

*Research and Special Programs
Administration*

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[FR Doc. 80-25813 Filed 8-22-80; 8:45 am]

BILLING CODE 4910-62-M

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

Color Television Receivers

The following letters of instruction concerning the implementation of orderly marketing agreements with Korea and Taiwan on color television receivers were sent from Ambassador Robert D. Hormats to Robert E. Chasen, Commissioner of Customs on August 15, 1980.

C. Michael Hathaway,
Assistant General Counsel.

August 15, 1980.

Mr. Robert E. Chasen,
Commissioner of Customs,
U.S. Customs Service,
1301 Constitution Avenue, NW.,
Washington, D.C. 20228.

Dear Commissioner Chasen: This letter further amends our previous letter to you dated July 2, 1980, concerning the operation of the new orderly marketing agreement with Korea on color television receivers as it affects TSUS(A) items 685.1125, .1126, .1127, .1128, .1129, .1135, .1144, .1455, .1456, .1458, .1460, and .1564.

Imports from Korea occurring during the period July 1, 1980, through September 28, 1980, which were exported prior to July 1, 1980, should be charged to the second restraint period, and in accordance with Headnote 6(f), Part 2, Appendix TSUS, and additional 50,000 sets will be added to the restraint level for the second restraint period (136,000 plus 50,000 equals 186,000). In the event an excess over this amount occurs, or if sets exported prior to July 1 are imported after September 28, 1980, those sets of a screen size in excess of 12 inches or incomplete sets with picture tubes should be

charged to the third restraint period. Overages of sets of a screen size of 12 inches or less (TSUS(A) items 685.1125 and .1126), and incomplets sets (TSUS(A) item 685.1564) exported prior to July 1, 1980, and imported during the period from July 1, 1980, through September 28, 1980, should be charged to the second restraint period. Should any excess of these sets occur, they should be listed in reported statistics with a footnote stating: "Imports in excess of 186,000 sets are subject to consultations conducted by the United States Trade Representative."

This letter will be published in the **Federal Register**.

Sincerely,

Robert D. Hormats.

August 15, 1980.

Mr. Robert E. Chasen,
Commissioner of Customs,
U.S. Customs Service,
1301 Constitution Avenue, NW.,
Washington, D.C. 20228.

Dear Commissioner Chasen: This letter further amends our previous letter to you dated July 2, 1980, concerning the operation of the new orderly marketing agreement with Taiwan on color television receivers as it affects TSUS(A) items 685.1125, .1126, .1127, .1128, .1129, .1135, .1144, .1455, .1456, .1458, .1460, and .1564.

Imports from Taiwan occurring during the period July 1, 1980, through September 28, 1980, which were exported prior to July 1, 1980, should be charged to the second restraint period. In the event an excess occurs, or is sets exported prior to July 1 are imported after September 28, 1980, those sets of a screen size in excess of 12 inches or incomplete sets with picture tubes should be charged to the third restraint period. Sets of a screen size of 12 inches or less (TSUS(A) items 685.1125 and .1126), and incomplete sets (TSUS(A) item 685.1564) exported prior to July 1, 1980, and imported during the period from July 1, 1980, through September 28, 1980, should continue to be charged to the second restraint period and overages listed in reporting statistics with a footnote stating: "— units imported on or after (the date the second period level is filled) are subject of consultations conducted by the United States Trade Representative."

This letter will be published in the **Federal Register**.

Sincerely,

Robert D. Hormats.

[FR Doc. 80-25897 Filed 8-22-80 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 166

Monday, August 25, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

Branch Office Application—Hollywood
FS&LA, Hollywood, Florida.
Branch Office Application—Coral Gables
FS&LA, Coral Gables, Florida.

No. 380, August 21, 1980.

[S-1592-80 Filed 8-21-80; 3:50 pm]

BILLING CODE 6720-01-M

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[FR 1532]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME:
August 21, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

CHANGES IN MEETING: An Executive Session for the discussion of personnel matters will be held beginning at 9 a.m. preceding the open meeting.

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-1587-80 Filed 8-20-80; 4:56 pm]

BILLING CODE 6715-01-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., August 28, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application to Increase Accounts of an Insurable Type by Purchase of Branch Offices—Westdale S&LA, Los Angeles, California INTO Homestead S&LA San Francisco, California.

Limited Facility Application—First FS&LA of Newton, Newton, Kansas.

Service Corporation Application—Suburban FS&LA, Flossmoor, Illinois.

Extension of Time to Open a Satellite Office—First S&LA of Fort Myers, Fort Myers, Florida.

Application for Bank Membership and Insurance of Accounts—Wavel FS&LA, Wallington, New Jersey.

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FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR 54935, August 18, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., August 21, 1980.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting:

Request for a Commitment to Insure Accounts—First Oklahoma Savings and Loan Association of Tulsa, Tulsa, Oklahoma.

Announcement is being made at the earliest practicable time.

No. 383, August 21, 1980.

[S-1589-80 Filed 8-21-80; 12:22 pm]

BILLING CODE 6720-01-M

4

POSTAL RATE COMMISSION.

"FEDERAL REGISTER" CITATION FOR PREVIOUS ANNOUNCEMENT: 45 FR 53941, August 13, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE OPEN MEETING: 11 a.m., Tuesday, August 19, 1980.

CHANGE IN THE MEETING: Rescheduled for 11:00 a.m., Tuesday, September 9, 1980.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, Secretary, Postal Rate Commission, 2000 L Street NW., suite 500, Washington, D.C. 20268, 202-254-3880.

[S-1588-80 Filed 8-21-80; 10:46 am]

BILLING CODE 7715-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HHS/FDA		DOT/SLSDC	HHS/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of

the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS**Rules Going Into Effect Today**

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 14, 1980

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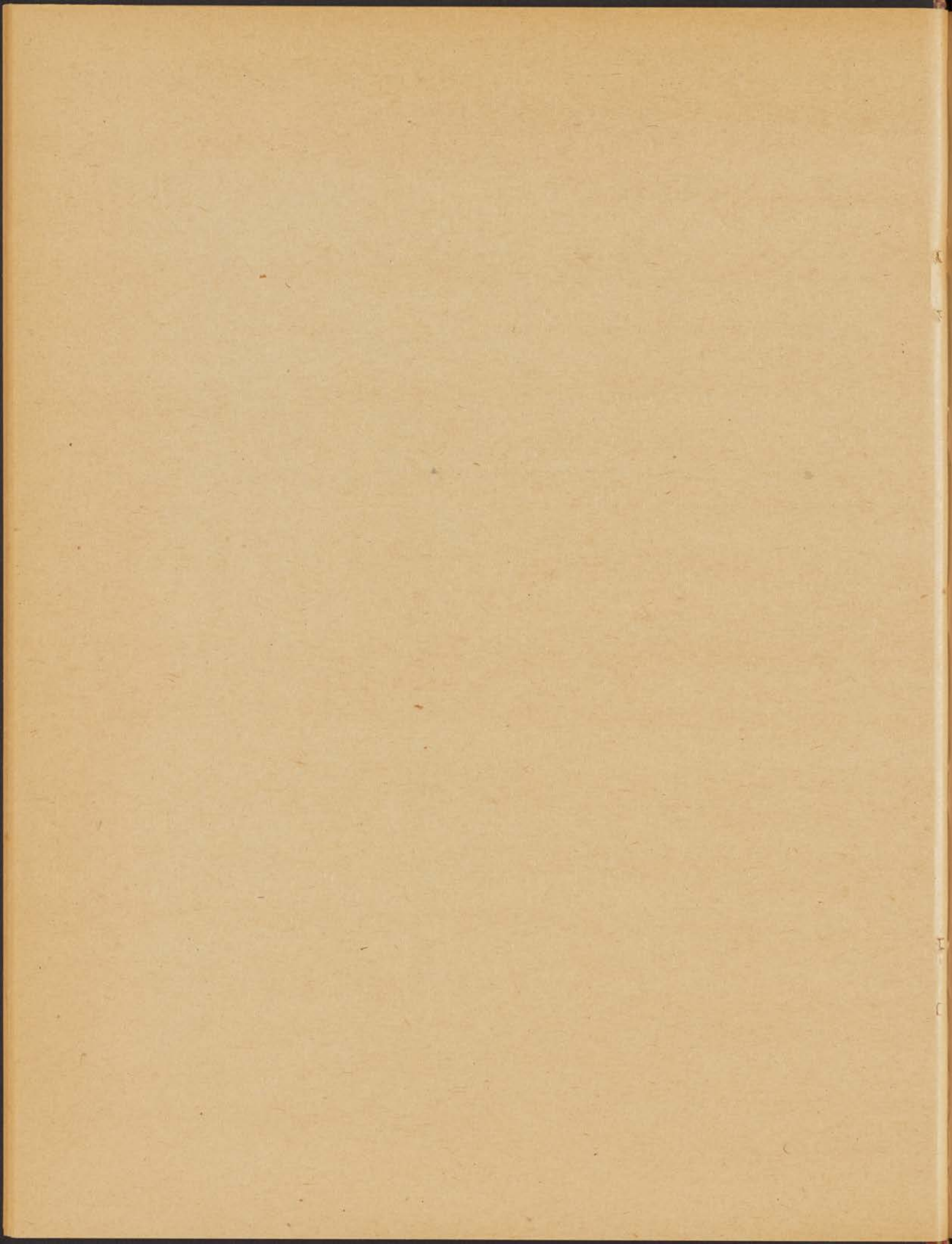
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188	1	89	1988	Frank Lima	The American Republic
189	1	90	1989	John Lima	The American Republic
190	1	91	1990	Robert Lima	The American Republic
191	1	92	1991	Elizabeth Lima	The American Republic
192	1	93	1992	Thomas Lima	The American Republic
193	1	94	1993	William Lima	The American Republic
194	1	95	1994	Charles Lima	The American Republic
195	1	96	1995	Harriet Lima	The American Republic
196	1	97	1996	James Lima	The American Republic
197	1	98	1997	Mary Lima	The American Republic
198	1	99	1998	George Lima	The American Republic
199	1	100	1999	Frank Lima	The American Republic

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 FROM 1776 TO 1900
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federal register

Book 2 of 2 Books
Monday, August 25, 1980

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- 56538 Part II—
DOT: Improving Government Regulations—Regulations
Agenda and Review List; Semi-Annual Summary
-
- 56620 Part III—
DOT/FAA: Airport Aid and Development Programs;
Environment Impact References and Handbook
-
- 56668 Part IV—
Interior/FWS: Importation, Exportation and
Transportation of Wildlife; Final Rules
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- 56742 Part VII—
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Entitlements—will consist of approximately 4 pages.

Vertical text or watermark, possibly a page number or title, oriented vertically on the right side of the page.

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federal register

Monday
August 25, 1980

Part II

**Department of
Transportation**

Office of the Secretary

**Improving Government Regulations,
Regulations Agenda and Review List;
Semi-Annual Summary**

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. I

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Chs. I-VI

[OST Docket No. 59; Notice 80-2]

Improving Government Regulations, Department Regulations Agenda and Review List; Semi-Annual Summary**AGENCY:** Department of Transportation.**ACTION:** Department Regulations Agenda and Review List.

SUMMARY: The Regulations Agenda is a semi-annual summary of each proposed and each final regulation that the Department of Transportation expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Regulations Review List is a semi-annual summary of the existing regulations that the Department of Transportation has selected for review and possible revocation or revision. The Agenda and the Review List provide the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda and the Review List are 400 Seventh Street, SW., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue, SW., Washington, D.C. 20591, and the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:**General**

For further information on the Agenda or the Review List, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda or the Review List, contact the individual listed in the column headed "Contact" for that item.

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Background

Improvement of government regulations has been a prime goal of the Carter Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12044 ("Improving Government Regulations"; 43 FR 12661; March 24, 1978; *subsequently extended by Executive Order 12221*; 45 FR 44249; July 1, 1980) the Secretary of Transportation issued the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The Policies and Procedures include a requirement that the Department prepare a semi-annual Department Regulations Agenda for publication in the **Federal Register**. The Agenda summarizes each proposed and each final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The regulatory policies and procedures also include a requirement that the Department

prepare a semi-annual list of existing regulations it has selected for review and possible revocation or revision for publication in the **Federal Register**.

The Agendas and Review Lists are based on reports submitted by the initiating offices by the last working days of June and December each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda and Review List is prepared and published in the **Federal Register**. The Department's last Regulations Agenda and Review List was published in the **Federal Register** on February 28, 1980 (45 FR 13312). The next one is scheduled for publication in the **Federal Register** on February 26, 1981.

Definitions

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

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary—

(a) Requires a Regulatory Analysis or is otherwise costly;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**.

(b) Is governed by short-term statutory or judicial deadlines.

(4) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A Regulatory Analysis is required for each proposed regulation that—

- (1) Will result in an annual effect on the economy of \$100 million or more;
- (2) Will result in a major effect on the general economy in terms of costs, consumer prices, or production;
- (3) Will result in a major increase in costs or prices for individual industries, levels of government, or geographic regions;
- (4) Will have a substantial impact on the United States balance of trade; or
- (5) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Regulations Agenda

The Regulations Agenda is divided by initiating offices. For each initiating office there is a subdivision for: (1) significant regulations, (2) nonsignificant regulations, and (3) routine and frequent nonsignificant regulations. For each proposed and final regulation expected to be published, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; (3) the earliest expected date for a decision on whether to issue the proposed or final regulation; (4) a contact office official who can provide additional information, including advice on how to obtain documents referenced in the Agenda; and (5) the related regulatory citation in the Code of Federal Regulations. If final action has been taken on an item included on the previous semi-annual Agenda, that item is still contained in this Agenda and the final action is indicated under the "Summary" column of that item.

For a significant regulation, the summary includes: (1) a description of the proposed or final regulation; (2) a brief statement as to why it is considered significant; (3) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a *Regulatory Analysis or Evaluation*, an *Environmental Impact Statement (EIS)* and an *Urban Impact Analysis*; (4) a brief statement of why the regulation is needed; (5) the legal basis for the action being taken; (6) the past and anticipated chronology of the development of the regulation including any final action taken since the last semi-annual Agenda and (7) the related regulatory citation in the Code of Federal Regulations. It should be noted that, even though a

Regulatory Analysis is not required for some items on the Agenda, either because the criteria are not met or because the regulatory project is covered by earlier regulatory requirements, the Department requires an economic analysis for all of its regulations. *This economic analysis is contained in the Regulatory Evaluation.*

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

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the regulation. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHMP number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHMP). The numbers following the FHMP represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHMP.

In the "Earliest Expected Decision Date" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a final decision is expected to be made on whether to issue the document listed. If any document is issued, publication in the *Federal Register* would follow within a few days. These dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not

achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage limits the number of reviews that can be added.

Explanation of Information on the Regulations Review List

The Regulations Review List is divided by initiating offices. For each office, it provides the following information: (1) a short description of the existing regulations involved, including the related citation to the Code of Federal Regulations; (2) a brief description of the reasons for each selection; (3) a contact office or official who can provide additional information; and (4) the target date for completing the review and determining the corrective course of action to be taken. The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12044 and the Department of Regulatory Policies and Procedures. If final action has been taken on an item included on the previous semi-annual Review List, that item is still contained in this Review List and the final action is indicated under the "Reasons for Selection" column for that item.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda or Review List retain the same order in each semi-annual publication. (2) New items are added at the end of the appropriate portion of the Agenda or Review List and are identified by an asterisk on the left side of the "Title" when first added. (3) New substantive information added to items that were on

an earlier Agenda or Review List is printed in italics.

Mailing Lists for Regulatory Documents

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

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

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This Appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

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

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. In each of the six Agendas that we have issued, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We have, for example, tried to give as many *Federal Register* and *Code of Federal Regulations* citations as possible so that the public can easily check source documents when they are needed for more information; we also have tried to maintain the same order in the list of the regulations in the Agenda, adding new items at the end and putting new information in italics so that it would be easier for the public to follow the development of a regulation from one Agenda to the next. We would now like to ask you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda-to-Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda and the Review List is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12044, we are also seeking suggestions on existing regulations that should be included on our Review List; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Address" paragraph above.

Innovative Regulatory Techniques

On June 13, 1980, President Carter asked each Federal agency with regulatory responsibilities to review their programs and find areas where innovative regulatory techniques can be applied. The President also asked that each agency expedite the development and implementation of flexible alternatives now under consideration. The Department of Transportation is now reviewing its regulations pursuant to the President's request and is searching for regulatory areas where the application of innovative regulatory techniques would be appropriate. The Department invites the assistance of the public in this search.

The particular techniques having shown promise that were noted by the President are 1) the creation of marketable rights; 2) the use of economic incentives; 3) the use of performance standards; 4) the use of market-oriented compliance measures; 5) the enhancement of competition; 6) the use of information disclosure; 7) the use of voluntary standards; and 8) the tailoring of standards to distinguish among categories of regulated entities ("tiering"). More complete descriptions of these innovative techniques are set forth in Appendix D. The Department of Transportation is already using these techniques in many regulatory programs. However, the views of the public are solicited with respect to other regulatory programs where these techniques can be applied effectively to reduce the burdens on regulated entities or to reduce governmental costs. If you have any suggestions, please send them to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Address" paragraph above. Additional information on the innovative techniques program can be obtained by contacting the person listed in the "For Further Information Contact; General" paragraph above.

Purpose

The Department is publishing this Regulations Agenda and Review List in the *Federal Register* to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when

notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible.

This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded.

If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda or the Review List, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C.
Acting Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST

Office of the Secretary

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Title VI Civil Rights Regulation	<p>A. Description: The proposed regulations would assemble in one package all DOT procedures and requirements concerning all recipients of financial assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4).</p> <p>B. Why Significant: Substantial public interest is anticipated and it will affect all of the DOT elements and the administration of all grant programs.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: The Department has an existing Title VI regulation dating from 1970, and a Title VI order promulgated by Secretary Coleman on Jan. 19, 1977, and reaffirmed by Secretary Adams in March of that year. A new regulatory package is being developed to replace the previous layering of regulations.</p> <p>E. Legal Basis: 42 U.S.C. 2000d-4</p> <p>F. Chronology: The proposal is currently under review. When the review is completed, the proposed regulation will be submitted to the Department of Justice for approval.</p> <p>G. Citation: 49 CFR pt. 21</p>	Robert J. Coates, (202) 426-4754.	NPRM November 1980.
Minority Business Enterprise Program.	<p>A. Description: This regulation would implement the requirements of DOT Order 4000.7A for DOT operating elements to take affirmative action to assure that minority business enterprises participate in Departmental procurement and financial assistance programs.</p> <p>B. Why Significant: Substantial public interest is anticipated given the proposed action's potential impact on DOT's procurement and assistance programs.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: To implement the provisions of the DOT Order 4000.7A by providing detailed instructions for carrying out the affirmative action requirements of the Order. To implement the 1978 amendments to the Small Business Act.</p> <p>E. Legal Basis: Executive Order 11625; Executive Order 12138; 49 U.S.C. 1730; 45 U.S.C. 803; P.L. 95-599; P.L. 95-507; 4 U.S.C. 471 et seq.; Title 23 of the U.S.C.; 23 U.S.C. 401 et seq.; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).</p> <p>F. Chronology: NPRM was published on May 17, 1979 (44 FR 28928). The comment period closed on July 16, 1979. The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). A final rule covering DOT's direct procurement activities is expected to be issued in July 1980.</p> <p>G. Citation: 49 CFR Part 23</p>	Robert Ashby, (202) 426-4723.	Action Complete. (financial assistance programs rule) FR September 1980. (direct contracts rule)
Financial Assistance to Participants in Rulemaking Proceedings (Docket No. 48).	<p>A. Description: This proposal would permit, but not require, each agency of the Department to fund eligible members of the public for the reasonable and actual costs of preparing and presenting their views at selected agency rulemaking proceedings.</p> <p>B. Why Significant: This issue concerns a matter on which there is substantial public interest and controversy and would have a significant impact on the operating administrations and the Office of the Secretary.</p>	Sam Podberesky, (202) 426-4723.	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST

Office of the Secretary

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	<p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: This rule would substantially increase the number of active, informed, and independent participants at many rulemaking proceedings within the Department, thereby increasing the diversity and balance of views presented to the Department, and enhancing the Department's knowledge of the interests likely to be affected by its proposed rules.</p> <p>E. Legal Authority: The Department's rulemaking authority under the Department of Transportation Act, 49 U.S.C. 1651 <i>et seq.</i>, and related statutes.</p> <p>F. Chronology: On Jan. 13, 1977, the Department published regulations for a one-year demonstration program to provide financial assistance to certain participants in rulemaking proceedings of NHTSA. (42 FR 2863). At the same time, the Department issued an ANPRM, inviting public comments on the feasibility, wisdom, and scope of a permanent Department-wide program of financial assistance. Upon conclusion of the demonstration program, NHTSA evaluated the program and recommended that the Department establish an amended version of the program throughout the Department. On March 16, 1978, the demonstration program in NHTSA was extended until the Secretary decided whether to issue final, permanent Departmental regulations (43 FR 10918). On January 23, 1979, the regulation governing the NHTSA financial assistance demonstration program was revised to improve its administration. The Department is not in a position at this time to proceed with the issuance of an NPRM in view of the action taken by Congress, on the Department's Fiscal Year 1980 appropriations, to eliminate funding for the demonstration program.</p> <p>G. Citation: 49 CFR pt. 5.....</p>		
Public Availability of Information.....	<p>A. Description: This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be revised may include the fee schedule and the policy on waivers of fees for public interest groups and the press.</p> <p>B. Why Significant: Substantial public interest.....</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs.</p> <p>E. Legal Basis: 5 U.S.C. 552 (Freedom of Information Act)....</p> <p>F. Chronology: The regulations were last revised in 1975. (40 FR 7915) A new revision is currently under internal development.</p> <p>G. Citation: 49 CFR pt. 7.....</p>	Rebecca Lima Dailey (202) 426-4542.	NPRM <i>September</i> 1980.
*Nondiscrimination on the Basis of Handicap.	<p>A. Description: The Department is considering certain additions and changes to its rules forbidding discrimination against handicapped persons in DOT programs. This rulemaking package will consist of <i>two</i> parts: (1) an NPRM that would amend section 27.71 of the existing DOT section 504 rule, to clarify requirements pertaining to Federally-assisted airports; (2) an NPRM that would add a new section 27.77 to the 504 rule, to cover financial assistance programs of NHTSA.</p>	Robert C. Ashby (202) 426-4723.	NPRM <i>September</i> 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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OST

Office of the Secretary

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	<p>B. Why Significant: The section 504 rule is a controversial regulation affecting all parts of DOT as well as many providers and users of DOT-funded or operated programs. Additions and changes to the rule will be of considerable interest to the public.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: These regulatory actions would clarify and complete the FAA and NHTSA portion of the 504 rule.</p> <p>E. Legal Basis: Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794).</p> <p>F. Chronology: The Final Rule establishing the Department's section 504 regulations was published May 31, 1979 (44 FR 31442).</p> <p>G. Citation: 49 CFR Part 27.....</p>		

OST

Office of the Secretary

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Consolidation of Transportation Grants to U.S. Territories.	The regulation would comply with Title V of Pub. L. 95-134 which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. NPRM was published on 1/8/79 (44 FR 1765) (49 CFR pt. 29).	Greg Dahlberg, (202) 426-9605.	FR September 1980.
Maintenance of and Access to Records Pertaining to Individuals.	Revision of the Department's Privacy Act regulations. Notice of incorporation by reference published on 8/28/78. NPRM published 12/4/78 (43 FR 56682) (49 CFR pt.10).	John Windsor, (202) 426-1887.	FR October 1980.
Official Seal.....	Revision of regulations governing description and use of the Department's seal (49 CFR pt. 3).	Sam Podberesky, (202) 426-4723.	FR November 1980.
Rulemaking procedures.....	Amendments to the Office of the Secretary regulations on notice-and-comment rulemaking. (49 CFR pt. 5).	Sam Podberesky, (202) 426-4723.	Further action to be determined.
Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.	This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. NPRM published on October 22, 1979 (44 FR 60946).	Leslie Baldwin, (202) 426-4388.	FR August 1980.
*Amendments to Department Organizational Manual.	These amendments would update the Department's Organizational Manual to reflect changes in the organizational structure, nomenclature, and delegation of the Department.	Jack Lusk, (202) 426-4723.	FR August 1980.
*Part-time Career Employment Program.	This regulation would convert certain full-time positions in the Department to permanent part-time positions, in accordance with the Federal Employees' Part-Time Career Employment Act of 1978.	Bill Parent, (202) 426-2164.	NPRM August 1980.
*Comments on Relocation of Standard Time Zone Boundary in the State of Alaska.	Comments are being requested on the Department's decision to move Juneau, Alaska, and parts of the surrounding area from the Pacific time zone to the Yukon time zone. NPRM was published on June 9, 1980 (45 FR 38423) (49 CFR 71).	Jack Lusk, (202) 426-4723.	FR September 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG

U.S. Coast Guard

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
<p>Review: Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (Docket No. CGD 79-116 and 79-116a).</p>	<p>A. Description: Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk.</p> <p>B. Why Significant: Considered significant because this is the result of a Presidential initiative.</p> <p>C. Analysis: Regulatory Evaluation, Environmental Impact Statement, Inflationary Impact Statement.</p> <p>D. Need: Most pollution incidents are the result of personnel error; consequently the minimum qualifications of persons involved in handling pollution substances should be specified.</p> <p>E. Legal Basis: 86 Stat. 427, as amended (46 U.S.C. 391a); Sec 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(n)(4).</p> <p>F. Chronology: Environmental Analysis and Inflationary Impact Statement completed February, 1977. NPRM published April 25, 1977 (42 FR 21190). Public hearing June, 1977. Extensive comments were received on this NPRM and it was withdrawn on April 30, 1979. A revised NPRM is being prepared.</p> <p>G. Citation: 33 CFR pt. 155; 46 CFR pts. 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, and 157.</p>	<p>CDR Hess, (202) 426-2251.</p>	<p>NPRM August 1980.</p>
<p>Review: Proposed Design Standards for Tank Barges (Docket No. CGD 75-083). Upgrade Existing Tank Barge Construction (Docket No. CGD 75-083a).</p>	<p>A. Description: This action would comprise two regulatory projects centered on tank barge construction standards which resulted from Presidential initiatives of March 17, 1977, directing study of the tank barge pollution problem. One project will address new barge construction while the other will pertain to existing barges.</p> <p>B. Why Significant: Considered significant due to substantial Congressional and public interest.</p> <p>C. Analysis: Regulatory Analysis, Environmental Impact Statement.</p> <p>D. Need: Increased public awareness of the oil pollution problem, as well as international and domestic interest in this area have made increased design standards necessary as a means of reducing the possibility of pollution.</p> <p>E. Legal Basis: Sec. 201, 86 Stat 427, as amended (46 U.S.C. 391a).</p> <p>F. Chronology: The upgrade of tank barge construction standards was published as a NPRM in the <i>Federal Register</i> of December 24, 1971 (36 FR 24960). As a result of the 63 written comments received, it was decided that the standards needed to be studied further, especially as they would apply to existing barges.</p> <p>In 1974, the Coast Guard and the Maritime Administration performed a joint study of the tank barge pollution problem which found that certain construction techniques might provide a significant advantage for eliminating oil pollution from tank barges. However, the study had several weaknesses and regulatory action was not taken.</p>	<p>LCDR Johnson, (202) 426-4431; LCDR Rock, (202) 426-2183.</p>	<p>Notice of future actions the Coast Guard intends to take March, 1981.</p>

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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U.S. Coast Guard

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	<p>In July 1977, the Coast Guard began a reexamination of the tank barge construction standards. It was determined that new construction should be treated separately from existing barges. An ANPRM concerning impacts related to existing barges was published on June 14, 1979 (44 FR 34440). A NPRM on the standards for new construction was published on June 14, 1979 (44 FR 34440). Public hearings were held on August 2, 1979 (Washington, D.C.), August 15, 1979 (Seattle); August 23, 1979 (New Orleans); September 5, 1979 (Washington, D.C.); and September 7, 1979 (St. Louis). Comment period ended September 30, 1979. The comment period was extended to December 1, 1979. The decision date is scheduled for April, 1980. <i>Supplemental Notice published March 13, 1980 (45 FR 16438). National Academy of Sciences (NAS) study will be conducted February 15, 1980, through January 31, 1981. Rulemaking has been deferred until completion of the NAS study.</i></p>		
<p>Review: Pollution Prevention, Vessels and Oil Transfer Facilities (Docket No. CGD 75-124a).</p>	<p>G. Citation: 46 CFR pts. 32-40</p> <p>A. Description: Would reduce accidental or intentional discharge of oil or oily wastes during vessel operations.</p> <p>B. Why significant: This regulation is the significant part of Docket No. CGD 75-124. Substantive changes to the NPRM are proposed so that a supplemental NPRM is needed. It is considered significant due to opposition from the owners/operators of offshore marine service vessels and inland waterways vessels to the oil-water separator requirements of 33 CFR 155.330. Also, considerable expense may be incurred by the towing service to install separators and monitors or alarms, if alternative measures are not used. Without these sections, the remainder of CGD 75-124 is non-significant and was published as a final rule on January 31, 1980 (45 FR 7156).</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: (1) Necessity to reduce the number of oil spills. (2) Clarification of existing rules. (3) Additional requirement for oil-water separators under the 1973 International Convention for the Prevention of Pollution from Ships.</p> <p>E. Legal Basis: Section 311(i)(1) (C) and (D) of the Federal Water Pollution Control Act, as amended; 33 U.S.C. 1321(i)(1) (C) and (D).</p> <p>F. Chronology: NPRM published June 27, 1977 (42 FR 32670). Supplemental NPRM published October 27, 1977 (42 FR 56625). Public Hearings held: New Orleans, LA. 11/22/77, St. Louis, MO. 11/30/77, Wash., D.C., 11/28/77.</p> <p>G. Citation: 33 CFR 155.330 thru 155.410</p>	<p>Lt. B. Balch, (202) 426-9578.</p>	<p>NPRM September 1980.</p>
<p>Segregated Ballast For Oil Tankers (Docket No. CGD 77-058).</p>	<p>A. Description: On March 17, 1977 President Carter directed the Secretary of Transportation to issue new rules for oil tanker standards which were to include segregated ballast on all tankers and double bottoms on all new tankers which call at American ports. The provisions of these proposed regulations have been changed by the February 1978 Intergovernmental Maritime consultative Organization (IMCO) Conference to include Crude Oil Washing (COW) and Clean Ballast Tanks (CBT).</p> <p>B. Why Significant: This rulemaking is considered significant because of substantial Congressional and public interest.</p>	<p>Mr. J. Angelo, (202) 426-4431 CDR Ireland, (202) 426-2167.</p>	<p>Action complete.</p>

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG

U.S. Coast Guard

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
<p>Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (Docket No. 77-069).</p>	<p>C. Analysis: Regulatory Analysis, Environmental Impact Statement.</p> <p>D. Need: As part of the President's initiatives to reduce accidental pollution and operational oil pollution resulting from normal tanker operations.</p> <p>E. Legal Basis: R.S. 4417(a) as amended by section 5, P.L. 95-474, (46 U.S.C. 391a).</p> <p>F. Chronology: NPRM was published May 16, 1977 (42 FR 24868). As a result of the IMCO 2/78 Tanker and Pollution Prevention Conference a new NPRM was issued. This rulemaking was also mandated by the Port and Tanker Safety Act of 1978. NPRM published February 12, 1979 (44 FR 8984). Hearings were held on March 21, 1979 in Washington, D.C., and March 28, 1979 in San Francisco. Interim Final Rule published November 19, 1979 (44 FR 66502). <i>Final Rule published June 30, 1980 (45 FR 43705).</i></p> <p>G. Citation: 33 CFR pt. 157</p>		
	<p>A. Description: Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by Intergovernmental Maritime Consultative Organization (IMCO) which would increase safety levels of existing ships carrying gas.</p> <p>B. Why Significant: This is significant because it involves a large number of existing U.S. and foreign flag ships which carry liquefied gas and is the subject of substantial public interest.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: Increased use of liquefied gases has intensified the problems associated with this product. Since this product has unique properties and dangers, a dedicated set of regulations is needed to address them.</p> <p>E. Legal Basis: R.S. 4417(a) as amended by section 5, P.L. 95-474, (46 U.S.C. 391a); See 6(d)(1), 80 Stat 937 (49 U.S.C. 1655(b)(1)). This rulemaking is also mandated by the Port and Tanker Safety Act of 1978..</p> <p>F. Chronology: An Advance Notice of Proposed Rulemaking was published June 30, 1977 (42 FR 33353). This action is also mandated by the Port and Tanker Safety Act of 1978. Recent events have created a need for additional information. We intend to publish an additional ANPRM.</p> <p>G. Citation: 46 CFR pts. 31, 34, 38, 40, 54, 98, 154</p>	<p>LCDR Pluta, (202) 426-2160.</p>	<p>ANPRM September 1980.</p>
<p>Review: Licensing of Pilots (Docket No. CGD 77-084).</p>	<p>A. Description: This proposal would require recency of service for each route upon which a pilot is authorized to serve; licenses would be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of very large vessels including Very Large Crude Carriers (VLCC).</p> <p>B. Why Significant: Considered significant because there is substantial interest among marine personnel on this matter with opposition expected from Federal pilots.</p> <p>C. Analysis: Regulatory Evaluation</p>	<p>CDR Norman, (202) 426-2240.</p>	<p>NPRM August 1980.</p>

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG

U.S. Coast Guard

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
<p>Tank Vessel Operations Regulations, Puget Sound (Docket No. CGD 78-041).</p>	<p>D. Need: Increased ship size has led to unusual handling characteristics with which some pilots may not be familiar. This rule will allow use of simulator training for these kinds of vessels.</p> <p>E. Legal Basis: 46 U.S.C. 214, 224, 230, 233, 237; 49 U.S.C. 1655(b)(1).</p> <p>F. Chronology: A Regulatory Analysis and Work Plan were completed 10/78. A public hearing will probably be held shortly after the publication of the NPRM.</p> <p>G. Citation: 46 CFR pt. 10</p> <p>A. Description: This regulation would govern the operation of tank vessels in the Puget Sound area to protect against environmental harm resulting from vessel or structure damage, destruction, or loss.</p> <p>B. Why Significant: This is considered a significant rule-making due to Congressional and public interest. In addition it may generate controversy among the public, environmentalists, and the oil industry.</p> <p>C. Analysis: Regulatory Evaluation, Environmental Impact Statement.</p> <p>D. Need: To reduce the possibility of environmental harm resulting from oil spills in Puget Sound by governing the operation of tankers to reduce the risk of collision or grounding.</p> <p>E. Legal Basis: Port and Waterways Safety Act (33 U.S.C. 1221).</p> <p>F. Chronology: Secretary Adams signed 180 day Interim Rule on March 14, 1978 prohibiting entry of oil tankers in excess of 125,000 Deadweight Tons in Puget Sound March 23, 1978 (43 FR 12257). ANPRM published March 27, 1978 (43 FR 12840) with public hearing held April 20-21, 1978. NPRM published April 12, 1979 (44 FR 21974). Public hearings were held in Washington State on June 11-14 1979. The interim navigation rule will remain in effect until cancelled (44 FR 36174). <i>The Puget Sound rulemaking has been broken into three parts: 78-041 Tank Vessel Operations, 78-041a Puget Sound VTS Service Area, and 78-041B, Puget Sound VTS General Rules. 78-041b, the General Rules, were published as a final rule on July 21, 1980 (45 FR 48822). The Puget Sound VTS Service Area portion (041a) was reclassified as nonsignificant and future issues of the agenda will list it in the nonsignificant section. A supplemental notice on the new nonsignificant portion was published on July 21, 1980 (45 FR 48826). The Tank Vessel Operations (041) portion remains significant. A supplemental NPRM announcing tanker/tug risk analysis tests was published on July 21, 1980 (45 FR 48827).</i></p> <p>G. Citation: 33 CFR pts. 160, 161.....</p>	<p>Mr. Ziegfeld, (202) 755-6146.</p>	<p>FR December 1981.</p>
<p>Personnel Safety and Health Requirements for Industrial Vessels. (Docket No. CGD 80-15).</p>	<p>A. Description: This regulation would develop health and safety requirements for industrial vessels. <i>(This regulation has been reclassified as a nonsignificant regulation. It is now listed in the nonsignificant portion of this Agenda.)</i></p>	<p>LT Cashman, (202) 471-5150.</p>	<p>NPRM December 1980.</p>
<p>Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf (Docket CGD 79-077).</p>	<p>A. Description: This regulation would develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf (OCS). <i>(This regulation has been reclassified as a nonsignificant regulation. It is now listed in the nonsignificant portion of this Agenda.)</i></p>	<p>LT Cashman (202) 472-5160.</p>	<p>NPRM December 1980.</p>

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG

U.S. Coast Guard

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Revision of 46 CFR 157.20-5, Division into Three Watch Regulation (Docket No. CGD 78-037).	<p>A. Description: This revision would require an adjustment in vessel manning requirements, to bring them into line with current legislation. It would change the requirements which identify personnel who must be used on the three watches and personnel who may be employed in a day working status.</p> <p>B. Why Significant: Involves a matter that is of significant interest to the public. Also, opposition is anticipated from the maritime labor unions.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: The regulations in this section no longer reflect present CG policy and need updating.</p> <p>E. Legal Basis: R. S. 4463, as amended (46 U.S.C. 222); Section 2 of the Seamen's Act of 1915, as amended (49 Statute 1933; 46 U.S.C. 673).</p> <p>F. Chronology: Prepared Work Plan 5/78. Legislative action affecting this regulation is anticipated in Congress. Pending the outcome of this action, work on this regulation has been suspended.</p> <p>G. Citation: 46 CFR 157.20-5.....</p>	CDR McCowen (202) 426-2240.	<i>Withdrawn.</i>
Drawbridge Operation Regulations—Newark Bay and Passaic and Hackensack Rivers, New Jersey (Docket No. CGD 78-173).	<p>A. Description: Would amend the regulations to provide more equitable balance between the needs of land and marine modes of transportation in scheduling drawbridge openings and generally update the regulations.</p> <p>B. Why Significant: Involves coordination with other agencies within DOT and is a matter of significant public interest.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: Increased use of rail, road, and water transportation in this heavily industrialized and heavily populated area, mariners' complaints of long delays before bridge openings, and a general need to update existing regulations.</p> <p>E. Legal Basis: Sec. 5, 28 Stat. 362, 33 U.S.C. 499; 80 Stat. 937, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).</p> <p>F. Chronology: A fact-finding public hearing was held November 17, 1977 to provide the basis for formulating the proposed rule. <i>NPRM published February 28, 1980 (45 FR 16203). Public hearings were held in Newark, N.J. and Rutherford, N.J. on April 23, 1980.</i></p> <p>G. Citation: 33 CFR 117.200.....</p>	Mr. F. Teuton, (202) 426-0942.	<i>FR September 1980.</i>
Review: Eight-Hour Day, Voluntary Overtime (Docket No. CGD 78-146).	<p>A. Description: Under 46 CFR 157.20-10, no licensed officer or seaman should be required to be on duty more than eight hours in any one day except in extraordinary conditions. The regulations do not address overtime and do not consider any possible "fatigue factor."</p> <p>B. Why Significant: Involves a matter that is of public interest. In addition, opposition may be forthcoming from maritime labor unions, or management, or both.</p> <p>C. Analysis: Regulatory Evaluation.....</p>	CDR McCowen, (202) 426-2240.	<i>Withdrawn.</i>

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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U.S. Coast Guard

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	<p>D. Need: In recent years Coast Guard studies have shown that a "fatigue factor" must be recognized as having a profound effect on one's reaction time, judgment, and well being.</p> <p>E. Legal Basis: Section 2 of Seaman Act of 1915, as amended. (49 Stat. 1933; 46 USC 673).</p> <p>F. Chronology: Prepared Work Plan 1/79. Submission to OST May 1979. <i>Withdrawn March 6, 1980.</i></p> <p>G. Citation: 46 CFR 157.20-10</p>		

USCG

U.S. Coast Guard

Nonsignificant Regulations ¹

Title	Summary	Contact	Earliest expected decision date
Vessel Traffic Service (VTS), Berwick, Bay, La. (Docket 73-186).	Would codify certain operating procedures now being done under local order. (33 CFR pt. 161).	LTJG Molessa, (202) 426-4958.	NPRM August 1980.
Review: Cargo Location Signs and Cargo Information Cards on Barges (Docket No. CGD 73-243).	Requires notification to the vessel's crew of the hazards and locations of dangerous cargoes carried on barges. NPRM published March 29, 1979 (44 FR 18709) Supplemental NPRM published June 7, 1979. Comment period extended to June 29, 1979. <i>FR published March 20, 1980 (45 FR 17999).</i> (46 CFR pt. 35).	Mr. R. Query, (202) 426-1217.	Action complete.
VTS Houston-Galveston, Texas (Docket No. CGD 74-029).	Would make mandatory a now voluntary vessel traffic service. (33 CFR pt. 161).	LTJG Molessa, (202) 426-4958.	NPRM August 1980.
Review: Revision of Electrical Regulations (Docket No. CGD 74-125).	Would generally revise and update the electrical regulations to conform with latest technology and to include steering requirements for vessels other than tank vessels. This project was downgraded from significant. Supplemental NPRM published March 3, 1980 (45 FR 13982).	LCDR Mowery, (202) 426-2206.	FR October 1980.
<i>Pilot Ladders and Powered Pilot Hoists</i> (Docket No. CGD 74-140).	Would establish new regulations for pilot hoists and revise regulations for pilot ladders and chain ladders. NPRM published July 23, 1979. (44 FR 43016). Publication of FR deferred pending evaluation of comments. (46 CFR pts. 160, 163).	Mr. R. Markle, (202) 426-1445.	FR September 1980.
Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (Docket No. CGD 74-284).	Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. (46 CFR 162.029).	Mr. K. Wahle, (202) 426-1444.	NPRM August 1980.
Elevators and Dumbwaiters (Docket No. CGD 75-001).	Would adopt the 1978 American National Standards Institute (ANSI) code with certain modifications for vessel construction. NPRM published April 5, 1976 (41 FR 14386). (46 CFR pt. 58).	Mr. B. Jackson, (202) 426-2206.	FR November 1980.
Review: Compatibility of Bulk Liquid Cargoes (Docket No. CGD 75-059).	Would establish cargo loading standards to prevent the intermingling of cargo likely to create dangerous conditions. (46 CFR pt. 150) <i>NPRM published March 27, 1980 (45 FR 30132).</i>	Mr. R. Query, (202) 426-1217.	FR September 1980.
VTS New Orleans (Docket No. CGD 75-112).	If approved, would have made voluntary system mandatory. Rulemaking discontinued pending a special study. <i>Notice of withdrawal published February 11, 1980 (45 FR 9011).</i>	LTJG Molessa, (202) 426-4958.	Withdrawn.

