safety Law or Federal Railroad Administration Safety Regulation or Order (RRR)	In 2008 FRA issuing for comment a revised proposal (New Proposal) that, if adopted, would amend, line-by-line, FRA's schedules ("Schedules") of civil penalties issued as appendices to FRA's rail safety regulations, as well as other guidance, in order to reflect more accurately the degree of safety risk associated with a violation of each regulatory requirement and to ensure that the civil monetary penalty amounts are consistent across all FRA safety regulations.	5				SB - N, IC - N, SLT - N A comment on this action was received in DOT's 2011 Retrospective Regulatory Review that requested that FRA not take any further action in this regard. FRA did not advance this effort and is terminating the current activity. If FRA determines modification of its penalty schedules is necessary it will begin a new proceeding. Thus, FRA has been responsive to the comment.
36	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 available	4				SB - Y, IC - Y, SLT - N This action is being prompted by a comment that was received during the RRR process. In

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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.					<p>response to the comment FRA is working with a Federal panel to move toward an acceptable electronic format and FRA is actively providing input to that process.</p> <p>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.</p>
37	Federal Railroad Administration	2130-ZA07	National Environmental Policy Act (RRR)	This action would respond to a comment received from the North Carolina 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	4				<p>SB - N, IC - Y, SLT - Y</p> <p>This action is being prompted by a comment that was received during the RRR process. The comment period on new proposed categorical exceptions closed on July 13, 2012. FRA expects</p>

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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 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.					to issue the final document containing updated categorical exceptions in the near future.
38	Federal Railroad Administration	2130-ZA08	Crashworthiness Standards (RRR)	This action would respond to a comment received from SRC, a tourist railroad, that	5				SB - N, IC - N, SLT - N This action is being prompted by a comment

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				<p>FRA’s crashworthiness standards in 49 CFR Part 238 are detrimental to the use and growth of passenger rail transportation. However, FRA has tailored the application of its crashworthiness standards. Similarly, FRA has established a policy to issue waivers under appropriate circumstances to help limit the impact of its crashworthiness standards on light rail equipment that shares use of trackage or rights-of-way with conventional rail equipment. FRA has also continued to explore means of making its crashworthiness standards more performance-based. FRA has developed guidelines through the RSAC process for waiver approval to use alternative, performance-based crashworthiness standards for passenger equipment operating at speeds up to 125 mph. FRA is also pursuing a similar approach through the</p>				<p>that was received during the RRR process. Letter was sent to the commenter explaining FRA’s position in this matter on March 28, 2012. FRA considers this action complete.</p>
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				RSAC process to develop standards for passenger rail equipment operating at speeds up to 220 mph.					
39	Federal Railroad Administration	2130-ZA09	Occupational Noise Exposure Rule Exemption (RRR)	This entry was prompted by a comment received from SRC, a tourist railroad, in which the SRC urged FRA to continue the current exemption in 49 CFR Part 227 for tourist, scenic, historic, or excursion operations. FRA agrees that the exemption is appropriate and plans to retain the existing exemption in the regulation.	5				SB - N, IC - N, SLT - N This entry was prompted by a comment that was received during the RRR process. FRA agrees with the commenter that the exemption is appropriate and has no plans to remove the exemption from the existing regulations and has so notified the commenter. FRA considers this action complete.
40	Federal Motor Carrier Safety Administration	2126-AB30	Parts and Accessories Necessary for Operations; Saddlemount Braking Requirements (RRR)	In response to a petition for rulemaking from the Automobile Carriers Conference, FMCSA proposes to amend the FMCSRs to eliminate the requirement for operational brakes on the last saddle-mounted truck in a triple saddle-mount combination, except when a full mount is present, as it could degrade the overall braking	5	09/27/2011	10/05/2011	09/13/2011	This rule has been completed. FR published 9/13/11 SB y IC n SLT n; Costs/benefits: none