¹ For this Agenda, the Coast Guard nonsignificant regulations have been reorganized. They are now in numerical order by docket number. Docket numbers will now be assigned in a manner that will permit this numerical order to be retained while new regulatory projects are still listed at the end of the agenda.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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U.S. Coast Guard

Nonsignificant Regulations —Continued

Title	Summary	Contact	Earliest expected decision date
Review: Ocean Operator (Docket No. CGD 75-178).	Proposed licensing requirements for rank of ocean operator. NPRM published March 14, 1977 (42 FR 13844). <i>This has been withdrawn pending legislative activity.</i> (46 CFR pts. 157 and 186).	CDR McGowen, (202) 426-2240.	<i>Withdrawn.</i>
Opening signals for Drawbridges (Docket No. 75-237).	If approved, would establish uniform signals for opening drawbridges. <i>NPRM published June 1980 (45 FR 43226) (33 CFR pt. 117).</i>	Mr. Teuton, (202) 426-1380.	<i>FR November 1980.</i>
Review: Advance Notice of Arrival (Docket No. CGD 75-238).	Would require advance notice to Captain of the Port (COTP) of vessel arrivals, departures and hazardous conditions. NPRM published June 15, 1978 (43 FR 25958). Public hearing held October 12, 1978 in Washington, D.C., and October 20, 1978 in Houston, Texas. Interim Final rules published November 5, 1979 (44 FR 63672). (33 CFR pt. 161).	LT Allen, (202) 426-1927.	<i>FR September 1980.</i>
Review: Stability Standards for Towing and Offshore Vessel Hull Forms (Docket No. CGD 76-018).	Would establish intact stability standards for both towing and free-route modes of subject vessels. ANPRM published April 12, 1976 (41 FR 15349). (46 CFR pt. 42).	Mr. F. Perrini, (202) 426-2187.	<i>NPRM August 1980.</i>
Exposure Suits on Great Lakes Vessels (Docket No. CGD 76-033a).	Specification and vessel requirements for low-temperature exposure suits. NPRM published June 8, 1978 (43 FR 25000). <i>FR published April 10, 1980 (45 FR 24471).</i> (46 CFR pts. 33, 35, 71, 75, 78, 91, 94, 97, 99, 160, 189, 192).	Mr. R. Markle, (202) 426-1445.	<i>Action complete.</i>
Review: Subdivision and Stability of Passenger Vessels (Docket No. CGD 76-053).	Proposes more flexible regulations by allowing alternate compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements. (46 CFR pts. 73, 74).	Mr. J. Howell, (202) 426-2187.	<i>NPRM August 1980.</i>
Pilotage Requirements (Docket No. CGD 76-060).	Would clearly delineate when and in what areas pilots are required. (46 CFR 157.20-40).	CDR McCowan, (202) 426-2240.	<i>NPRM December 1980.</i>
Review: Stability Standards for Hopper Dredges (Docket No. CGD 76-080).	Would improve capability of a dredge to withstand flooding caused by damage to hull or interior piping. NPRM published December 10, 1979 (44 FR 70791). (46 CFR pt. 93).	Mr. D. Ewing (202) 426-2187.	<i>FR August 1980.</i>
Cargo Monitors on Tank Vessels (Docket No. CGD 76-088b).	Proposed requirements for installation and use of cargo monitors. NPRM published June 27, 1977 (42 FR 32684). (33 CFR pt. 157).	LT Cool, (202) 426-2168.	<i>Supplemental NPRM October 1980.</i>
Review: Deepwater Port Safety Zone Regulations (Docket No. CGD 76-096).	Would establish regulations for safety zones at U.S. Deepwater Ports. <i>NPRM published February 14, 1980 (45 FR 10172).</i> (33 CFR pt. 150).	Mr. F. Martin, (202) 472-5052.	<i>FR September 1980.</i>
Review: Casualty Reporting (Docket No. CGD 76-170).	Would update the regulation by changing the monetary and other damage criteria. As a result of numerous comments a revised NPRM was published. NPRM published October 19, 1978 (43 CFR 46982). Correction published October 23, 1978 (43 FR 49316). NPRM published December 3, 1979 (44 FR 69308). (46 CFR 4.05).	CDR Blomquist, (202) 426-1455.	<i>FR August 1980.</i>
Review: Radar Observer Endorsement for Personnel (Docket No. CGD 76-193a).	Would require specialized training in use of radar equipment. This will be a supplemental notice based on a document published earlier. (48 CFR Pt. 10).	CDR Hess, (202) 426-2251.	<i>NPRM August 1980.</i>
Review: Shipboard Fumigation Standards (Docket No. CGD 76-206).	Proposed operational requirements for fumigation procedures on vessels. (46 CFR pt. 147a).	LT Norris, (202) 426-1577.	<i>NPRM August 1980.</i>
Review: Exemption for Cargo Vessels in Alaska Serving Remote Villages (Docket No. CGD 76-223).	Would allow special uses for specific vessels serving in the Alaskan Trade. (46 CFR pts. 6, 30, 42, 43, 70, 90, and 151; 33 CFR pt. 1).	LTJG Murray, (202) 426-2190.	<i>FR October 1980.</i>

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Requirement to Stop to Permit Boarding (Docket No. CGD 76-232).	Would require boat operators to stop when ordered to do so by CG Boarding Officer. (33 CFR pt. 177).	Mr. F. Dewees, (202) 426-4176.	NPRM September 1980.
Review: Marine Safety Investigations (Docket No. CGD 77-018).	Would implement investigation authority under Ports and Waterways Safety Act. NPRM published January 25, 1979 (44 FR 5368). (33 CFR pt. 168).	LT Allen, (202) 426-1927.	FR September 1980.
Damage Stability, Subchapter "O" Barges (Docket No. CGD 77-027).	Would apply damage stability requirements for chemical vessels to ocean chemical barges. (46 CFR 151.10-10).	Mr. F. Perrini, (202) 426-2187.	NPRM October 1980.
Ocean Dumping Surveillance Equipment Requirements, (new Part) (Docket No. CGD 77-029).	Would establish equipment requirements to conduct surveillance to prevent unlawful dumping of material into ocean waters. NPRM published December 13, 1979 (44 FR 72188). (33 CFR pt. 158).	LCDR Voyik, (202) 755-7938.	FR September 1980.
Review: Suspension & Revocation Proceedings—Consolidation of Regulations (Docket No. CGD 77-037).	Would combine disparate regulations to clarify the appeal process. <i>No substantive changes will be made.</i> (46 CFR pts. 1,5).	LT McDaniel, (202) 426-9776.	FR September 1980.
Review: Designation of Oceanographic Vessels (Docket No. CGD 77-081).	Would establish standard procedures for designating oceanographic research vessels and allow their exemption from certain manning requirements. (46 CFR pt. 188).	CDR McCowen, (202) 426-2240.	NPRM August 1980.
Vessel Traffic Service (VTS) New York, N.Y. (Docket No. CGD 77-087).	Establishes regulations for vessel traffic service in New York Harbor. NPRM published February 16, 1978 (43 FR 6906). Final Rule published August 2, 1979 (44 FR 45381). Effective date suspended indefinitely September 24, 1979 (45 FR 50005) (44 FR 2133). (33 CFR pt. 161).	Mr. F. Schwer, (202) 426-4958.	Rule published, effective date pending equipment installation.
Requirement for First Purchaser List Kept by Boat Dealers (Docket No. CGD 77-115).	Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert of safety defects. (33 CFR pt. 179).	Mr. Ellison, (202) 426-1065.	NPRM September 1980.
Review: Waterfront Facilities (Docket No. CGD 77-128).	Would revise waterfront facility regulations by consolidating and updating general regulations. ANPRM published April 10, 1978 (43 FR 15108). (33 CFR pts. 126-32).	LT Allen, (202) 426-1927.	NPRM August 1980.
Review: Amendments to Alternative Compliance (Docket No. CGD 77-136).	Would provide editorial improvement and clarification of existing regulations. (33 CFR pt. 87).	Mr. T. Foley, (202) 426-4958.	NPRM September 1980.
Review: Miscellaneous Changes to 46 CFR 56. (Docket No. CGD 77-140).	Would update Title 46, Subchapter F—Marine Engineering. (46 CFR pt. 56).	LCDR Jenkins, (202) 426-2160.	NPRM October 1980.
Review: Acceptance of American Society of Mechanical Engineers (ASME) "U" or "UM" Pressure vessels (Docket No. CGD 77-147).	Would accept pressure vessels bearing the ASME "U" or "UM" stamp without U.S. Coast Guard inspection. (46 CFR pt. 54).	Mr. H. Hime, (202) 426-2160.	NPRM December 1980.
Review: Amendments to Customs Regulations for Boats (Docket No. CGD 77-157).	Would amend the Joint Coast Guard Customs regulations for imported boats. Minor revision to improve administration of the regulations. NPRM completed and forwarded to U.S. Customs Service. (19 CFR pt. 12).	LT Newman, (202) 426-1065.	NPRM September 1980.
Damage Stability Standards for Great Lakes Vessels (Docket No. CGD 77-162).	Would establish subdivision and stability standards for commercial vessels operating on the Great Lakes.	Mr. Howell, (202) 426-2187.	ANPRM August 1980.
Review: Establishment of Second-Class Ocean Operator (Docket No. CGD 77-176).	Would establish qualification for a second operator on small passenger vessels required to have more than one Ocean Operator on Board. NPRM published March 23, 1978 (43 FR 12218). This project has been suspended pending current legislative activity. (46 CFR pts. 157,186 and 187).	CDR McCowen, (202) 426-2240.	Further action to be determined.

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Title	Summary	Contact	Earliest expected decision date
Review: Amendment to Navigation Safety Regulations (Docket No. CGD 77-183).	Would relax some navigation requirements for Great Lakes and provide editorial corrections. NPRM published September 4, 1979 (44 FR 51620). <i>FR published March 24, 1980 (45 FR 18924).</i> (33 CFR pt. 164).	Mr. T. Foley, (202) 426-2240.	<i>Action complete.</i>
<i>Revision of Navigation Safety Regulations (Docket No. CGD 77-196).</i>	<i>This docket was previously titled "Designation of Confined or Congested Waters." 33 CFR Part 164 is being revised. This revision would amend existing navigation safety regulations and incorporate changes in electronic position fixing devices and electronic relative motion analyzers, delete references to confined or congested waters, and resolve certain other ambiguities. (33 CFR Pt. 164).</i>	Mr. L. Stephey, (202) 426-4958.	<i>NPRM October 1980.</i>
Lifesaving Systems for Great Lakes Vessels (Docket No. CGD 77-202).	Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel. This project has been redocketed and will appear in future agendas under the number CGD 77-202. Re-docketed from No. CGD 75-033. (46 CFR Subchapters D, H, I, T, and Q).	Mr. R. Markie, (202) 426-1445.	NPRM January 1981.
Review: Second Class Operator for Towing Vessels (Docket No. CGD 77-204).	Would allow for able seaman service on ocean going vessels to be credited toward second class towboat license. NPRM published May 25, 1978. This proposal has been suspended pending current legislative activity (43 FR 22653). (46 CFR pt. 10).	CDR Norman, (202) 426-2240.	Further action to be determined.
Review: Halon 1301 Fire Extinguishing Systems for Merchant Vessels (Docket No. CGD 77-232).	Would allow Halon 1301 for specific types of installations. (46 CFR 164.035).	Mr. R. Eberly, (202) 426-2197.	NPRM September 1980.
Navigation Lights for Small Vessels (Docket No. CGD 77-233).	Would specify approval procedures and installation requirements for International Rules navigation lights for small vessels. NPRM published September 7, 1978 (43 FR 39946). (33 CFR pt. 89).	Mr. L. Gray, (202) 426-4027.	<i>Supplemental NPRM August 1980.</i>
Review: Safety Orientation for Passenger Vessels (Docket No. CGD 78-009).	Alerts passengers to locations and use of safety devices. NPRM published June 29, 1978 (43 FR 28426). <i>FR published February 19, 1980 (45 FR 11108).</i> (46 CFR pts. 26 and 185).	LCDR Rock, (202) 426-2183.	<i>Action complete.</i>
Officers On Uninspected Vessels (Docket No. CGD 78-027).	The amendment would clarify 46 CFR 157.30-10 regarding the number of deck officers and engineers to be on board uninspected vessels.	CMDR McCowen (202) 426-2240.	NPRM November 1980.
Hazardous Substances, Pollution Prevention for Vessels and Marine Transfer Facilities (Docket No. CGD 78-032).	Would establish regulations for pollution prevention for hazardous substances for vessels and marine transfer facilities. (33 CFR pts. 154, 155 and 156).	S. Mojonier, (202) 426-9578.	ANPRM October 1980.
Substitute Licenses/Merchant Documents in Suspension Marine Cases (Docket No. CGD 78-033).	Would allow the issuance of a substitute license/Merchant Marine Document pending the outcome of a hearing.	LT McDaniel, (202) 426-9776.	<i>Withdrawn.</i>
Liquefied Natural Gas Waterfront Facility (Docket No. CGD 78-038).	Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA. ANPRM published August 3, 1978 (43 FR 34362). Will merge with CGD 77-128. Supplemental ANPRM published March 8, 1979 (44 FR 12693). (33 CFR pt. 126).	LT Dickman, (202) 426-1927.	NPRM August 1980.
Tows Navigating the Pass Manchac Bridge, LA (Docket No. CGD 78-050).	Provides for regulation of tows navigating the waters in the vicinity of the Pass Manchac Bridge, LA. NPRM published December 21, 1978 (43 FR 59524). Correction published January 29, 1979 (44 FR 5680). <i>Final Rule published June 26, 1980 (45 FR 43166).</i> (33 CFR pt. 162).	LTJG Molessa, (202) 426-4958.	<i>Action complete.</i>

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Review: St. Mary's River, Vessel Traffic Service (Docket No. CGD 78-079).	Would revise and restate existing anchorage and navigation regulations for St. Mary's River, re-promulgating them under the authority of the Ports and Waterways Safety Act. (33 CFR pt. 161).	Mr. T. Foley, (202) 426-4958.	NPRM August 1980.
Notification of Marine Casualties (Docket No. CGD 78-098).	If approved, would require vessels within a certain distance of United States coasts to notify the Coast Guard of certain casualties. Further action on this project depends on the outcome of a study suggested in response to the ANPRM. ANPRM published April 16, 1979 (44 FR 22476). (33 CFR pt. 124 transferred to 161).	LT Allen, (202) 426-1927.	Study pending.
Marine Investigation Regulations (Docket No. CGD 78-105).	Would clarify the Coast Guard's subpoena power in marine investigation proceedings. (46 CFR pt. 4).	LCDR Miller, (202) 426-1455.	Withdrawn.
Aluminum Hatch Covers Aboard Tank Vessels (Docket No. CGD 78-121).	Would prohibit aluminum hatch covers on tank vessels, because they can melt down in ship-board fires. (46 CFR 32.60-1).	Mr. R. Eberly, (202) 426-2197.	NPRM September 1980.
Review: Bulk Chemical Tanker Update (Docket No. CGD 78-128).	Would update and revise standards for self-propelled vessels carrying hazardous liquid. (46 CFR pt. 153).	LCDR Trainer, (202) 426-1217.	NPRM May 1980.
Review: Accessibility of Fire Extinguishers on Boats (Docket No. CGD 78-137).	Would require boat operators to keep portable fire extinguishers in a readily accessible location. (46 CFR pt. 25).	Mr. Dewees, (202) 426-4176.	NPRM October 1980.
Review: Private Electronic Aids to Navigation (Docket No. CGD 78-145).	Would delete the prohibition of Private Aids to Navigation to provide uniform regulatory treatment. (33 CFR pt. 66).	LT Johnson, (202) 426-1974.	NPRM August 1980.
Inland Waters Navigation Regulations—Waters Connecting Lake Huron and Lake Erie (Docket No. CGD 78-151).	Would modernize existing regulations. (33 CFR pt. 162).....	Mr. LaRue, (202) 426-4958.	NPRM August 1980.
Review: Tables of Vessels Examined or Inspected under Various Coast Guard Regulations (Docket No. CGD 78-152).	Would update tables in various parts of Title 46 to reflect the new requirements implemented by the recently published Mobile Offshore Drilling Unit Regulations.	LT M. Rolman, (202) 426-2190.	Withdrawn.
Review: Survey Period for Oil Lubricated Tailshafts with Mechanical Seals (Docket No. CGD 78-153).	Would extend the drawing interval for oil lubricated tailshafts with mechanical seals. NPRM published November 1, 1979 (44 FR 62915). (46 CFR pt. 63).	LT M. Rolman, (202) 426-2190.	FR September 1980.
Review: Mandatory Marking of Obstructions (Docket No. CGD 78-156).	Would clarify and consolidate the requirements for marking of obstructions. (33 CFR pt. 64).	LT Johnson, (202) 426-1974.	NPRM September 1980.
Review: Private Aids to Navigation and State Aids to Navigation (Docket No. CGD 78-157).	Would codify and clarify the Aids to Navigation regulations concerning State and Private Aids to Navigation. (33 CFR pt. 66).	LT Johnson, (202) 426-1974.	NPRM September 1980.
Review: Mandatory Markings for Artificial Islands Installations, and other Devices (Docket No. CGD 78-158).	Would revise the marking regulations to bring them into agreement with the latest procedures. (33 CFR pt. 67).	LT Johnson, (202) 426-1974.	NPRM September 1980.
Review: Aids to Navigation—General Interference with Damages to and Charges for Aids to Navigation (Docket No. CGD 78-159).	Would codify revise and clarify the existing regulations. (33 CFR pts. 60, 62, 66, 70, 74, and 76).	LT Johnson, (202) 426-1974.	NPRM September 1980.
Review: General Revision to Subchapter N (Docket No. CGD 78-160).	Proposed general revisions to Subchapter N, Artificial Islands and Fixed Structures on the Outer Continental Shelf. Revisions to include changes made necessary by new legislation and the Coast Guard Commercial Diving Rules. NPRM published May 1, 1980 (45 FR 29072). (33 CFR pt. 140).	LCDR T. Barrett, (202) 472-5160.	FR October 1980.

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Review: Termination of Windsurfer Exemption (Docket No. CGD 78-163).	Would determine whether to continue an exemption that allows operators of Windsurfer boats to not carry Personal Flotation Devices. ANPRM published March 29, 1979.	Mr. Dewees, (202) 426-4176.	NPRM May 1980.
Approval of Inflatable Personal Flotation Devices (PFDs) (Docket No. CGD 78-174).	Would establish performance standards for inflatable PFDs and procedures for granting <i>product</i> approval to these devices. ANPRM published March 15, 1979 (46 CFR pt. 160).	LT Weiss, (202) 426-1444.	NPRM January 1981.
Offshore Oil Lightering (Docket No. CGD 78-180).	Would establish requirements for vessel to vessel transfers of oil or hazardous materials if the cargo is bound for a U.S. port. NPRM published May 31, 1979 (44 FR 31486). (33 CFR pt. 156).	LT J. Balch, (202) 426-9578.	Supplemental NPRM September 1980.
Review: Amendment to Hull Identification Requirements (Docket No. CGD 79-013).	Would further delineate responsibility for marking boats with a hull identification number. Would require a second number inside the boat to aid in identification of stolen boats. (33 CFR pt. 181).	Mr. Ellison, (202) 426-1065.	NPRM September 1980.
Review: Stability Subchapter (Docket No. CGD 79-023).	Would bring together all the existing stability regulations and identifiable past practice into a single subchapter including a part pertaining to the carriage of passengers and separate parts pertaining to cargoes, vessel use and special types.	Mr. D. Ewin, (202) 426-2187.	NPRM January 1981.
Port and Tanker Safety Act Delegations Under Section 9, Ports and Waterways Safety Act (Docket No. CGD 79-026).	Would delegate to Captains of the Port authority and responsibility to prohibit vessel operations and cargo transfers which may be unsafe. (33 CFR pt. 160). NPRM published December 3, 1979 (44 FR 69306) (33 CFR pt. 160).	LT Allen, (202) 426-1927.	FR August 1980.
Revision of Approval of Cargo Containers (Docket No. CGD 79-027).	Establishes domestic administrative machinery for the implementation and administration of the International Convention for Safe Containers (CSC). NPRM published November 29, 1979 (44 FR 68495). FR published June 2, 1980. (45 FR 37212).	Mr. C. Hochman, (202) 426-1577.	Action complete.
Installation, Maintenance, and Inspection of Pilot, Accommodation and Chain Ladders; and Powered Pilot Hoists (Docket No. CGD 79-032).	Would establish inspection procedures and timetables for embarkation apparatus.	LTJG Murray, (202) 426-2190.	NPRM November 1980.
Limited Access Areas (Docket No. CGD 79-034).	Would realign limited access area regulations in 33 CFR. (33 CFR pts. 125, 127, 128, and 165).	LT Allen, (202) 426-4958.	FR August 1980.
Steering Gear, Drills and Tests (Docket No. CGD 79-038).	Would require all inspected vessels over 100 gross tons and foreign vessels over 1600 gross tons to have written procedures for loss of steering control, and conduct log emergency steering drills. Docket No. CGD 79-038a incorporates changes to Title 46 CFR and CGD 79-038b incorporates changes to Title 33 CFR.	LT Rolman, (202) 426-1464.	NPRM January 1980.
Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (Docket No. CGD 79-059).	Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection and testing. ANPRM published January 10, 1980 (45 FR 2052). (33 CFR pt. 146 and 46 CFR pt. 92).	LTJG Silka, (202) 472-5160.	NPRM September 1980.
Revocation of Sitka and Wrangell, Alaska as Ports of Documentation. (Docket No. CGD 79-0606).	Revokes the designation of Sitka and Wrangell, Alaska as Ports of Documentation as listed in 46 CFR 66.05-1. NPRM published October 4, 1979. FR. Published February 14, 1980 (45 FR 9930) (44 FR 57137).	LTJG Heyl, (202) 426-2299.	Action complete.
46 CFR Subchapter D, Tank Vessels Corrections and Clarifications to conform to Title 33 CFR (Docket No. CGD 79-061).	Would eliminate conflicting requirements in Titles 46 and 33 CFR for minimum bolts per flange on transfer connections, fixed piping. In addition, eliminates confusion in tank barge security and smoking regulations.	LTJG Murray, (202) 426-2190.	NPRM August 1980.

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Marine Personnel Safety Standards (Docket No. CGD 79-065).	Would develop a new Subchapter prescribing general personnel safety standards for inspection vessels and off-shore facilities. (Subchapter V).	LT Zedan, (202) 426-2190.	NPRM December 1980.
COLREGS Demarcation Lines Boston Harbor Entrance (Docket No. CGD 79-066).	Moves the Colregs Demarcation Line of Boston Harbor Entrance several NPRM published November 8, 1979. (44 FR 64843) FR Published March 10, 1980 (45 FR 15175) (33 CFR pt. 82).	LTJG Molessa, (202) 426-4958.	Action complete.
Stowage of Lifeboats and Life-rafts (Docket No. CGD 79-072).	Would amend various subchapters to require inspected vessels under 1600 gross tons, on coastwise voyage and having widely separated accommodation or working spaces, to carry inflatable liferafts in those areas capable of accommodating 50 percent of the people on board. NPRM published December 3, 1979 (44 FR 69311) Supplemental NPRM published May 27, 1980 (45 FR 35366).	LT Zedan, (202) 426-2190.	FR November 1980.
Unregulated Hazardous Working Conditions on the Outer Continental Shelf (OCS) (Docket No. CGD 79-073).	Would identify any presently unregulated hazardous working conditions on the OCS and if necessary regulate such conditions. (33 CFR Subchapter N). ANPRM published September 20, 1979. (44 FR 54499).	LCDR Barrett, (202) 472-5160.	Withdrawn.
*Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf (Docket No. CGD 79-077).	This regulation would develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf (33 CFR Subchapter No; 46 CFR Subchapters 1A and V.).	Lt. Cashman, (202) 471-5150.	NPRM December 1980.
Vessel Personnel Licensing and Certification Standards of Foreign Countries (Docket No. CGD 79-081(a)).	Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels. Interim FR Published April 7, 1980 (45 FR 23425).	LCDR D. Struck, (202) 755-8684.	Interim FR August 1980.
Foreign Tank Vessel Manning Levels (Docket No. CGD 79-081(b)).	Would establish minimum manning levels for foreign tank vessels while operating on U.S. Navigable Waters.	LCDR D. Struck, (202) 755-8684.	NPRM September 1980.
Review: Tank Vent Height (Docket No. CGD 79-083).	Corrects vent height regulations in 46 CFR 56.50-85 to agree with 46 CFR 45.133. NPRM published January 7, 1980 (45 FR 1431). FR published April 21, 1980 (45 FR 26711).	Mr. D. Ewing, (202) 426-2187.	Action complete.
Amendment to Application of Vessel Numbers (Docket No. 79-087).	Would delete date of birth and citizenship data from application for vessel number.	Mr. Dewees, (202) 426-4176.	NPRM November 1980.
Shipment of Bulk Hazardous Waste by Water (Docket No. CGD 79-095).	Would establish requirements for transportation of bulk hazardous wastes.	Mr. R. M. Query (202) 426-1217.	NPRM September 1980.
U.S. Coast Guard Reserve (Docket No. CGD 79-105).	Would update the administrative regulations pertaining to the Coast Guard reserve.	CAPT Grover (202) 426-2348.	FR December 1980.
Merchant Mariner's Documents for Industrial Workers (Docket No. 79-109).	Would establish regulations for endorsements to merchant marine documents for special skills of industrial workers.	LCDR Struck, (202) 426-2240.	NPRM December 1980.
Inland Waterways Navigation Thimble Shoals (Docket No. CGD 79-120).	Would make two existing regulations consistent. (33 CFR pts. 128 and 162).	Mr. Le Blanc, (202) 426-4958.	NPRM January 1981.
Applications for Exemptions for SBT, CBT or COW, for Existing Vessels in Specific Trades (Docket No. CGD 79-126).	Would establish procedures for exemption from Segregated Ballast (SBT), Clean Ballast (CBT), or Crude Oil Washing (COW), for existing vessels in specific trades. NPRM published May 22, 1980 (45 FR 34306).	LCDR A. Spackman, (202) 426-4431.	FR January 1981.
Joint U.S. Canada Vessel Traffic Management regulations for the Pacific region (Docket No. CGD 79-131).	Would implement the provisions of an Agreement for a Cooperative Vessel Traffic Management System for the Pacific Region. (33 CFR pt. 161).	CDR Cruickshank, (202) 426-1940.	NPRM October 1980.

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Shipboard Noise Abatement (Docket No. CGD 79-134).	Would develop noise abatement standards (noise levels, hearing conservation program, etc.) for inspected vessels over 100 gross tons. (Will be included in subchapter V).	LT Zedan, (202) 426-2190.	NPRM January 1981.
Start-in-Gear Protection (Docket No. CGD 79-137).	Would establish a requirement for manufacturers of out-board engines producing more than 115 lbs of thrust to have a feature that would prevent the engine from being started while the transmission was in gear. <i>NPRM published March 24, 1980 (45 FR 18987); comment due July 24, 1980 (33 CFR 181 and 183).</i>	Mr. L. Granholm, (202) 426-4027.	FR January 1981.
Review: Great Lakes Pilotage Regulations (Docket No. CGD 79-138).	Increases the basic rates for Great Lakes Pilotage by five percent and adds a new class to the range of pilotage units. <i>NPRM published January 17, 1980 (45 FR 1431) comment due February 21, 1980. FR published February 21, 1980 (45 FR 13076).</i>	Mr. J. Hartke, (202) 755-8685.	Action complete.
Review: Requirement of Shipping Papers for Unslaked Lime (Docket No. CGD 79-141).	Removes the Coast Guard's requirements for the carriage of shipping papers for bulk shipments of unslacked lime. <i>NPRM published February 28, 1980 (45 FR 13138). Final Rule published May 12, 1980 (45 FR 31110).</i>	Mr. J. McAnulty, (202) 426-1578.	Action complete.
Review: Special Service Load Line Vessels, Hurricane Season (Docket No. CGD 79-142).	Would allow manned vessels with special service load lines to be operated during the hurricane season if the provisions of a Coast Guard approved heavy weather plan are followed. <i>NPRM published April 21, 1980 (45 FR 26722).</i>	Mr. D. Ewing, (202) 426-2187.	FR January 1981.
Permanently Moored Tank Barges (Docket No. CGD 79-143).	Would clarify the inspection and certification standards for permanently moored tank barges.	LTJG Olds, (202) 426-2190.	ANPRM September 1980.
Review: Inland Waterways Navigation Great Lakes (Docket No. CGD 79-151).	Would update existing regulations in 33 CFR pt. 162.	LTJG Molessa, (202) 426-4958.	NPRM September 1980.
Electronic Relative Motion Analyzer (Docket No. CGD 79-148).	Would require an electronic relative motion analyzer to be carried by all tankers of 10,000 gross tons or above. <i>NPRM published February 21, 1980 (45 FR 11790).</i>	Mr. F. Schwer, (202) 426-4958.	FR August 1980.
Review: Tank Vessels Transferring Outer Continental Shelf Oil (Docket No. CGD 79-152).	Would require vessels transferring Outer Continental Shelf oil from offshore oil exploration or production facilities to have segregated ballast tanks, dedicated clear ballast tanks, or special ballast arrangements. <i>NPRM published May 1, 1980 (45 FR 29087).</i>	LCDR R. Tweedie, (202) 426-4431.	FR January 1981.
Review: Load Line Equivalent Regulations (Docket No. CGD 79-153).	Would rearrange existing regulations in 46 CFR 42, Load Line, to comply with International Maritime Consultative Organization Resolution A.320(IX).	Mr. D. Ewing, (202) 426-2187.	NPRM September 1980.
Deepwater Port Liability Fund Requirements. (Docket No. CGD 79-158).	Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites. (33 CFR pt. 150).	Mr. F. Martin, (202) 472-5052.	NPRM August 1980.
Review: Tank Stop Valves (Docket No. CGD 79-159).	Would amend the regulations for tank stop valves to make them applicable to sluice gates and sluice valves as well as piping systems.	LCDR Jenkins, (202) 426-2160.	NPRM September 1980.
Modification to Line Throwing Device Requirements. (Docket No. CGD 79-160).	Would modify the regulation requiring a linethrowing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages.	LTJG Olds, (202) 426-2190.	NPRM August 1980.
Review: Revocation of Obsolete Specifications I (Docket No. CGD 79-165a).	Would revoke approval specifications for wood life floats and obsolete floating water lights.	Mr. F. Thompson, (202) 426-2174.	FR August 1980.
Review: Revocation of Obsolete Specifications II (Docket No. CGD 79-165b).	Would revoke approval specifications for cork and balsa ring life buoys and material specifications for cork and balsa.	Mr. F. Thompson, (202) 426-2174.	NPRM August 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG

U.S. Coast Guard

Nonsignificant Regulations —Continued

Title	Summary	Contact	Earliest expected decision date
Review: Painters for Life Floats and Buoyant Apparatus (Docket No. CGD 79-167).	Would require life floats and buoyant apparatus to have painters that are secured to the vessel.	Mr. R. Markle, (202) 426-1444.	NPRM <i>January</i> 1980.
Launching Devices for Liferrafts (Docket No. CGD 79-168).	Proposed specification for approval of devices used for launching inflatable liferafts. (46 CFR pts. 160 and 163). Re-docketed from No. CGD 75-217.	Mr. McCall, (202) 426-1445.	NPRM <i>December</i> 1980.
Review: License in Temporary Grades (Docket No. CGD 79-173).	Would provide for licenses in Temporary Grades or Special Endorsements or Licenses to Permit Temporary Service.	LCDR D. Struck, (202) 755-8684.	NPRM <i>September</i> 1980.
Disclosure of Safety Standards and Country of Registry (Docket No. CGD 79-180).	Would update 46 CFR 80.10 in compliance with 46 U.S.C. 362(b).	LT Zedan, (202) 426-2190.	FR <i>September</i> 1980.
Shipboard Asbestos Standards (Docket No. CGD 79-181).	Would develop safety standards threshold values, etc., for use of asbestos on inspected vessels. (Will be included in Subchapter V).	LT Zedan, (202) 426-2190.	NPRM <i>September</i> 1980.
Primary Health Care and Qualifications of Seamen. (Docket No. CGD 79-182).	Would implement health standards and qualifications of seamen and provide for training/experience in medical care for vessels.	CDR Parrow, (202) 472-4242.	<i>Withdrawn.</i>
Update of Subchapter O Cargo List (Docket No. CGD 80-001).	Would update the subchapter O cargo table in 46 CFR 151.05.	Mr. J. Jakabcin, (202) 426-2559.	NPRM <i>August</i> 1980.
Update of the Subchapter D Cargo Lists (Docket NO. CDG 80-002).	Would update the Subchapter D Cargo Lists (46 CFR 30-40). <i>NPRM published April 14, 1980 (45 FR 23575).</i>	Mr. C. Payne, (202) 426-2559.	FR <i>August</i> 1980.
*Prince William Sound VTS Amendment (Docket No. CGD 80-010).	Would update Prince William Sound Vessel Traffic System regulations (33 CFR).	Mr. E. LaRue, (202) 426-4958.	NPRM <i>November</i> 1980.
*Emergency Position Indicating Radiobeacons (EPIRBS) (Docket No. 80-24).	Would require use of EPIRBS's on vessels operating on the Great Lakes.	Mr. Markle, (202) 426-1444.	NPRM <i>December</i> 1980.
*Update Incorporations by Reference (Docket No. CGD 80-46 and 47).	Will update private standards incorporated by reference in Boating Safety standards (33 CFR Pt. 183). <i>NPRM published June 9, 1980 (45 FR 38417).</i>	Mr. Gray, (202) 426-4027.	FR <i>September</i> 1980.
*Comments on Draft Consumer Affairs Program (Docket No. CGD 80-62).	Would establish a consumer affairs program throughout the U.S. Coast Guard.	Mr. O'Brien, (202) 426-2290.	FR <i>December</i> 1980.
*Valve Inspection for Thermal Fluid Heaters (Docket No. 80-64).	Would clarify the inspection standards for valves on thermal heaters.	LTJG Olds, (202) 426-2190.	NPRM <i>September</i> 1980.
*Carriage of Liquefied Gases (Docket No. 80-65).	Would establish regulations for carriage of liquefied gas under 46 CFR 38.05.	Mr. Rowek, (202) 426-1217.	NPRM <i>October</i> 1980.
*Personnel Safety and Health Requirements for Industrial Vessels (Docket No. CGD 80-15).	This regulation would develop health and safety requirements for industrial vessels. (46 CFR Subchapters 1 and 1A.).	Lt. Cashman, (202) 471-5150.	NPRM <i>December</i> 1980.

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USCG

U.S. Coast Guard

Routine and Frequent Non-significant Regulations

Title	Total	Contact	Decision date
Safety/Security Zone Regulations..	10	LCDR McDonald, (202) 426-1927.	August 1980-August 1981.
Anchorage Area Regulations.....	16	Mr. Ziegfeld, (202) 426-1940.	August 1980-August 1981.
Drawbridge Regulations	90	Mr. F. Teuton, (202) 426-1380.	August 1980-August 1981.

FAA

Federal Aviation Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Flammability Standard for Crewmember Uniforms (Docket No. 14451).	<p>A. Description: Proposed revision to establish flammability specifications for crewmember uniforms that will provide protection against heat and flame.</p> <p>B. Why Significant: This proposal is considered a significant rulemaking project due to substantial public interest and potential cost to airlines.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: To establish basic flammability specifications for crewmember uniforms, since clothing now used is made of conventional fabrics which may be ignited under many of the emergency conditions that may result.</p> <p>E. Legal Basis: Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1422), Sec. 6(c) DOT Act (49 U.S.C. § 1655(c)).</p> <p>F. Chronology: Prior to April 1974, a number of informal conferences were held with members of the public including the Association of Flight Attendants (AFA), regarding flammability of flight attendant uniforms. A project was established to examine AFA claims regarding uniform flammability. National Bureau of Standards (NBS) Center for Fire Research was selected as research contractor. ANPRM No. 75-13 was issued March 16, 1975 (40 FR 11737), to solicit public information and comments. A follow-up contract was established with the NBS to evaluate comments and conduct further testing, the contract was extended through August 1979. The results of the contractual effort are being used in the development of the NPRM. A public hearing was held on May 28 and 29, 1980, to further explore the technical and economic factors that would be involved in implementing flammability standards. Participants in the hearing agreed to explore nonregulatory solutions to the problems raised by AFA.</p> <p>G. Citation: 14 CFR Part 121.....</p>	William J. Sullivan, (202) 755-8716.	NPRM March 1981.
Parts Manufacturer Approvals (Docket No. 17147).	<p>A. Description: Proposes to revise the Parts Manufacturer Approval application and reporting requirements and provisions related to showing identicalness of parts.</p> <p>B. Why Significant: The proposed revision is considered to be significant because it is controversial.</p> <p>C. Analysis: Regulatory Evaluation.....</p>	William J. Sullivan, (202) 755-8716.	SNPRM September 1980.

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Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
<p>Review: Part 91 Upgrade</p>	<p>D. Need: Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome.</p> <p>E. Legal Basis: Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, (49 U.S.C 1354(a), 1421, and 1423).</p> <p>F. Chronology: Project No. 76-257-R was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM dealing with other subjects will be handled separately. <i>We expect to issue a Supplemental Notice of Proposed Rule-making (SNPRM) in September 1980.</i></p> <p>G. Citation: 14 CFR Pt. 21</p> <p>A. Description: To upgrade the general aviation standards applicable to the operation of certain large aircraft, when not operated as an air carrier and to revise certain regulations applicable to commercial operators and air travel clubs.</p> <p>B. Why Significant: This is considered significant due to substantial public interest in the constraints to be proposed for safer operations of large aircraft under the regulations.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: Experience indicates that these proposed regulations are necessary to replace the current regulations with clearer regulations that are based upon safety, rather than economic criteria.</p> <p>E. Legal Basis: Secs. 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421-1430) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).</p> <p>F. Chronology: The NPRM was published in the Federal Register on November 11, 1979 (44 FR 66324). The closing date for comments was February 19, 1980.</p> <p>G. Citation: 14 CFR Pt. 91</p>	<p>William J. Sullivan, (202) 755-8716.</p>	<p>FR October 1980.</p>
<p>Review: Operations Review Notice No. 7 (Docket No. 17669).</p>	<p>A. Description: Proposes to revise the flight and duty time limitations and rest requirements for flight crewmembers used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft, and air travel clubs.</p> <p>B. Why Significant: This proposal is considered a significant regulation because of the controversy associated with the complexity and enforcement problems of the current rules.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: This proposal is needed to eliminate the complexity of the current regulations and to assure that flight and duty time limitations are based upon today's operating environment.</p> <p>E. Legal Basis: Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).</p>	<p>William J. Sullivan, (202) 755-8716.</p>	<p>SNPRM October 1980.</p>

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Federal Aviation Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date	
Review: Operations Notice No. 14.	Review	<p>F. Chronology: The proposals contained in this notice are based on related proposals discussed at the December 1975 Operations Review Conference. The notice was published in the Federal Register on February 27, 1978 (43 FR 8070), with a closing date of May 30, 1978, for public comments. The initial comment period was extended by supplemental notice on May 25, 1978 (43 FR 22540), to July 14, 1978, with reply comments allowed on or before August 18, 1978. We expect to issue a Supplemental Notice of Proposed Rulemaking (SNPRM) in October 1980.</p> <p>G. Citation: 14 CFR Pts. 121 and 123.....</p> <p>A. Description: Proposes to establish regulations for flight and duty time limitations and rest requirements for flight attendants used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs.</p> <p>B. Why Significant: This proposal is considered a significant regulation because there is substantial public interest in it.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: Because flight attendants perform important duties relating to the safety of flight, flight and duty time limitations and rest requirements are necessary to prevent excessive fatigue from adversely affecting the performance of those duties.</p> <p>E. Legal Basis: Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).</p>	William J. Sullivan, (202) 755-8716.	NPRM August 1981.
Administrative User (Docket No. 19110).	Charges.	<p>G. Citation: 14 CFR Pts. 121 and 123.....</p> <p>A. Description: This notice proposes to revise existing FAA fees for aircraft registration and for recording conveyances affecting title to, or any interest in, aircraft. In addition, it proposes to establish fees for FAA certification of pilots, instructors, and other airmen, including medical certification. It is intended that this proposed rule will provide for the recovery of expenses that the FAA incurs in these activities. The proposed action would be in accordance with the sense of the Congress.</p> <p>B. Why Significant: This proposal is considered a significant project because it involves an area of substantial public interest and controversy.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: This proposal will provide for the recovery of expenses that the FAA incurs in these activities and is in accordance with the sense of Congress.</p> <p>E. Legal Basis: Secs. 313, 503, 505, 601, 602, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1421, and 1422); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), Title V; Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)).</p>	John M. Rodgers, (202) 426-3420.	FR October 1980.

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Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Wind Shear. (Docket No. 19110)....	<p>F. Chronology: NPRM published on April 20, 1978 (43 FR 16924). The closing date for comments was July 19, 1978.</p> <p>G. Citation: 14 CFR Pts. 47, 49, 61, 63, 65, 67, 143, and 187.</p> <p>A. Description: Proposed revision to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots.</p> <p>B. Why Significant: This action is considered a significant project because it will generate substantial public interest and will be controversial.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: As a result of several accidents involving wind shear, the FAA believes it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions.</p> <p>E. Legal Basis: Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).</p> <p>F. Chronology: In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. The ANPRM was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979.</p> <p>G. Citation: 14 CFR Pt. 121.....</p>	William J. Sullivan, (202) 755-8716.	NPRM <i>October 1980.</i>
*Stage 2 Operating Noise Limits for Airplanes Engaged in Foreign Air Commerce (Dockets 13582 and 14317).	<p>A. Description: Proposed amendment to apply the Operating Noise Limits rule to certain currently excepted airplanes to meet present Federal noise standards in accordance with a phased time schedule ending on January 1, 1985. <i>This significant regulatory project has been cancelled. A similar regulatory project that implements Title III of the Aviation Safety and Noise Abatement Act of 1979 has been added to the nonsignificant portion of this Agenda.</i></p>	James Densmore, (202) 755-9468.	<i>Cancelled.</i>
*Stage 3 Requirements for Issuance of Standard Airworthiness Certificates.	<p>A. Description: Proposed amendment would require all aircraft added to the U.S. domestic fleet after specified dates to meet FAR Part 36, Stage 3 noise limits.</p> <p>B. Why Significant: This proposal is considered significant because of its potential to shift production away from older, noisier, and less fuel efficient airplanes. The proposal may involve substantial public interest.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: To provide further relief and protection to the public from aircraft noise.</p> <p>E. Legal Basis: Section 611 of the Federal Aviation Act of 1958 (as amended).</p> <p>F. Chronology: A related proposal was presented in NPRM 72-19, published 7/25/72 (37 FR 14813). <i>This project has been canceled.</i></p> <p>G. Citation: 14 CFR Part 36.....</p>	James Densmore, (202) 755-9468.	<i>Cancelled.</i>

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FAA

Federal Aviation Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Metropolitan Washington Air-ports Policy.	<p>A. Description: Develop and implement a comprehensive policy and regulations (1) defining the respective roles of Washington National and Dulles International Airports, and (2) governing the future use, operation, development and maintenance of those airports.</p> <p>B. Why Significant: The proposed policy is of substantial interest to the public, potentially affecting State and local governments and the aviation community.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: The lack of a firm, long-range policy has substantially hindered maximum effective and efficient management of the airports. Planning and funding processes have necessarily been limited to relatively short-term objectives. Efforts to lessen the impact of the airports on surrounding communities continue to be hampered by the absence of well-defined policy goals and guidelines. Aircraft operators using the airports have been similarly disadvantaged with respect to long-term planning and objectives.</p> <p>E. Legal Basis: Sections 307 and 611 of the Federal Aviation Act (49 U.S.C. 1348 and 1431); D.C. Code Title 2-1602, Section 2 (54 Stat. 658) and Sections 4 and 8 (64 Stat. 770).</p> <p>F. Chronology: A Notice of Proposed Policy was published March 23, 1978 (43 FR 12141). The NPRM was published January 21, 1980 (45 FR 4314). <i>The comment period closed April 15, 1980.</i></p> <p>G. Citation: 14 CFR Pts. 93 and 159.....</p>	Charles Erhard, (703) 557-0972.	FR August 1980.
*Allocation of "Slots" at Washington National Airport.	<p>A. Description: Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule.</p> <p>B. Why significant: This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: The Civil Aeronautics Board and the Department of Justice have expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary.</p> <p>E. Legal basis: Sections 103, 306, 307(a), (b), and (c), and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1303, 1347, 1348(a), (b), and (c), and 1354(a)); § 6(c) DOT Act (49 U.S.C. § 1655(c)); Sec. 2, Act for the Administration of Washington National Airport, 54 Stat. 688.</p> <p>F. Chronology: The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem. A report of its findings has been prepared. Another report by Econ, Inc. analyzing a slot allocation auction procedure has been prepared under an FAA contract.</p> <p>G. Citation: 14 CFR Part 93.....</p>	Harvey Safeer, (202) 426-3331.	NPRM: To be decided.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Third Attitude Gyro, Ground Proximity Warning System, and Cockpit Voice Recorders.	Proposed amendment to add instrument and equipment requirements (1) to require a third gyroscopic attitude instrument, independently powered in case of total aircraft electrical failure, on all multiengine turbojet powered airplanes not already required to have a third gyroscopic attitude and (2) to require a ground proximity warning system and a cockpit voice recorder on all turbojet powered airplanes configured with 6 or more passenger seats. (14 CFR Pts. 23, 25, 91, and 121).	William J. Sullivan, (202) 755-8716.	NPRM December 1980.
Review: Aircraft Engine Regulatory Notice (Docket No. 16919).	Proposed amendment to resolve a number of regulatory issues raised by engine manufacturers and to update those standards. (14 CFR Pts. 23, 25, 27, 29, and 33).	William J. Sullivan, (202) 755-8716.	NPRM August 1980.
Instrument Approach Procedures ...	Proposed rule to clarify prescribed conditions for approach and landing under specified weather conditions. <i>The NPRM was published March 6, 1980 (45 FR 14801). The comment period closed May 6, 1980.</i> (14 CFR Pts. 91 and 121).	William J. Sullivan, (202) 755-8716.	FR October 1981.
Triennial Aircraft Registration Report (Docket No. 18958).	<i>The rule establishes a requirement that holders of a Certificate of Aircraft Registration file a report with the FAA Aircraft Registry on the current eligibility of the aircraft for registration, whenever three years have elapsed since the Registry has received information indicating registration eligibility. The NPRM was published 4/26/79 (44 FR 24573.) The Amendments were published March 31, 1980 (45 FR 20772).</i> (14 CFR Pt. 47).	Virginia Swimmer, (405) 686-2284.	Action complete.
Airport Noise Regulations (Docket No. 16279).	Environmental Protection Agency's proposed revision to require airport noise certification as a condition for Airport and Airway Development Act funding. The NPRM was published on 11/22/76 (41 FR 51522). (14 CFR Pt. 91).	Richard Tedrick, (202) 755-9027.	FR September 1980.
Review: Operations Notice No. 11.	Proposed revision to update and improve the rules applicable to mechanic certification, repair stations and aircraft equipment. (14 CFR Pts. 121, 145, and 183).	William J. Sullivan, (202) 755-8716.	NPRM August 1980.
Review: Operations Notice No. 12.	Proposed extensive revisions to update and improve regulations applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft. (14 CFR Pts. 43 and 91).	William J. Sullivan, (202) 755-8716.	NPRM August 1980.
Review: Operations Notice No. 13.	Proposed miscellaneous revisions and other editorial and clarifying changes to (14 CFR Pts. 43, 63, 65, 91, 105, 121, 123, 127, 143, 145, and 147).	William J. Sullivan, (202) 755-8716.	NPRM December 1980.
Review: Operations Amendment No. 8 (Docket No. 17897).	The amendment updates and improves airmen and crewmembers rules, training programs, flight operations, dispatching, records and reports of air carriers and commercial operators and scheduled air carriers with helicopters. NPRM published on 5/11/78 with comment period closing on 9/25/78 (43 FR 35518). <i>This amendment was published June 16, 1980 (45 FR 41586).</i> (14 CFR Pts. 121 and 127).	William J. Sullivan, (202) 755-8715.	Action complete.
Review: Operations Notice No. 9 (Docket No. 18241).	<i>The amendment updates and improves equipment, maintenance, and operating rules of aircraft, airmen certification, certificated operators and agencies, flight attendants and training requirements. The NPRM was published on 8/17/78 (43 FR 36464). The amendment was published July 10, 1980 (45 FR 46736).</i> (14 CFR Pts. 63, 65, and 121).	William J. Sullivan, (202) 755-8716.	Action complete.
Review: Part 91 Notice (Docket No. 16431).	The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications. (14 CFR Pt. 77).	James Burns, (202) 426-3656.	NPRM September 1980.

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Part 91 Review Lost Communications (Docket No. 16431).	The FAA conducted a Regulatory Review Conference of 14 CFR Pt. 91 Subpart B, in September 1977, in order to update that part. This action will cover the special proposal on lost communications.	James Burns, (202) 426-3656.	NPRM September 1980.
Pearson Airpark (Docket No. 18311).	Proposal to exclude persons from the requirement of communicating with Portland Tower while operating in the Pearson Airpark Traffic Pattern. The NPRM was published on Sept. 28, 1978 (43 FR 44549). (14 CFR Pt. 93).	James Burns, (202) 426-3656.	FR August 1980.
Review: Objects Affecting Navigable Airspace (Docket No. 16920).	Proposal to amend regulations including areas such as notice requirements, obstruction standards, aeronautical studies, determinations, antenna farm areas and discretionary review/petition procedures. Notice of Review was published on 6/19/78 (43 FR 26322). (14 CFR Pt. 77).	Harold Becker, (202) 426-8777.	NPRM October 1980.
Reimbursement of Security Screening Costs (Docket No. 17326).	<i>This Special Federal Aviation Regulation (SFAR) establishes a procedure for compensating air carriers for certain security screening costs in foreign air transportation. The NPRM was published on 10/31/77 (42 FR 56957). The SFAR was published July 28, 1980 (45 FR 49913). (14 CFR Pt. 121).</i>	R. P. Jones, (202) 426-8409.	FR Action complete.
Civil Helicopter Noise Certification (Docket No. 13410).	This project would establish noise certification levels and procedures for civil helicopters. An ANPRM was published 12/28/73, (38 FR 35487). The NPRM was published 7/19/79 (44 FR 42410). The comment period closed 11/19/79. (14 CFR Pt. 36).	Richard Tedrick, (202) 755-9027.	FR September 1980.
Implementation of OMB Circular A-95 (Docket No. 17337).	Final procedures and regulations implementing OMB Circular A-95 (coordination of Federal assistance programs with State, areawide, and local planning agencies), based on public comment on interim procedures in Special Federal Aviation Regulation 35 (42 FR 59476, 11/17/77). (14 CFR Pt. 152).	John Gable, (202) 426-8090.	FR September 1980.
Implementation of Energy Policy (Docket No. 16617).	Implementation of the Energy Policy and Conservation Act. The NPRM was published on 3/31/77. (42 FR 17135). (14 CFR Pt. 11).	Charles M. Hoch, (202) 755-9717.	FR September 1980.
Review: Update of Part 139.....	Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting and rescue requirements. (14 CFR Pt. 139).	Bill Southerland, (202) 426-3087.	NPRM August 1980.
Delayed Landing Flap Procedure for Turbojet-Powered Airplanes (Docket No. 15020).	Proposed regulation which would require that landing flap setting for turbojet-powered airplanes be delayed until at or below 1,000 feet above airport elevation for purpose of noise abatement on approach and landing. The NPRM was published on 11/29/76 (41 FR 52396). <i>The withdrawal was published June 26, 1980 (45 FR 43203).</i> (14 CFR Pt. 91).	William J. Sullivan, (202) 755-8716.	Withdrawn.
Protective Breathing Equipment.....	Proposed rule to establish minimum performance standards and operating rules for protective breathing equipment. (14 CFR Pts. 25, 29, 37, 91 and 121).	William J. Sullivan, (202) 755-8716.	NPRM February 1981.
Supplemental Oxygen.....	Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen. (14 CFR Pts. 25, 29, 37, 91, and 121).	William J. Sullivan, (202) 755-8716.	NPRM February 1981.
Review: Metropolitan Washington Airports Regulations.	Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports. (14 CFR Pt. 159).	Charles Anderson, 703-557-1433.	NPRM December 1980.
Miscellaneous Minor Amendments.	Proposed nonsubstantive amendments that are routine, editorial and clarifying in nature. (14 CFR Pts. 23, 25, 37, 45, 61, 63, 65, 91, and 121).	William J. Sullivan, (202) 755-8716.	NPRM August 1980.

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Aircraft Owners and Pilots Association (AOPA) Petition to Revise Part 91 (Docket No. 18334).	Proposed amendment based upon AOPA petition to revise regulations in a format and language more understandable by pilots. The petition states that the proposed changes are not intended to significantly change the substance of the present regulations. An ANPRM was published <i>January 22, 1979</i> . (44 FR 4571). (14 CFR Pt. 91).	William J. Sullivan, (202) 755-8716.	NPRM <i>January 1981</i> .
Foreign Airman Certification.....	Proposed amendments to establish priorities for processing applications by foreign airmen for U.S. Airman Certificates. (14 CFR Pts. 61, 63, 65, and 67).	William J. Sullivan, (202) 755-8716.	NPRM <i>June 1981</i> .
Noise Standards for Propeller Driven Agricultural and Firefighting Airplanes (Docket No. 16382).	Proposed regulation to restrict the operation of agricultural and firefighting airplanes which do not comply with the noise limits of Appendix F of 14 CFR Part 36. The NPRM was published <i>December 23, 1976</i> (41 FR 56065). (14 CFR Parts 21, 36, and 91).	James Densmore, (202) 755-9468.	FR <i>October 1980</i> .
Recording of Aircraft Titles and Security Documents—Notice of Lien (Docket No. 14236).	Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien. The NPRM was published <i>January 13, 1975</i> (40 FR 2445). (14 CFR Part 49).	Virginia Swimmer, (405) 686-2284.	FR <i>September 1980</i> .
Cessna Finance Petition. (Docket No. 17311).	Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract. The ANPRM was published <i>10/20/77</i> (42 FR 55891). <i>The NPRM was published May 22, 1980</i> (45 FR 34826). <i>The comment period was extended to August 21, 1980</i> . (14 CFR Pt. 47).	Virginia Swimmer, (405) 688-2284.	FR <i>December 1980</i> .
Review: Airport Aid Program. (Docket No. 19430).	Revision of 14 CFR Part 152 updates airport aid requirements in accordance with Airport and Airway Development Act Amendments of 1976. The NPRM was published <i>8/9/79</i> (44 FR 46858). The Comment Period closed <i>10/9/79</i> . (14 CFR Pt. 152). <i>The amendment was published May 22, 1980</i> . (45 FR 34782).	Paul Galis, (202) 426-3050.	Action complete.
Security Requirements Applicable to U.S. Commuter Air Carriers Certificate Holders. (Docket No. 19726).	Proposed rule to implement safety standards mandated by the Airline Deregulation Act of 1978, and insure that commuter air carrier passengers enjoy the same level of security as persons traveling on air carriers holding Certificates of Public Convenience and Necessity from the CAB. The NPRM was published <i>11/1/79</i> (44 FR 63048). Comment period closed <i>1/28/80</i> . (14 CFR Pt. 121).	R. P. Jones, (202) 426-8409.	FR <i>October 1980</i> .
Heater Air Ducts.....	Proposed rule to require that ventilating and combustion air ducts be made of fireproof materials whenever such ducts are located near combustion heaters. (14 CFR Pt. 23). NPRM issued <i>2/21/80</i> . Comment period closes <i>4/28/80</i> .	William J. Sullivan, (202) 426-8716.	FR <i>October 1980</i> .
Blood Alcohol Level Tests.....	Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. (14 CFR Pts. 61 and 91).	William J. Sullivan, (202) 426-8716.	NPRM <i>August 1980</i> .
Review: Airworthiness Review Amendment No. 8 Miscellaneous and Procedural Amendments (Docket No. 14779).	Proposed amendments to improve and update the airworthiness standards contained in the regulations that apply to the type certification of aircraft, engines, propellers, related operating and maintenance rules, and procedural requirements. The NPRM was published <i>July 11, 1975</i> . (40 FR 29140) (14 CFR Pts. 1, 21, 26, 27, 31, 33, 35, 43, and 45).	William J. Sullivan, (202) 755-8716.	FR <i>August 1980</i> .

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA

Federal Aviation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Microwave Landing System (MLS)	Proposed rule to recognize the MLS selected by ICAO and to prescribe measuring standards and procedures for the approval, installation, operation, and maintenance of such systems on non-Federal navigation facilities. (14 CFR Pt. 171).	William Redeen, (202) 426-8634.	NPRM December 1980.
Tires Retrofit (Docket No. 19793)...	Proposed rule to require installation of improved tires on certain turbojet transport category airplanes. The NPRM was published 11/27/79. (41 FR 68759). The comment period closed 2/27/79. (14 CFR Pt. 91).	William J. Sullivan, (202) 755-8716.	FR October 1980.
Updating of References to FAA Environmental Requirements.	The amendment requires compliance with the revised FAA environmental order that contains policies and procedures for considering environmental impacts. The revised order has been published in the <i>Federal Register</i> for comment. Therefore a formal NPRM will not be issued, since it would not result in the receipt of additional useful information. <i>The amendment was published August 25, 1980</i> (14 CFR Pts. 152, 154, and 1955).	Lynne Pickard, (202) 426-3263.	Action complete.
Revision of Applicability of Part 139.	Proposed amendment to require the certification of airports serving commuter air carriers, as well as air carriers holding certificates of public convenience and necessity from the CAB. This revision would respond to the Airline Deregulation Act of 1978 and ensures that passengers traveling aboard commuter air carriers enjoy the same level of safety as passengers traveling aboard CAB certified air carriers (14 CFR Part 139).	Jose Roman, Jr., (202) 426-3087.	NPRM September 1980.
Advanced Simulation (Docket No. 19758).	<i>The amendment permits additional flight crew training in advanced flight training simulators. The NPRM was published 11/13/79 (14 FR 65550). The Comment Period was extended until 2/15/80 (45 FR 3324). The amendment was published June 30, 1980 (45 FR 44176).</i> (14 CFR Parts 61 and 121).	William J. Sullivan, (202) 755-8716.	Action complete.
Technical Standard Orders (TSO's) Revision Program (Docket No. 19589).	<i>The amendment includes a new procedure to expedite the issuance of standard for materials used on civil aircraft. In accordance with Executive Order 12044, these new procedures would result in less burdensome requirements which will expedite TSO issuance, and will result in the substantial reduction of regulatory material. The NPRM was published 10/1/79 (44 FR 56370). The Comment Period closed 12/3/79. The amendment was published June 9, 1980 (45 FR 28342).</i> (14 CFR Parts 23 and 37).	Edward P. Faberman, (202) 264-3235.	Action complete.
Review: Rotorcraft Airworthiness Standards (Docket No. 18689).	Proposed extensive revisions to update and improve regulations applicable to helicopters and their operations. In view of recent technological advances in helicopter design and recent operating experience with new helicopter capabilities, there is a need to upgrade the rules regarding the helicopter airworthiness standards and operating requirements. (14 CFR Parts 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135).	William J. Sullivan, (202) 755-8716.	NPRM November 1980.
Review: Light Transport Airplane Airworthiness Standards (Docket No. 18600).	Proposed new Part to establish airworthiness standards for a new light transport category of multiengine airplanes having a maximum seating capacity of 60 and a maximum gross weight of 50,000 pounds to accommodate the future needs of the commuter and air taxi industry. (14 CFR Parts 1, 21, 36, 91, and 135).	William J. Sullivan, (202) 755-8716.	NPRM August 1980.
Minimum Equipment Lists (MEL)....	Proposed amendment to clarify existing MEL provisions by combining the MEL regulatory authority contained in Parts 91, 121, 133, 135, and 137 into a single regulatory section in Part 91. (14 CFR Parts 91, 121, 133, 135, and 137).	William J. Sullivan, (202) 755-8716.	NPRM August 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Federal Aviation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Hang Gliding.....	Proposed addition to FAR Part 101 to designate general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. (14 CFR Part 101).	James Burns, (202) 426-3656.	NPRM October 1980.
Notification/Reporting of Parachute Jump Altitudes.	Proposed amendment to require that notification of a parachute jump be made to Air Traffic Control in terms of mean sea-level (MSL) or above ground level (AGL). (14 CFR Part 105).	James Burns, (202) 426-3656.	NPRM October 1980.
Parachute Jumps In Terminal Control Areas (TCA's).	Proposed amendment to FAR Part 105 would require an ATC authorization for a nonemergency parachute jump into, or within, a terminal control area. (14 CFR Part 105).	William Broadwater, (202) 426-3731.	NPRM December 1980.
Air Traffic Rules for High Density Traffic Airports.	Proposed amendment to deal with the allocation of instrument flight operations (takeoffs and landings) to users of high density traffic airports. (14 CFR Part 93).	William Broadwater, (202) 426-3731.	Cancelled.
Air Traffic Speed Rule.....	Proposed amendment to permit departing aircraft at or above 5,000 feet within the confines of the TCA to operate in excess of the present 250-knot limit. (14 CFR Part 91).	William Broadwater, (202) 426-3731.	Cancelled.
Operations in Airport Traffic Areas.	Proposed amendment to require all aircraft within an airport traffic area to establish and maintain communications with the airport traffic control tower. (14 CFR Part 91).	James Burns, (202) 426-3656.	NPRM December 1980.
Notice of Construction, Alteration, Activation, and Deactivation of Airports.	Proposed amendments to require persons proposing to construct, alter, activate, or deactivate a civil or joint use airport to provide prior notice of such actions to the Administrator. (14 CFR Part 157).	Keith Potts, (202) 426-3731.	NPRM November 1980.
Terminal Control Areas (TCA's): Honolulu (Docket No. 18605 APC-1).	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published December 17, 1979 (44 FR 73114). The comment period closed March 17, 1980 (14 CFR Part 71).	Keith Potts, (202) 426-3731.	FR August 1980.
Terminal Control Areas (TCA's): Phoenix.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published April 7, 1980 (45 FR 23457). The comment period was extended to August 6, 1980. (14 CFR Part 71).	Keith Potts, (202) 426-3731.	FR October 1980.
Terminal Control Areas (TCA's): Tampa.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71). NPRM published February 4, 1980 (45 FR 7559). Comment period closes 5/5/80.	Keith Potts, (202) 426-3731.	FR September 1980.
Terminal Control Areas (TCA's): San Diego (Docket No. 18605 AWE-17).	Terminal Control Areas (TCA's) reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published December 6, 1979 (44 FR 70177). The Comment Period closed February 5, 1980. The Amendment was published March 20, 1980 (45 FR 18336). (14 CFR Part 91).	William Broadwater, (202) 426-3731.	Action complete.
Terminal Control Areas (TCA's): Fort Lauderdale/Miami.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	Keith Potts, (202) 426-3731.	NPRM September 1980.
Terminal Control Areas (TCA's): Orlando.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	Keith Potts, (202) 426-3731.	NPRM August 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Federal Aviation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Terminal Control Areas (TCA's): Memphis.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	Keith Potts, (202) 426-3731.	NPRM November 1980.
Terminal Control Areas (TCA's): Portland.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	Keith Potts, (202) 426-3731.	NPRM December 1980.
Dulles Access Road	Amendment to implement the Secretary's decision to permit four-person carpools to use the Dulles Airport Access Highway. The NPRM was published January 14, 1980 (45 FR 2661). The comment period closed February 29, 1980. The Amendment was published April 1, 1980 (14 FR 21211). (14 CFR Part 152).	Edward Faggen, (703) 557-8123.	Action complete.
Update List of Advisory Circulars....	Spot Amendment to update the list of advisory circulars contained in Appendix I which include certain programming, design, and construction standards for airport development projects submitted for approval under the Airport Aid Program. (14 CFR Part 152).	James Burnett, (202) 426-3057.	FR September 1980.
Metropolitan Washington Airport: Solicitation of funds and Distribution of Literature.	Developed constitutionally acceptable standards controlling the solicitation of funds and the distribution of literature. Such control may be exercised only to the extent required to permit the agency to operate the airports safely and efficiently without infringing on the First Amendment rights of the people involved in these activities. The NPRM was published March 27, 1980 (45 FR 20424). The comment period closed May 12, 1980. The amendment was published May 27, 1980 (45 FR 35314). (14 CFR Pt. 159).	Edward Faggen, (703) 557-8123.	Action complete.
Implementation of EPA JT3D Smoke Standards for In-Use Engines.	Proposed amendment is required to implement and enforce EPA revision to their smoke standards for JT3D Airplane Engines. The NPRM was published April 14, 1980 (45 FR 25350). The comment period closes June 28, 1980. (14 CFR Part 11).	E. M. Ballenzweig, (202) 755-8933.	FR November 1980.
Implementation of EPA 1981 Gaseous Emissions Standards and Revised Test Procedures.	Proposed amendment would implement expected major revision in EPA standards for aircraft engine emissions.	E. M. Ballenzweig, (202) 755-8933.	NPRM August 1980.
*Stage 2 Operating Noise Limits for Airplanes Engaged in Foreign Air Commerce.	Proposed rules to implement Title III of the Aviation Safety and Noise Abatement Act of 1979. The NPRM was published April 14, 1980 (45 FR 25355). The comment period closes June 28, 1980. (14 CFR Part 36).	James Densmore, (202) 755-9468.	FR August 1980.
*Operations Review Notice No 8A (Docket No 17897).	Proposed amendment to require that all flight attendants remain seated at their assigned stations during taxing except to perform duties related to the safety of the airplane and its occupants. NPRM published June 19, 1980 (45 FR 41956) (14 CFR 121 and 127).	W. J. Sullivan, (202) 755-8716.	FR December 1980.
*Carriage of Candidates.....	The amendment codifies Special Federal Aviation Regulation (SFAR) 37 which allow persons not in the air transportation business to receive limited payments for carriage of candidates in Federal elections without the carriage being considered a commercial operation. The amendment was published June 26, 1980 (45 FR 43160) (14 CFR Parts 91, 121, 127, and 135).	W. J. Sullivan, (202) 755-8716.	Action complete.
*National Federation of the Blind (NFB)—Carriage of Canes.	Petition for rulemaking to permit the stowage of a blind person's flexible cane in a readily accessible location, on all passenger-carrying flights, so that the cane would be available to that person in case of evacuation of an aircraft in an emergency situation.	W. J. Sullivan, (202) 755-8716.	NPRM August 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST
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FAA

Federal Aviation Administration
Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Redelegation of Authority.....	The revision redelegates authority from the Director, Flight Standards Service, to the Director of Flight Airworthiness or the Director of Flight Operations, as appropriate. The amendment was published July 17, 1980 (45 FR 47837) (14 CFR Parts 11, 91, 121, 135, and 137).	W. J. Sullivan, (202) 755-8716.	Action complete.
*Modification of Aircraft Registration Markings.	Proposed amendment to increase height of markings from 3 inches to 12 inches on certain fixed-wing aircraft, decrease height of markings from 20 inches to 3 inches on airships and balloons, and retain the 3-inch height of markings on experimental amateur-built, and experimental exhibition aircraft. NPRM published July 31, 1980 (45 FR 50810) (14 CFR 39).	W. J. Sullivan, (202) 755-8716.	FR December 1980.
*Terminal Control Area (TCA): Kansas City.	Proposed modification of existing Terminal Control Area to reduce size of TCA, where not needed, to provide safe and efficient use of the terminal area.	B. Keith Potts, (202) 426-3731.	NPRM August 1980.
*Special Airport Traffic Area and Communication Rule.	Proposed amendments to establish special airport traffic areas for certain Canadian airports that are adjacent to the U.S.-Canadian border and which have operating air traffic control towers; the amendments would also require aircraft communications with those towers while operating in the area.	B. Keith Potts, (202) 426-3731).	NPRM November 1980.

FAA

Federal Aviation Administration
Routine and Frequent Nonsignificant Regulations

Title	Summary	Contact	Decision date
	Approximate Number		
Other Items: Part 95 Instrument Flight Rules Altitudes.	2500.....	William J. Sullivan, (202) 755-8716.	July 1, 1980-June 30, 1981
Airworthiness Directives.....	300.....	William J. Sullivan, (202) 755-8716.	July 1, 1980-June 30, 1981
Standard Instrument Approach Procedures.	2800.....	William J. Sullivan, (202) 755-8716.	July 1, 1980-June 30, 1981
Airspace Actions.....	525.....	Keith Potts, (202) 426-3731.	July 1, 1980-June 30, 1981

FHWA

Federal Highway Administration
Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Review: Outdoor Advertising Control and Acquisition.	<p>A. Description: This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices.</p> <p>B. Why Significant: This proposal may involve substantial public interest, is controversial and involves important Departmental policy.</p>	Richard Moeller, (202) 245-0021.	NPRM Date to be Determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA

Federal Highway Administration
Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Air Quality Guidelines.....	<p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements.</p> <p>E. Legal Basis: 23 U.S.C. 131, 148, and 315; 49 CFR 1.48....</p> <p>F. Chronology: The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt. E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM published April 30, 1979 (44 FR 25387) and a Notice published May 17, 1979 (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 FR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. On July 23, 1979 (44 FR 43236), a Notice announced the availability of a report on Directional and Informational Sign Standards and Systems. This report is to be considered as part of the reassessment of the Highway Beautification Program.</p> <p>G. Citation: 23 CFR pt. 750, subpt. C. (FHPM 7-6-2).....</p> <p>A. Description: The regulation would establish administrative procedures regarding: (1) conformity of highway plans, programs, and projects with air quality implementation plans, and (2) priority to highway improvements with air quality benefits. This regulation would be a revision of existing FHPM 7-7-9, Air Quality Guidelines.</p> <p>B. Why Significant: This Regulation is considered significant because it affects another Federal agency and may be controversial.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: Currently, permanent administrative procedures on funding sanctions, priority of highway improvements with air quality benefits, and conformity of highway plans, programs, and projects with air quality implementation plans are lacking even through the existing Air Quality Guidelines were amended on November 19, 1979 (44 FR 66193) to provide interim procedures. These regulations are a result of the Clean Air Act Amendments of 1977 which became law in August 1977.</p> <p>E. Legal Basis: Clean Air Act Amendments of 1977. (42 U.S.C. 7401).</p>	Harter M. Rupert, (202) 426-4836.	NPRM September 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST
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FHWA

Federal Highway Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Employee Safety and Health Standards (Docket No. MC-64).	<p>F. Chronology: A joint EPA/FHWA Notice on Sec. 176(a) of the Clean Air Act Amendments, which covers only project approval sanctions, was published June 11, 1979 (44 FR 33473). An NPRM proposed for <i>September</i> 1980 would provide regulations on Sections 176(c) (conformity with air quality implementation plans), and 176(d) (priority to improvements with air quality benefits). Interim procedures were published November 19, 1979 (44 FR 66193).</p> <p>G. Citation: 23 CFR pt. 770. (FHPM 7-7-9).....</p> <p>A. Description: This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA).</p> <p>B. Why Significant: This proposal may have a significant impact on OSHA.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: These standards are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers.</p> <p>E. Legal Basis: 49 U.S.C. 304 and 1655.....</p>	Gerald J. Davis, (202) 426-9767.	NPRM November 1980.
Minimum Cab Space Dimensions (Docket No. MC-79).	<p>F. Chronology: An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A Notice on June 9, 1978 (43 FR 25145) extended the comment period to June 30, 1978. <i>As a result of the analysis of the comments, another NPRM is being considered.</i></p> <p>G. Citation: 49 CFR pt. 399.....</p> <p>A. Description: this regulation would specify minimum size for the cab portion of the regulated commercial vehicles manufactured after a certain date.</p> <p>B. Why Significant: This proposal has the potential of being costly if extensive changes to cab configuration become necessary.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: Changes in truck technology and maximum limitation on size by States have led to the development of reduced cab space in favor of increased cargo space to remain within State length limitations, possibly having negative impact on safe operations and driver work place..</p> <p>E. Legal Basis: 49 U.S.C. 304 and 1655.....</p> <p>F. Chronology: An ANPRM was issued on February 14, 1978 (43 FR 6273). Comment period closed on July 14, 1978. <i>A review of present cab sizes was conducted and a report issued on February 27, 1980..</i></p> <p>G. Citation: 49 CFR pt. 393.....</p>	Gerald J. Davis, (202) 426-9767.	Further action to be determined.
Review: Construction Contract Equal Opportunity Compliance Procedures.	<p>A. Description: This regulation would prescribe policies and procedures to standardize the implementation of the equal opportunity contract compliance program, including compliance reviews, consolidated compliance reviews, and the administration of areawide plans.</p>	Edward W. Morris, Jr., (202) 426-0471.	NPRM October 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA

Federal Highway Administration
Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (Docket No. 78-10).	<p>B. Why Significant: There is substantial public interest relative to this regulation.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: To standardize the implementation of the equal opportunity contract compliance program.</p> <p>E. Legal Basis: 23 U.S.C. 112(b) and 140(a).....</p> <p>F. Chronology: DOT/FHWA recently entered into a Memorandum of Understanding with the Department of Labor/Office of Federal Contract Compliance Programs relative to respective responsibilities under Executive Order 11246 and Title 23.</p> <p>G. Citation: 23 CFR pt. 230, subpt. D. (FHPM 2-2-3).....</p> <p>A. Description: This regulation would contain criteria intended to provide additional flexibility in some of the basic geometric features of design, primarily those in which modification would result in appreciable savings in costs and other impacts while improving safety.</p> <p>B. Why Significant: This regulation is considered significant because the adoption of new design criteria specifically for RRR projects has proven to be controversial.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: To implement the 1976 amendment to 23 U.S.C. 101 redefining "construction" to include resurfacing, restoration, and rehabilitation. Geometric design criteria are needed to effectively administer a RRR program for preservation work on the Federal-aid highway systems.</p> <p>E. Legal Basis: 23 U.S.C. 101, 109, 315, and 402; 49 CFR 1.48(b).</p> <p>F. Chronology: An ANPRM published August 25, 1977, (42 FR 42876) offered three alternatives. A Notice published October 28, 1977 (42 FR 56751) extended the comment period for the ANPRM to November 22, 1977. A notice of withdrawal of the ANPRM was published January 9, 1978 (43 FR 2734). Because of the adverse comments, all alternatives were rejected and FHWA decided to develop a new set of criteria for Resurfacing, Restoration, and Rehabilitation (RRR) projects. An NPRM was published on August 23, 1978 (43 FR 37556). A correction to the NPRM was published September 12, 1978 (43 FR 40539). A Notice published on October 19, 1978 (43 FR 48658) extended the comment period for the NPRM to January 4, 1979. On May 23, 1979 (44 FR 29921) FHWA published as a Notice a status report on the creation of an internal task force appointed to evaluate comments received on the NPRM and make recommendations to the Administrator.</p> <p>G. Citation: 23 CFR pt. 625.....</p>	Alvin R. Cowan or Seppo Sillan, (202) 426-0312.	NPRM September 1980.
Certification of Motor Vehicle Size and Weight Enforcement (Docket No. 77-21).	<p>A. Description: This rule revises existing regulations dealing with annual certifications by the States that all size and weight laws are being enforced. It establishes an enforcement program that FHWA must approve, against which the States' efforts are measured each year.</p> <p>B. Why Significant: The regulation is significant because failure on the part of the State is cause for the withholding of Federal-aid highway project approval.</p> <p>C. Analysis: Regulatory Evaluation.....</p>	Wm. F. Bauch, (202) 426-1993.	Action complete.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA

Federal Highway Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Withdrawal of Interstate Segments and Substitution of Alternative Projects. (Docket No. 77-29).	<p>D. Need: This regulation is needed to implement 23 U.S.C. 141, Enforcement of Requirements, as amended by the Surface Transportation Assistance Act of 1978.</p> <p>E. Legal Basis: 23 U.S.C. 141</p> <p>F. Chronology: A NPRM was issued January 16, 1978, (43 FR 2683) with comments due April 15, 1978. Thirty comments were received. A NPRM was published March 14, 1979 (44 FR 15639), with comments due by June 12, 1979. <i>Final Rule published August 7, 1980 (45 FR 52365.)</i></p> <p>G. Citation: 23 CFR 658.9 (FHPM 6-8-5).....</p>		
	<p>A. Description: This regulation would implement Sections 103(e)(2) and 103(e)(4) of Title 23 U.S.C., as amended by the Federal-Aid Highway Act of 1976 and the Surface Transportation Assistance Act of 1978 (STAA). Section 103(e)(2) provided for the withdrawal of nonessential Interstate routes and the substitution of alternative Interstate routes, however, the STAA amended this Section to prohibit the designation of any Interstate routes or portions thereof under the authority of this paragraph after the date of enactment of STAA. Section 103(e)(4) provides for the withdrawal of nonessential Interstate routes and the substitution of other transportation projects, both highway and non-highway by dates specified in the Surface Transportation Assistance Act of 1978.</p> <p>B. Why Significant: There is substantial public interest and controversy concerning this proposal.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: This regulation is needed to implement the provisions of 23 U.S.C. 103 enacted in the 1976 Federal-Aid Highway Act, as amended by the Surface Transportation Assistance Act of 1978.</p> <p>E. Legal Basis: 23 U.S.C. 103(e)(2) and 103(e)(4)</p> <p>F. Chronology: The current substitution regulations were issued on June 12, 1974. The Federal-Aid Highway Act Amendments of 1974 and the Federal-Aid Highway Act of 1976 amended the original statutory provisions enacted by the Federal-Aid Highway Act of 1973. Provisions of the Surface Transportation Assistance Act of 1978 were incorporated prior to issuing the NPRM. NPRM published January 10, 1980 (45 FR 2296).</p> <p>G. Citation: 23 CFR pt. 476 subpt. D and pt. 450.....</p>	<p>FHWA L. A. Staron, (202) 426-0404 or F. Calhoun, (202) 426-0762; UMTA Richard White, (202) 472-6991.</p>	<p>FR September 1980.</p>
Hours of Service of Drivers (Docket No. MC-70-1).	<p>A. Description: The Federal Highway Administration (FHWA) is proposing a revision of the regulations pertaining to hours of service limitations for commercial vehicle drivers engaged in interstate or foreign commerce.</p> <p>B. Why Significant: This proposal may be controversial and could have a major cost impact on the motor carrier industry.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: This action is being taken in response to numerous petitions and requests from public interest groups, labor organizations, and individual drivers for the revision of these regulations.</p> <p>E. Legal Basis: 49 U.S.C. 304 and 1655.....</p>	<p>Gerald J. Davis, (202) 426-9767.</p>	<p>NPRM January 1981.</p>

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Title	Summary	Contact	Earliest expected decision date
Review: Environmental Impact and Related Statements.	<p>F. Chronology: An ANPRM which stated that FHWA was considering an extensive review of the Hours of Service of Drivers regulation was published on February 12, 1976 (Docket MC-70, Notice 76-14, 41 FR 6275). A second ANPRM was issued on May 22, 1978 (43 FR 21905) setting forth three plans for comments. A notice of public hearings was published August 29, 1978 (43 FR 38608). Public hearings were held in 7 major cities. <i>Further analytical research is underway and an NPRM is being considered when that research is completed. The record-keeping requirements imposed by the current regulation will also be reviewed as part of this action. A request for comment relating to this regulation based on a petition filed by owner operator requesting longer driving and working hours was issued on January 14, 1980 (45 FR 5781). The closing date for comments was May 23, 1980.</i></p> <p>G. Citation: 49 CFR pt. 395</p> <p>A. Description: <i>These regulations would implement the National Environmental Policy Act and Section 138 of the Federal-Aid Highway Act. It would specify the procedures to be used by FHWA in the preparation and processing of Environmental Impact and Section 4(f) statements. These regulations are being developed jointly with the Urban Mass Transportation Administration (UMTA).</i></p> <p>B. Why Significant: These regulations will involve substantial public interest and controversy and will implement important Departmental policy.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: Executive Order 11991 authorizes the Council on Environmental Quality (CEQ) to issue regulations to implement the National Environmental Policy Act.</p> <p>E. Legal Basis. These revisions are required because of regulations which were promulgated by CEQ.</p> <p>F. Chronology: The CEQ regulations were published for public comment in the Federal Register on June 9, 1978. (43 FR 25230). Final CEQ regulations were published November 29, 1978 (43 FR 55978). An NPRM was published October 15, 1979 (44 FR 59438). On November 19, 1979, the original deadline for comments of November 14, 1979 was extended to December 3, 1979 (44 FR 66213). A Notice published December 31, 1979 (44 FR 77293) contained interim instructions to FHWA field offices for compliance with the CEQ regulations and DOT Order 5610.1C of September 18, 1979 which was published October 1, 1979 (44 FR 56420).</p> <p>G. Citation: 23 CFR pt. 771. (FHPM 7-7-2)</p>	FHWA Dale Wilken, (202) 426-4093; UMTA John Collins, (202) 426-1908.	FR September 1980.
Review: Urban Transportation Planning Process; Review: Transportation Improvement Program.	<p>A. Description: Revisions to these regulations would implement the provisions of Section 169 of the Surface Transportation Assistance Act of 1978, accommodate simplifying recommendations made by FHWA's Regulations Reduction Task Force, and implement the transportation planning aspects of the 1977 Clean Air Act Amendments.</p> <p>B. Why Significant: These are significant regulations since they significantly impact the Urban Mass Transportation Administration (UMTA) and involve important Department policy.</p> <p>C. Analysis: Regulatory Evaluation</p>	FHWA Sam Rea, (202) 426-2961; UMTA Bob Kirkland, (202) 426-4991.	Withdrawn.

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Title	Summary	Contact	Earliest expected decision date
	<p>D. Need: Continuing review has identified areas where added flexibility will not impair effectiveness. Air quality planning must be included in accordance with the DOT-EPA Memorandum of Understanding.</p> <p>E. Legal Basis: 23 U.S.C. 104(f)(3), 134 and 315.....</p> <p>F. Chronology: The recommendations of the FHWA Regulations Reduction Task Force were adopted in October 1977. Following agreement with UMTA and EPA, insofar as air quality is concerned, proposed regulatory changes will be prepared. <i>The broader Federal Register issuance on environmental action plans and urban planning supercedes issuance of this regulation. See Agenda entry on "Transportation Planning and Environmental Process Guidelines (Action Plans)" below.</i></p> <p>G. Citation: 23 CFR pt. 450, subpt. A and C. (FHPM 4-4-2 and 4-4-6).</p>		
Equal Employment Opportunity on Federal-aid Highway Construction Contracts.	<p>A. Description: This regulation would simplify procedures relating to Equal Employment Opportunity on Federal-aid highway construction contracts.</p> <p>B. Why Significant: The regulation concerns a matter on which there is substantial public interest.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: This regulation is needed to achieve administrative effectiveness and efficiency.</p> <p>E. Legal Basis: 23 U.S.C. 140 and 315.....</p> <p>F. Chronology: An NPRM will be published in <i>December</i> 1980.</p> <p>G. Citation: 23 CFR pt. 230, subpt. A. (FHPM 6-4-1-2).....</p>	K. L. Ziems, (202) 426-4847.	NPRM <i>December</i> 1980.
Non-Urbanized Area Public Transportation (Docket No. 78-40).	<p>A. Description: Proposed regulation would finalize procedures for the administration of a continuing program of non-urbanized area public transportation including operating subsidies.</p> <p>B. Why Significant: The proposed new program involves FHWA and UMTA and impacts State and local transportation programs.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: The proposed regulation would finalize procedures for the administration of the non-urbanized area public transportation assistance program.</p> <p>E. Legal Basis: Section 18 of the Urban Mass Transportation Assistance Act of 1964, as amended.</p> <p>F. Chronology: A DOT Rural and Small Urban Working Group has summarized the policy issues for the Section 18 program. Interim operating procedures were issued as an emergency regulation December 13, 1978 (43 FR 58308), and a 90-day comment period was established.</p> <p>G. Citation: 23 CFR pt. 825.....</p>	FHWA Sheldon G. Strickland, (202) 426-0153; UMTA Kay Regan, (202) 427-7037.	NPRM <i>October</i> 1980.
Major Urban Transportation Investment (Docket No. 78-21).	<p>A. Description: The proposed regulation requires that State and local transportation officials conduct an analysis of alternatives for all major urban transportation investments for highway or public transportation.</p>	FHWA V. Paparella, (202) 426-0215; UMTA Joel Ettinger, (202) 426-2360.	Further action to be determined.

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Title	Summary	Contact	Earliest expected decision date
	<p>B. Why Significant: The proposed rule involves important Departmental policy and major urban investments of the Urban Mass Transportation Administration and the Federal Highway Administration.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: The increased flexibility in the use of Federal-aid highway funds for mass transit-related activities has led to the need for a single investment policy for both Federal Highway Administration and Urban Mass Transportation projects to ensure that Federal funds are used effectively.</p> <p>E. Legal Basis: 23 U.S.C. 134 and 315 and 49 U.S.C. 1601 et seq.</p> <p>F. Chronology: An NPRM was published in the Federal Register on December 7, 1978 (43 FR 57478). The Department of Transportation will make a later determination concerning what action to take with respect to this rulemaking.</p> <p>G. Citation: 23 CFR pt. 455, subpt. A and B, and 49 CFR pt. 620.</p>		
Certification of Speed Limit Enforcement (Docket No. 78-41).	<p>A. Description: The regulation would revise the procedure used by the States: (1) in monitoring speeds on highways with a 55 mile per hour speed limit, (2) in calculating a statewide value for the percentage of all traffic exceeding 55 miles per hour on such highways and (3) certifying annually that they are enforcing the 55-mile per hour National Maximum Speed Limit.</p> <p>B. Why Significant: This regulation would have substantial impact on state and local governments and on NHTSA programs and is being developed in coordination with NHTSA.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: This regulation is needed to implement the modified 55 mph enforcement provisions of the Surface Transportation Assistance Act of 1978.</p> <p>E. Legal Basis: 23 U.S.C. 141, 154</p> <p>F. Chronology: An NFRM was published in the Federal Register November 5, 1979. (44 FR 63680). While this rulemaking is underway, the States are meeting the requirements of 23 U.S.C. 141 and 154 by following the instructions contained in two Federal Register notices published as an emergency rule and an extension to an emergency rule: 43 FR 59464, December 20, 1978 and 44 FR 55592, September 27, 1979 respectively. Comment period closed January 9, 1980.</p> <p>G. Citation: 23 CFR 658.7.....</p>	William F. Bauch, (202) 426-1993.	FR September 1980.
Buy America Requirements (Docket No. 78-35).	<p>A. Description: This regulation would establish provisions for the protection of domestic structural steel on construction projects with an estimated cost of \$450,000 or more.</p> <p>B. Why Significant: This regulation involves a matter which may become controversial or arouse significant public interest.</p> <p>C. Analysis: Regulatory Analysis.....</p>	K.L. Ziems, (202) 426-4847.	NPRM September 1980.

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Title	Summary	Contact	Earliest expected decision date
Interstate Maintenance Guidelines (Docket No. 78-43).	<p>D. Need: This regulation is required to implement the provisions of Section 401 of the Surface Transportation Assistance Act of 1978.</p> <p>E. Legal Basis: Section 401 of the Surface Transportation Assistance Act of 1978; P.L. 95-599.</p> <p>F. Chronology: An emergency regulation was issued on November 17, 1978 (43 FR 53717). FHWA asked for comments, and the comment period closed on January 17, 1979.</p> <p>G. Citation: 23 CFR 635.410</p> <p>A. Description: This regulation establishes guidelines describing criteria applicable to the Interstate system to ensure that the conditions of these routes are maintained at the level required by the purposes for which they were designed. Each State must certify each year to the FHWA that it has a maintenance program for the Interstate system to meet these guidelines once they are established.</p> <p>B. Why Significant: These guidelines may involve substantial public and State highway agency interest.</p> <p>C. Analysis: Regulatory Analysis</p> <p>D. Need: This regulation is necessary to insure the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic control devices as are necessary for its safe and efficient utilization. Since 23 U.S.C. 116 is regulatory in nature, it is necessary to establish Federal maintenance guidelines or level of service.</p> <p>E. Legal Basis: 23 U.S.C. 109(m), 315; 49 CFR 1.48(b)</p> <p>F. Chronology: An ANPRM was published on January 2, 1979 (44 FR 69). NPRM published August 9, 1979 (44 FR 46882). <i>Final rule published March 31, 1980 (45 FR 20791).</i></p> <p>G. Citation: 23 CFR pt. 635</p>	Paul E. Cunningham, (202) 426-0436.	<i>Action complete.</i>
Transportation Planning and Environmental Process Guidelines (Action Plans).	<p>A. Description: This ANPRM would request comments on the need for revisions to the urban transportation planning requirements (23 CFR 450, Subparts A and C and 49 CFR 613, Subpart B, the Major Urban Mass Transportation Investment Policy (41 FR 41512, September 22, 1976), and the Environmental Process Guidelines (23 CFR 795).</p> <p>B. Why Significant: The ANPRM would cover areas of substantial public interest and important Department policies.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: Concerns have been raised over the complexity of these requirements and the relationship between planning and other program areas. Further, national concerns such as air quality and energy are not fully reflected in present regulations.</p> <p>E. Legal Basis: 23 U.S.C. 104(f)(3), 109(h), 134, 307, and 315, and the Urban Mass Transportation Act of 1964 as amended.</p>	FHWA Sam Rea, (202) 426-2961; UMTA Bob Kirkland, (202) 426-4991.	<i>ANPRM under consideration.</i>

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Title	Summary	Contact	Earliest expected decision date
*Minimum Levels of Financial Responsibility.	<p>F. Chronology: The FHWA Regulations Reduction Task Force recommended changes to the Urban transportation planning requirements. Discussion of potential areas for changes have been initiated between FHWA and UMTA.</p> <p>G. Citation: 23 CFR 450, Subparts A and C, 49 CFR 613, Subpart B, and 23 CFR 795.</p> <p>A. Description: Section 30 of the Motor Carrier Act of 1980, Pub. L. 96-296 (signed July 1, 1980) gives the Secretary of Transportation the authority to phase in over a two-year period, the minimum levels of financial responsibility for motor carriers set by the Act.</p> <p>B. Why Significant: It has been determined that this proposal may have substantial impact on the motor carrier or insurance industry.</p> <p>Analysis: Regulatory Evaluation</p> <p>Need: The purpose of the financial responsibility provision of the Act is to create incentives for the motor carrier industry to focus on the safety aspects of highway transportation and to assure the general public that a motor carrier maintains an adequate level of financial responsibility sufficient to satisfy claims covering public liability, property damage, and environmental restoration.</p> <p>E. Legl Basis: The Motor Carrier Act of 1980, Pub. L. 96-296 Section 30.</p> <p>F. Chronology: Advance Notice of Proposed Rulemaking will be published in August 1980.</p> <p>G. Citation: None.....</p>	Gerald Davis, (202) 426-9767.	ANPRM August 1980.

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Title	Summary	Contact	Earliest expected decision date
Review: New Research and Development (R&D) Studies and Work Programs (Docket No. 79-21).	This regulation would cover the starting of new R&D studies and the programming of R&D work funded with Federal-Aid highway funds. An NPRM was published September 27, 1979 (44 FR 55766). (23 CFR pts. 530 and 540; FHPM 5-4-1).	Harry H. Hersey, (703) 557-5257.	FR August 1980.
Review: R&D Management—General.	This regulation would have covered the management of R&D studies using Federal-aid highway funds. It will be withdrawn because the content is covered by other regulations. An NPRM was published September 27, 1979 (44 FR 55766) (23 CFR pt. 520; FHPM 5-2-1).	Harry H. Hersey, (703) 557-5257.	To be withdrawn August 1980.
Review: R&D Reports and Implementation Activities (Docket No. 79-21).	This regulation would cover documentation of the results of R&D studies funded with Federal-aid highway funds without State matching to finance pooled fund studies. An NPRM was published September 27, 1979 (44 FR 55766). (23 CFR pt. 544; FHPM 5-4-3).	Harry H. Hersey, (703) 557-5257.	FR August 1980.

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Title	Summary	Contact	Earliest expected decision date
Review: Federal-Aid Funds Without State Matching (Docket No. 79-21).	This regulation would cover the use of Federal-aid highway funds without State matching to finance pooled fund studies. An NPRM was published September 27, 1979 (44 FR 55766) (23 CFR pt. 560; FHPM 5-6-1).	Harry H. Hersey, (703) 557-5257.	FR August 1980.
Review: R&D Management Option (Docket No. 79-21).	This regulation would provide alternate administrative procedures for State highway agencies which meet specified management standards. An NPRM was published September 27, 1979 (44 FR 55766). (23 CFR pt. 524; FHPM 5-2-4).	Harry H. Hersey, (703) 557-5257.	FR August 1980.
Review: Highway Planning Program Administration (Docket No. 78-24).	This regulation would reflect recent policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal FHWA coordination, it was decided to combine 23 CFR Part 450, Subpart B, Metropolitan Planning Funds with this regulation since both deal with program administration. This will delay publication of the final rule by approximately 6 months (23 CFR Part 420, Subpart A and Part 450, Subpart C; FHPM 4-1-2-1).	R. B. Puckett, (202) 426-0175.	FR September 1980.
Review: Public Road Mileage for Apportionment of Highway Safety Funds, Safer Off-System Roads Funds and Hazard Elimination Funds.	The revised regulation would expand the existing one, which includes only Highway Safety Funds, to include the other listed programs in the revised title. (23 CFR pt. 460; FHPM 4-5-3).	D. W. Briggs, (202) 426-0199.	NPRM September 1980.
Review: Procedures for Abatement of Highway Traffic Noise and Construction Noise (Docket No. 78-33).	This revision would make substantial reductions in the detailed procedures and interpretive information in the existing regulation. This is being done pursuant to the FHWA Regulation Reduction Task Force recommendations. An ANPRM was published December 6, 1978 (43 FR 57161). (23 CFR pt. 772; FHPM 7-7-3).	H. M. Rupert, (202) 426-4836.	NPRM August 1980.
Review: General Policy and Definitions.	This regulation would prescribe the general policy of FHWA regarding the acquisition of real property for highway and related purposes and defines certain terms used in FHWA right-of-way acquisition regulations. (23 CFR pt. 710; FHPM 7-1-1).	Douglas A. Wubbels, (202) 426-0142.	To be withdrawn August 1980.
Review: State Highway Department Responsibilities (Docket No. 76-7).	This regulation would prescribe the general responsibility of a State highway department in the acquisition of rights-of-way for the Federal-aid highway systems. An amendment to the existing regulation was published on August 31, 1978, eliminating the requirement for State highway agencies to submit the annual Real Property Acquisition Report (43 FR 38818). (23 CFR pt. 710; FHPM 7-1-2).	Douglas A. Wubbels, (202) 426-0142.	NPRM August 1980.
Review: Reimbursement Provisions.	This regulation would set forth provisions governing reimbursement to a State highway department for right-of-way costs incurred in connection with Federal or Federal-aid highway projects. (23 CFR pt. 710; FHPM 7-1-3).	Douglas A. Wubbels, (202) 426-0142.	NPRM August 1980.
Review: Civil Rights	This regulation would prescribe the general policy of the FHWA in the area of civil rights relative to the right-of-way acquisition function. (23 CFR pt. 710; FHPM 7-1-4).	Douglas A. Wubbels, (202) 426-0142.	To be withdrawn August 1980.
Review: The Real Property Acquisition Function-Policy.	This regulation would prescribe FHWA policy regarding the real property acquisition function. (23 CFR pt. 712; FHPM 7-2-1).	Tom Johns, (202) 426-0142.	NPRM August 1980.
Review: The Acquisition Function—General Provisions and project Procedures.	This regulation would prescribe FHWA project provisions and procedures regarding the acquisition of real property for highway and highway related projects. (23 CFR pt. 712; FHPM 7-2-2).	Tom Johns, (202) 426-0142.	NPRM August 1980.