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				performance.					
41	Federal Motor Carrier Safety Administration	2126-AB34	Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report for Intermodal Equipment (RRR)	This rulemaking would revise a requirement of the FMCSRs that applies to intermodal equipment providers and motor carriers operating intermodal equipment (IME). The rulemaking would delete the requirement for drivers operating IME to submit driver-vehicle inspection reports (DVIRs) when the driver has not found or been made aware of any defects ("no-defect DVIRs"). This rulemaking responds to a joint petition for rulemaking from the Ocean Carrier Equipment Management Association and the Institute of International Container Lessors.	5	04/11/2012	07/26/2012	06/12/2012	SB y IC y SLT n 1. Actual or Target Completion Date - This rule has been completed, the FR was published 6/12/12 2. 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) - The final rule is expected to result in a burden reduction of 1.636 million hours, which equates to \$54 Million. 3. Progress updates and anticipated accomplishments - Final Rule published 6/12/12 4. Notes - None
42	Federal Motor Carrier Safety Administration	2126-AB43	Self-Reporting of Out-of-State Convictions (RRR)	This rulemaking would clarify the requirement for holders of commercial driver's licenses (CDL) convicted of violating traffic laws in a State other than the	2	09/19/2012	08/02/2012	08/02/2012	SB y IC y SLT no 1. NPRM Completed. 2. Benefits are unquantified, although there should be some savings for drivers not having to report a

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				State that issued their CDL, to notify the State of issuance about those violations under part 383.31 of FMCSA's Commercial Driver's License Standards; and clarify 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 Driver's License Program. This rulemaking would also ensure that notifications required in sections 383.31 and 384.209 take place within 30 days of the conviction.					conviction it will not be substantial as States were not utilizing this method of notification. 3. Progress updates and anticipated accomplishments - NPRM published 8/2/12, comment period ended 10/1/12 4. Notes - None..
43	Federal Motor Carrier Safety Administration	2126-AB46	Single Pre-trip Inspection (RRR)	The FMCSA would consider whether its existing regulations requiring commercial motor vehicle (CMV) drivers to ensure their vehicles are in safe and proper operating condition at the beginning of the work day include obsolete or redundant requirements that	1	05/21/2013			SB - Y, IC - Y; SLT - N Target completion date 05/21/2013.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				impose unnecessary burdens on the industry. These requirements are found in 49 CFR Part 392, concerning safe driving, and 49 CFR Part 396, concerning inspection, repair and maintenance of CMVs.					
44	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 paperwork reductions and be less burdensome to the motor carrier industry than the paper records the Agency currently requires.	4				SB - Y; IC - Y, SLT - N Target date TBD
45	Federal Motor Carrier Safety Administration	2126-AB48	Rescission of Quarterly Financial Reporting Requirements (RRR)	In this direct final rulemaking, FMCSA would rescind the quarterly financial reporting requirements for certain for-hire motor carriers of property (Form QFR) and	2		09/28/2012		SB - Y, IC - Y, SLT - N An adverse comment was received and the DFR has been withdrawn, an NPRM will be published at a future date.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			for-hire motor carriers of passengers (Form MP-1). These requirements are included in 49 CFR Part 369 and apply to Class I (average annual gross transportation operating revenues of \$10 million or more) and Class II (average annual gross transportation operating revenues 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 reduces the burden to industry by 202.4 hours or					
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				\$9,989.					
46	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 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.	4				SB - Y, IC - N, SLT - N
47	Federal Motor Carrier Safety Administration	2126-AB52	Transportation of Household Goods in Interstate	This rule would amend five FMCSA's regulations governing the transportation of household goods to	5	07/31/2012		06/20/2012	SB - N, IC - N, SLT - N; Completion Date - Complete There are no costs or benefits

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			Commerce; Consumer Protection Regulations (RRR)	remove an obsolete requirement, resolve ambiguities and reduce a regulatory burden on household goods motor carriers. 1. The rule clarifies that certain movements between a factory or store to a residence are not subject to part 375 requirements. 2. The rule removes an obsolete regulation that required household goods movers to specify who would pay for collect complaint and inquiry telephone calls. 3 and 4. The rule would modifies the binding and non-binding estimate regulations to clarify that if a household goods motor carrier and an individual shipper negotiate a revised written estimate, the additional goods or services must be accurately listed, in detail. 5. The rule adds an additional paragraph to the storage-in-transit rules, to require that when a carrier places goods into permanent storage, the storage contact information must show the					associated with removing obsolete provisions of the regulations.
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				individual shipper's name and the carrier must provide the shipper's contact information to the warehouse operator.					
48	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 could be put into place to reduce any redundancies in credentialing requirements for drivers who carry hazardous materials.	1	01/01/2013			SB - N, IC - N, SLT - N.
49	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 on the GTR.	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
50	National Highway	2127-AK99	Federal Motor Vehicle	This rulemaking would amend Federal Motor	3	07/31/2012	12/07/2012		NHTSA anticipates that this rulemaking will