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Title	Summary	Contact	Earliest expected decision date
Review: The Acquisition Function—General provisions and Project Procedures—Functional Replacement Of Real Property in Public Ownership.	This regulation would prescribe FHWA policies on functional replacement of real property in public ownership. (23 CFR pt. 712; FHPM 7-2-2-1).	Tom Johns, (202) 426-0142.	NPRM August 1980.
Review: The Acquisition Function—Negotiations.	This regulation will be combined with the regulation on general acquisition policy (FHPM 7-2-1). (23 CFR pt. 712; FHPM 7-2-3).	Tom Johns, (202) 426-0142.	To be withdrawn August 1980.
Review: The Acquisition Function—Administrative Settlements, Legal Settlements, and Court Awards.	This regulation will be combined with the regulation on reimbursement provisions (FHPM 7-1-3). (23 CFR pt. 712; FHPM 7-2-4).	Tom Johns, (202) 426-0142.	To be withdrawn August 1980.
Review: Appraisal and Appraisal Review Policy.	This regulation would establish FHWA requirements for the preparation and review of appraisal reports for the acquisition of lands necessary for Federal-aid highway projects. (23 CFR pt. 720; FHPM 7-3-1).	Gerald Kennedy, (202) 426-0142.	NPRM September 1980.
Review: Property Management	This regulation would prescribe FHWA policies and procedures for the management of real property acquired in connection with Federal-aid highway projects. (23 CFR pt. 713; FHPM 7-4-1).	Tom Johns, (202) 426-0142.	NPRM August 1980.
Review: Disposal of Right-of-Way..	This would prescribe FHWA policies and procedures for disposal of portions of highway right-of-way no longer needed for highway purposes. (23 CFR pt. 713; FHPM 7-4-2).	Tom Johns, (202) 426-0142.	NPRM August 1980.
Review: Junkyard Control and Abatement.	This regulation would provide definition of "effective control" of junkyards per 23 U.S.C. 136. It would identify alternative methods for abating nonconforming junkyards and establish the basic framework for State development of police power regulations and procedures. It would also identify items which are eligible for Federal participation in the various abatement techniques such as screening, removal, and relocation. An ANPRM published April 30, 1979 (44 FR 25387) and a Notice published May 17, 1979 (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. (23 CFR pt. 751; FHPM 7-6-4).	Richard Moeller, (202) 245-0021.	NPRM July 1981.
Review: Relocation Assistance—General.	This regulation would prescribe the general provisions and procedures for the uniform implementation and conduct of the nationwide relocation assistance program to assure the fair and equitable treatment of persons displaced by highway programs. (23 CFR pt. 740; FHPM 7-5-1).	Robert Moore, (202) 426-0116.	NPRM September 1980.
Review: Relocation Assistance—Relocation Services.	This regulation would set forth the requirement for that portion of the relocation program dealing with the services and assistance to be made available to persons displaced by or adversely affected by highway and related projects. (23 CFR pt. 740; FHPM 7-5-2).	Robert Moore, (202) 426-0116.	NPRM September 1980.
Review: Relocation Assistance—Moving Payments.	This regulation would prescribe the moving payments and other benefits available to individuals, families, businesses, farm operations, nonprofit organizations, and owners of outdoor advertising devices forced to relocate due to highway activities. (23 CFR pt. 740; FHPM 7-5-3).	Robert Moore, (202) 426-0116.	NPRM December 1980.
Review: Relocation Assistance—Replacement Housing Payments.	This regulation would prescribe the payments and eligibility requirements for home owners and tenants forced to vacate their dwellings located on lands needed for highway purposes. (23 CFR pt. 740; FHPM 7-5-4).	Robert Moore, (202) 426-0116.	NPRM December 1980.

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Title	Summary	Contact	Earliest expected decision date
Review: Relocation Assistance—Mobile Homes.	This regulation would set forth the special provisions for payments and benefits applicable to owners and occupants of mobile homes located on lands required for highway purposes. (23 CFR pt. 740; FHPM 7-5-5).	Robert Moore, (202) 426-0116.	NPRM <i>December 1980.</i>
Review: Relocation Assistance—Replacement Housing As Last Resort.	This regulation would implement Section 206 of Public Law 91-646 and prescribe the procedures and methods for providing replacement housing "as a last resort" when it is determined that a Federal or Federal-aid project cannot proceed to actual construction because comparable replacement housing is not available for persons to be displaced from their dwellings because of such construction. (23 CFR pt. 740; FHPM 7-5-6).	Robert Moore, (202) 426-0116.	NPRM <i>December 1980.</i>
Review: Land Service Facilities.....	This regulation would establish FHWA policy on participation in costs of facilities to provide or restore access to affected real property. (23 CFR pt. 712; FHPM 7-2-2-2).	Tom Johns, (202) 426-0142.	NPRM <i>August 1980.</i>
Review: Right-of-Way Revolving Fund.	This regulation would prescribe FHWA policy on acquisition of right-of-way with funding pursuant to 23 U.S.C. 108(c). (23 CFR pt. 712; FHPM 7-2-7).	Tom Johns, (202) 426-0142.	NPRM <i>August 1980.</i>
Review: Management of Airspace.	This regulation would prescribe FHWA policy on the use of airspace on Federal-aid highways for nonhighway purposes. (23 CFR pt. 713; FHPM 7-4-3).	Tom Johns, (202) 426-0142.	NPRM <i>August 1980.</i>
Review: Bond Issue Projects.....	This regulation would prescribe policies and procedures for the use of Federal funds in aiding the States in the retirement of the principal of bonds, pursuant to 23 U.S.C. 122. (23 CFR pt. 140; FHPM 1-4-8).	J. E. Lewis, (202) 426-0562.	FR <i>October 1980.</i>
Review: Advance Construction of Federal-aid Projects.	This regulation would prescribe procedures for the construction by a State of projects on any of the Federal-aid systems, in advance of apportionment of Federal-aid funds, or in lieu of apportioned funds for the Interstate System only, and for the subsequent reimbursement to the State of the Federal share of the cost of the project, pursuant to 23 U.S.C. 115 as amended. (23 CFR pt. 630; FHPM 6-3-2-7).	K. C. Kippley, (202) 426-0673.	FR <i>September 1980.</i>
Review: Reimbursement for Employment of <i>Public</i> Employees on Federal-aid Projects.	This regulation would prescribe policies and procedures governing the extent to which Federal funds may participate in the cost of salaries and wages and related labor costs, incurred by public forces of State highway departments, counties, cities, or other political subdivisions. (23 CFR pt. 140; FHPM 1-4-5).	J. E. Lewis, (202) 426-0562.	FR <i>September 1980.</i>
Review: Disqualifying Offenses, Drugs.	The FHWA is considering amending the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs, whose use by drivers, operating commercial motor vehicles, is forbidden and is considered a disqualifying offense. (49 CFR pt. 391).	Gerald J. Davis, (202) 426-9767.	NPRM <i>August 1980.</i>
Review: Visual Acuity.....	The FHWA is considering amending the Physical Qualification for Drivers regulation (49 CFR 391.41) by reviewing and determining minimum visual acuity in each eye separately as well as binocular acuity for commercial vehicle drivers. (49 CFR pt. 391).	Gerald J. Davis, (202) 426-9767.	NPRM <i>September 1980.</i>
Review: Forest Highways.....	This regulation would contain administrative procedures applicable to Forest Highway projects administered by direct Federal Offices and State highway agencies. (23 CFR pt. 660; FHPM 6-9-2-1).	R. C. Coles, (202) 426-0460.	NPRM <i>August 1980.</i>
Review: Erosion and Sediment Control on Highway Construction Projects.	This regulation would prescribe practices for the prevention and abatement of erosion and sediment damage on highway projects. (23 CFR pt. 650; FHPM 6-7-3-1).	Stanley Davis, (202) 472-7690.	FR <i>December 1980.</i>

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Title	Summary	Contact	Earliest expected decision date
Review: Permits for Highway Work in or Adjacent to Streams.	This regulation would contain procedures dealing with permits and include memoranda of understanding with the Coast Guard and the Corps of Engineers as appendices. (23 CFR pt. 650; FHPM 6-7-1-1).	Stanley Davis, (202) 472-7690.	FR <i>December 1980.</i>
Review: Coordination of Water Resources Development Projects.	This regulation would prescribe policy and procedures for the coordination and financing of highway-water resources development projects. (FHPM 6-1-1-4).	Edward D. Johnson, (202) 426-0334 or Stanley Davis, (202) 472-7690.	FR <i>August 1980.</i>
Review: Required Contract Provisions—Federal-aid Contracts.	This regulation would update and clarify the required contract provisions for Federal-aid construction contracts. (23 CFR pt. 633; FHPM 6-4-1-1).	K. L. Ziems, (202) 426-4847.	FR <i>September 1980.</i>
Review: Contract Procedures (Docket No. 78-16).	This regulation would simplify Federal-aid contract procedures. NPRM was published on August 18, 1978 (43 FR 36685). (23 CFR pt. 633; FHPM 6-4-1-6).	K. L. Ziems, (202) 426-4847.	FR <i>September 1980.</i>
Review: Contract and Force Account, Justifications Required for Force Account Work.	This regulation would simplify procedures relating to Federal-aid construction work performed by other than competitively awarded contract. (23 CFR pt. 635; FHPM 6-4-1-14).	K. L. Ziems, (202) 426-4847.	FR <i>August 1980.</i>
Review: General Materials Requirements.	This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. (23 CFR pt. 635; FHPM 6-4-1-16).	K. L. Ziems, (202) 426-4847.	NPRM <i>August 1980.</i>
Review: Authorization to Proceed to Physical Construction.	This regulation would update procedures relating to authorization of physical construction. This revision will not be made within the next year. (23 CFR pt. 635; FHPM 6-4-2-1).	K. L. Ziems, (202) 426-4847.	<i>Withdrawn.</i>
Review: Landscape and Roadside Development (Docket No. 78-2).	This regulation would prescribe policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, and scenic strips in connection with Federal-aid Highway Projects. <i>Joint use and joint development and access for the handicapped at Interstate Rest Area Facilities.</i> Interim Final Regulations published May 5, 1978 (43 FR 19390). (23 CFR pt. 752; FHPM 6-2-5-1).	Ken Rickerson, (202) 426-0314.	FR <i>November 1980.</i>
Resurfacing, Restoration and Rehabilitation (RRR) Work.	This regulation would set forth policy and project procedures for implementing RRR program as it relates to pavement design practices. (FHPM 6-2-4-2).	Leon M. Noel, (202) 426-0327.	FR <i>September 1980.</i>
Review: Skid Resistant Surface Design.	This regulation would set forth pavement design policy as it pertains to skid resistance on Federal-aid highway projects. An NPRM was published April 10, 1980 (45 FR 24505). (23 CFR 828) (FHPM 6-2-4-3).	Leon M. Noel, (202) 426-0327.	FR <i>date to be determined.</i>
<i>Selection of Pavement Type.....</i>	This regulation would set forth policy for the selection of pavement type on Federal-aid projects, (FHPM 6-2-4-4).	Leon M. Noel, (202) 426-0327.	ANPRM <i>August 1980.</i>
Review: Traffic Control Devices on Federal-aid and Other Streets and Highways.	This regulation would prescribe the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highways open to public travel in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. An NPRM was published September 27, 1979 (44 FR 55598). (23 CFR pt. 655; FHPM 6-8-3-1).	Donald P. Ryan, (202) 426-0411.	FR <i>August 1980.</i>
Review: Motorists Aid Systems	This regulation would provide policies and procedures relating to motorist-aid systems on Federal-aid highways. (23 CFR pt. 655; FHPM 6-8-3-3).	Robert Harp, (202) 426-0411.	FR <i>October 1980.</i>
Review: Traffic Surveillance and Control.	This regulation would establish policies and procedures relating to the expenditure of Federal-aid funds for traffic surveillance and control measures and equipment to reduce congestion, improve traffic flow and increase safety. (23 CFR pt. 655; FHPM 6-8-3-4).	Robert Harp, (202) 426-0411.	FR <i>October 1980.</i>

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Title	Summary	Contact	Earliest expected decision date
Review: Relinquishment of Highway Facilities.	This regulation would prescribe Federal Highway Administration procedures relating to relinquishment of highway facilities. (23 CFR pt. 620; FHPM 6-1-1-8).	R. J. Kreklau, (202) 426-0334.	NPRM <i>September</i> 1980.
Review: Reimbursement for Railroad Work.	This regulation would prescribe policies and procedures on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR pt. 646 B. (23 CFR pt. 140; FHPM 1-4-3).	J. A. Carney, (202) 426-0104.	NPRM <i>September</i> 1980.
Review: Utility Relocation and Adjustment.	This regulation would prescribe the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration. An ANPRM was published March 8, 1979 (44 FR 12209). (23 CFR pt. 645; FHPM 1-4-4).	J. A. Carney, (202) 426-0104.	<i>August</i> 1980.
Review: Accommodation of Utilities.	This regulation would prescribe policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. A NPRM was published April 17, 1980 (45 FR 26280). (23 CFR pt. 645; FHPM 6-6-3-2).	J. A. Carney, (202) 426-0104.	<i>FR January</i> 1981.
Review: Railroad Highway Projects.	This regulation would prescribe policies and procedures for advancing Federal-aid projects involving railroad facilities. The FHWA has determined that issuance of an ANPRM would not benefit this rulemaking process. (23 CFR pt. 646; FHPM 6-6-2-1).	J. A. Carney, (202) 426-0104.	NPRM <i>September</i> 1980.
Review: Project Agreements.....	This regulation would prescribe the forms and procedures for the preparation and execution of the project agreements required by 23 U.S.C. 110(a) for Federal-aid projects. ANPRM published December 6, 1979 (44 FR 70191). (23 CFR pt. 630; Subpt. C; FHPM 6-3-1-1).	L. Pettigrew, (202) 426-0334.	NPRM <i>December</i> 1980.
Review: Exemption from Preparing Driver's Daily Logs for Operations Between Certain Fixed Locations (Docket No. MC-70-2).	This regulation would propose to exempt certain drivers from preparing the driver's log when they operate from specified fixed locations day after day within the allowable hours of service. ANPRM published on November 9, 1978 (43 FR 58418). (49 CFR pt. 395).	Gerald J. Davis, (202) 426-9767.	NPRM <i>August</i> 1980.
Review: Rear End Underride Protection (Docket No. MC-77).	This regulation would propose to provide improved rear end protection on heavy motor vehicles manufactured after a certain date to prevent the underriding of vehicles which impact the rear of those vehicles. (49 CFR pt. 393).	Gerald J. Davis, (202) 426-9767.	NPRM <i>December</i> 1980.
Review: 100-Mile Exemption-Driver's Logs (Docket No. MC-78).	This regulation increases the present 50-mile radius exemption from the daily log requirement to a radius of 100-miles. NPRM published on October 13, 1978 (43 FR 55109). <i>Final rule published April 3, 1980 (45 FR 22042).</i> (49 CFR pt. 395).	Gerald J. Davis, (202) 426-9767.	<i>Action complete.</i>
Toxic Gases in Truck Cabs (Docket No. MC-80).	This regulation would set maximum toxic gas levels in truck cabs. ANPRM published January 1978 (43 FR 120). NPRM published June 18, 1979 (44 FR 34992). (49 CFR pt. 392).	Gerald J. Davis, (202) 426-9767.	<i>Further action to be determined.</i>
Ambient Temperature in Heavy Duty Truck Cabs (Docket No. MC-81).	This regulation would set maximum permissible ambient temperatures in truck cabs. ANPRM published on February 8, 1978 (43 FR 5397). (49 CFR pt. 399).	Gerald J. Davis, (202) 426-9767.	NPRM <i>November</i> 1980.
Review: Relocation Assistance-Moving Payments-Moving Expense Schedules.	This regulation would set forth the FHWA approved moving expense schedules which are applicable to all residential moves necessitated by all Federal programs administered by all Federal agencies. These schedules are reviewed and updated by each State highway agency on a semiannual basis and approved by FHWA prior to final publication in the Federal Register semiannually. (49 CFR pt. 25; FHPM 7-5-3).	Robert Moore, (202) 426-0116.	<i>FR August</i> 1980.

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Title	Summary	Contact	Earliest expected decision date
Roadway Drainage.....	This regulation would provide FHWA policy and procedures for the design of roadway drainage systems for conveying runoff from highways. (23 CFR pt. 650).	Philip L. Thompson, (202) 472-7690.	NPRM <i>December</i> 1980.
Uniform Criteria for Warning Devices at Railroad-Highway Grade Crossings (Docket No. 78-13).	This regulation would issue uniform nationwide criteria for the selection of various types of warning devices to be installed at railroad-highway grade crossings. ANPRM published August 10, 1978 (43 FR 35491) and June 12, 1980 (45 FR 40062). (23 CFR 625, 646, and 655).	Justin True, (202) 426-0411.	NPRM <i>March</i> 1981.
Review: Guide for Bicycle Facilities (Docket No. 79-3).	This regulation establishes design and construction <i>guidelines</i> for bikeways. ANPRM published on February 8, 1979 (44 FR 7979). NPRM published August 4, 1980 (45 FR 51720). (23 CFR pts. 652 and 663).	James Kirchensteiner, (202) 426-0314.	NPRM <i>FR January</i> 1981.
Review: The General Part of the Federal Motor Carrier Safety Regulations.	The FHWA is considering amending Part 390 in the first step of a general revision of the FMCSR. The purpose of the revision is to improve and simplify the regulations (49 CFR pt. 390).	Gerald J. Davis, (202) 426-9767.	NPRM <i>August</i> 1980.
Appalachian Highway Procedures...	This regulation revision would reflect the recent legislative change in the participation percentage for Appalachian funds and would make several minor changes to existing procedures. <i>Recent policy decision by the Appalachian Regional Commission will delay publication of the NPRM by approximately six months.</i> (23 CFR pt. 633, subpt. B; FHPM 6-9-10-1).	R. B. Puckett, (202) 426-0175.	NPRM <i>December</i> 1980.
Carpool and Van Pool Projects	This regulation revision would reflect the required changes brought about by the Surface Transportation Assistance Act of 1978 plus related program modifications. NPRM published December 10, 1979 (44 FR 70753) (23 CFR pt. 656; FHPM 4-8-3).	Barbara Reichart, (202) 426-0210.	<i>FR August</i> 1980.
National Bridge Inspection Standards.	This regulation provides guidance and establishes procedures concerning the national bridge inspection standards in accordance with Section 124 of the Surface Transportation Assistance Act of 1978. Final Rule published May 1, 1979 (44 FR 25434). <i>Comments received on the final rule have been reviewed and no revisions will be published.</i> (23 CFR pt. 650 Subpt. C).	Stanley Gordon, (202) 472-7697.	<i>Action complete.</i>
State Highway Safety Agency (Docket No. 79-10).	This rule would replace the existing Joint FHWA/NHTSA Orders on State agencies with a new Part 1251, State Highway Safety Agency in Title 23, Code of Federal Regulations. It proposes to establish new requirements for the authority and function of State highway safety agencies. NPRM published June 21, 1979 (44 FR 36204) and a revised NPRM published December 6, 1979 (44 FR 70192). (23 CFR 1251).	FHWA J. L. Rummel, (202) 426-2131 NHTSA George Reagle, (202) 426-0068.	<i>FR September</i> 1980.
State Matching of Planning and Administration Cost.	This Notice establishes NHTSA and FHWA policy on State planning and administration costs associated with carrying out a highway safety program under the Highway Safety Act with a new Part 1252, State Matching of Planning and Administration Costs in Title 23, Code of Federal Regulations. It defines planning and administration costs, describes the expenditures that may be used to satisfy the State matching requirement, prescribes how the requirement will be met, and specifies when the State will have to comply with the requirement. NPRM was published on July 16, 1979 (44 FR 41244). An Amendment to the NPRM was published August 28, 1979 (44 FR 50063). <i>Final rule published on July 14, 1980 (45 FR 47144).</i> (23 CFR pt. 1252).	FHWA J. L. Rummel, (202) 426-2131. NHTSA George Reagle, (202) 426-0068.	<i>Action complete.</i>

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Title	Summary	Contact	Earliest expected decision date
Innovative Project Grants.....	This rule would provide criteria, procedures, and policies for administration of Innovative Project Grants under 23 U.S.C. 407 when funds are appropriated. ANPRM published July 19, 1979 (44 FR 42233). NHTSA has primary responsibility for this action. (23 CFR pt. 1217).	FHWA J. L. Rummel, (202) 426-2131. NHTSA Charles Livingston, (202) 426-0837.	NPRM September 1980.
Bicycle Grant Program	This rule revises existing procedures for the Bikeway Demonstration Program to include the bicycle grants program authorized under Section 141 of the Surface Transportation Assistance Act of 1978. The FHPM title will be changed to Bicycle Grant Program. NPRM published January 3, 1980 (45 FR 952). <i>Final Rule published May 1, 1980. (45 FR 29015).</i> (23 CFR pt. 663; FHPM 6-9-14).	Tom Jennings or Ken Rickerson, (202) 426-0314.	Action complete.
Accessibility of Highway Rest Area Facilities to Handicapped Persons.	This proposed rule would require that rest area facilities on Interstate highways be made totally accessible to handicapped persons. The proposal would conform the language of the FHWA rule to the requirements of the Department's Section 504 regulation, which establishes requirements for handicapped accessibility. <i>This proposal is being combined with the rule on Landscape and Roadside Development listed above.</i> (23 CFR pt. 752).	Ken Rickerson, (202) 426-0314.	Withdrawn.
Manual on Uniform Traffic Control Devices.	The Manual on Uniform Traffic Control Devices (MUTCD) contains the national standards for traffic control devices erected on all streets and highways open to public travel. These standards are constantly under review and revisions of individual standards are published from time to time. This Agenda will now provide notice of the standards that are currently under review as possible amendments to the MUTCO (23 CFR 625 and 655).		
	(1) An ANPRM published January 3, 1980 (45 FR 982). Approximately 40 standard items. Docket closed July 1, 1980.	J. C. Partlow, (202) 426-0411.	NPRM October 1980.
	(2) An ANPRM published June 19, 1980 (45 FR 41600). Approximately 20 standard items. Docket closes February 1, 1981.	J. C. Partlow, (202) 426-0411.	NPRM April 1981.
	(3) A NPRM published January 24, 1980, (45 FR 5750). Docket closed March 24, 1980.	Robert E. Conner, (202) 426-0411.	FR August 1980.
Review: Water Supply and Sewage treatment at Safety Rest Areas.	This regulation would update policy for providing safe and adequate water supply and sewage treatment at safety rest areas. (23 CFR pt. 650, subpt. E; FHPM 6-7-3-3).	R. Baumgardner, (202) 472-7690.	FR August 1980.
Application for and Obligation of Federal-Aid Funds for Education and Training.	This regulation increases the Federal share available for tuition and direct educational expenses, 23 U.S.C. 321(b). Public Law 96-106 increased the allowable Federal Share from 70 percent to 75 percent. <i>Final rule published January 28, 1980 (45 FR 6477).</i> (23 CFR pt. 260).	Jack T. Coe, (202) 426-9141.	Action complete.
Review: Federal-Aid Highway Systems.	This regulation would prescribe policy regarding Federal-aid Highway Systems to reflect amendments contained in the 1976 and 1978 Highway Acts. <i>The recent decision to combine this directive and FHPM 4-6-6-1, Priority Primary Routes (23 CFR pt. 470, subpt. c), will delay publication of the NPRM by approximately 90 days (23 CFR pt. 470, subpt. A).</i>	R. B. Puckett, (202) 426-0175.	NPRM August 1980.

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Title	Summary	Contact	Earliest expected decision date
Design Standards for Highways.....	This regulation would amend the existing geometric design standards for highways for new construction and major reconstruction of Federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments will be requested on the geometric design criteria as presented in a draft of the new publication <i>A Policy on Geometric Design of Highways and Streets</i> prepared by the American Association of State Highway and Transportation Officials. <i>NPRM published February 14, 1980 (45 FR 10236)</i> . (23 CFR Part 625, FHPM 6-2-1-1).	Wilson B. Harkins, (202) 426-0313.	<i>FR September 1981.</i>
Design and Construction Requirements for Highway Pedestrian Overpasses and Underpasses.	The intent of this regulation is to develop standards for the design and construction of pedestrian overpasses and underpasses for accessibility and usability by physically handicapped persons (per March 7, 1979, Agreements with Architectural and Transportation Barriers Compliance Board).	All Sevin and Larry King, (202) 426-0306 or Lee Burstyn, (202) 426-0761.	<i>NPRM October 1980.</i>
Assignment of Motor Carrier Safety Ratings.	The Federal Highway Administration is responsible for determining and reporting to the ICC a safety rating for each carrier applicant seeking operating authority from the ICC. This regulation formalizes current procedures. <i>NPRM published November 23, 1979 (44 FR 67193)</i> . (49 CFR pt. 385).	James Jeglum, (202) 426-1724.	<i>FR August 1980.</i>
Payback Regulation Amendments..	Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This regulation would incorporate the legislative changes in 23 CFR Part 480.	L. A. Staron, (202) 426-0404.	<i>NPRM September 1980.</i>
Review: Archeological and Paleontological Salvage.	This regulation covers procedures for implementing the provision of Title 23, U.S.C., Section 305, involving the use of Federal highway funds for archeological and paleontological salvage on Federal and Federal-aid highway projects. It will be withdrawn because the content is covered by other regulations. (23 CFR pt. 765; FHPM 7-7).	Larry Isaacson, (202) 426-9173.	<i>Regulation To Be Rescinded September 1980.</i>
Qualification of Drivers.....	This notice will request comments on continuing the regulation which provides that no waiver for handicapped drivers will be granted to drivers of buses or trucks transporting hazardous materials. <i>NPRM was published on June 12, 1980 (45 FR 39672)</i> . (49 CFR pt. 391.49).	Gerald J. Davis, (202) 426-9767.	<i>Further action to be determined.</i>
Review: Compliance With Motor Carrier Noise Standards.	The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas. <i>NPRM published April 3, 1980 (45 FR 22120)</i> . Further action will be determined following review of the comments to the docket. (49 CFR pt. 325).	Gerald J. Davis, (202) 426-9767.	<i>FR November 1980.</i>
Maximum Weight of Trucks on Interstate System Highways: Variable Local Suspension Axles: Dummy Axles: Interpretation and Application of the Bridge Formula.	This notice would provide guidance on the use of Variable Local Suspension Axles and Dummy Axles in the Bridge Formula, which is used to determine the maximum weight of motor vehicles permitted to use the Interstate System highways in accordance with 23 U.S.C. 127. <i>ANPRM published December 6, 1979 (44 FR 69586)</i> . A Notice on March 10, 1980 (45 FR 15588) extended the comment period to June 2, 1980. (23 CFR pt. 657).	David Oliver (202) 426-0825.	<i>Further action to be determined.</i>

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Title	Summary	Contact	Earliest expected decision date
*State Internal Audit Responsibility.	This rule would update existing requirements for internal audits conducted by the States under the Federal-aid highway program. (23 CFR 12; FHPM 1-9-1-1).	Harvey Wood, (202) 426-0563.	NPRM August 1980.
*Reimbursement Vouchers.....	This revision would establish uniform policy for withholding requirements to adequately protect the Federal interest in projects administered by State highway agencies. The revision would also incorporate current policies for closing projects and filing final vouchers. (23 CFR 104A; FHPM 1-4-6).	Harvey Wood, (202) 426-0563.	NPRM October 1980.
*Skid Accident Reduction Program.	This rule would set forth policy for development and implementation of a program in each State designed to reduce the number and severity of wet weather accidents. (FHPM 8-2-3-1).	Donald Kamnikar, (202) 426-2131.	NPRM August 1980.
*The use of 4-way flashers on slow moving vehicles.	This action will consider changing the regulations to allow the use of 4-way flashers to warn of potential hazards.	Gerald Davis, (202) 426-9767.	NPRM November 1980.
*Rear Vision Mirrors (Docket MC-80).	The regulation would serve to clarify the rule change published May 1, 1979. (49 CFR 393).	Gerald Davis, (202) 426-9767.	NPRM September 1980.
*Miscellaneous Amendments—FMCSR.	Clarifies and updates sections. FR issued July 10, 1980 (45 FR 46423).	Gerald Davis, (202) 426-9767.	Action complete.
*REVIEW: The need for first-aid kits on buses.	Comments will be requested on the need to continue requiring first-aid kits on interstate buses. (49 CFR 393).	Gerald Davis, (202) 426-9767.	NPRM November 1980.
*Transportation of Migrant Workers.	This rule would revise regulations for the transportation of migrant workers in interstate commerce to ensure their safe transportation. (49 CFR 398).	Gerald Davis, (202) 426-9767.	ANPRM August 1980.
*Education and Training Programs.	This amendment would extend the period of time for which a grant recipient may receive financial support from 12 months of full-time study to 24 months of full-time study. (23 CFR 260A).	Larry Jones, (202) 426-3100.	FR August 1980.
*Administrative Hearings.....	This rule is proposed to provide a general procedure for administrative hearings. This proposed rule would allow the Administrator to initiate administrative proceedings on discretion, or on complaint, and would govern procedure under such proceedings. (23 CFR 20).	Hugh T. O'Reilly, (202) 426-0780.	NPRM October 1980.
*Disqualification of Drivers (traffic records).	The proposed rule would require the disqualification of interstate truck and bus drivers based on the driver's traffic or accident record.	Gerald Davis, (202) 426-9767.	ANPRM October 1980.
*Selection of Motor Carriers for Survey.	FHWA is considering the publication of criteria for the selection of carriers for safety and hazardous materials surveys.	Gerald Davis, (202) 426-9767.	NPRM January 1981.
*Rulemaking Procedures	The proposed rule would provide procedures for processing petitions for rulemaking and related matters.	Stan Abramson, (202) 426-0761.	NPRM September 1980.

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NHTSA

National Highway Traffic Safety Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Light Truck Fuel Economy Rulemaking (Docket No. FE 78-01).	<p>A. Description: Would set average fuel economy standards for model years 1983-1985 light trucks with gross vehicles weight ratings of 8500 pounds or less.</p> <p>B. Why Significant: The rule is considered significant because of the impact on the automotive industry, the public, and energy consumption.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: Conservation of petroleum.....</p> <p>E. Legal Basis: Motor Vehicle Information and Cost Savings Act, as amended, 15 USC 2002.</p> <p>F. Chronology: NPRM issued 12/31/79. (44 FR 77199). Comment period closed December 31, 1979. Final Rule to be issued in October 1980. Model Year 1982 Final Rule published March 31, 1980 (45 FR 20871).</p> <p>G. Citation: 49 CFR pt. 533</p>	Richard Strombotne, (202) 426-0846.	Model Years 1983 thru 1985, FR September 1980.
Passenger Automobile Fuel Economy Rulemaking.	<p>A. Description: Analysis to determine what fuel economy standards should be established for the time frame beyond MY 1985. The primary constraint to the achievement of higher corporate average fuel economy (CAFE) is likely to be the industry's inability to support the requisite capital investments. Post-1985 actions require a comprehensive evaluation of total resources available to the manufacturers. Therefore, it is proposed that such action go forward simultaneously for passenger cars and trucks. The post-1985 fuel economy standards are being thoroughly considered as part of the Department's auto industry study and will not be pursued in rulemaking until that study is complete and submitted to the President.</p> <p>B. Why Significant: The rule is considered significant because of the impact on the automotive industry, the public, and energy consumption.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: Conservation of petroleum.....</p> <p>E. Legal Basis: Motor Vehicle Information and Cost Savings Act, as amended 15 USC 2002, as amended 15 U.S.C. 2002 Sec 502(a)(4).</p> <p>F. Chronology: NPRM for Model Years 1981-1984 issued February 17, 1977, (42 FR 19321). Final Rule for Model Years 1981-1984 issued June 27, 1977 (42 FR 33534). Report on Requests by General Motors and Ford to Reduce Fuel Economy Standards for MY 1981-85 Passenger Automobiles—June 1979.</p> <p>G. Citation: 49 CFR pt. 531</p>	Richard Strombotne, (202) 426-0846.	Further action to be determined.
Confidential Business Information (Docket No. 78-10).	<p>A. Description: Would codify existing method of processing confidential information from manufacturers.</p> <p>B. Why Significant: This rule considered significant because of the controversial nature of confidential business information.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: To assure the manufacturer a more predictable process of information gathering and to streamline and speed up NHTSA use of data.</p>	Frank Berndt, (202) 426-9511.	Further action to be determined.

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NHTSA

National Highway Traffic Safety Administration

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Title	Summary	Contact	Earliest expected decision date
Heavy Duty Vehicle Brake Systems (Docket 79-03). (Formerly Air Brake Systems).	<p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended, and the Motor Vehicle Information and Cost Savings Act, as amended, 15 USC 1381; 15 USC 2002.</p> <p>F. Chronology: NPRM issued 5/25/78. (43 FR 22412). The Agency is reconsidering the regulation in light of recent court decisions in this area and recent proposals by other agencies for similar regulations. Further action postponed indefinitely pending further analysis.</p> <p>G. Citation: 49 CFR pt. 512</p>	A. Malliaris, (202) 426-0842.	Research underway.
Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems).	<p>A. Description: Would establish a new Air Brake Standard (No. 130) for trucks, buses, and trailers over 10,000 pounds gross vehicle weight rating, to replace Air Brake Standard No. 121. This new standard will include requirements for hydraulically braked heavy trucks and buses.</p> <p>B. Why Significant: The rule is considered significant because of the level of public and Congressional interest.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: To correct the inadequacies in Standard No. 121 resulting from many revisions and Court action, and to include hydraulically braked heavy trucks and buses not previously included.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended.</p> <p>F. Chronology: ANPRM issued 2/15/79. (44 FR 9783). Comment period closed 4/16/79. Research is being conducted.</p> <p>G. Citation: 49 CFR 571.121</p>	A. Malliaris, (202) 426-0842.	Research underway.
Multipiece Rims on Trucks and Buses. (Docket No. 71-19).	<p>A. Description: Would establish long term agency interest in such advanced braking systems concepts as antilock systems, automatic brake adjusters for heavy trucks and buses, and disc brakes for heavy trucks and buses.</p> <p>B. Why Significant: This rule is considered significant because of the level of public and Congressional interest.</p> <p>C. Analysis: Regulatory Analysis</p> <p>D. Need: To establish long term plans for truck braking regulations.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended.</p> <p>F. Chronology: ANPRM issued February 28, 1980 (45 FR 13155), Research underway.</p> <p>G. Citation: 49 CFR 571.121, 49 CFR 571.105-75</p>	A. Malliaris, (202) 426-0842.	Further action to be determined.
	<p>A. Description: NHTSA is examining the need to issue a performance requirement for multipiece rims because of their potential for explosive separation. The requirement could result in the elimination of the multipiece rims on new vehicles.</p> <p>B. Why Significant: This rulemaking is considered significant because of the level of interest shown by users and manufacturers of these rims, and because of the cost impacts.</p> <p>C. Analysis: Regulatory Analysis</p>	A. Malliaris, (202) 426-0842.	Further action to be determined.

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Title	Summary	Contact	Earliest expected decision date
Bumper Standard	<p>D. Need: Balance the safety hazards associated with the use of these rims against the added costs of using safer single-piece rims.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended.</p> <p>F. Chronology: ANPRM issued March 5, 1979. (44 FR 12072). Comments received June 4, 1979. Cost and impact study results are being analyzed.</p> <p>G. Citation: 49 CFR 571.120</p> <p>A. Description: NHTSA released an updated cost-benefit analysis on the bumper standard on June 1, 1979. It concluded that an amendment to the existing standard is not warranted at this time.</p> <p>B. Why Significant: This rulemaking is considered significant because of the level of interest shown by Congress and bumper manufacturers, and because of the cost impacts to consumers.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: Congress has asked for a cost benefit study analyzing the merits of 2.5 mph bumpers vs. 5.0 mph bumpers.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended.</p> <p>F. Chronology: ANPRM issued 3/1/79. (44 FR 11569). Comment period closed 4/30/79. Task Force organized and contractor began work on Bumper Study, April 2, 1979. Final report published June 1, 1979.</p> <p>G. Citation: 49 CFR pt. 581</p>	Michael Brownlee, (202) 426-1740.	Further action to be determined.
Information Gathering Powers (Docket 78-01).	<p>A. Description: Codifies the Agency's information gathering powers under its various authorizing statutes and set forth the rights of respondents to that process.</p> <p>B. Why Significant: This rule is considered significant because of interest shown by manufacturers.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: To inform the public of the procedures to be followed by this Agency in connection with its information gathering efforts and of the rights they have with respect to those information gathering powers.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended.</p> <p>F. Chronology: Interim FR published 12/27/77 (42 FR 64628). Final Rule issued May 1, 1980 (45 FR 29032).</p> <p>G. Citation: 49 CFR Part 410</p>	Frank Berndt, (202) 426-9511.	Action complete.
Pedestrian Protection	<p>A. Description: Would reduce adult pedestrian lower torso and leg injuries and child injuries through modification of the bumper, grille, and hood edges. (49 CFR 571).</p> <p>B. Why Significant: The rule is considered significant because of the design impact on the automotive industry, and cost and other impacts. Preliminary reviews indicate that the rule would be costly as defined by Executive Order 12044.</p>	A. Malfiaris, (202) 426-0842.	NPRM Early 1981.

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Title	Summary	Contact	Earliest expected decision date
*Crashworthiness Ratings.....	<p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: To develop a countermeasure to reduce a portion of the pedestrian fatalities and injuries resulting from pedestrian involvements with passenger cars.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended.</p> <p>F. Chronology: None yet</p> <p>G. Citation: 49 CFR Part 571.....</p> <p>A. Description: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public.</p> <p>B. Why Significant: This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: To provide consumers with comparative information on the crashworthiness performance of new car models.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended. 15 U.S.C. 1941, Section 201(d); 15 U.S.C. 1401, Section 112(d).</p> <p>F. Chronology: None yet</p> <p>G. Citation: 49 CFR Ch. 5.....</p>	Michael Brownlee, (202) 426-1740.	NPRM January 1981.
*Air Brake Systems.....	<p>A. Description: Would reinstate the 60 mph stopping distance requirement in standard No. 121, without a no wheel lock-up requirement, to replace the one invalidated by the Ninth Circuit Court of Appeals decision: <i>PACCAR, INC. v. NHTSA 573 F 2d 632</i>. This will be an interim action while research and analysis is underway to develop requirements for a new Standard No. 130.</p> <p>B. Why Significant: The rule is considered significant because of the level of public and Congressional interest.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: To prevent degradation of current braking performance as a result of the Court's action while research and analysis is underway to support a new Standard No. 130.</p> <p>E. Legal Basis: National Traffic and Motor Vehicle Safety Act of 1966, as amended.</p> <p>F. Chronology: None yet</p> <p>G. Citation: 49 CFR 571.121</p>	A Malliaris, (202) 426-0842.	NPRM June 1981.

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Title	Summary	Contact	Earliest expected decision date
Seat Belt Assemblies (Docket No. 74-14).	Would improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. (49 CFR 571.208). NPRM issued 12/20/79 (44 FR 77210).	A. Malliaris, (202) 426-0842.	FR November 1980.
School Bus Crash Protection (Docket No. 73-03).	Would amend 49 CFR 571.3 definitions to include a sub-classification for "School Activities Bus" and amend FMVSS 222 as it would apply to this vehicle class. (49 CFR 571.222).	A. Malliaris, (202) 426-0842.	<i>Withdrawn pending further action.</i>
Adjudicative Procedures Fuel Economy.	Would establish procedures and rules of practice for adjudications to enforce the fuel economy provisions in Title V of the Motor Vehicle Information and Cost Savings Act. This was issued as an interim final rule 10/16/78 (43 FR 47507-28). Public comments were invited. (49 CFR pt. 511).	Stephen Wood, (202) 426-2992.	FR August 1980.
Door Locks and Door Retention Components.	This technical amendment would clarify existing test procedures and extend the applicability of FMVSS 206 such that present side door requirements cover transverse rear doors. (49 CFR 571.206).	A. Malliaris, (202) 426-0842.	NPRM November 1980.
Fields of Direct View (Docket No. 70-7).	This proposal would establish requirements for the maximum allowable size of obstructions in the field of view of drivers, the luminous transmittance of glazing, and the location and functional characteristics of sun visors. NPRM issued 11/6/78. (43 FR 51677).	A. Malliaris, (202) 426-0842.	FR May 1981.
Rear View Mirrors (Docket No. 71-3a).	This proposal would amend FMVSS 111 to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or fold-away tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. NPRM issued 11/6/78. (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842.	FR May 1981.
Hydraulic Brake Systems (Docket No. 70-27).	This proposal would extend the applicability of FMVSS 105-75 from passenger cars to cover on a general basis, multi-purpose passenger vehicles, buses, and trucks with a Gross Vehicle Weight Rating (GVWR) of 10,000 lbs. or less. The notice proposes extending the standard on a limited basis to trucks, buses, and MPVs (Motor Passenger Vehicles) with a GVWR of more than 10,000 lbs. NPRM issued 10/18/79, (44 FR 60113). (49 CFR 571.105-75).	A. Malliaris, (202) 426-0842.	FR May 1981.
Brake System Inspectability.....	Would require vehicle modifications in order to inspect for certain levels of brake degradation in accordance with proposed test procedures and criteria for measurement.	A. Malliaris, (202) 426-0842.	<i>Further action to be determined.</i>
Theft Protection (Docket No. 1-21).	Would amend existing standard to require separate keys for doors and ignition, door lock modifications, internal control of hood latch, modification in ignition wiring and ignition key alarm. Would apply to passenger cars, light trucks and vans. NPRM issued 5/1/78. (43 FR 18577). (49 CFR 571.114).	A. Malliaris, (202) 426-0842.	FR November 1980.
Lamps, Reflective Devices, and Associated Equipment (Docket No. 69-19).	This will not revise the minimum size requirement of lenses used on moped stop lamps. It is in response to a petition that the current requirements are excessively stringent. Interim final rule issued 8/31/78. (43 FR 38831). Comment period closed 10/30/78. Three comments received and reviewed for consideration in issuing of final rule. <i>Final Rule issued March 3, 1980 (45 FR 13736)</i> . (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	<i>Action complete.</i>

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Title	Summary	Contact	Earliest expected decision date
Consumer Information—Wet Stopping Distance.	Develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces. (49 CFR 575.105).	Michael Brownlee, (202) 426-1740.	NPRM March 1981.
Bumper Standard	Extend the bumper height requirements to all vehicles under 10,000 lbs. GVWR. Increase the extent to which the vehicle population has matching bumpers, thereby reducing the underride/override problem in vehicle to vehicle accidents involving a light truck, van or multi-purpose vehicle. (49 CFR pt. 581). Further action postponed indefinitely pending further analysis.	Michael Brownlee, (202) 426-1740.	Withdrawn pending further action.
Rear Lighting and Signalling	Would establish requirement for the separation of function of rear lighting and signalling and establish requirements for the location of brake lights. (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	NPRM February 1981.
Battery Explosions	Would establish performance requirements and labeling of batteries to reduce the incidence of battery explosions while jump starting. (49 CFR 571).	A. Malliaris, (202) 426-0842.	NPRM November 1980.
Interior Noise Levels	Would establish maximum allowable interior noise levels in all heavy trucks by extending the current Bureau of Motor Carrier Safety requirement to new vehicles. NPRM was not issued in September 1979 as originally planned and is postponed indefinitely pending further analysis.	A. Malliaris, (202) 426-0842.	Withdrawn pending further action.
Controls & Displays (Docket No. 1-18).	Would amend the standard to include several symbols adopted by the International Standards Organization (ISO). (49 CFR 571.101).	A. Malliaris, (202) 426-0842.	Further action to be determined.
Speedometers and Odometers. (Docket No. 76-06).	A final rule issued 3/22/79 responded to petitions for reconsideration by deleting the 10% limit on distance between graduation on speedometer scales, increasing the leadtime for speedometer accuracy and odometer tamper resistance and clarifying the irreversibility option for odometers. (44 FR 17500). An NPRM was issued 3/22/79 (44 FR 17532) to amend FMVSS 127 with regard to replacement odometers and proposing refinements in irreversibility option for odometers. FR issued June 16, 1980 (45 FR 90585). (49 CFR 571.127).	A. Malliaris, (202) 426-0842.	Action complete.
Truck Rear Underride Protection ...	Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).	A. Malliaris, (202) 426-0842.	NPRM December 1980.
Fuel System Integrity (Docket No. 73-20).	Would establish specific performance requirements in Safety Standard No. 301-75 for non-metallic fuel tanks (plastic tanks) used in motor vehicles. ANPRM issued 6/2/79. (44 FR 33441). Further action postponed indefinitely pending further analysis.	A. Malliaris, (202) 426-0842.	Further Action to be determined.
Tire Identification and Record-keeping.	Would require ID on outward facing sidewall of motor vehicle tires. (49 CFR pt. 574).	A. Malliaris, (202) 426-0842.	NPRM July 1981.
Consumer Information—Acceleration and Passing Ability and Tire Reserve Load.	Amends the Consumer Information Regulations by deleting the acceleration and passing ability items and modifies the class of vehicles to which the tire reserve load provisions apply. NPRM issued 3/15/79 (44 FR 15748). Final Rule published July 14, 1980 (45 FR 47152).	Michael Brownlee, (202) 426-1740.	Action complete.
Motorcycle Helmets	This technical amendment increases the percentage of helmet sizes covered by FMVSS 218 by testing large and extra-large helmets with the medium (size "C") headform. Currently, only medium size helmets are covered. NPRM issued 9/27/79. (44 FR 55612). (49 CFR 571.218) Final Rule issued March 10, 1980. (45 FR 15179).	A. Malliaris, (202) 426-0842.	Action complete.

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Windshield Retention and Windshield Zone Intrusion.	This technical amendment changes the crash test requirements for FMVSS 212 and 219 for trucks manufactured in more than one stage. NPRM issued 8/2/79. (44 FR 45426). (49 CFR 571.212, 571.219). <i>FR published April 3, 1980 (45 FR 22044).</i>	A. Malliaris, (202) 426-0842.	<i>Action complete.</i>
Side Door Strength.....	This technical amendment <i>will</i> change the test requirements for FMVSS 214 to allow the seats to remain in the car during the side door crush test. The seats currently must be removed. NPRM issued 6/2/79 (44 FR 33444). (49 CFR 571.214). <i>Final Rule issued March 17, 1980. (45 FR 17015).</i>	A. Malliaris, (202) 426-0842.	<i>Action complete.</i>
Glazing Materials.....	This technical amendment would delete the abrasion resistance requirements for certain types of glazing used on side windows of light trucks and vans. NPRM issued 9/27/79. (44 FR 55610). (49 CFR 571.205).	A. Malliaris, (202) 426-0842.	<i>FR September 1980.</i>
Vehicle Speed Control (Docket No. 79-06).	Trailways Bus Company petitioned for a FMVSS to require road speed governors for all commercial vehicles. A request for comments was published in the Federal Register on 3/19/79 with a closing date of 8/17/79. (44 FR 16461). Further Agency action will await results from <i>long range</i> research.	A. Malliaris, (202) 426-0842.	Further action to be determined.
New Pneumatic Tires.....	Amendment would delete Appendix A (Tire Tables) of FMVSS 109 to ease introduction of new tire concepts and to add criteria to insure compatibility of new concepts with existing tire types. (49 CFR 571.109). The originally planned ANPRM will not be issued; instead, the Agency is proceeding with a less comprehensive NPRM.	A. Malliaris, (202) 426-0842.	<i>NPRM September 1980.</i>
Odometer Disclosure.....	Amends disclosure requirements to allow the States to use an abbreviated disclosure statement on all State-supplied transfer documents, as well as on certificates of title. NPRM issued 5/14/79 (44 FR 28032). <i>Final Rule issued January 3, 1980 (45 FR 784).</i>	John Womack, (202) 426-1834.	<i>Action complete.</i>
State Highway Safety Agencies.....	This joint NHTSA-FHWA rule would replace the existing Joint FHWA/NHTSA Orders on State agencies with a new Part 1251, <i>State Highway Safety Agency</i> in Title 23, Code of Federal Regulations. It proposes to establish new requirements for the authority and function of State highway safety agencies. NPRM published June 21, 1979 (44 FR 36204) and a revised NPRM published December 6, 1979 (44 FR 70192). (23 CFR pt. 1251).	George Reagle, (202) 426-0068.	<i>FR September 1980.</i>
State Matching of Planning and Administration Costs (Docket 79-12).	This joint FHWA-NHTSA notice establishes NHTSA and FHWA policy on State planning and administration costs associated with carrying out a highway safety program under the Highway Safety Act with a new Part 1252, <i>State Matching of Planning and Administration Costs</i> in Title 23, Code of Federal Regulations. It defines planning and administration costs, describes the expenditures that may be used to satisfy the State matching requirement, prescribes how the requirement will be met, and specifies when the State will have to comply with the requirement. NPRM was published on July 16, 1979 (44 FR 41244) An Amendment to the NPRM was published August 28, 1979 (44 FR 50063). <i>Final Rule published July 14, 1980 (45 FR 47144)</i> (23 CFR pt. 1252).	George Reagle, (202) 426-0068.	<i>Action complete.</i>
Innovative Project Grants (Docket 79-11).	This joint FHWA-NHTSA rule would provide criteria, procedures, and policies for administration of Innovative Project Grants under 23 U.S.C. 407 when funds are appropriated. ANPRM published July 19, 1979 (44 FR 42233). NHTSA has primary responsibility for this action. (23 CFR pt. 1217).	Charles Livingston, (202) 426-0837.	<i>NPRM September 1980.</i>

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Title	Summary	Contact	Earliest expected decision date
Low Tire Pressure Warning.....	Would require installation of a tire low pressure warning indicator to warn drivers when inflation pressure drops below recommended pressure.	A. Malliaris, (202) 426-0842.	<i>ANPRM September 1980.</i>
Commercial Vehicle Conspicuity.....	Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights). <i>ANPRM issued May 27, 1980 (45 FR 35405) (49 CFR 571.108).</i>	A. Malliaris, (202) 426-0842.	<i>Further action to be determined.</i>
Side Door Strength.....	Would upgrade and extend FMVSS 214 requirements to light trucks, vans and MPVs. <i>ANPRM issued 12/6/79. (44 FR 70204). Public meeting held in Washington on January 31 and February 1, 1980.</i>	A. Malliaris, (202) 426-0842.	<i>Further action to be determined.</i>
Child Restraint Tether Anchorages.	Would require anchorages for use with child restraint systems equipped with a top tether strap.	A. Malliaris, (202) 426-0842.	<i>NPRM September 1980.</i>
Rear View Mirrors.....	Would require rearview mirrors in vans equipped with rear windows. <i>NPRM issued December 31, 1979. (44 FR 77224). Comments received February 14, 1980. (49 CFR 571.111).</i>	A. Malliaris, (202) 426-0842.	<i>FR May 1981.</i>
New Pneumatic Tires.....	Amendment to FMVSS 110 would specify a minimum tire reserve load. (49 CFR 571.110).	A. Malliaris, (202) 426-0842.	<i>NPRM August 1981.</i>
Heavy Duty Vehicle Brake Systems.	Requires brakes on all wheels of heavy duty trucks and buses. <i>FR issued 6/9/80 (45 FR 38380) (49 CFR 571.121).</i>	A. Malliaris, (202) 426-0842.	<i>Action complete.</i>
Lamps, Reflective Devices, and Associated Equipment.	This proposal would require the headlights and taillights of motorcycles to be illuminated at all times when the engine is running. This action results from a granted rulemaking petition. (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	<i>NPRM January 1981.</i>
Lamps, Reflective Devices, and Associated Equipment.	This proposal would remove the dimensional specifications for headlamp retaining rings. This action results from a granted rulemaking petition. (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	<i>NPRM January 1981.</i>
*Test Dummies.....	This amendment allows the use of a new foaming agent in making dummy flesh parts and revises the adult dummy neck calibration. <i>NPRM issued 12/18/78 (43 FR 58843). Final Rule issued June 16, 1980 (45 FR 40595). (49 CFR pt. 572).</i>	A. Malliaris (202) 426-0862.	<i>Action complete.</i>
*Impact Protection for the Driver from the Steering Control System.	This technical amendment would revise the test requirements of FMVSS 203 to permit force loads in excess of 2,500 pounds for a cumulative period not to exceed 3 milliseconds. (49 CFR 571.203).	A. Malliaris (202) 426-0862.	<i>NPRM December 1980.</i>
*Tire Selection and Rims Non-Passenger Cars.	These technical amendments would clarify existing requirements or resolve minor specific technical problems. (49 CFR 571.120).	A. Malliaris, (202) 426-0842.	<i>NPRM October 1980.</i>
*Lamps, Reflective Devices, and Associated Equipment.	The technical amendment to FMVSS 108 requires that side marker photometric measurements be tested on the basis of vehicle length rather than width. This action results from a granted rulemaking petition (49 CFR 571.108). <i>NPRM issued September 7, 1978 (43 FR 39839). Final Rule issued July 3, 1980 (45 FR 45287).</i>	A. Malliaris, (202) 426-0842.	<i>Action complete.</i>
*Lamps, Reflective Devices, and Associated Equipment.	This proposal for a technical modification to FMVSS 108 would require that rear lamp reflex reflector tests be changed to require a 10 instead of a 7 inch test diameter size. The action results from a granted rulemaking petition (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	<i>NPRM December 1980.</i>
*Lamps, Reflective Devices, and Associated Equipment.	This notice for comments is for a possible technical modification to FMVSS 108 to have special tests for waterproof boat trailer lights. This action results from a granted rulemaking petition (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	<i>Notice for Comments July 1980.</i>

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Title	Summary	Contact	Earliest expected decision date
*Glazing Materials.....	Would update FMVSS 205 by referring to latest edition of companion commercial standard (ANS Z-26), thereby permitting use of modern materials.	A. Malliaris, (202) 426-0842.	NPRM December 1980.
*School Bus Body Joint Strength...	Would amend FMVSS 221 to modify the exempt status of maintenance access panels.	A. Malliaris, (202) 426-0842.	NPRM December 1980.
*Lamps, Reflective Devices, and Associated Equipment.	This notice for comments is for a possible amendment to FMVSS No. 108 to modify headlamp configurations and for a possible addition or tests for plastic headlamps (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	Notice for Comments February 1981.
*Lamps, Reflective Devices, and Associated Equipment.	This proposal for a technical modification would correct a previous amendment that inadvertently modified a lamp vibration test when making other changes to FMVSS No. 108 (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	NPRM October 1980.
*Glazing Materials.....	Interpretative amendment issued to remove inconsistencies which penalize use of higher performance glazing in lower performance applications. Final Rule published July 14, 1980 (45 FR 47150).	A. Malliaris, (202) 426-0842.	Action complete.
*Flammability of School Bus Interior Materials.	Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials.	A. Malliaris, (202) 426-0842.	ANPRM August 1980.
*Seat Belt Assemblies.....	Would amend FMVSS 209 to exempt load limiting belts used with air bag systems from elongation requirements.	A. Malliaris, (202) 426-0842.	NPRM July 1980.
*Seat Belt Assemblies.....	Would amend FMVSS 209 to modify resistance to light test procedures. NPRM issued 5/1/80 (45 FR 29102).	A. Malliaris, (202) 426-0842.	FR December 1980.
*Highway Safety Plan.....	Would revise Volume 102, <i>Highway Safety Plan</i> , of the Highway Safety Program Manual to clarify confusing provisions, to eliminate redundancies, to establish program priorities, to improve management and financial processes, and to reflect the increase role mandated for the central state highway safety agencies. (23 U.S.C. § 402).	Chuck Livingston, (202) 426-0837.	NPRM September 1980.
Fuel Economy Exemptions			
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-01).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Avanti Motor Corp. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM August 1980, FR October 1980.
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-03).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Checker Motors. NPRM issued 10/23/78 (43 FR 49336). <i>Final Rule issued February 14, 1980 (45 FR 9935)</i> . (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	Action complete.
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-02).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Rolls-Royce Motors, Inc. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM August 1980, FR October 1980.
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-04).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Aston Martin Lagonda. <i>NPRM issued April 10, 1980 (45 FR 24511)</i> . (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	FR August 1980.
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-05).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Excalibur Automobile Corp. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM August 1980.
Exemption from and Establishment of Fuel Economy Standard.	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Lamborghini, S.p.A. <i>Firm did not sell vehicles in 1979 or 1980.</i> (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	Unknown.

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Title	Summary	Contact	Earliest expected decision date
Exemption from and Establishment of Fuel Economy Standard.	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Maserati, S.p.A. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM August 1980, FR October 1980.

FRA

Federal Railroad Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Strobe Lights on Locomotives (Docket No. RSGC-2).	<p>A. Description: Lighted warning devices that include strobe lights have been shown to be more readily visible than normal lighting devices. FRA is considering requiring the installation of strobe lights on locomotives.</p> <p>B. Why Significant: Degree of controversy reflected by response to ANPRM.</p> <p>C. Analysis: Regulatory Analysis.....</p> <p>D. Need: Grade crossing accidents represent the single largest group of railroad related fatalities each year. Available data indicate that the conspicuity of locomotives may be a factor in many of these accidents. Limited research with one railroad has indicated that equipping locomotives with strobe lights will improve their conspicuity and may lead to a reduction in these accident statistics.</p> <p>E. Legal Basis: The Federal Railroad Safety Act of 1970 (45 U.S.C. 431); Locomotive Inspection Act (45 U.S.C. 22 et seq.).</p> <p>F. Chronology: The ANPRM was published March 7, 1978 (43 FR 9328). NPRM was published June 18, 1979 (44 FR 34982).</p> <p>G. Citation: Will be 49 CFR pt. 222.....</p>	John A. McNally, (202) 426-9178.	FR September 1980.

FRA

Federal Railroad Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Railroad Bridge Safety Standards...	The proposed rule would establish safety standards for inspection and rating of load capacity for railroad bridges.	William R. Paxton, (202) 426-0912.	ANPRM September 1980.
Railroad Noise Emission Compliance Regulations (Docket No. RNE-1).	The proposed rule would amend FRA Railroad Noise Emission compliance Regulations to reflect EPA Standards for fixed railroad facilities that were published on January 4, 1980; 45 FR 1252 (49 CFR pt. 210).	John A. McNally, (202) 426-9178.	NPRM December 1980.
Rules, Standards, and Instructions for Railroad Signal Systems.	The proposed rule would seek to make miscellaneous technical amendments to the signal inspection rules (49 CFR pt. 236). To be included in general revision of Part 236 after completion of General Safety Inquiry; see FRA Reviews Under Consideration.	William R. Paxton, (202) 426-0912.	Action deferred pending completion of general safety inquiry.
Safety Standards for Caboose (Docket No. RSC-76-6).	The proposed rule would seek to establish comprehensive safety standards for cabooses.	Robert E. Abbott, (202) 426-9186.	NPRM July 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FRA

Federal Railroad Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Rail Services Assistance to States Under Section 5 of the DOT Act (FRA Economic Docket No. 4).	This action would amend 49 CFR pt. 266 to implement proposals offered by the grantees at a recent public meeting, and to make changes necessitated by the enactment of the Local Rail Services Assistance Act of 1978. Interim regulations published on August 30, 1979 (44 FR 51128). <i>FRA is currently working with interested parties to implement comments and suggestions.</i>	Larry A. Friedman, (202) 426-7737.	FR August 1980.
Review: Locomotives (Docket No. LI-6).	Outgrowth of regulatory review in general safety inquiry. Revision and updating of regulations to reflect technological advances and eliminate requirements that are no longer necessary for safety (49 CFR pts. 229 and 230). NPRM published May 21, 1979 (44 FR 29604). <i>Final rule published March 31, 1980 (45 FR 21092).</i>	Arthur T. Ireland, (202) 426-9186.	Action complete.
Review: Track Safety Regulations.	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements (49 CFR pt. 213). NPRM published September 6, 1979 (44 FR 52104).	William R. Paxton, (202) 426-0912.	Notice of withdrawal of NPRM September 1980.
Review: Safety Appliance Standards.	Outgrowth of regulatory review in general safety inquiry. Revised standards for new and existing equipment (49 CFR pt. 231).	Ralph R. Smith, (202) 426-9187.	September 1980.
Review: Power Brake Rules.....	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements (49 CFR pt. 232).	Ralph R. Smith, (202) 426-9187.	December 1980.
Review: Signal and Communication Systems.	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements of Parts 235 and 236.	S.H. Stotts, (202) 426-0912.	February 1981.
Amendments to Regulations Implementing Section 905 of the 4R Act.	The amendments to 49 CFR pt. 265 would implement section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976 for contracts on the Northeast Corridor Improvement Project by supplementing P.L. 95-507 to provide coverage for smaller contracts, for women-owned businesses, and for verification of a contractor's status.	Gregory B. McBride, (202) 472-5438.	FR February 1981.
*Final guidelines to Rock Island Railroad Transition and Employee Assistance Act Service Continuation.	Final guidelines issued by FRA stating procedures under which the public may submit applications for directed service under the Rock Island Railroad Transition and Employee Assistance Act (RITEA Act, Pub. L. 96-254). Proposed guidelines were published on June 26, 1980 (45 FR 43302). Final guidelines were published July 14, 1980 (45 FR 47296).	Douglas Taylor, (202) 472-5410.	Action complete.

FRA

Federal Railroad Administration

Routine and Frequent Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Rules for Use of Radio in Train Operations (Docket No. RSOR-5).	This final rule <i>establishes</i> a penalty schedule for violations of radio rule requirements (49 CFR pt. 220). <i>Final Rule published May 8, 1980 (45 FR 30443).</i>	John A McNally, (202) 426-9178.	Action complete.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST
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UMTA

Urban Mass Transportation

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Withdrawal of Interstate Segments and Substitution of Alternative Projects (Docket No. 77-9).	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Richard White, (202) 472-6991.	FR <i>October</i> 1980.
Private Enterprise Participation in Federally-Assisted Programs.	<p>A. Description: Pursuant to Sections 3(e) and 8(e) of the UMT Act, as amended, UMTA plans to publish procedures regarding the involvement of private mass transit operators in federally-assisted programs.</p> <p>B. Why Significant: While these regulations would implement statutory requirements, this is a controversial issue for both the transit industry and private operators.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: To resolve an area of continuing controversy</p> <p>E. Legal Basis: Sections 3(e)(1) and (2), and Section 8(e) of the UMT Act, as amended.</p> <p>F. Chronology: 8(e) was added to the Urban Mass Transportation Act by the Federal Public Transportation Act of 1978. NPRM to be prepared by <i>November</i> 1980.</p> <p>G. Citation: 49 CFR pt. 619</p>	Edward Gill, (202) 426-1908.	NPRM <i>November</i> 1980.
Paratransit Policy.....	<p>A. Description: UMTA will publish a policy regarding the availability of federal assistance for public and private operators in the provision of paratransit services. In addition, an ANPRM will be issued seeking comments on development of more specific guidelines concerning paratransit and the involvement of private operators in the planning and provision of service. Paratransit services addressed in the policy are meant to encompass those forms of collective passenger transportation which provide flexible, shared-ride service to the general public, or to special categories of users (such as elderly or handicapped persons) on a regular and predictable basis, but which do not necessarily operate on fixed schedules or over prescribed routes.</p> <p>B. Why Significant: The regulation is expected to have a direct or indirect effect on competition.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: To provide uniform guidance to public and applicant.</p> <p>E. Legal Basis: The UMT Act, 49 U.S.C. 1602 & 1604</p> <p>F. Chronology: ANPRM to be prepared and issued by <i>December</i> 1980.</p> <p>G. Citation: None.....</p>	Douglas Birnie, (202) 426-4060.	ANPRM <i>December</i> 1980.
Urban Transportation Planning Process/Transportation Improvement Program.	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Bob Kirkland, (202) 426-4991.	<i>Withdrawn.</i>

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Urban Mass Transportation

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Environmental Procedures.....	<p>A. Description: These regulations <i>would</i> prescribe UMTA procedures for environmental assessments and preparation of environmental impact statements on major agency actions significantly affecting the quality of the human environment.</p> <p>B. Why Significant: UMTA policy in this area may be expected to be of substantial interest to both UMTA grantees and the public.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: To provide uniform guidance to the public and applicants.</p> <p>E. Legal Basis: National Environmental Policy Act; DOT Order 5610.1; Section 14 of UMT Act; Council on Environmental Quality Regulations implementing NEPA (40 CFR pts. 1500-1508 (43 FR 55978)).</p> <p>F. Chronology: An NPRM was issued on October 15, 1979 (44 FR 59438). Comments were originally invited through November 14, 1979. The comment period was extended to December 3, 1979 in a notice in the Federal Register on November 19, 1979 (44 FR 66213).</p> <p>G. Citation: 49 CFR pt. 622.....</p>	John Collins, (202) 426-1908.	FR <i>September 1980.</i>
Public Transportation to Non-Urbanized Areas.	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Kay Regan, (202) 472-7037.	NPRM <i>October 1980.</i>
Major Urban Transportation Investment.	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Joel Ettinger, (202) 426-2360.	Further action to be determined.
"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	<p>A. Description: These regulations implement section 401 of the Surface Transportation Assistance Act of 1978, which provides, with exceptions, that funds authorized may not be obligated for urban mass transportation projects unless materials and supplies are of United States origin. These regulations were issued as a final rule but comments were solicited until February 15, 1979 and changes will be made based on the comments received. <i>A separate NPRM will also be issued addressing several issues raised during the comment period.</i></p> <p>B. Why Significant: There is substantial public interest concerning these regulations because of their impact in urban mass transportation projects.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: These regulations implement section 401 of the Surface Transportation Assistance Act of 1978.</p> <p>E. Legal Basis: 49 U.S.C. 1602 note; P.L. 95-599, Section 401.</p> <p>F. Chronology: The statute creating this provision was signed by the President on November 6, 1978 and required immediate implementation. The emergency final rule was published on December 6, 1978. (43 FR 57144) Comments were invited through February 15, 1979. UMTA is currently analyzing the comments received and will issue revised final regulations in <i>September 1980.</i></p> <p>G. Citation: 49 CFR pt. 660.....</p>	John Collins, (202) 426-1908.	Revised FR <i>September 1980.</i>

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UMTA

Urban Mass Transportation

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Regulation Implementing the Nondiscrimination Section of the Urban Mass Transportation Act.	<p>A. Description: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet.</p> <p>B. Why Significant: Substantial public interest is anticipated.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.</p> <p>E. Legal Basis: Section 19 of the UMT Act (49 U.S.C. § 1615).</p> <p>F. Chronology: Section 19 was added to the UMT Act in November 1978 by the Federal Public Transportation Act of 1978.</p> <p>G. Citation: 49 CFR Chapter VI.....</p>	Edward Gill, (202) 426-1908.	NPRM December 1980.
Minority Business Enterprise Requirements—Transit Vehicle Manufacturers.	<p>A. Description: The recently issued DOT Rulemaking concerning Participation by Minority Business Enterprises (March 31, 1980, 45 FR 21172) contains a provision that transit vehicle manufacturers are required to have an UMTA-approved MBE program in order to be eligible to bid on UMTA-assisted transit vehicle procurements. UMTA is proposing guidelines for these MBE programs which will become part of the DOT regulations. Once the guidelines are finalized, transit vehicle contracts would be exempted from the MBE program of UMTA recipients. This regulation would be part of the DOT MBE regulations.</p> <p>B. Why Significant: Substantial public interest is anticipated given the potential impact on transit vehicle manufacturers.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: To implement the DOT MBE requirements for application to transit vehicle manufacturers.</p> <p>E. Legal Basis: 49 U.S.C. 1615; E.O. 11625</p> <p>F. Chronology: DOT NPRM issued on May 17, 1979 (44 FR 28928); DOT FR issued March 31, 1980 (45 FR 21172); UMTA NPRM to be issued by October 1980.</p> <p>G. Citation: 49 CFR pt. 23</p>	Irvin Bromall, (202) 426-2285.	NPRM October 1980.
*Materials Fire Safety Standards for Rail Rapid Transit and Light Rail Transit Vehicles.	<p>A. Description: The proposed regulations would establish standards for flammability and smoke emission and toxicity of materials used in Rail Rapid Transit and Light Rail Transit Vehicles.</p> <p>B. Why Significant: The proposed regulations could have a substantial impact on a major transportation safety problem.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: The proposal would establish materials fire safety standards to minimize the fire threat in Rail Rapid Transit and Light Rail Transit vehicles. The standards are directed primarily at new vehicle construction.</p>	Robert Haught, (202) 426-9545.	NPRM September 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST
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Urban Mass Transportation
Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Safety Information Reporting and Analysis System for Rail Transit Systems.	<p>E. Legal Basis: Sections 3 and 5 of the UMT Act, as amended.</p> <p>F. Chronology: NPRM expected to be issued by September 1980.</p> <p>G. Citation: 49 CFR Chapter VI.....</p> <p>A. Description: UMTA is proposing regulations that would establish a requirement for periodic reporting of accidents and casualty information that occur in Rail Rapid Transit and Light Rail Transit operations.</p> <p>B. Why Significant: The proposed regulations could have a substantial impact on a major transportation safety problem.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: Information collected will be used to maintain cognizance of the status of rail transit safety, ascertain the need for improvements in rail transit safety, and establish research and development projects for safety improvements.</p>	Lloyd Murphy, (202) 426-6588.	NPRM September 1980.
*Maintenance Requirements	<p>E. Legal Basis: Sections 3 and 5 of the UMT Act, as amended, and Section 107 of the National Mass Transportation Assistance Act of 1974.</p> <p>F. Chronology: NPRM expected to be issued by September 1980.</p> <p>G. Citation: 49 CFR Chapter VI.....</p> <p>A. Description: UMTA is considering a policy along with implementing regulations that would require each mass transit operator to maintain facilities and equipment purchased with UMTA funds consistent with practices necessary to adequately provide for safety, comfort, and preservation and expansion of transit service.</p> <p>B. Why Significant: This proposal concerns a matter on which there may be substantial controversy and it initiates a substantial change in policy.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: There is a substantial Federal interest in assuring that maximum use is made of Federal money. The contemplated policy and regulations would: (a) increase performance and useful life of equipment and facilities; (b) minimize replacement costs; and (c) result in cost savings.</p>	Charlotte Adams, (202) 472-6997.	ANPRM September 1980.
*Bus Rehabilitation Program, UMTA Docket 80-A.	<p>A. Description: UMTA is proposing regulations to implement a policy in which it will participate in the rehabilitation of older buses. The regulations would set out the guidelines for eligibility and participation in the program.</p> <p>B. Why Significant: Substantial controversy was generated upon publication of the NPRM.</p> <p>C. Analysis: Regulatory Evaluation.....</p>	Charlotte Adams, (202) 472-6997.	FR September 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST
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Urban Mass Transportation Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	<p>D. Need: To provide a national funding basis for a bus rehabilitation program and to ensure the prudent use and maximum effectiveness of Federal and local money.</p> <p>E. Legal Basis: Sections 3 and 5 of the UMT Act, as amended.</p> <p>F. Chronology: NPRM published February 11, 1980 (45 FR 9244). Comments were invited through May 2, 1980 (after an extension of the comment period). Based on the substantial controversy generated upon publication of the NPRM, this proposal was reclassified as a significant regulation.</p> <p>G. Citation: 49 CFR pt. 640.....</p>		

UMTA

Urban Mass Transportation Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Charter Bus Regulations.	These regulations provide more detailed information regarding the restrictions placed on charter bus operations in section 3(f) of the UMT Act, 49 U.S.C. 1601. UMTA received considerable comments as a result of an ANPRM dated December 29, 1976 (41 FR 56680) and a hearing held thereafter and it is now planning to issue an ANPRM for comment. (49 CFR pt. 604).	Ernesto Fuentes, (202) 426-1906.	ANPRM <i>September 1980.</i>
Innovative Techniques and Methods Set-Aside.	These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services (49 CFR pt 645..	Joseph Goodman, (202) 426-4984.	NPRM <i>September 1980.</i>
Rail Transit Car Testing.....	These regulations would prescribe policy guidance for the testing of rail transit cars, the test schedule to be followed and requirements of the tests to be performed (49 CFR Pt. 662).	Robert Haught, (202) 426-9545.	NPRM <i>September 1980.</i>
Miscellaneous Amendments—Organization, Functions, and Procedures.	These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration (49 CFR pt. 401).	Patricia Colbert, (202) 426-4011.	FR <i>September 1980.</i>
Public Hearing Requirements	UMTA's regulations implement Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended. This section requires a public hearing or an opportunity for a public hearing prior to increases in general levels of transit fares or substantial changes in service. A notice of proposed rulemaking was published on July 16, 1979 (44 FR 41272). Comments were invited through August 30, 1979. FR published April 17, 1980 (45 FR 26298) (49 CFR Part 635). The final rule invited comments through June 20, 1980 on UMTA's treatment of "substantial changes in service." The comments received are currently being reviewed and analyzed.	Charlotte Adams, (202) 472-6997.	<i>Further Action to be Determined.</i>
Investigation of Safety Hazards in Urban Mass Transportation Systems.	These regulations would establish the policy and proceedings to be followed in the implementation of Section 107 of the National Mass Transportation Assistance Act of 1974, including the investigation of an unsafe condition, the requiring of a plan for correcting an unsafe condition, and the withholding of financial assistance until such a plan is approved or implemented.	William Rhine, (202) 426-9545.	NPRM <i>November 1980.</i>

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA

Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Human Resource Needs in Transit Industry.	Section 20 of the Urban Mass Transportation Act of 1964, as amended, provides that the Secretary of Transportation, through UMTA, may provide financial assistance for national and local programs that address human resource needs as they apply to public transportation activities. It is intended that the number of minority and female employees in the public transportation field will be increased and that the quality of opportunities will be increased through outreach, training, and management development. The proposed regulations would set out the types of potential eligible projects and the requirements that a project must meet to receive Section 20 funds.	Irvin Bromall, (202) 426-2285.	NPRM <i>October 1980.</i>
Maintenance of Effort Requirements.	These regulations would implement Section 5(f) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604(f)), which deals with maintenance of effort by designated recipients of Federal mass transportation funds. The maintenance of effort requirement is imposed to ensure that state and local support and mass transportation non-farebox revenues will be maintained for provision of mass transportation services. The proposed regulations would implement 1978 legislative changes giving recipients of funds greater flexibility in meeting the requirements. A Notice of Proposed Rulemaking was published on August 27, 1979 (44 FR 50068). Comments were invited through October 11, 1979. (49 CFR Part 635).	Candace Noonan, (202) 472-6997.	FR <i>September 1980.</i>
Standards and Procedures for Thirty Party Contracts.	These standards and procedures would provide guidance on third party contracting by recipients of Federal assistance from UMTA. They would implement OMB Circular A-102, Attachment B and Attachment O. A Notice of Proposed Rulemaking was published on September 20, 1979 (44 FR 54513). Comments were invited through November 15, 1979. The comment period was extended to January 3, 1980 in a notice published in the <i>Federal Register</i> on November 1, 1979 (44 FR 62918). (49 CFR Part 666).	Arlan Eadie, (202) 426-2710.	FR <i>October 1980.</i>
Capital Assistance Grants to Meet Special Needs of Elderly and Handicapped (16(b)(2) Program).	UMTA is proposing regulations governing the administration of Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1612(b)(2)). This program provides assistance in meeting the transportation needs of elderly and handicapped persons, where existing transportation services are unavailable, insufficient, or inappropriate. The regulations would set application procedures, and detail the role of the States in the program.	Al Lim, (202) 472-6997.	NPRM <i>September 1980.</i>
Bus Rehabilitation Program	UMTA is proposing regulations to implement a policy in which it will participate in the rehabilitation of older buses. The regulations would set out the guidelines for eligibility and participation in the program. NPRM published February 11, 1980 (45 FR 9244). Comments were invited through May 2, 1980. This regulation has been reclassified and now appears in the Significant portion of the Agenda. (49 CFR 640).	Charlotte Adams, (202) 472-6997.	FR <i>August 1980.</i>
Regulations Governing Formula Operating Assistance Grants to Urbanized Areas.	These regulations would streamline the policies and procedures governing the Operating Grant Program of Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604). Included in the regulations would be application procedures, general program requirements, and project management requirements. (49 CFR pt. 650).	James McQueen, (202) 426-4050.	NPRM <i>August 1980.</i>

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UMTA

Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Project Management Guidelines for Grantees.	These regulations would provide grantees with guidelines and procedures to be applied in administering UMTA grants, cooperative agreements, and loans. These guidelines are intended to assist grantees in meeting various grant management responsibilities and reporting requirements. (49 CFR pt. 658).	Timothy Wolgast (202) 426-4011.	NPRM August 1980.
Guidelines for Preparation and Submission of Transportation Improvement Program (TIP).	These regulations would provide external guidance for the preparation and submission of the Transportation Improvement Program (TIP) pursuant to Joint Planning Regulations of UMTA and FHWA (23 CFR pt. 450; 49 CFR pt. 631). The information contained in these regulations presents current statutory and UMTA requirements pertaining to TIP. The intent of the regulations is to clarify and facilitate the preparation and submission of the TIP.	Timothy Wolgast, (202) 426-4011.	NPRM September 1980.
Application Instructions for Capital Assistance Projects.	These regulations would provide program information and application instructions and procedures for capital assistance under Sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended, and for assistance for Interstate Substitution and Federal-Aid Urban Systems (FAUS) non-highway Public Mass Transit Projects under the Federal-Aid Highway Act of 1973.	Charlotte Adams, (202) 472-6997.	NPRM September 1980.
Stockpiling of Buses (UMTA Docket 80-B).	These regulations would provide guidance concerning the evaluation of requests by grantees for permission to stockpile older buses being replaced with UMTA assistance. NPRM published March 3, 1980 (45 FR 13994). Comments were invited through April 16, 1980. (49 CFR 641).	Charlotte Adams, (202) 472-6997.	FR September 1980.
*Application Procedures for Technical Studies Grants.	The regulations would provide guidance and set out requirements for the preparation of Technical Studies Grant applications for funds made available under Section 8 of the UMT Act, as amended. Section 8 funds are available for technical studies for the planning, engineering, design and evaluation of mass transportation systems and projects in urban and urbanized areas.	James Getzewich, (202) 426-4991.	NPRM August 1980.

SLSDC

Saint Lawrence Seaway Development Corporation

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Tariff of Tolls Amendment	Incorporation of surcharge provisions of Seaway Closing Procedures into 33 CFR Part 402.	Robert D. Kraft, (202) 426-3574.	FR July 1980.
Operational Regulations	Periodic update of 33 CFR Part 401 operational regulations developed, for the most part, jointly with the Seaway Authority of Canada.	Frederick A. Bush, (315) 764-0271.	FR July 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST
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RSPA

Research and Special Programs Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Highway Routing of Radioactive Materials (Docket No. HM-164).	<p>A. Description: This regulation would establish routing requirements for the highway carriage of radioactive materials.</p> <p>B. Why Significant: There is substantial public interest and controversy over the regulation and it would have a significant impact on the Federal Highway Administration.</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: To provide a basis for deciding whether Federal routing requirements are necessary for the highway transportation of hazardous materials.</p> <p>E. Legal Basis: 49 U.S.C. 1803, 1804, 1808</p> <p>F. Chronology: Administrative ruling on Federal pre-emption: Published a public notice and invitation to comment on Aug. 15, 1977 (42 FR 41202); Public hearing (New York) was held on Nov. 10, 1977 (42 FR 64487); Ruling published April 20, 1978 (42 FR 16945); Rulemaking: ANPRM issued Aug. 17, 1978 (43 FR 36492); Public hearing (Washington) was held on Nov. 29, 1977. NPRM issued January 31, 1980 (45 FR 7140.) <i>Published NPRM announcing dates and locations of five public hearings on March 6, 1980 (45 FR 14609). Two additional hearings announced May 15, 1980 (45 FR 32030). All hearings completed.</i></p> <p>G. Citation: 49 CFR pt. 177</p>	M. Morris, (202) 426-2075.	FR November 1980.
Development of New Standards for Transportation of Hazardous Waste Materials (Docket No. HM-145A).	<p>A. Description: <i>Establishes</i> new standards and procedures for the transportation of hazardous waste materials.</p> <p>B. Why Significant: This regulation <i>has</i> a significant impact on the operating administrations and the Environmental Protection Agency (EPA).</p> <p>C. Analysis: Regulatory Evaluation</p> <p>D. Need: These standards are necessary to govern the transportation of hazardous waste materials and to provide consistency with the hazardous waste materials regulations promulgated by EPA under the Resource Conservation and Recovery Act.</p> <p>E. Legal Basis: 49 U.S.C. 1803, 1804, 1808</p> <p>F. Chronology: NPRM jointly developed with EPA; public hearing held on Oct. 26, 1977 (42 FR 51625); NPRM issued May 25, 1978 (43 FR 22626); public hearing on NPRM held on June 20, 1978 (43 FR 22626). <i>FR published May 22, 1980 (45 FR 34560). Effective November 20, 1980, unless otherwise stated.</i></p> <p>G. Citation: 49 CFR pts. 171, 172, 173, 174, 175, 176, and 177.</p>	A. Roberts, (202) 426-0656.	<i>Action complete.</i>
Development of New Standards for Liquefied Natural Gas (LNG) Facilities (Docket No. OPSO-46).	<p>A. Description: Comprehensive new standards would be proposed for the siting, design, construction, operation, and maintenance of LNG facilities.</p> <p>B. Why Significant: Major rulemaking, due to substantial public interest and controversy, and due to potential danger of large-scale LNG spills.</p>	L. Furrow, (202) 426-2392.	Action Complete for Siting, Design, and Construction; FR October 1980 for Operation and Maintenance.

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RSPA

Research and Special Programs Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Tank Car Safety Improvements: Specifications and Retrofit (Docket No. HM-175).	<p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: The concerns of Federal, State, and local agencies over LNG safety.</p> <p>E. Legal Basis: 49 U.S.C. 1672.....</p> <p>F. Chronology: ANPRM published April 21, 1977 (42 FR 20076); NPRM (siting, design, and construction): published February 8, 1979 (44 FR 8142); NPRM (operation and maintenance): published February 11, 1980 (45 FR 9220); Final Rules (siting, design, and construction): Published February 11, 1980 (45 FR 9184). Final rules (operation and maintenance): <i>October 1980. Petitions for reconsideration of seismic design standards under consideration, to be answered by Federal Register publication in August, 1980.</i></p> <p>G. Citation: 49 CFR pt. 193 (new).....</p> <p>A. Description: This project would extend the puncture and thermal protection systems now required for DOT 112 and 114 tank cars to existing DOT 105 tank cars and to other newly constructed tank cars. (New construction of DOT 105 tank cars is addressed in Docket No. HM-174, Safety Improvement Program for DOT 105 Tank Cars.)</p> <p>B. Why Significant: There is substantial public interest in tank car safety and in retrofit issues.</p> <p>C. Analysis: Regulatory Evaluation.....</p> <p>D. Need: To determine the extent to which current thermal and puncture standards should be applied to the existing DOT 105 tank car fleet, and to other similarly used tank cars.</p> <p>E. Legal Basis: 49 U.S.C. 1803, 1804, 1808.....</p> <p>F. Chronology: ANPRM published July 21, 1980 (45 FR 48668); public comment period to close October 16, 1980.</p>	L. A. Peterson, (202) 426-0897.	NPRM January 1981.

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Research and Special Programs Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Intermodal Portable Tanks (Docket No. HM-167).	Proposed standards for new specifications for portable tanks and procedures for use of these portable tanks for certain hazardous materials. NPRM published Dec. 11, 1978 (43 FR 58050). (49 CFR 107.400-.407, 178.271, 178.272).	E. Altemos, (202) 426-0656.	FR August 1980.
Review: Recodification of Radioactive Requirements (Docket No. HM-169).	Proposed consolidation, simplification and recodification of the existing requirements applicable to the transportation of radioactive materials to make them compatible with latest revised international standards as promulgated by the International Atomic Energy Agency. NPRM published Jan. 8, 1979 (44 FR 1852). (New pt. 127 to 49 CFR).	R. Rawl, (202) 426-2311.	FR April 1980.
Safety Improvement Program for DOT 105 Tank Cars (Docket No. HM-174).	Consideration of possible changes to current safety performance standards of DOT 105 tank cars (49 CFR pt. 179). NPRM concerning thermal standards for new tank cars, and coupler retrofit, published July 21, 1980 (45 FR 48671).	W. Black, (202) 426-2748.	FR November 1980.

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Research and Special Programs Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Cryogenic Liquids (Docket No. HM-115).	Proposed standards and procedures for the transportation of cryogenic liquids. (NPRM published Mar. 8, 1979). (44 FR 12826) (49 CFR 172.101, 173.316). Hearing (Washington, D.C.) held on April 17, 1979. Comment period extended to October 9, 1979 to permit further consideration of issues raised in hearing.	P. Seay, (202) 755-4906.	FR October 1980.
Hazardous Materials Aboard Aircraft (Docket No. HM-168).	<i>Establishes</i> standards for the safe operation of aircraft having certain hazardous material aboard. NPRM published Dec. 11, 1978 (43 FR 57928). (49 CFR pts. 107, 171, 175). <i>FR published May 27, 1980 (45 FR 35329). Effective October 1, 1980.</i>	E. Mazzullo, (202) 426-2075.	Action complete.
Availability of Shipping Papers to Emergency Response Personnel (Project 259-78).	Proposal to require shipping papers covering hazardous materials to be made available by train crew to emergency personnel. This proposal has been reconsidered and has become a part of Project 289-79, Miscellaneous Hazardous Materials Communications Regulations (49 CFR pts. 171-177).	L. Metcalfe, (202) 426-0656.	NPRM June 1981.
Use of United Nations Materials Shipping Descriptions (Docket No. HM-171).	Incorporation of <i>optional</i> shipping descriptions and serial numbers from United Nations regulations covering the transport of dangerous goods. NPRM published July 26, 1979 (44 FR 43864). (49 CFR 172.102). <i>FR published May 22, 1980 (45 FR 34560). Voluntary compliance date modified and public hearing scheduled for July 31, 1980 (45 FR 43761) while petition for reconsideration evaluated. Effective November 20, 1980, unless otherwise stated.</i>	E. Altemos, (202) 426-0656.	Action complete.
Definition of a Flammable Solid (Project 118-71).	<i>Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118, which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM.</i>	C. Schultz, (202) 426-2311.	ANPRM January 1981.
Radiation Exposure for Transportation Workers (Project 263-78).	Consideration of methods which will reduce radiation exposure levels to transportation workers (New Sections). Proposal converted to ANPRM to permit development of basic data.	R. Rawl, (202) 426-2311.	ANPRM September 1981.
Requirements for Radioactive Materials (Docket No. HM-152).	Revision of certain sections of pt. 175 which will reduce the exposure to radioactive materials for passengers aboard aircraft (49 CFR pt. 175). NPRM published June 21, 1977 (42 FR 37427). <i>FR published March 27, 1980 (45 FR 20097). Effective October 1, 1980.</i>	R. Rawl, (202) 426-2311.	Action complete.
Forbidden Materials (Docket No. HM-159).	<i>Establishes</i> standards to add the names of materials to the Hazardous Materials Table that are known to be too hazardous to be permitted in commercial transportation. NPRM published July 26, 1979 (44 FR 43861). (49 CFR 172.101). <i>FR published May 22, 1980 (45 FR 34560). Effective November 20, 1980, unless otherwise stated.</i>	C. Schultz, (202) 426-2311.	Action complete.
Review: Reclassification of Operating Procedures For Motor Vehicles (Project 261-78).	Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177 (49 CFR pt. 177).	R. Toth, (202) 426-1700.	NPRM July 1981.
Hazardous Polluting Substances (Docket No. HM-145B).	<i>Establishes</i> new classification for materials designated as hazardous polluting substances by EPA under the Clean Water Act. NPRM published Feb. 22, 1979 (44 FR 10676). (49 CFR pts. 171-177). <i>FR published May 22, 1980 (45 FR 34560). Effective November 20, 1980, unless otherwise stated.</i>	L. Metcalfe, (202) 426-0656.	Action complete.
Use of Interested Inspectors for Cylinder Inspections (Docket No. HM-74A).	Proposal would result in ending of "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders (NPRM published Mar. 17, 1976 (44 FR 11179). (49 CFR pt. 178).	H. Mitchell, (202) 426-2075.	NPRM January 1981.

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Hazardous Materials Communications Regulations (Docket No. HM-126B).	Changes to shipping paper, marking, labeling, and placarding requirements (49 CFR pts. 171-177). NPRM published Nov. 8, 1979 (44 FR 65020). FR published May 22, 1980 (45 FR 34560). Effective November 20, 1980, unless otherwise stated.	A. Roberts, (202) 426-0656.	Action complete.
Display of Hazardous Materials Identification Numbers (Docket No. HM-126A).	Establishes a numerical identification code for hazardous materials for use in emergencies. NPRM published June 7, 1979 (44 FR 32972). Supplemental NPRM published on July 26, 1979 (44 FR 43858). (49 CFR pt. 172). FR published May 22, 1980 (45 FR 34560). Effective November 20, 1980, unless otherwise stated.	L. Metcalfe, (202) 426-0656.	Action complete.
Development of Training Requirements for Drivers of Cargo Tank Motor Vehicles (Project 270-78).	Development of minimum driver training requirements necessary to prevent unintentional releases of hazardous materials. (49 CFR pt. 177). ANPRM delayed pending studies now in progress.	R. Toth, (202) 426-1700.	ANPRM February 1981.
Specification for 55-gallon Plastic Drum (Project 278-78).	Proposal to authorize use of 55-gallon capacity plastic drums with certain hazardous materials. (49 CFR pt. 178).	M. Gigliotti, (202) 755-4906.	NPRM February 1981.
Development of Standards and Requalification Tests for Cargo Tank Hoses (Project 271-78).	Development of standards and periodic tests to prevent rupture of hoses used to load and unload cargo tanks. (49 CFR pts. 173, 177).	R. Toth, (202) 426-1700.	ANPRM March 1981.
Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel (Project 279-78).	Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. (49 CFR pt. 176).	L. Gibson, (202) 426-1577.	NPRM September 1980.
Oxidizing Materials Definition, Criteria and Proposed Regulations (Project 160-71).	Development of new standards for classifying a material as an oxidizing material. (49 CFR pt. 173).	C. Schultz, (202) 426-2311.	ANPRM June 1981.
Attendance of Cargo Tanks During Transportation (Project 272-78).	Proposed revision of attendance requirements to include transportation activities other than loading and unloading. (49 CFR pt. 178).	R. Toth, (202) 426-1700.	NPRM May 1981.
Consolidation of Specifications and Establishment of Performance Standards for Specification Bags (Docket No. HM-153).	Consolidation of specifications and development of performance standards for specification bags. Sufficient data have been developed to proceed with publication of NPRM.	M. Gigliotti, (202) 755-4906.	NPRM November 1980.
Organic Peroxide Requirements (Project 186-72).	Proposed listing of and packaging requirements for organic peroxides. (49 CFR Parts 172, 173). May be combined with Project 160-71, Oxidizing Materials Definition, Criteria and Proposed Regulations. (49 CFR pt. 173).	C. Schultz, (202) 426-2311.	ANPRM June 1981.
Odorization of Gas (Project 277-78).	Proposed odorization requirements for certain compressed gases. This proposal has been reconsidered and will become a part of Project 289-79, Miscellaneous Hazardous Materials Regulations. (49 CFR pt. 173).	L. Metcalfe, (202) 426-0656.	NPRM June 1981.
Aluminum Cylinder Specification (Project 228-73).	Development of specifications for aluminum cylinders. (49 CFR pts. 173, 178).	A. Mallen, (202) 755-4906.	NPRM August 1980.
Matches (Project 281-78).....	Proposed revision and simplification of requirements concerning matches (49 CFR pts. 172, 173).	H. Mitchell, (202) 426-2075.	NPRM February 1981.
Marking and Record Retention for Cylinders (Docket No. HM-172).	Proposed revision and clarification of cylinder marking requirements; deletion of approval for changes to owner markings, user markings, and serial numbers; deletion of submission requirements for cylinder test reports and substitute record retention requirement. NPRM published Feb. 14, 1980 (45 FR 9960). (49 CFR pts. 173, 178).	H. Mitchell, (202) 426-2075.	FR November 1980.
Fusion Welding of Multi-Unit Tank Car Tanks (Project 252-77).	Proposed requirements to authorize fusion welding of multi-unit tank car tanks. (49 CFR pt. 178).	A. Mallen, (202) 755-4906.	NPRM May 1981.