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

	Traffic Safety Administration		Standard No. 108; Lamps, reflective devices, and associated equipment - Color Boundaries (RRR)	Vehicle Safety Standard No. 108; Lamps, reflective devices, and associated equipment, to include the color definitions of green and blue. These color definitions were removed during a 2007 administrative rewrite of the standard, however it has been brought to the agency's attention that removing these definitions will cause undue hardship on the regulated entities.					restore flexibilities to manufacturers. SB: Y IC: N SLT: N
51	National Highway Traffic Safety Administration	2127-AL00	Federal Motor Vehicle Safety Standard No. 108; Lamps, reflective devices, and associated equipment - Reconsideration (RRR)	This rulemaking would respond to petitions for reconsideration of the December 4, 2007 final rule affecting Federal Motor Safety Standard No, 108; Lamps, reflective devices, and associated equipment, which was an administrative rewrite. This response included several minor technical corrections to the final rule to correct typos and improperly written requirements that inadvertently created substantive changes.	5		07/29/2011	08/08/2011	By reorganizing the standard and clarifying requirements with this final rule response to petitions for reconsideration, the government anticipates saving money by reducing the amount of interpretations that may have to be issued on the lighting standard. SB: N IC: N SLT: N
52	National	2127-	FMVSS No.	This rulemaking would	5		07/27/2011	09/09/2011	SB: Y IC: N SLT: N

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

	Highway Traffic Safety Administration	AL02	126, Petition for Reconsideration of Electronic Stability Control (ESC) (RRR)	address a petition for reconsideration received by NHTSA to the April 6, 2007 electronic stability control final rule. The Alliance petitioned NHTSA to amend the language in the ESC final rule regarding multifunction control, two part tell tales and outrigger to harmonize with the Global Technical Regulation No. 8 Electronic Stability Control. There are no measurable costs or benefits associated with this action.					
53	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	4				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

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				imposing new burdens. This rulemaking was recently downgraded to nonsignificant and will not appear on next month's report.					standards, we cannot directly estimate the overall economic impact of the proposal. However, we do not believe that the 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.
54	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 positioning procedure. Because the device is easier to use than the current body blocks, this rulemaking would simplify the	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 sizes of the Force Application Device to be approximately \$8,000 each. Assuming a

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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 do not appear to affect the stringency of the standard.					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 offset the purchase cost of the FADs.
55	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 this evaluation to be completed in December 2012. This evaluation will focus on efforts to reduce injuries and fatalities resulting from occupants being too close to full powered air bags.	4				SB - N SLT - N IC - N
56	National Highway	2127-ZA07	Evaluation of Electronic	Evaluation of Electronic Stability Control Systems for	5				SB - N SLT - N IC - N

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

	Traffic Safety Administration		Stability Control Systems - FMVSS 126 (RRR)	Passenger Cars and Light Trucks. This evaluation examined all aspects of the new standard.					
57	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 completed.	4				SB - N SLT - N IC - N
58	National Highway Traffic Safety Administration	2127-ZA09	Evaluation of Occupant Protection in Interior Impact - FMVSS 201, Upper Interior Padding (RRR)	Evaluation of the Upper Interior Padding for Occupant Protection in Interior Impacts. This evaluation focused on upper interior structures (pillars and roof rails). Many years ago the agency evaluated padded instrument panels and other interior parts.	5				SB - N SLT - N IC - N
59	Pipeline and Hazardous Materials Safety Administration	2137-AE38	Hazardous Materials: Compatibility with the Regulations of	This rulemaking would amend the HMR requirements for the transportation of Class 7 (radioactive materials) based	4				HM-250; SB - Y, IC - N, SLT - N; PHMSA initiated this rulemaking to harmonize with NRC and reduce regulatory

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			the International Atomic Energy Agency (IAEA) (RRR)	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.					burden. NRC's NPRM is expected to publish by July 2012. Following NRC action, PHMSA will coordinate with NRC to develop a 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.
60	Pipeline and Hazardous Materials Safety Administration	2137-AE46	Hazardous Materials: Miscellaneous Amendments (RRR)	This rulemaking would make miscellaneous changes to the HMR based on petitions for rulemaking and PHMSA initiatives. Changes would include updates to the incorporation by reference materials, clarification of definition of "person," authorization of use of Bend test for certain cylinders, and clarify requirements	5		07/20/2011	07/20/2011	HM-218F; SB - Y, IC - Y, SLT - N