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Title	Summary	Contact	Earliest expected decision date
Etiologic Agents (Docket No. HM-142).	Proposed new standards and procedures for the transportation of etiologic (ie. disease-causing) agents. (49 CFR pt. 173).	C. Schultz, (202) 426-2311.	NPRM March 1981.
Standards to Reduce Spill size Risks Associated with Pipeline Transportation of Highly Volatile Liquids such as Liquid Petroleum Gas (Docket No. PS-53).	Proposal would require valve spacing or other requirements to minimize the amount of commodity or vapor that can spread into populated areas in event of a spill, NPRM published September 5, 1978, (43 FR 39402). Amended NPRM published September 13, 1979. (44 FR 53187). (49 CFR pt. 195).	F. Robinson, (202) 426-2392.	FR August 1980.
Standards to Reduce Pipeline Failure Rates in Pipelines carrying Highly Volatile Liquids (LPG/NH ₃) (Docket No. PS-55).	Testing or operating requirements would be proposed to assure the safe operation of existing pipelines transporting highly volatile liquids. NPRM Published November 7, 1978, (43 FR 52500). (49 CFR pt. 195).	F. Robinson, (202) 426-2392.	FR August 1980.
Requirements for Reporting Gas Incidents (Docket No. OPS-49).	The present reporting forms would be revised to provide additional and more appropriate information about gas safety problems and to require reports from certain systems not now covered. NPRM issued June 5, 1978 (43 FR 24478). Comment period was extended to July 7, 1978 (43 FR 30590). Supplemental Notice to NPRM of June 5, 1978, published March 5, 1979. (44 FR 12070). (49 CFR pt. 191).	R. Langley, (202) 426-2392.	FR November 1980.
Design and Construction of Pipelines Carrying Hazardous Volatile Liquids (Docket No. PS-56A).	Additional or more stringent design and construction standards would be proposed for pipelines carrying highly volatile liquids. ANPRM published February 5, 1979, (44 FR 6961). Proposed NPRM would permit the addition of water to ammonia in pipelines. (49 CFR pt. 195). NPRM published February 7, 1980 (45 FR 8323).	K. Minhas, (202) 426-2082.	FR September 1980.
Retention of Radiographic Film.....	Recordkeeping requirement for radiographic film would be revoked for hazardous liquid pipelines (49 CFR pt. 195).	F. Robinson, (202) 426-2392.	NPRM October 1980.
Offsetting Longitudinal Weld Seams on Adjacent Pipe Lengths (Docket No. OPSO-48).	Construction requirement for offsetting weld seams on adjacent pipe lengths in hazardous liquid pipelines would be revoked (49 CFR pt. 195). NPRM published September 26, 1977. (42 FR 48900).	K. Minhas, (202) 426-2082.	FR August 1980.
Time Required to Hydrostatically Test a Hazardous Liquids Pipeline (PS-63).	An 8-hour minimum time period would be proposed for hydrostatically testing hazardous liquid pipelines. NPRM published March 13, 1980 (45 FR 16230). (49 CFR pt. 195).	F. Robinson, (202) 426-2392.	FR August 1980.
Placing Longitudinal Weld Seams in Upper Pipe Half (PS-66).	Proposal would require location of longitudinal weld seams in the upper half of pipe during construction of hazardous liquid pipe lines. ANPRM published March 27, 1980, (45 FR 20142). (49 CFR pt. 195).	F. Robinson, (202) 426-2392.	NPRM December 1980.
Heat Treatment of Hard Spots in Steel Pipe. (PS-58).	Allowable temperature for heat treating hard spots in steel pipe would be increased. NPRM published September 13, 1979, (44 FR 53185). (49 CFR pt. 192).	P. Cory, (202) 426-2082.	FR September 1980.
Qualifying Components for Use in Gas Pipelines. (PS-64).	General criteria would be proposed for qualifying the use of pipeline components other than the pipe itself. NPRM published March 3, 1980 (45 FR 13783). (49 CFR pt. 192).	L. Furrow, (202) 426-2392.	FR February 1981.
Transportation of Natural and Other Gas by Pipeline (PS-57).	Requirements for procedures and instrumentation for use in monitoring gas for odorants would be proposed. NPRM published February 22, 1979 (44 FR 10604). (49 CFR pt. 192).	P. Cory, (202) 426-2082.	FR September 1980.
Leak Survey (PS-62)	Present leak survey requirements would be amended in accordance with practices necessary for safety. (49 CFR pt. 192). NPRM published December 13, 1979 (44 FR 72201).	P. Cory, (202) 426-2082.	FR November 1980.

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Interior Piping (PS-67).....	The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. <i>ANPRM published April 3, 1980 (45 FR 22118)</i> . (49 CFR pt. 192).	R. Langley, (202) 426-2392.	<i>NPRM March 1981.</i>
Procedures To Guard Against Blasting Effects in Gas Pipelines.	Proposed standards requiring gas pipeline operators to have procedures to protect facilities affected by blasting. (49 CFR pt. 192).	R. Langley, (202) 426-2392.	<i>NPRM January 1981.</i>
Location, Size, and Operating Pressure of Pipelines (PS-61).	Operators would be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines. <i>ANPRM published November 29, 1979 (44 FR 68493)</i> . (49 CFR pt. 192).	R. Langley, (202) 426-2392.	<i>NPRM April 1981.</i>
Hot Taps in Gas Pipelines (PS-60).	Operators would be required to identify a pipeline by pressure monitoring or other means before performing a hot tap on it. (49 CFR pt. 192). <i>NPRM published November 29, 1979 (44 FR 68491)</i> .	R. Langley, (202) 426-2392.	<i>FR October 1980.</i>
Excavation Damage (PS-59).....	Operators would be required to participate in a program to prevent excavation damage to underground pipelines (49 CFR pts. 192 and 195). <i>NPRM published November 15, 1979 (44 FR 65792)</i> .	R. Simmons, (202) 426-2082.	<i>FR November 1980.</i>
Reporting Abnormal Operations at LNG Facilities.	Requirements for reporting abnormal operations at LNG facilities would be proposed. (49 CFR pt. 193).	L. Furrow, (202) 426-2392.	<i>ANPRM December 1980.</i>
Review: Line Markers on Navigable Waterways for Pipelines.	The required number, size, and location of line markers along navigable waterways, including definition of "navigable waters" would be made more appropriate. (49 CFR pt. 192).	R. Simmons, (202) 426-2082.	<i>ANPRM August 1980.</i>
Cargo Tank Corrosion (Project 285-79).	Consideration of the effects of corrosion to the structural integrity of cargo tanks. Would establish a prescribed test for the degree of corrosion of cargo tanks (49 CFR pt. 178).	A. Mallen, (202) 755-4906.	<i>NPRM August 1981.</i>
Miscellaneous Hazardous Materials Communications Regulations (Project 289-79).	Development of miscellaneous proposals dealing with the communications regulations such as odorization of gas and availability of shipping papers to emergency response personnel. (49 CFR pt. 172).	L. Metcalfe, (202) 426-0656.	<i>NPRM June 1981.</i>
*Joining Plastic Pipe (Docket No. PS-54).	Qualifications for procedures and personnel in joining plastic pipe revised. <i>NPRM published Oct. 23, 1978 (43 FR 49334)</i> . Final rule published July 23, 1979 (49 FR 42968). Revised final rule published Feb. 11, 1980 (45 FR 9931). (49 CFR pt. 192).	P. Cory, (202) 426-2392.	Action complete.
*Transportation of Wet Electric Storage Batteries (Docket No. HM-173).	Would establish new standards for transportation of wet cell electric storage batteries, and for wet cell battery equipped wheelchairs on passenger-carrying aircraft. Separated from Docket No. HM-166 due to public interest. <i>NPRM published May 21, 1979 (44 FR 29503)</i> . Hearing announcement and request for comment published Feb. 28, 1980 (45 FR 13153). (49 CFR pt. 173).	E. Mazzullo, (202) 426-2075.	<i>FR November 1980.</i>
*Elimination of Certain Reporting Requirements (Docket No. HM-36A (49 CFR pt. 171).	The MTB has analyzed the hazardous materials incident data base and believes that continued reporting of incidents involving certain materials would be of minimal value when weighed against the burden placed upon the carriers who are required to prepare and submit incident reports. <i>NPRM published June 16, 1980 (45 FR 40628)</i> .	R. Abis, (202) 472-2726.	<i>FR November 1980.</i>

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Routine and Frequent Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Conversion of Individual Exemptions to Regulations of General Applicability (Docket No. HM-139).	NPRM approximately every four months; with FR targeted approximately two months thereafter.	D. Raines, (202) 472-2726.	August 1980-August 1981.
Minor Regulatory Adjustments to Regulations of General Applicability (Docket No. HM-166).	NPRM approximately every four months; with FR targeted approximately two months thereafter.	D. Raines, (202) 472-2726.	August 1980-August 1981.
Matter Incorporated by Reference (<i>hazardous materials</i>). (Docket No. HM-22).	NPRM every six months; with FR targeted two months thereafter.	J. Horning, (202) 426-2075.	August 1980-August 1981.
Withdrawal of Certain Delegations of Authority to the Bureau of Explosives (Docket No. HM-163).	Prior responsibilities delegated to the Bureau of Explosives would be withdrawn in series of rulemaking actions. NPRM every three months; with FR targeted two months thereafter. The final rule under this docket is expected to be published in the first half of 1980.	D. Raines, (202) 472-2726.	August 1980-August 1981.
Matter Incorporated by Reference (<i>pipelines</i>).	Documents incorporated by reference would be updated to later published editions. NPRM every six months, with FR three months later.	R. Simmons, (202) 426-2082.	August 1980-August 1981.

REVIEW LIST

USCG**U.S. Coast Guard**

Regulations selected for review	Reasons for selection	Contact	Target date
Charges for Duplicate Medals and Sales of Personal Property, Equipment or Services and Rental (33 CFR 1.26).	Length of time since last evaluated: changing economic factors.	Mr. A. Bell, (202) 426-1863.	May 1980.
Agency regulations regarding the Coast Guard Reserve Program (33 CFR pt. 8).	Length of time since last evaluated and need to reflect changed procedures.	CAPT Grover, (202) 426-2348.	July 1979.
Boating Safety: Equipment Requirement Personal Flotation Devices (33 CFR 175.15).	Length of time since last evaluated; Research and Development project initiated to determine need for carriage regulations revision.	LCDR Schmect, (202) 426-4176.	August 1980.
Boats and Associated Equipment: Safe Loading (33 CFR pt. 183, subpart C).	Length of time since last evaluated; standards may not be effective for all boats to which these regulations apply.	Mr. L. Gray, (202) 426-4027.	January 1981.
Boats and Associated Equipment: Safe Powering (33 CFR pt. 183, subpart D).	Length of time since last evaluated; standards may not be effective for all boats to which these regulations apply.	Mr. L. Gray, (202) 426-4027.	July 1980.
Boats and Associated Equipment: Flotation Standards (33 CFR pt. 183).	Length of time since last evaluated; standards may be limited in applicability.	Mr. L. Gray, (202) 426-4027.	August 1980.
*Licensing of Merchant Seamen.....	Reporting requirements associated with licensing may be a burden for the public.	CAPT Hand, (202) 426-1500.	March 1981.
*Vessel Documentation.....	These regulations contain public reporting requirements which have been effect for many years and should be reviewed.	Mr. Yglesias, (202) 426-1494.	March 1981.
*Oil Transfer and Oil Pollution.....	These regulations may contain overlapping reporting requirements that could be eliminated.	CAPT Corbett, (202) 426-2010.	May 1981.

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FAA**Federal Aviation Administration**

Regulations selected for review	Reasons for selection	Contact	Target date
*49 CFR Part 61, Certification of Pilots and Flight Instructors.	Evaluation of possibilities of reducing reporting burden impacts on users.	William Sullivan, (202) 755-8716.	March 1981.

NHTSA**National Highway Traffic Safety Administration**

Regulations selected for review	Reasons for selection	Contact	Target date
Side Door Strength (49 CFR 571.214).	Public Interest.....	Frank Ephraim, (202) 426-1574.	Published 8/30/79. (44 FR 50878).
Exterior Protection (49 CFR 571.215) and 49 CFR pt. 581).	Cost and Public Interest.....	Frank Ephraim, (202) 426-1574.	Fall 1980.
Fuel System Integrity (49 CFR 571.301).	Cost, Safety Benefits and Public Interest.....	Frank Ephraim, (202) 426-1574.	Spring 1981.
School Bus Protection (49 CFR 571.220).	Public Interest. An analysis of methods to evaluate the effects of these standards has, so far, not yielded a viable approach. The agency announced the withdrawals on July 10, 1980 (45 FR 46461).	Frank Ephraim, (202) 426-1574.	Withdrawn.
School Bus Body Joint Strength (49 CFR 571.221).	Public Interest. An analysis of methods to evaluate the effects of these standards has, so far, not yielded a viable approach. The agency announced the withdrawals on July 10, 1980 (45 FR 46461).	Frank Ephraim, (202) 426-1574.	Withdrawn.
School Bus Seating System (49 CFR 571.222).	Public Interest.....	Frank Ephraim, (202) 426-1574.	Summer 1981.
Tire Reserve Load (49 CFR 575.102).	Public Interest. Proposal to modify this requirement withdrawn. Notice published June 14, 1980 (45 FR 47512).	Michael Brownlee, (202) 426-1740.	Completed.
Acceleration and Passing Ability (49 CFR 575.106).	Public Interest. Requirement that manufacturers supply information on acceleration and passing ability to vehicle's first purchaser and prospective purchasers deleted. FR published June 14, 1980 (45 FR 47512).	Michael Brownlee, (202) 426-1740.	Completed.
Air Brakes (49 CFR 571.121)	Cost, Safety Benefits and Public Interest.....	Frank Ephraim, (202) 426-1574.	Contractor final report completed October 1979.
Hydraulic Brakes (49 CFR 571.105).	Cost and Safety Benefits.....	Frank Ephraim, (202) 426-1574.	Fall 1981.
Lamps, Reflective Devices and Associated Equipment (49 CFR 571.108).	Cost, Safety Benefits	Frank Ephraim, (202) 426-1574.	December 1980.
Head Restraints (49 CFR 571.202).	Costs.....	Frank Ephraim, (202) 426-1574.	Spring 1981.
Seating Systems (49 CFR 571.207).	Costs.....	Frank Ephraim, (202) 426-1574.	Summer 1981.
Child Seating Systems (49 CFR 571.213).	Public Interest.....	Frank Ephraim, (202) 426-1574.	Preliminary Review Spring 1981.

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NHTSA

National Highway Traffic Safety Administration

Regulations selected for review	Reason for selection	Contact	Target date
Occupant Protection (49 CFR 571.208).	Cost, Safety Benefits and Public Interest.....	Frank Ephraim, (202) 426-1574.	Automatic Belts, Air Cushion Restraints or other Automatic Systems Plan update Fall 1980 First Report Spring 1981.
*Impact Protection for the Driver from the Steering Control System (49 CFR 571.203) and Steering Control Rearward Displacement (49 CFR 571.204).	Safety Benefits	Frank Ephraim, (202) 426-1574.	Fall 1980.
*Windshield Glazing Materials (49 CFR 571.205).	Costs, Safety Benefits	Frank Ephraim, (202) 426-1574.	Fall 1981.
*Windshield Mounting (49 CFR 571.212).	Costs, Safety Benefits	Frank Ephraim, (202) 426-1574.	Fall 1981.

FRA

Federal Railroad Administration

Regulations selected for review	Reasons for selection	Contact	Target date
General Safety Inquiry.....	FRA has initiated a General Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety program. A series of public hearings, each focused on a single regulatory topic, have been scheduled as indicated below.		
Topic: Power Brakes (49 CFR pt. 232).	Hearing notice published August 8, 1978 (43 FR 36659). Hearing held on September 13 and 14, 1978. Rulemaking to be initiated; see listing under Nonsignificant Regulations.	R. Mowatt-Larssen (202) 426-0924.	Completion July 1980.
Topic: Signal and Communication Systems (49 CFR pts. 235 and 236).	Hearing notice published December 12, 1978 (43 FR 58100). Public hearing rescheduled for February 21 and 22, 1979. Notice of change in hearing dates published in Federal Register on January 3, 1979 (44 FR 925). Hearing held February 22 and 23, 1979. Rulemaking to be initiated; see listing under Nonsignificant Regulations.	R. Mowatt-Larssen (202) 426-0924.	Completion July 1980.
*Reducing Reporting and Record-keeping Burdens (49 CFR Parts 228, 258, 260, and 268).	The Federal Railroad Administration (FRA) has selected the following regulations to be reviewed to determine whether the substantial reporting and recordkeeping burdens they impose on the public, including small businesses, can be decreased or eliminated.	Part 228—Mr. Lawrence I. Wagner (202) 426-8836.	Completion December 1980.
.....	Part 228—Hours of Service for Railroad Employees.....	Parts 258, 260 and 268 Mr. Lawrence A. Freidman (202) 426-7737.	
.....	Part 258—Regulations Governing Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.		
.....	Part 260—Regulations Governing Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.		
.....	Part 268—Merger and Consolidation Procedures		

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Research and Special Programs Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Shippers-General Requirements for Shipments and Packagings (49 CFR pt. 173) (includes the following items):			

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

RSPA

Research and Special Programs Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Electric Storage Batteries Wet (49 CFR 173.260).	Due to inquiries requesting an interpretation of this section and to eliminate the possibility of noncompliance based on a misunderstanding of the requirements, there is a need to simplify and clarify present standards. <i>See Transportation of Wet Cell Electric Batteries (Docket No. HM-173).</i>	J. Horning, (202) 426-2075.	September 1980.
Charcoal (49 CFR 173.162).....do.....	J. Horning, (202) 426-2075.	September 1980.
Flammable solid; definitions criteria (49 CFR 173.150).	Inquiries; lack of objective regulatory standard.....	J. Horning, (202) 426-2075.	September 1980.
Toxic materials; definitions, criteria, and proposed regulations (49 CFR 173.326, 173.343).	Need for quantitative criteria.....	J. Horning, (202) 426-2075.	September 1981.
Welding of steel in Gas Pipelines (49 CFR pt. 192, subpt. E).	Present requirements to be examined in light of changes in technology.	L. Furrow, (202) 426-2392.	Action complete.
Maintenance of Gas Pipelines (49 CFR pt. 192, subpt. M).	The performance required by the maintenance standards needs clarification as indicated by extent of interpretations generated by these standards.	L. Furrow, (202) 426-2392.	Action complete.
Line Markers (49 CFR 195.410).....	The requirement of installation of markers at navigable waterways needs clarification as indicated by extent of interpretations. NPRM scheduled in June 1980.	F. Robinson, (202) 426-2392.	Action complete.
Hydrostatic Testing (49 CFR pt. 195, Subpart E).	There is a need to clarify present standards as indicated by extent of interpretation.	F. Robinson, (202) 426-2392.	November 1980.
Welding Requirements (49 CFR pt. 195, Subpart D).	Present requirements to be examined in light of changes in technology.	F. Robinson, (202) 426-2392.	November 1980.
Petroleum Gas Systems (49 CFR pt. 192).	There is a need to <i>develop appropriate</i> regulations.....	W. Dennis, (202) 426-2392.	November 1980.
Master Meter and LPG Distribution Systems (49 CFR pt. 192).	There is a need to simplify current standards for small systems such as master meter systems.	R. Langley, (202) 426-2082.	December 1980.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents*United States Coast Guard (USCG)*

Anyone desiring a copy of a USCG regulatory document listed in the Agenda should write to: U.S. Coast Guard, G—CMC/TP24, 2100 Second St. S.W., Washington, D.C. 20593.

The request should reference the name of the document and the associated regulatory docket (CGD) number which can be found in this Agenda together with the listing of the document. Persons wishing to be placed on mailing lists for all notices and rules to be issued by the USCG or for notices and rules dealing with a particular area should indicate this clearly for proper handling.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those

documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA is in the process of establishing a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative,

Office of Public Affairs, Room 4208, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-0679.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). Urban Mass Transit Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1909.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the appropriate address specified below: *For contact persons with (202), telephone area code:* (name of contact person), Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. *For contact persons with (315) telephone area code:* (name of contact person), Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mrs. Marge J. Sands, Information Services Division, DMT-43, Materials, Transportation Bureau, 2409 2nd Street, S.W., Washington, D.C. 20590.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be

issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

Appendix B—General Rulemaking Contact Persons

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

- USCG—Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 2418, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.
- FAA—Edward Faberman, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Telephone: 202/426-3644.
- FHWA—Dennis Judycki, Office of the Administrator, 400 7th Street, S.W., Room 4218, Washington, D.C. 20590. Telephone: 202/426-0848.
- FRA—Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Telephone: 202/472-9042.
- NHTSA—Roger Tilton, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telephone: 202/426-9511.
- UMTA—Ed Gill, Office of Chief Counsel, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590. Telephone: 202/426-1906.
- SLSDC—Bob Kraft, Office of Chief Counsel, 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Telephone: 202/426-3574.
- RSPA—Doug Crockett, Office of Program Support, 400 7th Street, S.W., Room 8434, Washington, D.C. 20590. Telephone: 202/472-2698.
- OST—Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Telephone: 202/426-4723.

Appendix C—Public Rulemaking Dockets

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

- USCG—Marine Safety Council, 2100 2nd Street, S.W., Room 2418, Washington, D.C. 20593. Working Hours: 7:00-5:00 [Monday-Thursday].
- FAA—Rules Docket, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave.,

- S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30-5:00.
- FHWA—Docket Room, 400 7th Street, S.W., Room 4205, Washington, D.C. 20590. Working Hours: 7:45-4:15.
- FRA—Docket Clerk, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Working Hours: 8:30-5:00.
- NHTSA—Docket Room, 400 7th Street, S.W., Room 5108, Washington, D.C. 20590. Working Hours: 7:45-4:15.
- UMTA—Docket Clerk, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590. Working Hours: 8:30-5:00.
- SLSDC—800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Working Hours: 8:30-5:00.
- RSPA—Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30-5:00.
- OST—Docket Clerk, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Working Hours: 9:00-5:30.

Appendix D*Innovative Regulatory Techniques*

As explained in the preamble, the public's views are solicited with respect to the Department's regulatory programs where the innovative regulatory techniques can be applied effectively to reduce the burden on regulated entities or to reduce governmental costs. The following are descriptions of particular techniques noted by the President:

Enhance Competition

An agency seeks to achieve a valid regulatory goal through generally increasing its sensitivity to market structure by for example, removing barriers to and constraints on competition.

Marketable Rights

In place of detailed government controls, an agency limits private-sector rights to engage in a specific activity or to use scarce resources, but allows private parties to exchange, trade, or sell these rights. The agency maintains overall control while letting the affected parties arrange the detailed allocation of rights in the free market.

Economic Incentives

An agency provides economic incentives that are supplements or alternatives to government standards and regulations by structuring fees or subsidies to encourage the private sector to achieve regulatory goals. Incentives replace rigidly enforced regulatory standards.

Performance Standards

An agency replaces design standards which specify strict means of compliance with more general standards

based on overall performance levels. Firms or businesses are free to find the most efficient way of complying with the standards.

Information Disclosure

An agency requires that users or consumers be provided with information choices among competing goods and services and be free to choose on the basis of that information. The agency may provide information directly to the public (e.g., uniform tire grading quality standards).

Voluntary Standard Setting

An agency supplements or substitutes direct Federal regulation with voluntary standards developed and enforced by the regulated sectors.

Compliance Reform

An agency replaces or supplements government compliance monitoring and enforcement with other mechanisms, such as third-party monitoring, supervised self-certification, and economically-based penalties (e.g., third party inspection of emergency equipment aboard ships).

Tiering

An agency takes into account the size and nature of regulated organizations when it develops or revises its regulations (e.g., certain FAA, RSPA, and NHTSA exemptions).

federal register

Monday
August 25, 1980

Part III

Department of Transportation

Federal Aviation Administration

**Airport Aid and Development Programs;
Environmental Impact References and
Handbook**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 152, 154, and 155

[Docket No. 20580; Amdt. No. 152-11, 154-2, and 155-1]

Airport Aid Program, Acquisition of U.S. Land for Public Airports, Release of Airport Property From Surplus Property Disposal Restrictions; FAA Environmental Orders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments revise Federal Aviation Regulations dealing with the airport aid program and the acquisition of public land for airport development by updating references to the FAA environmental orders. The orders contain detailed guidance for considering environmental impacts of Federal airport actions. These amendments also add a provision requiring compliance with those orders to Federal Aviation Regulations dealing with release of airport property from surplus property disposal restrictions. These amendments are necessary because of recent revisions in FAA environmental guidance required by the Council on Environmental Quality. The revisions are expected to result in a reduction of paperwork, the reduction of delays, and the production of better decisions.

EFFECTIVE DATE: August 25, 1980.

FOR FURTHER INFORMATION CONTACT: Lynne Sparks Pickard, Community and Environmental Needs Division (APP-600), Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone number (202) 426-3263.

SUPPLEMENTARY INFORMATION:

General

These amendments revise references to procedures for processing airport development actions affecting the environment in Part 152, Airport Aid Program, and Part 154, Acquisition of U.S. Land for Public Airports under the Airport and Airway Development Act of 1970, of the Federal Aviation Regulations. Those procedures are contained in Appendix 6 to FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts," and in FAA Order 5050.4, "Airport Environmental Handbook." Part 155, Release of Airport Property from Surplus Property Disposal Restrictions, is also being amended to require the

submission of an environmental assessment in conformance with those orders.

Interested persons were afforded an opportunity to comment on Appendix 6 of proposed FAA Order 1050.1C by a notice in the *Federal Register* on June 4, 1979 (44 FR 32094) and by direct mailing of advance copies of draft Appendix 6 to aviation organizations. Draft Appendix 6 contained procedural and substantive guidance for airport environmental documents and included the material that has now been printed separately in the new Airport Environmental Handbook. This handbook is being published elsewhere in this issue of the *Federal Register*.

In addition, the regulations of the Council on Environmental Quality (CEQ), which FAA Order 1050.1C implements, were published for comment in the *Federal Register* on June 9, 1978 (43 FR 25230). They had already received extensive input from the public, the business community, State and local governments, and Federal agencies. In view of these numerous opportunities for public review and comment and in light of the comments received in response to the June 4, 1979, notice, the FAA has determined that a formal notice of proposed rulemaking would not result in the receipt of additional useful information.

CEQ Regulations

On November 29, 1978, the Council on Environmental Quality published its final regulations establishing uniform procedures for implementing the procedural provisions of the National Environmental Policy Act (43 FR 55978). The purpose of those regulations is to reduce paperwork, reduce delays, and produce better decisions. Under Part 1507 of the CEQ regulations (40 CFR Part 1507), Federal agencies must adopt any necessary implementing procedures, after public comment and CEQ review.

FAA Order 1050.1C, published in its final form on January 10, 1980 (45 FR 2244), amends FAA's environmental policies and procedures in response to the CEQ regulations. The order is a comprehensive treatment of the environmental process for the broad range of FAA programs and projects. Appendix 6 to the revised order, like Appendix 6 to the previous order (FAA Order 1050.1B), applies to specified Federal actions associated with airport programs. The FAA has also developed new Order 5050.4 which is a self-contained handbook for Federal airport actions. It includes the text of Appendix 6, material cross-referenced in that appendix, and substantive detailed guidance on the form and content of

environmental assessments, environmental impact statements, and findings of no significant impact. Compliance with Order 5050.4 assures compliance with Appendix 6 to FAA Order 1050.1C.

Changes in Environmental Order

Appendix 6 to FAA Order 1050.1C and the Airport Environmental Handbook differ in several ways from Appendix 6 of FAA Order 1050.1B. The changes are as follows:

A major runway extension has been redefined as a runway extension which upgrades an existing runway to permit usage by noisier aircraft. These are aircraft over 12,500 pounds that are at least three decibels louder than aircraft currently using the runway as measured at one or more of the measuring points used to determine compliance with Federal Aviation Regulations, Part 36.

In accordance with § 1506.5(c) of the CEQ regulations (40 CFR 1506.5(c)), an airport sponsor may not assume any responsibility for the preparation of draft and final environmental impact statements, unless the sponsor qualifies as a joint lead agency.

In accordance with § 1506.5(c) of the CEQ regulations (40 CFR 1506.5(c)), a contractor preparing draft and final environmental impact statements must be selected by the lead agency or by a cooperating agency, rather than by the airport sponsor. The contractor must execute a disclosure statement specifying that it has no financial or other interest in the outcome of the project.

Additional airport actions have been specifically identified as categorically excluded from environmental processing requirements, based upon FAA experience with judging which types of actions have the potential for significant impacts and which do not.

The applicability of procedures to conveyances of airport land and to releases of airport land have been further explained to clarify previous uncertainties in interpretation.

The application of design, art, and architecture to airport projects has been provided for in accordance with Notice DOT N5610.4, "Implementation of Decision to Address Environmental Design Considerations in Environmental Impact Statements" (February 27, 1978).

The format and content of the environmental assessment, environmental impact statement, and finding of no significant impact have been revised to comply with the letter and spirit of the CEQ regulations as well as regulations implementing other environmental statutes.

Thresholds of significance have been delineated for each category of potential environmental impact in order to assist airport sponsors and FAA field personnel in evaluating whether or not impacts are significant. In addition, each environmental impact category has been updated to reflect recent environmental laws and regulations.

The Day/Night Level (Ldn) is the FAA's acceptable cumulative noise methodology for use in initial noise analysis. (An exception is the use of the Community Noise Equivalent Level where required to meet state requirements as in California.) Other cumulative noise methodologies, including Equivalent Noise Level (Leq) which would have been allowed under the proposed revision of Order 1050.1C, have been deleted, in the interest of having one cumulative noise methodology which is acceptable to the FAA, the Environmental Protection Agency, and the Department of Housing and Urban Development.

Sponsors will no longer be required to make available for public hearings an environmental assessment on runway extensions which are not major runway extensions. Runway extensions that are not considered major are excluded from the requirement to prepare an environmental assessment, if they do not otherwise have likely significant impacts.

A new procedure has been provided for formal FAA acceptance of a sponsor's environmental assessment. After this acceptance the assessment becomes a Federal document in accordance with §§ 1506.5(b) and 1508.9 of the CEQ regulations (40 CFR 1506.5(b) and 1508.9).

Assurances, findings, and conclusions that may be required for an action have been made as part of the decision on the action, rather than part of the environmental approval. CEQ regulations require distinct separation of the environmental approval and the Federal decision on the proposed action.

The FAA's application of low capital or noncapital alternatives to proposed actions has been emphasized and clarified in accordance with commitments made to CEQ to strengthen this area.

The implementation of commitments to mitigate environmental impacts has been emphasized and expanded upon in accordance with § 1505.3 of the CEQ regulations (40 CFR 1505.3).

Tiering, as defined in 40 CFR 1508.28, has been specifically applied to types of airport actions.

Finally, in accordance with DOT Order 5610.1C "Procedures for Considering Environmental Impacts" [44

FR 56420; October 1, 1979), time limitations on the validity of draft and final environmental impact statements have been established; prior finding affirmations have been deleted and replaced by written re-evaluations; and the conditions for preparing supplements to draft final environmental impact statements have been expanded upon.

Paperwork Reduction

The reduction of paperwork and of administrative delay expected to result from these revisions of FAA environmental guidance are in harmony with the national policy expressed by the President in Executive Order 12044 on "Improving Government Regulations" and Executive Order 12174 on "Paperwork."

Rule Changes

Section 152.111(c)(7) requires that the sponsor submit an environmental assessment with its preapplication for Federal assistance, if one is required by Appendix 6 to FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts." The reference to this revised order was added to Part 152 by Amendment No. 152-10. The section is now being amended to require that the assessment also be prepared in conformance with FAA Order 5050.4, "Airport Environmental Handbook."

This same addition has been made to § 152.117(b)(4), of Part 152, which requires that a notice of opportunity for a public hearing state that an environmental assessment is available for review, if an assessment is required. It has also made to paragraph II B of Appendix D to Part 152, which requires a sponsor seeking FAA approval of a new or revised airport layout plan to submit an environmental assessment with the plan.

Section 154.7(b)(14) has required the submission of an environmental impact assessment report, prepared in conformance with applicable DOT and FAA orders, with an application for conveyance of a property interest under Part 154. This amendment updates that requirement by referencing FAA Orders 1050.1C and 5050.4. It also eliminates reference to the DOT order, since the handbook incorporates the applicable DOT requirements and compliance with it results in compliance with the DOT order. The terminology in this section has also been updated, and the section has been revised to make it clear that an environmental assessment must be submitted only if one is required by the FAA orders.

The requirement for an environmental assessment has been added to Part 155. New § 155.11(c)(12) will now require the submission of an environmental assessment, if one is required by Appendix 6 and the handbook, with a request for release from surplus property disposal restrictions.

Since these amendments relate to public grants, and the implementation target date set by CEQ was July 30, 1979, good cause exists for making them effective in less than 30 days.

Cost Evaluation

Compliance with FAA Order 5050.4 is expected to bring about the results which CEQ's regulations aim at, namely the reduction of paperwork, the reduction of delays, and the production of better decisions. The final regulatory evaluation prepared in connection with this project, and available in the regulatory docket, describes these benefits at length.

Changes that will reduce paperwork include reducing the length of environmental impact statements, narrowing the scope of the environmental impact statement process, and eliminating duplication wherever possible. Delays will be reduced by, among other things, integrating the assessment process into early planning, emphasizing interagency cooperation, and ensuring the swift and fair resolution of disputes. Finally, the quality of decisions is expected to be better because these revisions will help ensure that environmental information is of high quality, accurate, objective, subjected to public scrutiny, and available to public officials before decisions are made and before actions are taken.

The new procedures are expected to be somewhat more costly to the Federal Government than the previous procedures. The reason for this is CEQ's emphasis on and specific delineation of certain Federal responsibilities in the assessment process. Under the CEQ regulations, draft and final environmental impact statements must be prepared directly by the lead agency or under direct contract to the lead agency. Federal agencies are to serve as cooperating agencies for the preparation of the environmental impact statements. Interdisciplinary skills are demanded of impact statement preparers, and a list of the preparer's professional qualifications is required in impact statements. A greater emphasis has been placed on Federal independent evaluation of, and responsibility for, analyses of environmental impacts, and on monitoring mitigation measures and reporting on this monitoring. These and

other responsibilities will result in increased cost to the governmental sector.

In this connection the FAA has established a number of environmental positions within the Airports Program to augment skills and reduce environmental processing delays. However, these positions are being filled within authorized levels and will result in no increase in cost to the program.

There will be an increase needed in contract funds so that the FAA may directly contract for assistance in environmental impact statement preparation, in lieu of allowing airport sponsors to contract for this work, and for assistance in evaluation of environmental analyses as necessary. Approximately \$1 million in contract funds is estimated to be required annually. In addition, to comply with the CEQ's instructions to fund the support of cooperating agencies, an amount of \$450,000 is estimated to be required annually.

The increase in the economic burden on the Federal Government will be offset to an unquantified extent by a decrease in the economic burden on airport sponsors. This decrease will result primarily from the streamlining of the environmental assessment required to be submitted to the FAA by sponsors and the preparation of more environmental documentation by, or under direct contract to, the FAA, instead of by, or under direct contract to, sponsors. A decrease in the economic burden on sponsors will be reflected in a decrease in the amount of Federal grant-in-aid funds (Airport Development Aid Program and Airport Planning Grant Program) paid to sponsors to fund the allowable Federal percentage of environmental study efforts.

An allowable alternative which the CEQ regulations and FAA Order 5050.4 recognize is for a draft and final impact statement to be prepared by a contractor selected and guided by the FAA, but paid by the sponsor. To the extent that Federal funds are insufficient to accommodate the demand, sponsors may elect this option. The total dollar value estimated to be required under the new regulation is not affected by this option.

In summary, to the extent that there will be increased direct Federal costs in preparing environmental documents for the Airports program, there will be decreased expenditures on the part of airport sponsors and the FAA's airport grant programs.

Clearinghouse Review

Part 152 of the Federal Aviation Regulations applies to the Airport Development Aid Program and the Planning Grant Program. These programs are listed in the Catalogue of Federal Domestic Assistance as program numbers 20.102 and 20.103, respectively. The procedures of Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and Federally-assisted programs and projects apply to these programs.

Adoption of the Amendment

Accordingly, Parts 152, 154, and 155 of the Federal Aviation Regulations (14 CFR Parts 152, 154, and 155) are amended, effective August 25, 1980, as follows:

PART 152—AIRPORT AID PROGRAM

1. By revising § 152.111(c)(7) to read as follows:

§ 152.111 Application requirements: airport development.

* * * * *

(c) * * *

(7) The sponsor's environmental assessment prepared in conformance with Appendix 6 to FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), and FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 24, 1980), if an assessment is required by Order 5050.4. Copies of these orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA regional office headquarters or any airports district office.

* * * * *

2. By revising § 152.117(b)(4) to read as follows:

§ 152.117 Public hearings.

* * * * *

(b) * * *

(4) State that a copy is available of the sponsor's environmental assessment, if one is required by Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), and FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 25, 1980), and will remain available, at the sponsor's place of business for examination by the public for a minimum of 30 days, beginning with the date of the notice, before any hearing held under the notice.

* * * * *

3. By amending paragraph II B of Appendix D to Part 152 to read as follows:

Appendix D

* * * * *

II. * * *

B. *Airport Layout Plan Approval.* A sponsor seeking FAA approval of a new or revised airport layout plan shall submit with the plan an environmental assessment prepared in conformance with Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980) and FAA Order 5050.4 "Airport Environmental Handbook" (45 FR —; August 25, 1980), if an assessment is required by Order 5050.4.

* * * * *

PART 154—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

4. By amending § 154.7 by revising paragraph (b)(14) to read as follows:

§ 154.7 Form and content of application for conveyance.

* * * * *

(b) * * *

(14) The sponsor's environmental assessment prepared in conformance with Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 25, 1980), if an assessment is required by Order 5050.4. Copies of these orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA regional office headquarters or any airports district office.

* * * * *

PART 155—RELEASE OF AIRPORT PROPERTY FROM SURPLUS PROPERTY DISPOSAL RESTRICTIONS

5. By amending § 155.11 by adding new paragraph (c)(12) to read as follows:

§ 155.11 Form and content of requests for release.

* * * * *

(c) * * *

(12) The sponsor's environmental assessment prepared in conformance with Appendix 6 of FAA Order 1050.1C, "Policies and Procedures for Considering Environmental Impacts" (45 FR 2244; January 10, 1980), and FAA Order 5050.4, "Airport Environmental Handbook" (45 FR —; August 25, 1980), if an assessment is required by Order 5050.4. Copies of these orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA regional office

headquarters or any airports district office.

(Secs. 11 through 27 of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1711 through 1727); § 1.47(f)(1), Regulations of the Office of the Secretary of Transportation (49 CFR § 1.47(f)(1)); 50 U.S.C. App. §§ 1622-1622c)

Note.—The FAA has determined that this document involves regulations which are not significant under Executive Order 12044, as implemented by Department of Transportation, Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to Lynne Sparks Pickard, Community and Environmental Needs Division (APP-600), Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

Issued in Washington, D.C., on July 29, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-25669 Filed 8-22-80; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airport Environmental Handbook

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of FAA Airport Environmental Handbook.

SUMMARY: The FAA Airport Environmental Handbook provides instructions and guidance for preparing and processing the environmental documents for airport development proposals and other airport actions.

EFFECTIVE DATE: March 21, 1980.

FOR MORE INFORMATION CONTACT:

Lynne Sparks Pickard, Community and Environmental Needs Division (APP-600), Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C., 20591; telephone number (202) 426-3263.

SUPPLEMENTARY INFORMATION: FAA Order 5050.4, "Airport Environmental Handbook," provides instructions and guidance for preparing and processing environmental documents for airport development proposals and other airport actions under Part 152, Airport Aid Program, Part 154, Acquisition of U.S. Land for Public Airports under the Airport and Airway Development Act of 1970, and Part 155, Release of Airport Property from Surplus Property Disposal Restrictions, of the Federal Aviation Regulations. Amendments to these parts which require compliance with the Airport Environmental Handbook are being published elsewhere in this issue of the Federal Register (Amendments 152-11, 154-2, and 155-1).

This handbook is part of the FAA's response to the regulations of the Council on Environmental Quality (CEQ) which establish uniform procedures for implementing the procedural provisions of the National Environmental Policy Act (43 FR 55978; November 29, 1978). The purpose of those regulations is to reduce paperwork, reduce delays, and produce better decisions. Under Part 1507 of the CEQ regulations (49 CFR Part 1507), Federal agencies must adopt any necessary implementing procedures, after public comment and CEQ review.

FAA Order 1050.1C entitled "Policies and Procedures for Considering Environmental Impacts," published in its final form on January 10, 1980 (45 FR 2244), amends FAA's environmental policies and procedures in response to the CEQ regulations. The order is a comprehensive treatment of the

environmental process for the broad range of FAA programs and projects. Appendix 6 to the revised order, like Appendix 6 to the previous order (FAA Order 1050.1B), applies to specified Federal actions associated with airport programs.

The Airport Environmental Handbook, FAA Order 5050.4, is a self-contained handbook for Federal airport actions. It includes the text of Appendix 6, material cross-referenced in that appendix, and substantive detailed guidance on the form and content of environmental assessments, environmental impact statements, and findings of no significant impact. Compliance with Order 5050.4 assures compliance with Appendix 6 to FAA Order 1050.1C.

Accordingly, FAA publishes the following Order 5050.4 entitled "Airport Environmental Handbook."

(National Environmental Policy Act of 1969 as amended [42 U.S.C. 4321 et seq.]; the Environmental Quality Improvement Act of 1970, as amended [42 U.S.C. 4371 et seq.]; Section 309, Clean Air Act, as amended [42 U.S.C. 7609]; Sec. 4(f), Department of Transportation Act of 1966, as amended [49 U.S.C. 1653(f)]; Executive Order 11514, dated March 4, 1970, as amended by Executive Order 11991, dated May 24, 1977; 40 CFR Parts 1500-1508; DOT Order 5610.1C [44 FR 56420; September 18, 1979])

Issued in Washington, D.C., on August 15, 1980.

Robert J. Aaronson,

Associate Administrator for Airports.

Airport Environmental Handbook

March 21, 1980

Department of Transportation, Federal Aviation Administration

Foreward

Order 1050.1C, Policies and Procedures for Considering Environmental Impacts, was published in the Federal Register on January 10, 1980 (45 FR 2244). It was prepared in response to the Council on Environmental Quality's (CEQ) Regulations to amend FAA's environmental policies and procedures. Order 1050.1C provides in a single comprehensive document the essential treatment of the environmental process for the broad range of FAA programs and projects. Appendix 6 of Order 1050.1C prescribes environmental requirements and procedures in conjunction with specified Federal actions associated with airport programs. It includes several cross-references to the basic text of the order and references to the CEQ Regulations which would need to be consulted for a comprehensive understanding of the

requirements for compliance with NEPA in considering airport actions. Appendix 6 does not contain detailed information on the form and content of environmental assessments and environmental impact statements.

This order includes the text of Order 1050.1C, Appendix 6 (we have added Purpose and Distribution paragraphs to Chapter 1), plus most of the cross-referenced material and extensive instructions on the form and content of environmental documents. It is intended for use by FAA Airports personnel, airport sponsors, and others involved in airport actions as a self-contained document including all the essential information needed to meet both procedural and substantive environmental requirements. Compliance with this order constitutes compliance with Order 1050.1C for airport actions.

Order 1050.1C establishes policy and procedures for agency-wide compliance with environmental requirements. Any changes in Order 1050.1C which pertain to airport actions will be reflected by appropriate changes in this order.

Paul L. Galis,

Acting Director, Office of Airport Planning and Programming.

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Chapter 1. Introduction and Definitions

1. *Purpose.* This order provides instructions and guidance for preparing and processing the environmental assessments of airport development proposals and other airport actions as required by various laws and regulations.
2. *Distribution.* This order is distributed in Washington headquarters

to the branch level in the Offices of Airport Planning and Programming, Airport Standards, Environment and Energy, and the Chief Counsel; to all regional Airports divisions to the branch level; and to all Airports district/field offices and the Airports and Logistics Branch.

3. *Council on Environmental Quality (CEQ) Terminology.* CEQ Regulations implementing the National Environmental Policy Act of 1969 (NEPA) were published in the *Federal Register* on November 29, 1978. (Hereinafter, references to the CEQ Regulations shall simply identify the paragraph; e.g., CEQ 1508.1.) CEQ 1508.1 states "The terminology of this part shall be uniform throughout the Federal government."

4. *Federal Aviation Administration (FAA) Terms.* Order 1000.15A, FAA Glossary, dated December 18, 1975, contains terms which recur most often in agency communications. This order includes several terms used in airport planning and development.

5. *Airports Program Environmental Definitions.* The following terms used for airport actions are in addition to those defined in CEQ 1508.

a. *Federal Action.* The Federal action as far as the Airports Program is concerned may be any of the following:

- (1) Adoption of the National Airport System Plan.
- (2) Approval of an airport location.
- (3) Approval of an airport layout plan or revisions to an airport layout plan.
- (4) Approval of funding for airport development.

(5) Requests for the conveyance of government land under section 23 of the Airport and Airway Development Act of 1970, as amended, (Airport Act) for development or improvement of a public airport.