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				applicable to cargo tank motor vehicles intended to be loaded by vacuum and also clarify conditions under which cargo tanks may be leakage tested using Method 27 Test that is authorized by EPA. The changes are intended to update, clarify and provide relief from certain requirements.					
61	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.	3	12/31/2012			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 rulemaking could result in 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.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

									This rulemaking should result in an overall 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. This rulemaking may result in 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.
62	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, testing, certification, and transportation of certain Division 1.4G consumer fireworks (UN0336 Fireworks). Further, this rulemaking would establish DOT-approved fireworks	2	01/19/2012	08/31/2012	08/30/2012	HM-257; SB-Y, IC-Y, SLT-N PHMSA estimates total annual benefits will be between 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

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				certification agencies that will provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA is also proposing to revise procedural regulations pertaining to certification agencies. These proposed actions, if adopted, will clarify regulations with respect to PHMSA's fireworks approval process and provide regulatory flexibility in seeking authorization for the transportation of Division 1.4G consumer fireworks.					\$11 million and \$19 million. PHMSA identified this initiative through an internal review.
63	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 HCA (including the concept of a potential impact radius), the repair criteria for both HCA and non-HCA areas, requiring the use of	1	07/14/2011	08/15/2011	08/25/2011	SB- Y IC-N SLT-N; In response to a comment received, PHMSA is proposing to provide a 6-month extension on pipe reassessments.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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.					
64	Pipeline and Hazardous Materials Safety Administration	2137-AE77	Hazardous Materials: Minor Editorial Corrections and Clarifications (RRR)	This rulemaking would correct editorial errors, respond to requests for clarification, and editorially revise regulatory text to improve the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy, and reduce misunderstandings of the regulations. The amendments contained in this rule are minor changes and do not impose new requirements.	5	09/30/2011		09/13/2011	HM-244D; SB - N, IC - N, SLT - N; The amendments contained in this rulemaking are minor changes and do not impose new requirements, and do not impose any new costs to industry since there is no cost for the benefit of minor regulatory clarity. PHMSA undertakes a yearly rulemaking such as this one to improve the quality of its regulations.
65	Pipeline and Hazardous Materials Safety Administration	2137-AE78	Hazardous Materials: Miscellaneous Amendments (RRR)	This rulemaking would update and clarify existing requirements by incorporating changes into the Hazardous Materials Regulations (HMR) based on PHMSA's own initiatives	3	12/31/2012			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 reduce the

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			through an extensive review of the HMR and previously issued letters of interpretation. Specifically, among other provisions, PHMSA would provide 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; update various entries in the hazardous materials table and the corresponding special provisions; clarify the lab pack requirements for temperature controlled materials; correct an error in the HMR with regard to the inspection of cargo tank motor vehicles containing corrosive materials; and revise the training requirements to require that hazardous materials employers ensure their hazardous materials employee training records are available upon request to					paperwork burden, ensure consistency between domestic and international regulations, and result in net benefits without compromising safety. In harmonizing the alcoholic beverage requirements with those of the ICAO TI we conservatively estimate a cost of \$187,000 on the alcohol beverage industry (\$93 / entity). PHMSA issues a rulemaking similar to this one every two years to improve the quality of its regulations.
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				an authorized official of the Department of Transportation or the Department of Homeland Security.					
66	Pipeline and Hazardous Materials Safety Administration	2137-AE79	Hazardous Materials: Miscellaneous Amendments; Petitions for Rulemaking (RRR)	This rulemaking would address petitions that request 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 are: 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 materials transported by air and vessel; and P-1556 - incorporating a special permit that allows the	3		02/28/2013		HM-219; SB - Y, IC - Y, SLT - N; The amendments in 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.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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.					
67	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, 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,	1		05/31/2012	05/29/2012	HM-234; SB - Y, SLT - N, IC - N; PHMSA anticipates that this rulemaking 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 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.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				PHMSA would provide requirements for the transport of fire suppression 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.					
68	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 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.	1	06/29/2012	06/29/2012	07/05/2012	HM-253; SB - Y, SLT - N, IC - N
69	Pipeline and	2137-	Hazardous	This rulemaking would	2	09/28/2012	01/24/2013		HM-233C; SB - Y, SLT -

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

Hazardous Materials Safety Administration	AE82	Materials: Incorporation of Certain Special Permits and Competent Authorities into the HMR (RRR)	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 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 markings that differ from those prescribed in the HMR; would allow for the transportation of Class 9					N, IC - N; This rulemaking will incorporate 22 special permits with over 450 grantees, and will result in an overall net benefit. This rulemaking may result in a decrease of \$17,000.00 in the annual burden and cost to OMB Control Number 2137- 0051 due to decreased paperwork burdens.
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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 an appropriate level of safety. Incorporation of these provisions would reduce the compliance burden and cost on both industry and government.					
70	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	2	06/29/2012	01/07/2013		SB - N SLT - N IC – N A comment was received from the public urging PHMSA to update standards related to plastic piping.

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				operators to use the most current industry technologies, materials, and management 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.					
71	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 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	2	11/30/2012			HM-233D; SB - N, SLT - N, IC - N; This rulemaking is responsive to two petitions for 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. This rulemaking is expected to result in a decrease of \$14 million

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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 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.					in the annual burden and cost to multiple OMB Control Numbers due to decreased paperwork burdens.
72	Pipeline and Hazardous Materials Safety Administration	2137-AE87	Hazardous Materials: Harmonization with International Standards (RRR)	The Federal hazardous materials transportation law requires the Secretary of Transportation to ensure that, to the extent practicable, regulations governing the transportation of hazardous materials in commerce are consistent with standards adopted by international authorities (49 U.S.C. 5120(b)). Harmonization enhances safety, facilitates compliance and improves the	2	07/18/2012	07/31/2012	08/15/2012	HM-215L; SB - N, SLT - N, IC - Y; The primary benefit of this rulemaking is harmonizing the HMR with the international hazardous materials standards and reducing the regulatory compliance costs faced by U.S. companies. PHMSA estimates that not harmonizing with international regulations will cost U.S. companies

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

			<p>efficiency of the global transportation system by minimizing the regulatory burden on the public thus promoting trade. After a thorough review of the provisions recently adopted by various international regulatory bodies, PHMSA has identified areas in the Hazardous Materials Regulations (HMR) in which harmonization with international regulations will provide an enhanced level of safety, an economic benefit or in many instances both safety and economic benefits. As a result, this rulemaking would amend the HMR, where appropriate, to maintain alignment with international standards that will become effective as of January 1, 2013 and consequently facilitate the safe global trade of hazardous materials. Proposals in this rulemaking include, but are not limited to; the introduction of regulatory requirements to</p>				<p>an additional \$62 million per year to comply with both the HMR and international standards. This rulemaking may result in a decrease of \$5,000.00 to OMB Control Number 2137-0018 due allowing the use of metals other than steel or aluminum for drums and boxes, as well as the proposed new Flexible Bulk Container package authorization. This rulemaking may result in a decrease of \$15,000.00 to OMB Control Number 2137-0572 due to decreased testing requirements for non-bulk packages.</p>
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				address chemicals under pressure, the modification of packaging instructions for various hazardous materials to permit greater flexibility in package selection while achieving a consistent level of safety, the adoption of Internationally recognized standards for testing and proper use of flexible bulk containers and the revision of various entries in the hazardous materials table to maintain global alignment including revision of vessel stowage codes for shipments of Class 1 Explosive materials. We expect the regulatory changes will result in minimal compliance costs for the regulated industry; we firmly believe consistent regulatory requirements reduce compliance costs and increase flexibility.					
73	Pipeline and Hazardous Materials Safety Administration	2137-AE90	Hazardous Materials: Minor Editorial Corrections and Clarifications (RRR)	This rulemaking would correct editorial errors, respond to requests for clarification, and editorially revise regulatory text to improve the clarity of certain	3	09/28/2012			HM-244E; SB - N, IC - N, SLT - N; The amendments contained in this rulemaking are minor changes and do not impose new

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy, and reduce misunderstandings of the regulations. The amendments contained in this rule are minor changes and do not impose new requirements.					requirements, and do not impose any new costs to industry since there is no cost for the benefit of minor regulatory clarity. PHMSA regularly issues similar rules to continually improve its regulations.
74	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 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	1	10/31/2012			SB-Y; IC-Y; SLT-N

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				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); 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.					
75	Pipeline and Hazardous Materials Safety Administration	2137-AE94	Pipeline Safety: Miscellaneous Amendments Related to Reauthorization and Petitions for Rulemaking (RRR)	This rulemaking will address miscellaneous issues that have been raised because of the reauthorization of the pipeline safety program in 2012 and two petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking would address include renewal process for special permits, cost recovery for design reviews, and incident reporting.	2	06/10/2013			SB-Y IC-N SLT-N;