(6) Approval of release of airport land.

b. *Federal Environmental Approval.* This is a determination by the approving official that the requirements imposed by applicable environmental statutes and regulations have been satisfied by a finding of no significant impact or a final environmental impact statement. It is not an approval of the Federal action.

c. *Finding of No Significant Impact with Section 16(c)(4) Coordination.* This is a finding of no significant impact as defined in CEQ 1508.13 which, because the project involves airport location, a major runway extension, or runway location, must be coordinated with the Department of the Interior (DOI) and the Environmental Protection Agency (EPA) in accordance with the Airport Act, section 16(c)(4).

d. *Written Reevaluation.* This is an evaluation prepared by the FAA

responsible official of a draft or final impact statement or a finding of no significant impact with section 16(c)(4) coordination which has exceeded the three-year time limitation specified in paragraph 102, Chapter 10. This evaluation will either conclude that the contents of previously prepared environmental documents remain valid or that significant changes require the preparation of a supplement or new environmental document.

e. Approving Official. This is the FAA official who has the authority to approve findings of no significant impact or final environmental impact statements per Chapters 6 and 9.

f. Responsible Official. This is an FAA employee designated with overall responsibility to furnish guidance and participate in the preparation of environmental impact statements, to evaluate the statements, and to take responsibility for the scope and content of the statements. This person may be authorized to evaluate and accept environmental assessments prepared by airport sponsors and may direct scoping activities for the FAA.

g. Decisionmaker. This is the FAA official who has authority to approve airport layout plans, approve funding for airport development, or otherwise approve the Federal action.

h. Sponsor. This is any public agency eligible to receive Federal financial assistance under the Airport Act or anyone proposing an airport action for which a Federal authorization is required.

i. Major Runway Extension. This is a runway extension which upgrades an existing runway to permit usage by noisier aircraft.

j. Major New Construction or Expansion of Passenger Handling and Parking Facilities. This is development on an airport to accommodate one or more increments of a planned total increase in scheduled air carrier enplanements of at least 25 percent over current enplanements. This increase shall also be at least 100,000.

k. Design, Art, and Architectural Application. Design is the process of arranging physical spaces, materials, and objects to perform specific functions with emphasis on the relationship of the resulting product to human and environmental factors. Design quality is judged by broader criteria than functional performance alone. Design includes architecture, landscape architecture, graphics, interior design, and engineering. Art includes objects or works of art which are placed in or on an airport facility primarily for aesthetic reasons. Architectural application means the arrangement of structural

materials, landscaping, or site development to produce an aesthetically pleasing and functional environment.

l. NEPA Section 102(2)(D) States. Such states are those whose agencies or officials, having statewide jurisdiction and responsibility for implementing major Federal actions funded under a program of grants to states, prepare environmental impact statements required by NEPA, section 102(2)(C).

m. "NEPA-Like" State or Local Agencies. Such states or agencies are those which are subject to state or local requirements comparable to NEPA requirements for environmental impact statements according to CEQ 1506.2(c). Such agencies, unless specifically barred by other law, shall be joint lead agencies with the FAA and to the fullest extent possible jointly prepare environmental impact statements.

n. Noisier Aircraft. For purposes of this order, noisier aircraft are aircraft over 12,500 pounds which are at least three decibels louder than aircraft currently using a runway as measured at one or more of the measuring points used to determine compliance with Federal Aviation Regulations, Part 36. (An aircraft more heavily loaded than the same aircraft currently using the runway under similar conditions may be a noisier aircraft under this definition.)

o. Project Involving Airport Location. This is a project by a public sponsor for land acquisition or other development at an airport which has not previously been eligible for Airport Development Aid Program funds because:

- (1) It did not exist, or
- (2) It was privately owned.

6. Funding. Resources to implement the provisions of this order shall be requested through the normal annual budget process.

7-9. Reserved.

Chapter 2. General Requirements and Responsibilities

10. General. a. Airport sponsors and the FAA shall carefully consider and weigh environmental amenities and values in a timely manner in evaluating proposed Federal actions relating to airport planning and development, utilizing a systematic interdisciplinary approach and involving local and state officials and individuals having expertise. The environmental assessment and consultation process is to provide officials and decisionmakers, as well as members of the public, with an understanding of the potential environmental impacts of the proposed action. The final decision is to be made on the basis of a number of factors. Environmental considerations are to be weighed as fully and as fairly as non-

environmental considerations. The FAA's objective is to enhance environmental quality and avoid or minimize adverse environmental impacts that might result from a proposed Federal action in a manner consistent with the FAA's principal mission to provide for the safety of aircraft operations.

b. Unless categorically excluded by this order, an environmental assessment and environmental impact statement or finding of no significant impact are required for proposed Federal actions related to airports. In accordance with Department of Transportation (DOT) policy and with the CEQ Regulations, it is intended that a single environmental document meet Federal, State, and local requirements.

11. Overview of Environmental Process. a. The process for consideration of the environmental effects of a proposed action involves a number of steps, beginning with the airport proprietor or sponsor. The relative responsibilities of the sponsor and the FAA are summarized in the following paragraphs. Integration of environmental considerations in early planning and involvement of the public are discussed in Chapter 5. Subsequent chapters present detailed instructions on content, processing, and approval of environmental documents.

b. To facilitate an understanding of the process, a flow diagram (Appendix 1) is presented at the end of this handbook. Appendix 1 is broken down into four sheets:

(1) Sheet 1 depicts the process from identification of the problem by the sponsor, through initial review of the sponsor prepared environmental assessment, to development of the environmental assessment as an FAA document. This sheet also identifies an early decision point on whether or not the action falls in the categorical exclusion category per the listing in paragraph 23. If the FAA determines after initial review of the sponsor's proposal that the action is in this category, no environmental assessment is necessary.

(2) Sheet 2 begins with a key FAA determination based on the environmental assessment on whether the action requires preparation of an environmental impact statement. If this answer is yes, sheet 2 outlines the process of scoping, developing, and processing of a draft environmental impact statement by FAA through review of comments and preparation of the proposed final document.

(3) Sheet 3 describes the process if it is determined that an environmental impact statement is not necessary. In

this case, it is first determined if limited Federal agency coordination is necessary pursuant to section 16(c)(4) of the Airport Act. If it is, a proposed finding of no significant impact is prepared, coordinated, and approved as indicated in the flow diagram. Otherwise, a finding of no significant impact may be prepared and approved without further coordination. A final decision on the action is then made after environmental approval.

(4) Sheet 4 is a continuation of Sheet 2. It represents the environmental and funding approval processes for actions which have required the preparation of an environmental impact statement. Environmental approval action is taken in either headquarters or the region depending on approval authority as described in paragraph 95. A final funding decision is made subsequently and includes a record of decision incorporating assurances and mitigation measures identified in the environmental impact statement (reference paragraph 98). The funding decision may also be made in headquarters or the region depending on approval authority. Note that the environmental and funding approvals are not necessarily made at the same level or by the same official. These distinctions are made in the flow diagram and in the definitions in Chapter 1, paragraphs 3e and g.

12. *Sponsor's Responsibility.* Sponsors of airport projects are responsible for identifying the problem, developing conceptual alternatives, and preparing an environmental assessment as more fully explained in Chapter 5. In the Airports Program, an environmental assessment prepared by the sponsor shall systematically examine each potential impact to determine if the impact is significant. The document shall be developed in coordination with appropriate local, state, and Federal agencies, with community involvement as described in this handbook, and in direct consultation with FAA. It is important that the material contained therein be objective, complete, and accurate in order for it to serve as the basis for the preparation of the FAA's environmental documents. The sponsor's responsibility also extends to providing additional data and information to the FAA when required to assist in its review of environmental impacts and in the preparation of environmental documents. The environmental assessment shall draw upon the appropriate disciplines of the natural and social sciences and the environmental design arts.

13. *FAA Responsibility.* In brief, under the Airports Program the FAA is responsible for analyzing the environmental impacts and consequences of a proposed Federal action involving airports, for the environmental assessment and related documents, and ultimately for approving or disapproving the environmental documents and the Federal action. Although an environmental assessment submitted by an airport sponsor may be used in whole or in part, the FAA is responsible for the facts, opinions, and judgments upon which the environmental determination is based. It is, therefore, incumbent upon the FAA to assure that all documentation presents a full, accurate, and fair assessment of the environmental consequences of the proposed action.

14. *Use of Contractors.* If contractors are to be involved, see paragraph 76 for details.

15. *Role of Lead and Cooperating Agencies.* The various roles of the lead agency are described in CEQ 1501.5 through 1501.8. CEQ 1501.5 generally describes the role of the lead agency when more than one agency is involved in an action. CEQ 1501.6 describes the relationship with cooperating agencies. CEQ 1501.7 and 1501.8 define the role of the lead agency in the scoping process and in setting time limits. More specific information on the involvement of the lead and cooperating agencies in the preparation of environmental impact statements is contained in paragraphs 74 and 75.

16. *Preparation of Environmental Documents.* Responsibilities and authority of state and local agencies will vary depending upon the state or local requirements, jurisdictional responsibilities, and expertise. This is discussed in Chapter 7.

17. *Early NEPA Involvement in Planning.* In accordance with NEPA, environmental consideration shall be identified early in the planning process. Chapter 5 discusses the implementation of this requirement in airport planning.

18. *Public Involvement.* a. Citizen involvement, where appropriate, should be initiated at the earliest practical time and continued throughout the development of the proposed project in order to obtain meaningful input. Examples of citizen groups are: environmental, conservation, public service, education, labor, business, or aviation and airspace user organizations, and citizen advisory committees.

b. While requests for Federal airport actions originate with a local public agency, the involvement of the community at large is a necessary

element in the decisionmaking process. An effective opportunity to comment at appropriate stages in the decisionmaking process shall be provided to communities, citizen groups, and other individuals affected by airport proposals submitted to the FAA. They shall also be provided an opportunity to review and comment on draft and final statements. In order to provide an effective opportunity for comment when significant portions of the affected public have a native language other than English, environmental documents may be provided or public hearings conducted in such native language.

c. In accordance with section 16(d) of the Airport Act, the opportunity for public hearings shall be offered on any action involving location of a new airport, location of a new runway, or extension of a runway. For other actions, a public hearing shall be considered in accordance with the guidelines contained in paragraph 49, FAA Advisory Circular 150/5050-4, Citizen Participation in Airport Planning, has additional specific guidance on community involvement. Standard procedures for Federal agency public involvement are stated in CEQ 1506.6.

19. *Reserved.*

Chapter 3. Environmental Action Choices

20. *General.* a. In the Airports Program, Federal actions which require environmental processing generally involve the approval of specific projects at specific airports. A series of projects may be grouped into an overall plan for development, with successive phases being contingent upon other events such as a projected increase in traffic or a change in the aircraft using the airport. Such programs for development will usually be the subject of tiered environmental actions (see paragraph 101 and CEQ 1508.28).

b. On occasion, such as for the development of a new National Airport System Plan which is based upon new criteria for the inclusion of airports in the plan, an environmental impact statement will be prepared for a broad action. This action is the adoption of a formal plan upon which future agency actions will be based.

c. All Federal actions fall in one of three categories:

- (1) Those normally requiring an environmental impact statement (CEQ 1508.11).
- (2) Those requiring an environmental assessment (CEQ 1508.9).
- (3) Those which are normally categorically excluded (CEQ 1508.4).

21. *Actions Normally Requiring an Environmental Impact Statement.* a. The following Federal actions will normally require an environmental impact statement:

- (1) Adoption of a new National Airport System Plan which is based upon significantly different criteria for inclusion of specific airports from criteria used in the previous plan.
 - (2) First time airport layout plan approval or airport location approval (see paragraphs 30 and 32) for an air carrier airport located in a standard metropolitan statistical area.
 - (3) A new runway capable of handling air carrier aircraft at an air carrier airport in a standard metropolitan statistical area.
- b. Even though these actions normally require an environmental impact statement, the preparation of the environmental impact statement will usually be preceded by an environmental assessment. If the environmental assessment demonstrates that there are no significant impacts, the action shall be processed as a finding of no significant impact instead of an environmental impact statement.

22. *Actions Normally Requiring an Environmental Assessment.* a. Federal financial participation in, or airport layout plan approval of, the following categories of development actions shall be subject to the analysis of an environmental assessment and subsequent decision as to whether to prepare an environmental impact statement or a finding of no significant impact.

- (1) Airport location.
- (2) New runway.
- (3) Major runway extension.
- (4) Runway strengthening which would permit use by a noisier aircraft than that for which the pavement was previously designed.
- (5) Major new construction or expansion of passenger handling or parking facilities with Federal funding.
- (6) Land acquisition associated with all the above items plus any land acquisition which causes relocation of residential or business activities or involves land covered under section 4(f) of the Department of Transportation Act of 1966, as amended (hereinafter section 4(f)).
- (7) Establishment or relocation of an instrument landing system, an approach lighting system, or runway end identification lights (when airport development aid funds are used).
- (8) An airport development action that falls within the scope of paragraph 24 or which involves any of the following:
 - (a) Use of section 4(f) land.

(b) Effect on property included in or eligible for inclusion in the National Register of Historic Places or other property of state or local historical, architectural, archeological, or cultural significance.

(c) Wetlands, coastal zones, or floodplains.

(d) Endangered or threatened species.

b. FAA requests for conveyance of government land for airport purposes under section 23 of the Airport Act (see paragraph 34 for more detailed instructions).

c. Federal release of airport land (see paragraph 35).

d. The actions identified in this paragraph shall be supported through one of the following action choices based upon an environmental assessment.

- (1) Environmental impact statements.
- (2) Findings of no significant impact (see paragraphs 27 and 28).

e. Actions identified in this paragraph may be the subject of written reevaluations of previously approved environmental impact statements or findings of no significant impact. (See paragraph 103).

23. *Categorical exclusions.*

Paragraphs 21 and 22 identify specific airport actions such as major runway extensions which require, as a minimum, an environmental assessment. Paragraph 24 identifies extraordinary circumstances which create a requirement for environmental assessment of actions otherwise excluded. For any specific FAA airport project or program action, paragraphs 21, 22, 24, and 26 shall be reviewed. Unless specifically covered by those paragraphs, the following items are categorically excluded from the requirement for formal environmental assessment.

a. Runway, taxiway, apron, or loading ramp construction or repair work including extension, strengthening, reconstruction, resurfacing, marking, grooving, fillets and jet blast facilities, except where such action will create environmental impacts off airport property.

b. Installation or upgrading of airfield lighting systems, including beacons and electrical distribution systems.

c. Installation of miscellaneous items including segmented circles, wind or landing direction indicators or measuring devices, or fencing.

d. Construction or expansion of passenger handling or parking facilities including pedestrian walkway facilities.

e. Construction or repair of entrance and service roadway within airport property and relocation of these type

roads except where they connect to a public highway or street.

f. Grading or removal of obstructions on airport property and erosion control actions with no off-airport impacts.

g. Landscaping generally, and landscaping or construction of physical barriers to diminish impact of airport blast and noise.

h. Land acquisition associated with any of the above items.

i. Acquisition of: noise suppression or measuring equipment, security equipment required by rule or regulation for the safety or security of personnel and property on the airport (14 CFR Part 107), safety equipment required by rule or regulation for certification of an airport (14 C.F.R. Part 139) or snow removal equipment.

j. Issuance of airport planning grants.

k. Airport Development Aid Program actions which are tentative and conditional and clearly taken as a preliminary action to establish a sponsor's eligibility under the Program.

1. Retirement of the principal of bond or other indebtedness for terminal development.

m. Issuance of airport policy and planning documents including advisory circulars on planning, design, and development programs not intended for direct implementation or issued by FAA as administrative and technical guidance to the public.

n. Issuance of certificates and related actions under the Airport Certification Program (14 CFR Part 139).

o. Advisory actions as described in paragraph 25.

p. Any items identified in other appendices of this order as categorical exclusions. These items are not normally included in airport actions. There may be circumstances when such items, especially those associated with airways facilities, may be shown on an airport layout plan or included in an airport development action.

24. *Extraordinary Circumstances.* Proposed Federal actions, normally categorically excluded, which have any of the following characteristics shall be the subject of an environmental assessment. The FAA will determine, in accordance with paragraph 51, whether the action will be the subject of an environmental impact statement or finding of no significant impact.

a. An action that is likely to have an effect that is not minimal on properties protected under section 106 of the Historic Preservation Act of 1966, as amended, or section 4(f).

b. An action that is likely to be highly controversial on environmental grounds. A proposed Federal action is considered highly controversial when the action is

opposed by a Federal, state, or local government agency or by a substantial number of the persons affected by such action on environmental grounds. If the responsible official has any doubt whether a given number of opposing persons is "substantial," that doubt shall be resolved by discussion with APP-600 to determine if the action should be processed as a highly controversial one.

c. An action that is likely to have a significant impact on natural, ecological, cultural, or scenic resources of national, state, or local significance, including endangered species, wetlands, floodplains, coastal zones, prime or unique farmland, energy supply and natural resources, or resources protected by the Fish and Wildlife Coordination Act.

d. An action that is likely to be highly controversial with respect to the availability of adequate relocation housing. In an action involving relocation of persons or businesses, a controversy over the amount of the acquisition or relocation payments is not considered to be a controversy with respect to availability of adequate relocation housing.

e. An action that is likely to:

(1) Cause substantial division or disruption of an established community, or disrupt orderly, planned development, or is likely to be not reasonably consistent with plans or goals that have been adopted by the community in which the project is located; or

(2) Cause a significant increase in surface traffic congestion.

f. An action that is likely to:

(1) Have a significant impact on noise levels of noise sensitive areas;

(2) Have a significant impact on air quality or violate the local, state, or Federal standards for air quality;

(3) Have a significant impact on water quality or contaminate a public water supply system; or

(4) Be inconsistent with any Federal, state, or local law or administrative determination relating to the environment.

g. Other action that is likely to directly or indirectly affect human beings by creating a significant impact on the environment.

25. *Advisory Actions.* Some Federal actions, such as airspace actions, are of an advisory nature and are neither permissive nor enabling. Actions of this type are not ordinarily major Federal actions, and environmental assessments or statements are not required as a condition for accomplishing the action. If it is known or anticipated that some subsequent Federal action would require processing in accordance with

environmental procedures, the FAA shall so indicate in the advisory action.

26. *Cumulative Impact.* a. In determining whether an environmental impact statement is required for a proposed Federal action, it is necessary to consider the overall cumulative impact of the proposed action and the consequences of subsequent related actions. CEQ 1508.7 states that "Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

b. CEQ 1508.25 defines three types of actions to be considered in determining the scope of an EIS as follows:

"(a) Actions (other than unconnected single actions) which may be: (1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) Automatically trigger other actions which may require environmental impact statements. (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously. (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences (sic) together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement."

c. For airport actions, the effect of a number of decisions about a complex of projects can be individually limited to the extent that a finding of no significant impact or categorical exclusion would appear to be appropriate for each project; however, when considered together, the projects may have a considerable cumulative impact. In both environmental assessments and environmental impact statements, the total proposal must be considered. In the

context of the CEQ Regulations, the total proposal includes the proposed action and all other actions related to it. The following are some examples:

(1) Land acquisition and a future runway extension.

(2) Runway extension and road relocation, when the road needs to be moved to accommodate the extension.

(3) Grading for an Instrument Landing System and future installation of the ILS.

(4) Apron work for terminal area relocation which necessitates highway rerouting which in turn involves housing relocation. Terminal area relocation is the principal action justifying the project, but the effect on community disruption or other impacts due to the highway or housing relocation must be included in assessing the total proposal.

(5) An initial runway extension and a second phase extension when the total length is predicated on reasonable foreseeable demand forecasts (e.g., 10 years).

d. In determining when to consider the effects of actions by other agencies in the airport vicinity, the potential for combined significant impact shall be evaluated. For example, new highway construction and airport expansion in combination may create significant air quality impacts. Extensive earth moving from more than one project may combine to cause severe erosion or flooding problems.

e. For further detail on the treatment of present and related future actions, see Chapter 10.

27. *Findings of No Significant Impact Requiring Airport Act Section 16(c)(4) Coordination.* a. This action choice occurs when the proposed action involves the location of an airport, the location of a runway, or the major extension of a runway but does not have significant impacts. A finding of no significant impact shall be supported by an environmental assessment, prepared in accordance with Chapter 5, substantiating the determination that the proposed action will not significantly alter the airport's impact on its surrounding environment.

b. Pursuant to section 16(c)(4) of the Airport Act, DOI and EPA shall be consulted. The FAA shall forward a copy of the proposed finding of no significant impact (and environmental assessment) to both agencies and advise them that, although the project is not expected to significantly affect the quality of the human environment, they are being consulted pursuant to section 16(c)(4).

c. FAA processing and approval of this action choice are described in Chapter 6.

28. *Findings of No Significant Impact Not Requiring Section 16(c)(4) Coordination.* This action choice applies to those projects which do not have significant impacts, do not fall under section 16(c)(4) of the Airport Act, and are not categorically excluded under paragraph 23. Content, processing, and approval of this action choice are described in Chapter 6.

29. *Supplements.* The choice of preparing a supplement to a previously prepared draft or final environmental impact statement or to a finding of no significant impact with section 16(c)(4) coordination is appropriate in some instances of tiering, or when significant changes occur affecting the validity of previously prepared documents, or when significant new information is brought to light. Paragraph 104 discusses requirements for supplements.

Chapter 4. Special Instructions

30. *Airport Layout Plan Approvals. a. Applicability.* This paragraph applies to approvals of new or revised airport layout plans showing development actions identified in paragraphs 21 and 22a. It does not affect airport layout plan approvals prior to January 1, 1970. Other paragraphs of this handbook apply to Federal participation in development actions even if shown on an airport layout plan approved prior to January 1, 1970. (See CEQ 1506.12(b).)

b. *General.* Proposals to construct new runways, runway extensions, terminal buildings, or other major and supportive development are shown on an airport layout plan. Inclusion on the plan signifies that the proposed development has been identified by public sponsors for planning purposes. It does not represent a commitment by the sponsor to implement the indicated development. FAA reviews the planned development with respect to safety, efficiency, utility, and environmental impact. FAA's approval does not represent a commitment to provide financial assistance to implement the proposed plan. Environmental documents for airport layout plan approvals are subject to tiering as explained in detail in paragraph 101b(4). Tiering results in either an unconditionally or a conditionally approved airport layout plan.

c. *Approval.* (1) When all items of development covered by paragraphs 21 and 22a have been the subject of environmental approvals pursuant to the provisions of this order, the airport layout plan may be approved unconditionally.

(2) When such environmental action has not been completed, the airport layout plan may be approved subject to

the following condition which shall be included in the airport layout plan approval letter:

"The approval indicated by my signature is given subject to the condition that the proposed airport development identified by item herein as requiring environmental processing shall not be undertaken without prior written environmental approval by the FAA."

(3) The approval letter shall identify, by item, those items shown on the airport layout plan which are covered by paragraphs 21 and 22a which have not yet been environmentally approved by FAA.

(4) The FAA approval of an airport layout plan shall be indicated as follows:

(a) The FAA unconditional approval shall be shown on the face of the airport layout plan by use of the term "approved."

(b) The FAA conditional approval shall be shown on the face of the airport layout plan by use of the term "conditionally approved," with a cross-reference to the airport layout plan approval letter.

31. *Planning Grants. a. Planning grants* are not considered major Federal actions for purposes of section 102(2)(C) of NEPA. Neither are planning grants considered to be airport development projects for purposes of section 16(c)(4) of the Airport Act. Therefore, a finding of no significant impact or an environmental impact statement is not required for issuance of the grant. However, environmental considerations should be included as an integral part of master planning. The airport layout plan, which is one element of a master plan, is the vehicle through which the FAA acts with respect to airport planning and which is subject to the requirements in paragraph 30. Environmental actions may be taken to cover either the ultimate plan as developed by the study or stages of such development, depending on the independent utility of each stage and the certainty of ultimate development. Two major elements of an environmental assessment—noise and land use—are included in studies conducted under a planning grant for airport noise control and land use compatibility. See paragraph 41 for more information on the sponsor's planning process.

b. In the context of airport development, public meetings or other planning meetings held in conjunction with master planning may be expanded to incorporate some of the principles of scoping as described in paragraph 74, especially when it is reasonable to expect that the master plan will identify

needed development which has the potential for significant environmental impacts.

32. *Airport Location Approval.* The location of new airports or existing privately owned airports is subject to the appropriate environmental approval prior to receiving first time Federal aid. If location selection is made as an initial phase of a master planning study, the environmental assessment shall take into account enough of the ultimate planned development to assure that, with the best available information, the selection is based upon considerations that the need for and benefits of future development of the site outweigh any adverse environmental impacts.

33. *Land Acquisition.* Public sponsors may have the authority to acquire land adjacent to existing airports or for new airports without prior approval by the FAA. Such action could prejudice or preclude a favorable decision by the FAA on proposed changes in airport layout or development which would use the land thus acquired or on requests for reimbursement for the property. When FAA is notified or becomes aware of a possibility that such a situation may be occurring, FAA shall advise the public sponsor that such action must be consistent with pertinent environmental policy as expressed in this order, that the manner in which the particular property was acquired will be carefully considered by the FAA prior to approval of future FAA actions involving the property, and that particular attention will be given by the FAA to its responsibilities under section 4(f) to insure that a special effort is made to preserve the natural beauty of the countryside, public parks and recreation lands, wildlife and waterfowl refuges, and historic sites. Particular attention shall also be given by the FAA to actions by a sponsor involving wetlands, floodplains, coastal zones, endangered species, properties in or eligible for inclusion in the National Register of Historic Places, and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. A sponsor which has acquired land without prior approval by the FAA shall demonstrate to the satisfaction of the FAA that the acquisition was consistent with the policies expressed in this order and has not prejudiced full and objective consideration of alternatives or limited possible implementation of a preferable alternative.

34. *Conveyances of Land. a. Airport sponsors* may request conveyance of government owned land under section

23 of the Airport Act for the development, improvement, or future use of a public airport. This covers land for a new airport, expansion of an existing airport, protection of aerial approaches, and future airport projects. FAA Order 5170.1, entitled Transfer of Federal Lands, Section 23, of the Airport and Airway Development Act of 1970, contains FAA's procedures for such land transfers. The sponsor shall normally be required to include with the request to FAA for the land an environmental assessment in accordance with Chapter 5. An environmental assessment is not required if the use of the land falls within the scope of paragraph 23, Categorical Exclusions. The FAA responsible official shall consult with the Federal agency controlling the land to assure that environmental documentation meets the needs of the controlling agency as well as of the FAA. If an environmental impact statement is required, the FAA may act as either joint lead agency with the controlling agency or as a cooperating agency with jurisdiction by law and may request further information from the sponsor in order to complete the analysis of significant impacts.

b. The FAA may include environmental mitigation measures as covenants in the deed or patent which transfers the land or in an Airport Development Aid Program grant agreement for a project on the land.

c. FAA Order 5170.1 instructs "Where there is other Government land adjoining that which is being requested for an airport, an easement interest should be requested as necessary to protect the airport. This involves sufficient control to clear and protect the aerial approaches to the airport, to maintain freedom from electronic interference, or smoke-producing activities, and the right to overfly any land or any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport." The FAA responsible official shall pay particular attention to recommending that the FAA request such additional land as allowed and as determined necessary for compatible land use.

35. *Releases of Airport Land.* a. When a sponsor accepts a Federal airport development grant or a conveyance of Federal surplus property for airport purposes, the sponsor incurs specific obligations with respect to the uses of the property. FAA action is required to release a sponsor from obligations in the event the sponsor desires to sell the airport land. This action requires an

appropriate environmental assessment in accordance with the provisions of this order. The assessment shall address the known and immediately foreseeable environmental consequences of the release action and, as with other Federal actions regarding land, appropriate coordination with Federal, state, or local agencies shall be completed for applicable areas of environmental consideration (e.g., historic and archeologic site considerations, section 4(f) lands, wetlands and coastal zones, endangered species). In all cases, coordination with the State Historic Preservation Officer is required.

b. In making the final determination, the responsible Federal official shall consider the effects of covenants which will encumber the title and the extent of Federal ability to enforce these covenants subsequent to the release action. The standard conditions of release relative to the right of flight, including the right to make noise from such activity and the prohibition against erection of obstructions or other actions which would interfere with flight of aircraft over the land released, may be considered as mitigating factors in the environmental assessment especially regarding noise impacts and land use compatibility. When the intended use of released land is consistent with uses described and covered in a prior environmental assessment, the prior data and analysis may be used as input to the present assessment. When the conditions as set forth in Chapter 10 apply, a written reevaluation may be used to support the property release.

c. In some cases, another Federal agency may be the lead agency that is responsible for the preparation of an environmental assessment and environmental impact statement, if required. In these circumstances, the FAA may be a cooperating agency. To support the release action, the FAA may then adopt the environmental document prepared by the other agency in accordance with the provisions of CEQ 1506.3.

d. Long term leases which are not related to aeronautical activities or airport support services (i.e., convenience concessions serving the public such as shelter, ground transportation, food and personal services) and which require the FAA's consent for the conversion of dedicated airport property to the status of revenue producing property have, for all practical purposes, the effect of a release and shall be subject to an environmental assessment. Long term leases are normally those exceeding 20 years.

36.-39. *Reserved.*

Chapter 5. Early Planning, Preparation of Environmental Assessments, A-95 Review, Public Hearings

40. *Initiation of Environmental Process.* The environmental process begins at the local level with the airport sponsor. An overview of the process is discussed in paragraph 11 and a flow diagram is presented in Appendix 1 at the end of this handbook with the steps numbered for ease of reference. CEQ 1501.2 states "Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts." At this early point in time, the sponsor may be engaged in any one of the following activities which may be expected to result in a Federal action:

a. An airport master planning study (presumably leading eventually to approval of a new or revised airport layout plan or of a grant for construction).

b. An airport site selection study.

c. A new airport layout plan or a revision.

d. Formulation of an airport development project.

e. Plans to obtain government land for airport purposes through a conveyance under section 23 of the Airport Act.

f. Plans to obtain a release of airport land.

41. *Sponsor's Planning Process.* a. *General.* Steps 1, 2, and 3 in Appendix 1 indicate the minimum action expected from the sponsor to start the process. The sponsor identifies a problem and develops conceptual alternatives to solve it. These first three steps may involve a considerable amount of effort. In the case of a master planning study, for example, problem identification would involve inventory, forecasts, demand/capacity analyses, and the determination of facility requirements. The possible alternative ways to provide the required facilities would constitute the planning alternatives. From these alternatives, the sponsor may make a choice which is identified as the proposed action. In choosing among alternatives, environmental factors play a role. CEQ 1501.2(b) states "Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses." Consequently, in developing alternatives and in choosing a proposed course of action, environmental feasibility should influence choices, as should safety, economic, and technical feasibility. The amount of environmental detail at this early planning stage should

be commensurate with other planning analyses being undertaken by the sponsor and will obviously vary greatly between a comprehensive master planning study, for example, and a small development proposal. When a master planning study is done, the sponsor is encouraged to incorporate aircraft noise control land use compatibility planning and other environmental planning techniques in the study as a basis for subsequent environmental assessment. Whether it is possible at this stage for the sponsor to choose a proposed action among alternatives depends upon the type and complexity of the problem. If the identified problem is lack of sufficient airfield runway capacity or need for a new airport, the alternatives may be numerous and sufficiently complicated to preclude an obvious solution at this early stage. On the other hand, a problem such as providing additional apron space or locating a crash/fire/rescue building may be simple enough that relatively little effort is required to identify the problem, explore the relatively limited options, and choose the proposed action.

b. Design, Art, and Architectural Application. (1) Design, art, and architectural considerations are applicable to airport actions involving airport location; extensive earthmoving or other disruption of the natural environment or aesthetic integrity of an area; terminal and access road development; and to any development which may affect sensitive locations such as parks historic sites, or other public use areas. Such considerations shall be reflected in any environmental assessment prepared to the extent relevant.

(2) Applicability may best be determined by early consultation with appropriate local or state art or architecture councils or other organizations having special interest or experience in design, art, and architecture. The environmental assessment shall reflect such consultation which may be done directly or through the A-95 clearinghouse coordination.

(3) Consideration of the design arts in the preliminary design stage of project development is encouraged and shall be reflected in the environmental assessment to the extent information is available. Emphasis should be placed on design factors which will complement and support establishment of functional, efficient, and safe airport facilities while reflecting local, cultural, and architectural heritage considerations.

(4) Examples of the application of design, art, and architecture in airport actions include the following:

(a) The adverse effects of encroachment into residential or recreational area or disruption of scenic vistas may be minimized through appropriate design considerations. Architectural treatment of facilities can reflect and blend in with nearby architectural style. Painting or shielding of structures such as landing aid supports may reduce adverse visual impact as long as there is no interference with the safe performance of the facility.

(b) Actions which involve extensive earthmoving may create disruption of the landscape visible from great distances. Normal application of sound design and engineering principles will assure the control of erosion and provide adequate drainage. Extra care in slope design and plantings will help minimize adverse visual and other environmental impacts.

(c) Relocation of streams or other water courses in channels which reflect the natural characteristics of the existing stream may be more aesthetically pleasing and cost less than replacement by concrete sluiceways. Bank stabilization by appropriate plantings may improve appearance as well as control erosion.

(d) New facilities or major terminal expansion may provide an excellent means to recognize and reflect notable architectural, cultural, or ethnic assets of the area. Such influences may be reflected in interior design, landscaping, or architectural treatment.

(5) Whether or not a particular airport action requires the preparation of an environmental assessment, the FAA shall encourage airport sponsors to apply the principles of good design, art, and architectural treatment in anything they do which affects interface between the airport facilities and the public. To facilitate a better understanding of such policy and to provide advice, the FAA has available through its regional offices a slide/sound presentation entitled "First and Lasting Impression" and a companion report, "Design, Art and Architecture—A Study of Airports."

42. FAA's Initial Advice and Review. FAA personnel in regional offices and airports district offices will advise sponsors during the planning process. The locations and phone numbers of these offices are contained in Advisory Circular 150/5000-3D (or subsequent updates). The FAA's first required environmental review is indicated in step 4 of Appendix 1. This review has two basic objectives. The first objective is to determine whether the FAA agrees that a problem exists, that the problem has been correctly identified, and that appropriate alternative solutions have

been proposed. In evaluating whether the proposal has been properly defined and whether the appropriate range of actions and alternatives is being considered, FAA will apply CEQ 1502.4 and 1508.25. If the FAA is not satisfied, further consultation with the sponsor will be undertaken to resolve areas of disagreement. The second objective of this review is to determine whether the proposed action is one of categorical exclusion. Both paragraphs 23 and 24 shall be examined before a final determination is rendered by the FAA that a proposed action is a categorical exclusion. A categorical exclusion requires no further environmental processing, and the proposed Federal action may be approved by the FAA decisionmaker.

43. Requirement for Environmental Assessment. All proposed actions which are not categorical exclusions require an environmental assessment prepared by the airport sponsor. An environmental assessment is defined in CEQ 1508.9 and further elaborated on in 1501.3 and 1501.4. The completion of an environmental assessment shall normally precede the FAA's decision to prepare an environmental impact statement since the environmental assessment is a document used by the FAA to determine whether potential impacts appear to be significant. There are proposals, however, which normally require the preparation of an environmental impact statement per paragraph 21 or on which the FAA and the sponsor agree initially that impacts will be significant. In these cases, the FAA and sponsor may determine that the scoping process should not await completion of the environmental assessment. For these proposals, the sponsor's preparation of the environmental assessment shall be done concurrently with scoping as allowed in CEQ 1501.7(b)(3). If tiering is involved, sponsors should consult Chapter 10 and request special advice from the FAA prior to preparing an environmental assessment.

44. FAA Role in Environmental Assessment. The environmental assessment process is shown in steps 7 through 12 of Appendix 1. The FAA has responsibility in four ways:

a. Advice and assistance to the airport sponsor during the environmental assessment preparation.

b. Review of the environmental assessment (per step 8, Appendix 1) to determine its adequacy for a public hearing and review pursuant to Office of Management and Budget (OMB) Circular A-95 (Revised). At this time, the FAA will insure that the cover page of the environmental assessment contains a

notification that the environmental assessment has been prepared by the sponsor and that it will become a Federal document only after it is evaluated and signed on the cover page by the FAA responsible official.

c. Final review of the environmental assessment (per step 12, Appendix 1) at which point the FAA independently evaluates and takes responsibility for the environmental assessment per CEQ 1506.5(b). If not satisfied with the environmental assessment, the FAA may request the sponsor to correct deficiencies and resubmit it.

d. The decision to prepare either an environmental impact statement or a finding of no significant impact (step 13, Appendix 1) based on final review of the environmental assessment and completion of certain impact categories as necessary to make judgments on the significance of anticipated impacts.

45. *Early Coordination.* CEQ 1501.4(b) states, "The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing [environmental] assessments . . ." and in section 1506.2(b) "Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law." The FAA encourages the sponsor to undertake early coordination with appropriate Federal, state, and local agencies, industry groups, environmental agencies, and the community in the environmental assessment process. Such coordination shall be initiated as appropriate during the sponsor's planning process and development of alternatives and continue during the preparation of the environmental assessment prior to the formal coordination during the A-95 review process. Early coordination can serve a number of purposes. It is an aid in the identification of environmental impacts and can help trigger advance planning of measures to mitigate environmental effects, including changes in project design. The community can be provided with timely information and have its opinions heard at the earliest formative stage of the project, which may avoid serious controversy later on. The amount of early coordination advisable will depend on the complexity, sensitivity, and anticipated environmental impacts of the proposal. Information received during early coordination may be used in the environmental assessment.

46. *Purposes of Environmental Assessment.* CEQ 1508.9 indicates that the environmental assessment is a

concise document. It is the FAA's intention to adhere strongly to this instruction and to require only enough analysis in the environmental assessment for the following purposes:

a. To understand the problem and identify reasonable alternative solutions, including the proposed action.

b. To determine whether any potential impacts are significant, which would trigger the environmental impact statement process.

c. To provide the basis for the FAA's finding of no significant impact if the proposed action has no significant impacts.

d. To identify and satisfy special purpose Federal laws, regulations, and executive orders.

e. To identify and satisfy state and local laws and regulations applicable to the proposal.

f. In completing the above, to indicate agencies consulted (and to identify cooperating agencies for environmental impact statement preparation purposes).

In airport actions, inclusion of the proposed action in a. above would apply if the sponsor had chosen an action among alternatives. In reference to d. above, more specific information is included in paragraph 47e. Another purpose, not included above, is to identify any permits, licenses, or other entitlements required by the proposal.

47. *Format and Content of Environmental Assessment.* The environmental assessment shall incorporate some selected items of information required for an environmental impact statement in CEQ 1502.10. The information in the environmental assessment will, however, be in more abbreviated form than in an environmental impact statement. The following information is required:

a. *Cover Sheet.* This page is labeled "Environmental Assessment," identifies the airport, indicates that the environmental assessment was prepared by the airport sponsor (or for the sponsor by a contractor), and has the following notification at the bottom:

"This environmental assessment becomes a Federal document when evaluated and signed by the responsible FAA official.

Responsible FAA Official _____
Date" _____

b. *Purpose and Need.* This section shall identify the problem, the requested Federal action, and the timeframe for such action. Relevant statistical information supporting the fact that a problem exists shall either be included here or appended. Current and projected activity statistics shall be provided.

c. *Alternatives (Including Proposed Action).* (1) The CEQ Regulations include specific directions on the consideration of alternatives. While these directions are concerned with the environmental impact statement, they are also applicable to an environmental assessment, although in less finished detail than in an environmental impact statement. Applicable CEQ sections are:

(a) *Section 1502.1.* The environmental impact statement ". . . shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment."

(b) *Section 1502.2(e).* "The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decisionmaker."

(c) *Section 1502.14.* The environmental impact statement ". . . should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public."

(d) *Section 1502.14(a).* Agencies shall "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

(e) *Section 1502.14(b).* Agencies shall "Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits."

(f) *Section 1502.14(c).* Agencies shall "Include reasonable alternatives not within the jurisdiction of the lead agency."

(g) *Section 1502.14(d).* Agencies shall "Include the alternative of no action."

(h) *Section 1502.14(f).* Agencies shall "Include appropriate mitigation measures not already included in the proposed action or alternatives."

(2) The FAA responsible official shall apply the above CEQ directions and shall judge whether the alternatives put forward by the sponsor are sufficient for the environmental assessment. The range of alternatives considered shall be commensurate with the identified problem and the anticipated impacts. In any case, the no action alternative shall be considered. Low capital or noncapital alternatives such as the development and upgrading of reliever/satellite airports, the establishment of quotas, and the use of pricing systems shall be considered for proposed actions involving the addition of airfield

capacity to high activity air carrier airports where there exists one or more of the following constraints—safety, airspace limitations, land limitations, airport ground access, environmental impacts, financial limitations, political constraints.

(3) The Alternatives section of the environmental assessment shall include:

(a) A list of alternatives considered, including the proposed action, with only enough description to explain them. For each alternative, any connected or cumulative actions shall be included (CEQ 1508.25(a)(1) and (2)).

(b) Identification of the sponsor's proposed action if one has been chosen.

(c) A concise statement explaining why any initial planning alternatives have been eliminated from study.

(d) A listing under each alternative of any areas of potential significant impact or a statement that the alternative has no significant impacts per the threshold analyses performed under paragraph 47e below. The environmental assessment shall indicate whether an alternative is being analyzed on the basis of mitigation measures assumed to be built into it.

(e) A listing under each alternative of any applicable Federal, state, or local special purpose laws and regulations and potentially required permits and licenses (reference CEQ 1502.25(a)).

(f) Graphics as appropriate to aid in understanding the alternatives. These would be of value in showing alternative runway configurations, for example, although not useful in dealing with alternative transportation modes.

d. *Affected Environment.* CEQ 1502.15 shall be followed, in particular the sentence in this section which directs that "The descriptions [of the affected environment] shall be no longer than is necessary to understand the effects of the alternatives." This section may highlight important background material, such as previous development and environmental actions which help to explain the present proposal. It may also include such items as bond actions, action by the community or citizen groups pertinent to the proposal, or any other unique factors associated with the project which do not properly belong in another section of the document. The Affected Environment section of the environmental assessment includes:

(1) A location map, vicinity map, and airport layout plan.

(2) Existing and planned land uses and zoning in the affected airport vicinity, including affected residential areas, public parks, wildlife and waterfowl refuges, wetlands, floodplains, farmlands, coastal zones,

recreation areas, and historic facilities and archeological sites.

(3) Nearby schools and places of public assembly, hospitals, shopping areas, and adjacent political jurisdictions affected by the proposed development.

(4) Population, industrial and commercial growth characteristics, and assumptions used to justify the project and determine secondary impacts only if these are relevant to the proposal.

(5) Any contemplated future actions, including facility installations and procedural actions, which have not been included in the Alternatives section and which should be described to show their relationship to the proposal and to show the sponsor's intentions regarding their environmental assessment and development.

(6) Other planned and developed activities in the affected area (e.g., highways and other transportation projects, housing development and relocation, etc.) which are interrelated to the proposal and/or which would produce cumulative impacts.

e. *Environmental Consequences—Specific Impact Categories.* A brief examination of each of the applicable potential impact areas below shall be done and documented to determine if the impact may be significant. During the environmental assessment process, required specific consultation such as historic and cultural resource consultation with the State Historic Preservation Officer shall be accomplished. For the proposed action and reasonable alternatives, including the no action alternative, each of the following applicable impact categories shall be systematically examined.

(1) *Noise.*

(a) No noise analysis is needed for proposals involving utility or basic transport type airports whose forecast operations in the period covered by the environmental assessment do not exceed 90,000 annual adjusted propeller operations or 700 annual adjusted jet operations ("adjusted" as defined in Report No. FAA-AS-75-1, Developing Noise Exposure Contours for General Aviation Airports). These numbers of propeller aircraft operations result in cumulative noise levels not exceeding 60 Day/Night Level (Ldn) more than 5,500 feet from start of takeoff roll or 65 Ldn on the runway itself. Adjusted jet operations of 700 or less do not produce a 60 Ldn contour using this method. Note that the Cessna Citation 500, the Gates Learjet 35A, and any other jet aircraft producing equivalent or less levels of noise are quieter than many propeller aircraft under 12,500 pounds and

therefore may be counted as propeller aircraft rather than jet aircraft.

(b) A noise analysis is needed for proposals which individually or cumulatively involve airport location, runway location, major runway extension, or runway strengthening at any airport which is either:

1 Larger than basic transport.

2 Utility or basic transport at which forecast operations exceed those defined in (a) above,

3 Highly controversial because of noise impacts (reference paragraph 24b), or

4 Anticipated frequent usage by special aircraft such as helicopters in proximity to noise sensitive areas.

(c) When required by (b), an initial noise analysis may be accomplished by using Report No. FAA-AS-75-1 to develop contours of equal noise exposure using the Ldn cumulative noise methodology or by making a single point analysis using Report No. EPA 550/9-77-450, Calculation of Day/Night Levels (Ldn) Resulting from Civil Aircraft Operations. Such analyses shall be sufficient to identify whether any existing or planned noise sensitive areas outside airport boundaries would be exposed to noise levels exceeding 65 Ldn for present conditions and forecast conditions with and without the preferred alternative. Single point analysis where the flight paths cross airport boundaries may be sufficient for making this determination. The analysis shall consider the effects of other related actions, including installation of navigational aids and air traffic control procedures, reflecting as applicable the results of coordination with affected FAA operating services.

(d) If the initial noise analysis indicates that there are no existing or planned noise sensitive areas (as described in paragraph 85b) within the current or projected 65 Ldn OR that the cumulative increase in noise levels in such areas within 65 Ldn does not exceed 3 Ldn over that created without the project, no further analysis is necessary and it may be assumed that there would be no significant noise impact. To determine the amount of increase, it is necessary to consider the cumulative effects of related actions as more particularly described in paragraph 26 as well as the effects of any noise abatement procedures which exist. If these thresholds are exceeded, additional noise analysis is needed, as described in paragraph 85a.

(e) The text of the environmental assessment shall include a description of any mitigation measures existing or planned to minimize noise impacts. If a noise analysis is required, sufficient

information shall be presented to permit lay and technical readers to relate the noise level data used to an understanding of its potential effects. The text and graphics shall support the conclusions reached on noise impacts. The graphics shall include map(s) of the existing airport, proposed airport development, and the airport vicinity. Existing and planned land uses shall be illustrated, including the location of the nearest noise sensitive area(s). The illustrations shall be large enough and clear enough to be readily understood. When noise contours are developed, they shall be superimposed on a land use map(s) by prominent, legible lines and be clearly labeled.

(f) The above paragraphs refer to Ldn as the methodology to use for noise analysis. An acceptable exception is use of the Community Noise Equivalent Level (CNEL) where required to meet state requirements as in California. The Noise Exposure Forecast (NEF) methodology may also be used in environmental assessments or other analyses begun prior to the effective date of the order.

(2) *Compatible Land Use.*

(a) The compatibility of existing and planned land uses in the vicinity of an airport is usually associated with the extent of noise impacts related to that airport. In this context, if the noise analysis described above concludes that there is no significant impact, a similar conclusion usually may be drawn with respect to compatible land use. However, if the proposal would result in other impacts exceeding thresholds of significance which have land use ramifications (for example, disruption of communities, relocation, induced socioeconomic impacts, wetlands, floodplains, coastal zones, critical habitat of endangered or threatened species), the effects on land use shall be analyzed in this context and described accordingly under the appropriate impact category with any necessary cross-references to the Compatible Land Use section to avoid duplication.