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

76	Pipeline and Hazardous Materials Safety Administration	2137-ZA03	Special Permit and Approval Applicant Fitness Determinations; Public Meeting (RRR)	On February 29, 2012, PHMSA conducted a public meeting to discuss Special Permit and Approval applicant fitness determinations. The public meeting was held in Washington, DC, and provided interested persons with an opportunity to submit oral comments and participate in discussions concerning the criteria used when determining an applicant's minimum level of fitness. As discussed in the public meeting, less than 1% of application fitness checks conducted have led to a determination of 'Unfit.'	5	02/02/2012		02/02/2012	Based on the substantial and constructive nature of the comments received from the public at this hearing, PHMSA is undertaking a major reconstruction of its fitness determinations process. As the restructuring progresses, input will be sought from the public once again. Once the restructuring is complete, PHMSA at that time will assess whether there is a need for any rulemaking.
77	Pipeline and Hazardous Materials Safety Administration	2137-ZA04	Research and Review of Incident Reporting Requirements (RRR)	In FY2011 PHMSA accepted two petitions for rulemaking (P-1562; PHMSA-2010-0207 and P-1566; PHMSA-2010-0225) that requested revisions to the incident reporting requirements. As a result of these petitions and a FY 2012 610 review, PHMSA conducted research to evaluate the effectiveness of detailed hazardous	5	06/27/2011			P-1562; PHMSA-2010-0207. P-1566; PHMSA-2010-0225. Both of those petitions asked for changes to the incident reporting requirements, that may result in a decrease in the annual burden and costs under OMB Control Number 2137-0039, Hazardous Materials Incidents

Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

Additional info: (SB) Small Business impacts (IC) Information Collection impacts (SLT) State/Local/Tribal impacts

**E.O. 13563 Retrospective Regulatory Review Report for DOT
September 2012**

				materials incident reporting in § 171.16. Overall, the research concluded that the data collected is useful for evaluating regulatory change. In addition, as a result of the research, PHMSA is working to create a streamlined and simplified electronic submission process.					Reports, due to a decreased number of incident reports that would need to be submitted (i.e. add an exception to the current list of exceptions to reporting).
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Stage: (1) Pre-Rule (2) NPRM (3) Final Rule (4) Long-Term Action (5) Completed action

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Sub-Agency	ICR Number	Title	Description of the initiative	Hours of paperwork/ reporting eliminated	Estimated effective date of the change	Additional Info
Federal Railroad Administration (FRA)	2130-0005	Hours of Service: Electronic Recordkeeping	Federal Railroad Administration proposes to allow Class III and commuter railroads to use an electronic recordkeeping system for hours of service (HOS) records without some of the existing requirements for such systems under 49 CFR Part 228, Subpart D that may not be relevant to the operations of these smaller railroads. Electronic records require substantially less time to complete than manual records, but some Class III and commuter railroads have indicated to Federal Railroad Administration that the requirements of 49 CFR Part 228, Subpart D, make using such systems infeasible for their operations, which are less complex and variable than other railroads. By providing an alternative set of requirements specifically tailored to the circumstances of smaller operations, Federal Railroad Administration expects a greater number of railroads to move to electronic HOS recordkeeping systems.	200,000	2015	The proposed rule change would be permissive, thus any costs would be voluntary. The railroads might choose to incur about \$700,000 in capital costs. The railroads would realize \$250,000 in paper recordkeeping savings in addition to the monetized value of the time savings (FRA expects the monetized value of time savings would be greater than the capital costs).

Federal Aviation Administration (FAA)	2120-0018	Use of Certain Portable Oxygen Concentrator (POC) Devices On Board Aircraft	Portable oxygen concentrators (POC) are sometimes carried by airline passengers with medical conditions that require oxygen therapy, as a safer alternative to an oxygen tank. Currently, through regulation, DOT/Federal Aviation Administration publishes a list of specific brands and models of POCs that are allowed to be carried and used during air transportation. In a new regulation, DOT is considering promulgation of a performance-based standard for POC devices. Compliance with a performance based standard would likely include device labeling requirements. This labeling requirement would allow air carriers to check for compliance with the standards, and would allow DOT/Federal Aviation Administration to eliminate the current requirement for a passenger to carry a doctor's note authorizing the use of their POC.	169,046	Not projected	While the paperwork savings to individuals will decrease, there may be increased burden on the manufacturer, since Federal Aviation Administration may propose a labeling requirement, showing that devices meet a performance standard. It is unclear how these costs will compare to the cost/burden reduction associated with an individual's letter. Currently, the Federal Aviation Administration issues a list of specific approved POC brands and models. A performance based standard would likely reduce market barriers to entry for these devices; we are certain of what the cost tradeoff might be. Federal Aviation Administration will explore these tradeoffs in any future associated rulemaking packages.
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Pipeline and Hazardous Materials Safety Administration (PHMSA)	2137-0034	Hazardous Materials Shipping Papers & Emergency Response Information	Pipeline and Hazardous Materials Safety Administration is initiating the Hazardous Materials Automated Cargo Communications for Efficient and Safe Shipments (HM-ACCESS) Initiative to reduce the burden associated with hardcopy shipping papers. The objective is to evaluate the feasibility and effectiveness of using paperless hazard communications system(s). Impact on public burden may depend on the findings of the study and whether use of electronic HM (e-HM) shipping papers should be permanently incorporated into the Federal HM transportation safety regulations and allow for voluntary compliance. That is, if Pipeline and Hazardous Materials Safety Administration finds voluntarily compliance is preferable, both the reduction in public burden and the costs associated with complying with the potential new requirements may be less than if Pipeline and Hazardous Materials Safety Administration mandates the use of e-HM shipping papers.	75,000	2016	Pipeline and Hazardous Materials Safety Administration anticipates that complying with the potential new requirement to achieve this reduction may result in costs for all parties in the transportation chain (i.e. shippers, carriers, emergency responders and law enforcement). However, Pipeline and Hazardous Materials Safety Administration has not yet identified the likely cost for implementation of e-HM shipping papers, nor the number of entities that may use the potential new requirement (as that would depend on findings of the study determines the feasibility and effectiveness of e-HM shipping papers).
Federal Aviation Administration (FAA)	2120-0018	Certification Procedures for Products and Parts	The Federal Aviation Administration is working to develop systems that would allow the electronic collection of the specific information requested in these forms and the use of electronic signatures. Testing to begin in 2016.	4,135	2014	There will be costs to the Federal government for the development of the new electronic systems, and there will be a moderate savings in labor costs to the respondents.

Federal Railroad Administration (FRA)	2130-0005	Hours of Service: Excess Service Reports	Federal Railroad Administration proposes to decrease the information collection burden associated with HOS requirements found at 49 CFR Section 228.19, Monthly Reports of Excess Service. Federal Railroad Administration would revise the regulation to permit railroads without electronic HOS recordkeeping systems to manage reports of excess service internally without submitting them to Federal Railroad Administration. This would reduce the burden of this requirement for the smaller railroads. Similar allowances are already available to railroads using electronic HOS recordkeeping systems. Federal Railroad Administration Form F6180.3 would no longer be required to be submitted to Federal Railroad Administration. The form, or alternate method of documenting the information required, could be maintained at the railroad and attached to the hours of duty record to which the excess service report applies. The form could be kept either electronically or in paper form, provided it can be made available to Federal Railroad Administration upon request. The estimated burden can be reduced to 30 minutes per report.	4,005	2013	There are no costs to the railroads as we are revising the regulation to permit railroads without electronic HOS recordkeeping systems to manage reports of excess service internally without submitting them to Federal Railroad Administration. The railroads are already keeping these records internally. The railroads may realize cost savings from the removal of the requirement to print and send of F6180.3 (these savings do not include the monetized value of the time savings).
Federal Railroad Administration (FRA)	2130-0533	Locomotive Engineer Certification	Federal Railroad Administration proposes to revise this regulation to conform with the more streamlined processes set forth in the Conductor Certification Standards (49 CFR Part 242). For example, Federal Railroad Administration would allow engineers to use a single medical certificate for both the conductor and engineer certification processes. When Federal Railroad Administration proposes to revise Part 240 to conform with Part 242, Federal Railroad Administration expects that the Dispute Resolution procedures will undergo a number of changes. Federal Railroad Administration expects changes would benefit Federal Railroad Administration, the railroads, and the railroad employees.	2,500		DOT expects the cost savings (not including the monetized value of the time savings) would exceed any associated cost increases by over \$100,000.