(b) The Land Use section of the environmental assessment shall include documentation to support the required sponsor's assurance under section 18(a)(4) of the Airport Act that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. The assurance must be related to existing and planned land uses.

(c) FAA officials shall contact the sponsor and representatives of affected communities to encourage the development of appropriate compatible land use controls early in the project planning stage. The environmental assessment shall document what is being done by the jurisdiction(s) with land use control authority, including an update on any prior assurance. It is recognized that not all airport sponsors have direct jurisdictional control. However, sponsors are public agencies with a voice in the affairs of the community in which the airport development is undertaken and should be required, as a minimum, to use their best effort to assure proper zoning or other land use controls near the airport. Depending on the sponsors' capability, "appropriate action" could range from extension of such influence to acquisition of land in fee. It is the FAA official's responsibility to determine that appropriate action constituting reasonable assurance, has been or will be taken. FAA Advisory Circular 150/5050-6, Airport-Land Use Compatibility Planning, presents guidance for airport sponsors and planners to help achieve compatibility between airports and their environs.

(3) *Social Impacts.*

(a) The principal social impacts to be considered are those associated with relocation or other community disruption which may be caused by the proposal. If the proposal will not involve the need to relocate any residence or business; alter surface transportation patterns; divide or disrupt established communities; disrupt orderly, planned development; or create an appreciable change in employment, then no specific analysis is needed and a summary statement to this effect will be sufficient in the environmental assessment.

(b) If relocation of residences is involved, the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 must be met. Sufficient information is needed in the environmental assessment to assure that the relocation can be managed. Such information may need to be obtained from secondary or community sources. If the assessment indicates any insufficiency in available housing or a high degree of controversy with respect to availability (reference paragraph 24d), the action shall be construed as having potential significant social impacts and will require additional analysis as indicated in paragraph 85c. For purposes of the environmental assessment, the following information shall be provided.

1 Estimate of the numbers of individuals and families as well as the

characteristics of the households to be displaced (e.g., minorities, income levels, renter or owner, tenure, elderly, large families).

2 Impact on the neighborhood and housing to which relocation is likely to take place.

3 Indication of ability to provide adequate relocation housing for the types of families to be displaced. Include a description of special relocation advisory services to be provided, if any, for the elderly, handicapped, or illiterate regarding interpretation of benefits or other assistance available.

(c) If relocation of any business (including farm operations) is involved, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires that the owner be offered assistance in finding a location and reestablishing the business. Evidence to this effect shall be included in the environmental assessment. If the business relocation will create a severe economic hardship on the community, additional analysis is required in an environmental impact statement.

(d) If the proposal would result in alteration of surface transportation patterns or otherwise divide or disrupt established communities or orderly, planned development, such disruption shall not be considered significant unless there is a noticeable increase in congestion or access time to community facilities, recreation areas, or places of residence or business or other disruption which cannot be prevented or minimized. The environmental assessment shall document, to the extent applicable, measures taken to avoid significant disruption by such means as rerouting, street widening, or changes in land use patterns to minimize the effects of the project.

(e) The environmental assessment shall reflect the results of any consultation with local officials or with relocation or other social agencies or community groups regarding the social impacts of the proposed action.

(4) *Induced Socioeconomic Impacts.* For major airport development proposals there is the potential for induced or secondary impacts on surrounding communities. When such potential exists, the environmental assessment shall describe in general terms such factors as shifts in patterns of population movement and growth, public service demands, and changes in business and economic activity to the extent influenced by the airport development. Induced impacts will normally not be significant except where there are also significant impacts in other categories, especially noise,

land use or direct social impacts. In such circumstances, a more thorough analysis of induced effects may be needed in an environmental impact statement.

(5) *Air Quality.*

(a) Section 176(c) of the Clean Air Act Amendments of 1977 states in part that no Federal agency shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to a State Implementation Plan after it has been approved or promulgated under section 110. The Act requires that, in developing the Plan, the states must designate all areas as Nonattainment for those pollutants which do not meet air quality standards and as Prevention of Significant Deterioration for those pollutants which do currently meet standards but are controlled to prevent further significant deterioration beyond acceptable limits. State Implementation Plans may include one or more Transportation Control Plans approved by the metropolitan planning organization(s). It is FAA's responsibility to assure that Federal airport actions conform to state Plans for controlling areawide air pollution impacts.

(b) If the proposed Federal action involves airport location, development which would cause or allow an increase in aircraft operations, or major new construction or expansion of passenger handling or parking facilities with Federal funding, paragraph (c) below shall be reviewed to determine if an air quality analysis needs to be done for the environmental assessment. For other types of airport proposals, no air quality analysis is normally required for the environmental assessment; normally it may be assumed that there is no potential for significant air quality impacts. There may be exceptional actions, such as a proposed release of airport property for an industrial complex, which occur very infrequently and require FAA judgment on a case-by-case basis of how much and what kind of air quality information is needed.

(c) For the following four conditions, if 1 applies, then 2 and 3 do not. However, if 1 is not applicable, then 2 and 3 must be examined since an airport may be located in an area which is designated Nonattainment for some pollutants and Prevention of Significant Deterioration for other pollutants. An analysis pursuant to the National Ambient Air Quality Standards may be necessary per 4.

1 If the proposed Federal action meets the conditions in a or b below, no air quality analysis is needed unless there is doubt raised by the state air quality board, the designated air quality

region, the EPA, or others regarding inclusion in the Transportation Control Plan or conformity with the State Implementation Plan OR the state has established aircraft activity thresholds that trigger indirect source review. In such a situation, the airport sponsor shall contact the FAA for guidance. The environmental assessment shall include a letter from the air quality board or region supporting the applicable condition.

a The action is included in and consistent with an areawide Transportation Control Plan as determined by the state air quality board or designated air quality region.

b The action is not included in a Transportation Control Plan OR is in a location where there is no approved Transportation Control Plan or State Implementation Plan AND review by the air quality board or region ascertains that no analysis is needed.

2 If the proposed Federal action is in an area designated as Prevention of Significant Deterioration for pollutants subject to Prevention of Significant Deterioration review (presently only sulfur dioxide and particulates), no analysis of these pollutants is needed unless a large point source, such as a power plant on the airport, is involved in the action. Airport actions generally are not considered to be large point sources subject to Prevention of Significant Deterioration review.

3 If the airport location or proposed development is NOT in a Transportation Control Plan, is NOT otherwise exempted, and IS in an area designated as Nonattainment for a particular pollutant or pollutants, the Clean Air Act Amendments of 1977 require that, prior to development, the agency must demonstrate that there will be an improvement in air quality with regard to that pollutant or that the increased emissions of the pollutant are within the available growth increment of the approved State Implementation Plan. To demonstrate either of these conditions, an emission inventory or modeling exercise of the Nonattainment pollutants for existing and forecast conditions shall be done for the environmental assessment. If this analysis shows that either condition would be met, it may be assumed that there would be no significant impact with regard to the Nonattainment pollutant or pollutants. If neither condition would be met, further detailed analysis in an environmental impact statement is required under paragraph 85e.

4 No Air quality analysis is needed to ascertain conformance with National Ambient Air Quality Standards unless

such need is indicated by the air quality board or air quality region. If needed, the analysis usually can be limited to an emissions inventory for each alternative considered in the environmental assessment. Contact with the state or local air pollution control agency will provide information and requirements for a specific area.

(d) In any case, the environmental assessment shall include any measures to be incorporated in the action to minimize adverse air quality effects, including control of air pollution during construction.

(e) The Airport Act requires that Airport Development Aid Program applications for projects involving airport location, runway location, or a major runway extension shall not be approved unless the governor of the state in which the project is located certifies that there is "reasonable assurance" that the project will be located, designed, constructed, and operated in compliance with applicable air and water quality standards.

1 To establish a "reasonable assurance," applicable standards and implementation requirements must have been established and an official designated who has authority to enforce compliance with the standards. When standards have not been approved but applicable standards have been promulgated by the EPA, EPA's approval shall be obtained. Lack of objection to air and water quality considerations as set forth in the environmental assessment or environmental impact statement may be construed as EPA approval.

2 While the air and water quality certifications shall be included in the environmental assessment or environmental impact statement whenever possible, their inclusion is not a prerequisite to approval of a finding of no significant impact or final environmental impact statement if the document includes evidence from the governor or appropriate state official indicating a reasonable expectation that the certification will be given. The state's certification or the EPA's approval must be received, however, before the project can be approved by the FAA.

(6) *Water Quality.*

(a) The Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (commonly referred to as the Clean Water Act), provides the authority to establish water quality standards, control discharges into surface and subsurface waters, develop waste treatment management plans and practices, and issue permits for discharges (section 402) and for dredged

or fill material (section 404). The environmental assessment shall include sufficient description of design, mitigation measures, and construction controls applicable to the proposal to demonstrate that state water quality standards and any Federal, state, and local permit requirements can be met. Such factors as storm and sanitary sewer design, requirements for additional water supplies or waste treatment capacity, erosion controls to prevent siltation, provisions for containing fuel spills and waste water from aircraft washing, designs to preserve existing drainage or to minimize dredge and fill, and location with regard to an aquifer or sensitive ecological area such as a wetlands area shall be considered to the extent applicable to the individual proposal.

(b) Early consultation with local, state, and Federal agencies charged with implementation of water quality regulations and issuance of permits will normally identify any deficiencies in the proposal with regard to water quality or any additional information necessary to make judgments on the significance of impacts. The environmental assessment shall reflect the results of consultation with regulating and permitting agencies and with agencies that must review permit applications, such as the U.S. Fish and Wildlife Service, which may have specific concerns. Such consultation should be started at an early stage of the environmental assessment and may be completed during the A-95 review.

1 A water quality certification is required under the Airport Act for approval of an Airport Development Aid Program application for a project involving airport location, a major runway extension, or a runway location. The requirement for information in the environmental assessment concerning this certification is the same as for an air quality certification as described in paragraph 47e(5)(e) above.

2 Consultation with the EPA regional office shall be undertaken if there is the potential for contamination of an aquifer designated by the EPA as a sole or principal drinking water resource for the area pursuant to section 1424(e) of the Safe Water Drinking Act, as amended.

3 The Fish and Wildlife Coordination Act applies to any proposal which would affect water resources (i.e., wetlands; groundwater; impoundment, diversion, deepening, controlling, modifying, polluting, dredging or filling of any stream or other body of water). For this situation instructions in paragraph 47e(9)(c) below apply.

4 A National Pollutant Discharge Elimination System permit under section 402 of the Clean Water Act is required for discharges into navigable waters, a section 404 permit is required for dredged or fill material in navigable waters, and a section 10 permit under the Rivers and Harbors Act of 1899 is required for obstruction or alteration of navigable waters. "Navigable waters" have been very broadly defined in EPA regulations (reference 40 C.F.R. Part 230, Appendix A) and encompass most bodies of water (including wetlands) and their tributaries. EPA is charged with the overall responsibility for section 402 permits, and the U.S. Army Corps of Engineers for section 404 and section 10 permits. States, under specified conditions, have the authority to issue these permits. Other state and local permits pertaining to water quality may also be required. Consultation with appropriate officials is necessary to determine which permits apply; what information is needed to obtain permits; and whether a permitting agency anticipates a problem given the nature, location, and possible impacts of the proposal.

(c) For most airport actions, significant impacts on water quality can be avoided by design considerations, controls during construction, and other mitigation measures. If the environmental assessment, the appropriate consultation as described in paragraph (b) above, and the A-95 coordination demonstrate that water quality standards can be met, that no special water related problem exists, and that no anticipated permit difficulty is indicated, it may be assumed that there would be no significant impact on water quality. The environmental assessment shall include documentation from regulating and permitting agencies and list required permits. No further analysis is necessary.

(d) If the environmental assessment and early consultation show the potential for exceeding water quality standards, identify water quality problems which cannot be avoided or satisfactorily mitigated, or indicate difficulties in obtaining required permits, an environmental impact statement may be required. Further analysis is described in paragraph 85f.

(7) *Department of Transportation Act, Section 4(f).*

(a) Section 4(f) provides that the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or any land from a historic site of national, state, or local

significance as determined by the officials having jurisdiction thereof unless there is no feasible and prudent alternative to the use of such land and such program includes all possible planning to minimize harm.

1 Any part of a publicly owned park, recreation area, refuge, or historic site is presumed to be significant unless there is a statement of insignificance relative to the whole park by the Federal, state, or local official having jurisdiction thereof. Any such statement of insignificance is subject to review by the FAA.

2 Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes. National wilderness areas may serve similar purposes and shall be considered subject to section 4(f) unless the controlling agency specifically determines that section 4(f) is not applicable.

3 Where property is owned by and currently designated for use by a transportation agency and a park or recreation use of the land is being made only on an interim basis, a section 4(f) determination would not ordinarily be required.

4 Where the use of a property is changed by a state or local agency from a section 4(f) type use to a transportation use in anticipation of a request for FAA approval, section 4(f) shall be considered to apply, even though the change in use may have taken place prior to the request for approval or prior to any FAA action on the matter. This is especially true where the change in use appears to have been undertaken in an effort to avoid the application of section 4(f).

(b) If the action involves the taking or other use of any section 4(f) land as described in (a), the initial assessment shall determine if the requirements of section 4(f) are applicable. When there is an actual physical taking of section 4(f) land in conjunction with an airport proposal, there is no latitude for judgment regarding section 4(f) applicability. When there is no physical taking but there is the possibility of use of or adverse impacts to section 4(f) land, the FAA must determine if the activity associated with the proposal conflicts with or is compatible with the normal activity associated with this land. The proposed action is compatible if it would not affect the normal activity or aesthetic value of a public park, recreation area, refuge, or historic site. When so construed, the action would not constitute use and would not,

therefore, invoke section 4(f) of the DOT Act.

(c) If it is determined that section 4(f) is applicable and there are no feasible or prudent alternatives which would avoid such use under the criteria indicated in paragraph 83d, the effect on the 4(f) land shall be described in detail. The description of the land shall include size, activities, patronage, access, unique or irreplaceable qualities, relationship to similarly used lands in the vicinity, or other factors necessary to determine the effects of the action and measures needed to minimize harm. Such measures may include replacement of land facilities and design measures such as planting or screening to mitigate any adverse effects. Replacement satisfactory to the Secretary of the Interior is specifically required for recreation lands aided by the DOI's Land and Water Conservation Fund and for certain other lands falling under the jurisdiction of the DOI. The environmental assessment shall include evidence of concurrence or efforts to obtain concurrence of appropriate officials having jurisdiction over such land regarding actions proposed to minimize harm.

(d) If Federal grant money was used to acquire the land involved (i.e., open space under HUD, various conservation programs under DOI), the environmental assessment shall include evidence or reference to appropriate communication with the grantor agency.

(e) Whether or not Federal agency lands are involved, the documentation shall reflect consultation with the DOI and, as pertinent, HUD or USDA.

(f) The above instructions apply regardless of the extent of impact and shall be reflected in the environmental assessment. When section 4(f) applies and agencies which have jurisdiction agree that the effects of the action will be satisfactorily mitigated (e.g., by replacement "in kind" of a park or portion thereof), the action may be considered not to have significant section 4(f) impacts and no further analysis is needed. No objection by affected agencies may be construed as agreement for this purpose. If an agency which has jurisdiction advises that mitigation measures will not avoid significant effects, additional in-depth study and consultation may be necessary for inclusion in an environmental impact statement as described in paragraph 85g.

(8) *Historic, Architectural, Archeological, and Cultural Resources.*

(a) Two basic laws apply to this category of impact. Thresholds concerning both of these laws must be

examined in the environmental assessment.

1 The first law is the National Historic Preservation Act of 1966, as amended, which established the Advisory Council on Historic Preservation to advise the President and the Congress on historic preservation matters, to recommend measures to coordinate Federal historic preservation activities, and to comment on Federal actions affecting properties included in or eligible for inclusion in the National Register of Historic Places. The Advisory Council's most recent procedures for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) were published in the Federal Register on January 30, 1979. Subparagraph (b) below specifies requirements under the National Historic Preservation Act of 1966, as amended.

2 The second law is the Archeological and Historic Preservation Act of 1974 which provides for the survey, recovery, and preservation of significant scientific, prehistorical, historical, archeological, or paleontological data when such data may be destroyed or irreparably lost due to a Federal, federally licensed, or federally funded project. The DOI Heritage Conservation and Recreation Service's "Statement of Program Approach" was published in the Federal Register on March 26, 1979, (40 F.R. 18117) to advise on the manner in which this latter law will be implemented. Subparagraph (c) specifies requirements under the Archeological and Historic Preservation Act of 1974.

(b) The following are requirements under the National Historic Preservation Act of 1966, as amended.

1 An initial review shall be made to determine if any properties in or eligible for inclusion in the National Register of Historic Places are within the area of the proposed action's potential environmental impact. The "area of the proposed action's potential environmental impact" is that geographic area within which direct and indirect impacts generated by the proposed action could reasonably be expected to occur and thus cause a change in the historic, architectural, archeological, or cultural qualities possessed by the property. The National Register criteria shall be applied to all such identified properties. The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register. If no properties in or eligible for inclusion in the National Register have been identified within the area of the proposed action's environmental impact, this information

shall be documented in the environmental assessment with the letter from the State Historic Preservation Officer and a record of any other analysis or survey undertaken. No further analysis is needed.

a To aid in identifying properties, the Heritage Conservation and Recreation Service publishes the complete National Register listing each February in the Federal Register with updates each month. In addition, the State Historic Preservation Officer must be consulted for advice. State Historic Preservation Officer coordination may be accomplished through the A-95 process. Assistance may also be obtained from local officials, historical societies, museums, or academic institutions having jurisdiction or expertise with regard to such properties.

b If the State Historic Preservation Officer recommends the need for a professional cultural resource survey of the environmental impact area, the airport sponsor shall contact the FAA for a determination on whether such a survey is required for the environmental assessment. The FAA, in making this determination, should follow the recommendations of the State Historic Preservation Officer if the Officer provides good reason for believing that previously unidentified eligible historic, architectural, archeological, or cultural properties are within the area of the proposed action's environmental impact.

2 If any property in or eligible for inclusion in the National Register has been identified within the area of the proposed action's environmental impact, the Advisory Council on Historic Preservation's Procedures for the Protection of Historic and Cultural Properties shall be used to determine if the proposed action will have any effect on the property. Initially the Criteria of Effect (36 C.F.R. Part 800.3(a)) shall be applied in consultation with the State Historic Preservation Officer. If this criteria indicates and the Officer agrees that the proposal would not directly or indirectly affect those historic, architectural, archeological, or cultural characteristics of the property that qualified it to meet National Register criteria, a Determination of No Effect shall be documented in the environmental assessment with the relevant State Historic Preservation Officer letter. No further analysis is needed. If the airport sponsor and the State Historic Preservation Officer disagree on a proposed Determination of No Effect, the matter shall be referred to the FAA for resolution.

3 If the application of the criteria in 36 C.F.R. Part 800.3(a) indicates an effect on properties, the Criteria of Adverse

Effect (36 C.F.R. 800.3(b)) shall be applied. If it is determined and the State Historic Preservation Officer agrees that there would be no adverse effect, supporting documentation for a Determination of No Adverse Effect as specified in 36 C.F.R. 800.13(a) together with the written views of the State Historic Preservation Officer shall be forwarded to the Advisory Council on Historic Preservation for review by the Executive Director. Unless an objection is noted by the Executive Director within 30 days of receipt of adequate documentation, such documentation shall be included in the environmental assessment and no further analysis is needed. Disagreement on the determination of No Adverse Effect between the sponsor and the State Historic Preservation Officer or the Advisory Council shall be referred to the FAA for resolution as provided for in 36 C.F.R. 800.6(a)(2).

4 If an adverse effect on properties is indicated, a Determination of Adverse Effect shall be included in the environmental assessment with supporting documentation. A preliminary case report shall be prepared as specified in 36 C.F.R. 800.13(b), either as part of the environmental assessment or as a separate document, and submitted to the FAA for the Advisory Council's consultation process. It cannot be assumed that impacts are insignificant on properties in or eligible for inclusion in the National Register of Historic Places. Further consultation and analysis under the guidance of the FAA will be necessary as described in paragraph 85h.

(c) Following are the requirements under the Archeological and Historic Preservation Act of 1974.

1 If no information is made available through the National Register of Historic Places, the State Historic Preservation Officer, the A-95 review, or other persons or organizations with expertise that there is reason to believe that significant scientific, prehistoric, historic, archeological, or paleontological resources will be lost or destroyed by the proposed action, no further analysis under this Act is needed for the environmental assessment. It may be assumed that there would be no impact on such resources.

2 If the above consultation indicates the need for a professional resource survey of the area to be impacted, the airport sponsor shall contact the FAA for advice as described under subparagraph (b)1 above. If a survey is performed and indicates no significant resources within the area, the results of the survey shall be documented in the

environmental assessment. The survey itself shall be appended to the environmental assessment or referenced if it is voluminous. No further analysis is necessary to show that the impact is not significant.

3 If consultation and/or a survey are inconclusive with regard to the location of resources or the significance of resources, the airport sponsor may include a commitment in the environmental assessment to halt construction if resources are uncovered in order for a qualified professional to evaluate the importance of the resources and for recovery activity to occur. Such a commitment may enable the environmental document to be approved and the action to proceed without more extensive preliminary investigation. It is a matter of FAA judgment on a case-by-case basis whether such an approach is reasonable. If the FAA agrees, no further analysis is necessary; it may be assumed for purposes of the environmental assessment that the impact is not significant.

4 If consultation and/or a survey identify significant resources within the area of the proposed action's potential environmental impact, the National Register criteria shall be applied and the steps outlined under subparagraphs (b) 1 through 4 followed pursuant to the provisions of the National Historic Preservation Act of 1966, as amended. If a Determination of No Effect or No Adverse Effect can be made per subparagraph (b)2, or (b)3, respectively, it may be assumed that the impact is not significant. The environmental assessment shall document the appropriate determination. No further analysis is necessary.

5 If an adverse effect on significant resources is indicated, the sponsor shall consider project modifications that will avoid the loss or destruction of the resources and thereby not necessitate salvage. Resource salvage is generally less preferable than preservation in situ. If a commitment by the sponsor to preservation in situ reverses an adverse effect determination, the environmental assessment shall include the commitment and the supporting documentation of no adverse effect. No further analysis is necessary.

6 If a determination of adverse effect cannot be avoided, the instructions in subparagraph (b)4 apply and further consultation and analysis under the guidance of the FAA will be necessary as described in paragraph 85h.

(d) If the proposal involves the taking or use of any publicly or privately owned land from a historic or archeological site of national, state, or local significance which is included in or

eligible for inclusion in the National Register of Historic Places, section 4(f) of the DOT Act also applies. The section 4(f) instructions and paragraph 47e(7) above must be followed.

(9) *Biotic Communities (including both flora and fauna).*

(a) If the proposal would take or impact a publicly owned wildlife or waterfowl refuge of local, state, or national significance, the instructions in paragraph 47e(7) are to be followed to prepare the appropriate documentation required by section 4(f) of the DOT Act.

(b) Consideration of endangered and threatened species is required for all proposals under the Endangered Species Act Amendments of 1978. Instructions in paragraph 47e(10) below relate specifically to this Act.

(c) If the proposal would affect water resources (i.e., wetlands; groundwater; impoundment, diversion, deepening, controlling, modifying, polluting, dredging, or filling of any stream or other body of water), the Fish and Wildlife Coordination Act applies. Consultation is to be initiated with the U.S. Fish and Wildlife Service and with the state agency having administration over wildlife resources. Letters are to be obtained from the Fish and Wildlife Service and the state agency on the wildlife aspects of the proposal for the purposes of determining the possible damage to wildlife resources and of determining means and measures that should be adopted to prevent the loss of or damage to wildlife resources as well as to provide concurrently for the development and improvement of such resources.

1 If the letters from the Fish and Wildlife Service and the state agency indicate substantial damage to wildlife attributable to the proposal which will not be mitigated to a minimal level, the proposal is considered to be one with potential significant impacts. Further evaluation shall be performed under FAA direction as described in paragraph 85i.

2 If the letters from the Fish and Wildlife Service and the state agency indicate only minimal impacts, it may be assumed that there would be no significant impact on biotic communities. The environmental assessment shall include the letters from the Fish and Wildlife Service and the state agency and shall also include such justifiable means and measures to mitigate wildlife impacts as should be adopted to obtain maximum overall project benefits. No further analysis as described below is needed.

(d) If the proposal would not affect water resources as described in subparagraph (c) above, the Fish and

Wildlife Coordination Act does not apply. In this case, a series of thresholds are to be examined to determine if there is the potential for significant impact on biotic communities. The four subparagraphs below should be reviewed in the order given to determine which one applies to the proposal; e.g., if subparagraph 1 applies, the remainder do not and no further analysis is needed.

1 If the proposal would impact only man-dominated areas such as previously disturbed airport property, populated areas, or farmland, it may be assumed that there would be no significant impact on biotic communities.

2 If the proposal would impact other than man-dominated areas but the impacts would primarily be transient rather than permanent, such as dislocation or other impacts due to construction activities, it may be assumed that there would be no significant impact on biotic communities. The environmental assessment shall document the transient nature of the impacts and any mitigation measures. Mitigation measures may include:

a Erosion controls to protect adjacent biotic areas and aquatic communities.

b Phasing of construction to avoid breeding or nesting periods and to promote escape routes for mobile species.

c Landscape restoration to reconstitute existing habitat or create new habitat.

3 If the proposal would cause only a minor permanent alteration of existing habitat, it may be assumed that there would be no significant impact on biotic communities. "Minor alteration" generally refers to the removal of a few acres of habitat which represent a small percentage of the area's inventory or which support a limited variety or number of common wildlife species. "Minor alteration" is not applicable if the action involves removal of relatively small areas which are sensitive tracts occupying a strategic position in the vicinity or which supports rare (meaning not common) species or which constitute a large percentage of the remaining habitat of a particular kind. The environmental assessment shall not merely cite "minor alteration" but shall document the basis for the assumption of no significant impact and shall also document any mitigation measures.

4 If the proposal would involve the removal of a sizeable amount of habitat, of habitat which supports rare species, or of a small, sensitive tract but the accompanying loss of plant communities and displacement of wildlife do not

result in a significant long term loss to the area, it may be assumed that there would be no significant impact on biotic communities. In this case consider that, although displaced wildlife may move to adjacent land areas, a long term loss will accrue by virtue of reduction of the wildlife carrying capacity of the overall area. When wildlife habitat is removed, the possibility that the remaining habitat is insufficient in size and quality to continue to support all resident species must be considered. The input from the A-95 coordination and other informal coordination as necessary is to be used to determine the significance of the impacts. The environmental assessment shall document the impacts and mitigation measures and shall include supporting letters. Mitigation measures may include:

a Design adjustments to minimize impact on sensitive areas or species.

b Purchase of contiguous habitat as a preserve for dislocated wildlife or as a buffer zone.

(e) If the evaluation, using the thresholds in subparagraph (d), does not lead to the assumption that there would be no significant impact on biotic communities, the proposal is considered to be one with potential significant impacts. Further evaluation shall be performed under FAA direction as described in paragraph 85i.

(10) *Endangered and Threatened Species of Flora and Fauna.*

(a) Section 7 of the Endangered Species Act Amendments of 1978 requires each Federal agency to insure that "any action authorized, funded, or carried out by such agency . . . does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee. . . ."

(b) The procedure to be followed to determine impacts on endangered or threatened species and on critical habitat varies depending on whether the proposed action has a significant impact on the environment or not. Any major Federal action designed primarily to result in the building of man-made structures and which significantly affects the quality of the human environment is defined as a "construction project" by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. This includes Federal actions such as permits, grants, licenses, and other forms of Federal authorization or approval which may

result in construction. As soon as it appears that a proposed action will have a significant impact and therefore result in the preparation of an environmental impact statement, the sponsor shall institute the procedure below. In order to minimize delay, sponsors are encouraged to initiate this procedure as soon as thresholds in paragraph 47e are exceeded during the sponsor's assessment of the proposed action.

1 As required by section 7(c) of the Endangered Species Act Amendments, information shall be requested by FAA from the Regional Director of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whichever has jurisdiction, on whether any species which is listed or proposed to be listed may be present in the area affected by the proposed action. If the reply from the Fish and Wildlife Service or National Marine Fisheries Service indicates that no such species are present, it may be assumed that there would be no significant impact on endangered or threatened species. The environmental assessment shall include the letter from the Fish and Wildlife Service or National Marine Fisheries Service. No further analysis is necessary.

2 If, however, the reply from the Fish and Wildlife Service or National Marine Fisheries Service indicates that endangered or threatened species may be present in the area affected by the proposed action, a biological assessment shall be prepared to identify whether the species or critical habitat are likely to be affected by the action and what those effects would be. If this biological assessment indicates no effects on the species or critical habitat, it may be assumed that there would be no significant impact on endangered or threatened species. The environmental assessment shall include the biological assessment. No further analysis is necessary. The FAA shall forward the biological assessment to the Fish and Wildlife Service or the National Marine Fisheries Service for its records.

3 If the biological assessment indicates an effect on endangered or threatened species or on critical habitat, the proposal is considered to be one with potential significant impact. Consultation under section 7(a) of the Endangered Species Act Amendments of 1978 and further evaluation shall be performed under FAA direction as described in paragraph 85j.

(c) For proposed actions which are not "construction projects," the procedure below shall be followed.

1 The list of Endangered or Threatened Wildlife and Plants shall be

consulted to determine whether there are any such species in the area affected by the proposed action. If there are not, this information shall be included in the environmental assessment. No further analysis is necessary.

2 If there are endangered or threatened species in the area affected by the proposed action, the environmental assessment shall include an analysis of anticipated impacts on such species and their critical habitats. If this analysis shows that the proposed action would not affect endangered or threatened species or adversely modify their critical habitat, it may be assumed that impacts are not significant. No further analysis is necessary.

3 If the environmental assessment indicates an impact on endangered or threatened species or on critical habitat, the proposal is considered to be one with potential significant impact. Consultation under section 7(a) of the Endangered Species Act Amendments of 1978 and further evaluation shall be performed under FAA direction as described in paragraph 85j.

(11) *Wetlands.*

(a) Wetlands are defined in Executive Order 11990, Protection of Wetlands, as "those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction." Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." Wetlands also include estuarine areas, tidal overflows, and shallow lakes and ponds with emergent vegetation. Furthermore, the wetlands ecosystem includes those areas which affect or are affected by the wetland itself; e.g., adjacent uplands or regions upstream and downstream. Areas covered with water for such a short time that there is no effect on moist soil vegetation are not included within the definition of wetlands nor are the permanent waters of streams, reservoirs, and deep lakes.

(b) Wetlands are valuable ecological systems. They can serve to accumulate, convert, store, and supply basic nutrients; provide habitat for many kinds of wildlife; serve to regulate the flow of runoff waters and cleanse them of pollutants; provide a buffer against storm waters and help reduce flooding; serve as water recharge areas; and provide a scientific and recreational resource. The importance of wetlands to the Nation was reemphasized in

Executive Order 11990, issued May 24, 1977. This executive order provides that Federal agencies:

1 Avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, and

2 Avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds:

a that there is no practicable alternative to such construction, and
b that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(c) A proposal is considered to affect wetlands if it would involve development in a wetlands area; involve dredging, filling, draining, channelizing, diking, impounding, or otherwise directly impact a wetlands area; involve disturbing the water table of an area in which a wetland lies; or indirectly affect a wetland by impacting regions upstream or downstream or inducing secondary development. If there is uncertainty on whether an area is a wetland, the U.S. Fish and Wildlife Service or the local or state natural resource agency shall be contacted for further information.

(d) If the proposal does not affect a wetlands area, a sentence to this effect in the environmental assessment is sufficient. No further analysis is necessary.

(e) If the proposal would affect a wetlands area and there is a practicable alternative which solves the problem and avoids the wetlands impact, this alternative should become the proposed action. The term "practicable" means feasible. Whether another alternative is practicable depends on its feasibility in terms of safety, meeting transportation objectives, design, engineering, environment, economics, and any other applicable factors. Some additional cost alone does not necessarily make an alternative impractical since such cost may be recognized as necessary and justified to meet national wetlands policy objectives. If a practicable alternative is put forward as the new proposed action, no further wetlands analysis is necessary. The environmental assessment should document that the initial proposed action was eliminated from further study because of wetland impacts.

(f) If the proposal would affect a wetland and there is no practicable alternative, the following instructions apply:

1 The environmental assessment shall include information on the location, types, and extent of wetland areas that might be affected by the proposed action. This information may be obtained from the Fish and Wildlife Service or state or local natural resource agencies.

2 Evaluations of other categories of impacts as described under paragraph 47e are to be used to determine whether impacts on wetlands appear to be significant. Consideration shall be given to impacts on water quality, including effects on water supply and recharge capability, interference with surface and subsurface water courses, siltation and sedimentation, biotic community disruption, flood and storm hazards, development of secondary (induced) activities or services, and construction. The wetlands discussion in the environmental assessment may simply summarize and reference applicable discussions under other impact categories. Incorporate in an evaluation of impact on wetlands all practicable measures to minimize harm which will be implemented. These may include, but are not limited to:

a Modification of the design, construction, or operation of the facility, including collection of pavement surface runoff to prevent direct discharge into sensitive areas.

b Waste treatment.

c Development of compatible land uses.

d Special construction controls.

3 Early review of proposed actions shall be provided for agencies with special interest in wetlands. Such agencies include state and local natural resource and wildlife agencies, the Fish and Wildlife Service, the National Marine Fisheries Service, the Corps of Engineers, and EPA. This review may be combined as much as possible with the A-95 review. Those agencies which have permitting actions described below shall be asked to advise if they foresee any difficulty issuing such permits based on the initial assessment that the proposal has no practicable alternative which would avoid the wetland and that all possible mitigation measures have been taken. Such advice should include recommendations regarding additional measures which could be taken to enable their subsequent favorable action on such permits. Letters from these agencies shall be incorporated into the environmental assessment and their opinions used to determine significance of impacts and to pinpoint

potential problems in proceeding toward approval of the environmental document.

4 Specific consultation is required under the Fish and Wildlife Coordination Act with the U.S. Fish and Wildlife Service and the state agency having administration over the wildlife resources. For this analysis, documentation, and significance threshold, refer to paragraph 47e(9)(c) above.

5 The environmental assessment shall identify any permits that are required. Permit requirements for proposals affecting wetlands may include those identified below, which are further explained in paragraph 47e(6)(b).

a Section 402. Airport runoff into the surrounding environment may be considered to be a discharge subject to a Federal or state National Pollutant Discharge Elimination System permit pursuant to the Clean Water Act when the surrounding environment is a wetlands area.

b Section 404. Most wetlands are considered to be "navigable waters" for the purposes of the Clean Water Act.

c Section 10 of the Rivers and Harbors Act of 1899. Under this Act, wetlands may also fall under the permit requirements of the Corps of Engineers due to obstruction or alteration of navigable waters.

d State Permit. The proposal may be required to comply with a state wetlands permit system.

6 An opportunity shall be provided for early public review of any proposals involving wetlands. This may be accomplished through early coordination by the sponsor per paragraph 45, use of the A-95 dissemination per paragraph 48e, or the opportunity to review the environmental assessment prior to a public hearing when one is held for proposed actions as described in paragraph 49.

7 A wetlands which is in or adjacent to a coastal area may be subject to a state coastal zone management program. In this situation, the instructions in paragraph 47e(13) below shall also be followed.

8 Section 4(f) of the DOT Act may apply if wetlands are publicly owned lands as described in paragraph 47e(7). Wetlands subject to a publicly owned protective easement for provision of food and nesting to migratory waterfowl are considered to be publicly owned land of a wildlife and waterfowl refuge under section 4(f). The instructions in paragraph 47e(7) are to be followed for section 4(f) situations.

9 If the above analyses indicate any significant impacts on wetlands, the

instructions under paragraph 85k are to be followed.

(12) Floodplains.

(a) Floodplains are defined in Executive Order 11988, Floodplain Management, as "the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year," i.e., the area that would be inundated by a 100-year flood.

(b) Executive Order 11988 directs Federal agencies to "take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. . . ." DOT Order 5650.2, Floodplain Management and Protection, contains DOT's policies and procedures for implementing the executive order. The DOT order further defines the natural and beneficial values served by floodplains as including, but not limited to "natural moderation of floods, water quality maintenance, groundwater recharge, fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, aquaculture, and forestry." The executive order and the DOT order establish a policy to avoid taking an action within a 100-year floodplain where practicable. Every effort must be made to minimize the potential risks to human safety and property damage and the adverse impacts on natural and beneficial floodplain values.

(c) If the proposed action and reasonable alternatives are not within the limits of a base floodplain (i.e., 100-year flood area) and would not indirectly support secondary development within a base floodplain nor otherwise significantly impact a base floodplain, it may be assumed that there are no floodplain impacts. No further analysis is necessary.

1 To determine the limits of base floodplains, the Federal Insurance Administration (FIA) maps are the primary reference. A Flood Insurance Rate Map or Flood Insurance Study Report shall be consulted first. If neither of these maps is available, a Flood Hazard Boundary Map may be used to determine if the proposed action and alternatives are clearly out of the base floodplain. If the proposed action or any alternative appears to be near or inside the approximate boundaries of the Flood Hazard Boundary Map, more detailed boundary information must either be obtained or developed using the best available method meeting acceptable professional engineering standards. The delineation of floodplain limits shall

take proper account of previous alterations to the floodplain by flood retention works or other elements of the built environment. If a 100-year floodplain designation is in question, the FIA or the Corps of Engineers shall be contacted for information.

2 To determine whether other impacts are of concern to a base floodplain even though the proposed action is outside the floodplain, the evaluations of other categories of impacts as described in paragraph 47e are to be used with particular attention to potential effects on natural and beneficial floodplain values of water pollution, increased runoff from impermeable surfaces, alteration of hydrologic patterns, induced secondary development, and construction impacts. Consideration of impacts shall include proposed methods to minimize harm and to restore and preserve natural and beneficial floodplain values affected. In most cases, conceptual design as opposed to detailed engineering will be sufficient to help establish the adequacy of mitigation measures. Mitigation measures include:

a Construction controls to minimize erosion and sedimentation.

b Design of the facility to allow adequate flow circulation and preserve free, natural drainage.

c Use of pervious surfaces where practicable.

d Control of runoff.

e Waste and spoils disposal so as not to contaminate ground and surface water.

f Control of use of pesticides, herbicides, and fertilizer.

g Maintenance of vegetative buffers to reduce sedimentation and delivery of chemical pollutants to the water body.

h Land use controls (Executive Order 11988 directs Federal agencies to take floodplain management into account in evaluating land use plans and to acquire land and water resource use appropriate to the degree of hazard involved).

(d) If the analysis performed in accordance with the preceding paragraph indicate significant impacts on a base floodplain, a statement to this effect shall be included in the environmental assessment. Further analysis appropriate for an environmental impact statement is contained in paragraph 85.1.

(e) If the proposed action and reasonable alternatives are within the limits of a base floodplain, this is considered by DOT Order 5650.2 to be a floodplain encroachment. If the proposed action includes relocation housing built or moved to a new site within a base floodplain, this also

constitutes encroachment. It is not encroachment if the only step being taken in the floodplain is the relocation of persons into existing housing units. In this latter situation, potential occupants shall be advised if the relocation housing is located in a base floodplain and be offered alternative comparable housing at their option.

(f) It is DOT policy, in accordance with Executive Order 11988, to avoid where practicable encroachments in base floodplains by DOT actions. If there is a practicable alternative which solves the problem and avoids the encroachment, this alternative shall become the proposed action. The term "practicable" is defined under Wetlands Impact in paragraph 47e(11)(e) above. If a practicable alternative is put forward as the new proposed action, no further analysis is necessary if the new proposed alternative does not otherwise significantly impact the base floodplain. The environmental assessment shall document that the initial proposed action was eliminated from further study because of base floodplain encroachment.

(g) If the proposed action and reasonable alternatives would encroach within the limits of a base floodplain, the following instructions apply:

1 The environmental assessment shall indicate briefly why the action is proposed to be located in a floodplain and why there are not considered to be any practicable alternatives outside the base floodplain.

2 The environmental assessment shall include the map information, analyses, and proposed mitigation measures described under subparagraph (c) above and shall also consider any risk to, or resulting from, the airport action in the base floodplain, including long term loss of available flood storage volume. In addition to measures listed under subparagraph (c), mitigation measures for base floodplain encroachments may include:

a Commitments to special flood related design criteria.

b Elevation of facilities above base flood level.

c Location of nonconforming structures and facilities out of the floodplain.

d Minimizing fill in floodplains.

3 The environmental assessment shall indicate if the encroachment would result in one or more of the construction or flood related impacts listed below. If so, the encroachment is considered by DOT Order 5650.2 to be a significant encroachment. It is not contemplated that detailed design would be necessary in order to determine whether there is a significant encroachment. (A significant

encroachment will require a Federal finding as part of any favorable decision on the action that there is no practicable alternative and that the action conforms to applicable state and/or local floodplain protection standards.) A significant encroachment involves:

a A considerable probability of loss of human life.

b Likely future damage associated with the encroachment that could be substantial in cost or extent, including interruption of service on or loss of a vital transportation facility.

c A notable adverse impact on natural and beneficial floodplain values.

4 The environmental assessment shall indicate if the proposed action is in a special flood hazard area designated by the FIA or proposed to be so designated. Special flood hazard areas are shown as zones A or V on Flood Hazard Boundary Maps. Under the Flood Disaster Protection Act of 1973, Federal agencies are prohibited from providing financial assistance for acquisition or construction of buildings in areas which have been designated by the FIA as special flood hazard areas for at least one year and which are in communities that are not participating in the national flood insurance program.

5 The environmental assessment shall identify any state and local floodplain regulations and standards that must be adhered to, indicate whether the proposed action will conform, and name the state and local agencies having jurisdiction.

6 An opportunity shall be provided for early public review of base floodplain encroachments. This may be accomplished through existing public involvement procedures as indicated in paragraphs 45, 48e, and 49. Any public hearing presentations shall include identification of encroachments. If one or more of the alternatives under consideration include significant floodplain encroachments, any public notices, notices offering the opportunity for a public hearing, public hearing notices, and notices of the availability of environmental assessments shall make reference to that fact.

(h) If no significant encroachment within a base floodplain is involved as defined in subparagraph (g)3 above, it may be assumed that there would be no significant floodplain impact. No further analysis and no special floodplains findings are necessary.

(i) If a significant encroachment is involved which could result in either loss of life or substantial future damage or both but would not result in notable adverse impacts on natural and beneficial floodplain values, these circumstances do not by themselves

require the preparation of an environmental impact statement. CEQ 1508.14 states that ". . . economic or social effects are not intended by themselves to require preparation of an environmental impact statement." While further consideration on the floodplains aspects of the proposed action would be prudent on the part of the sponsor and the FAA before proceeding, a finding of no significant impact is the appropriate action choice in this circumstance assuming there are no other significant environmental impacts associated with the action. The findings delineated in paragraph 94b(6) would be required for the project decision.

(j) If a significant encroachment is involved which would result in notable adverse impacts on natural and beneficial floodplain values, this would require the preparation of an environmental impact statement and further analysis as described in paragraph 85.1.

(13) Coastal Zone Management Program.

(a) Detailed procedures for determining Federal consistency with approved coastal zone management programs are contained in the National Oceanic and Atmospheric Administration (NOAA) Regulations (15 CFR Part 930). The sections most relevant to airport actions are subpart D, Consistency for Activities Requiring a Federal License or Permit, and subpart F, Consistency for Federal Assistance to State and Local Governments. If there is no approved state program, the instructions below do not apply. However, the environmental assessment shall in any case consider impacts on coastal areas. This may be done through analyses performed under other impact categories (e.g., water quality, biotic communities, construction impacts) as appropriate, using the thresholds established under these respective categories. If thresholds of significance are exceeded, a more detailed coastal area and/or marine analysis may be necessary in an environmental impact statement. Coastal areas may also be designated as wetlands and require the special treatment described in paragraph 47e(11) above.

(b) The principal means used to determine if a proposed Federal action is consistent with an approved coastal zone management program is through the A-95 clearinghouse review process as described in paragraph 48. To the extent possible, the information provided shall include a detailed description of the proposed action and any associated facilities sufficient to permit an assessment of their probable coastal zone effects and consistency

with the provisions of the approved coastal zone management program. If, through the A-95 process, the state coastal zone management agency does not object to the proposed action, no further action is necessary. The environmental assessment shall document the result of such coordination.

(c) Approval of airport layout plans could by definition in the NOAA Regulations be a Federal permitting action subject to subpart D. Unless this activity has specifically been identified in a given state's coastal zone management program or unless a state coastal zone management agency specifically advises the sponsor and FAA through A-95 or review of an environmental impact statement that an airport layout plan approval action would significantly affect a coastal zone, subpart D of the NOAA regulations will not apply and no further action is needed. If subpart D applies, the applicant must provide more specific information including a consistency certificate, and the state agency has up to six months within which to register objection.

(d) If the state coastal zone management agency objects to the proposed action on the basis of failure to provide sufficient information, it must describe the nature of the information needed to determine consistency with the coastal zone management program. Otherwise, any objection must identify how the proposed action is inconsistent with specific elements of the management program and alternative measures which, if adopted, would permit consistency. The objection shall also provide information on the right to appeal to the Secretary of Commerce pursuant to subpart H of the NOAA Regulations. Such appeal must be made within 30 days of notice of the objection. When an objection has been raised which cannot be satisfied by providing additional information or otherwise be resolved through informal discussions to avoid the need for an appeal as provided in subpart H, the sponsor may file a notice of appeal as soon as possible and notify the FAA accordingly. The action shall not be approved unless such an objection is successfully appealed.

(e) As a result of an appeal, the Secretary of Commerce may find that the action is "consistent with the objectives and purposes of the [Coastal Zone Management] Act" and permissible even though it is inconsistent with a state's management program. Such finding may be made on the basis that the action:

1 Furthers one or more of the competing national objectives or purposes defined in the Act;

2 Will not cause adverse impacts on the natural resources of the coastal zone substantial enough to outweigh its contribution to the national interest;

3 Will not violate the requirements of the Clean Air Act or Clean Water Act; and

4 No reasonable alternative exists which permits the action to be consistent with the management program.

Such a finding by the Secretary of Commerce shall become part of the environmental documentation prior to any approval action.

(f) The nature and timing of the requirements related to actions affecting a coastal zone are such that any issues raised should normally be resolved by the sponsor during the environmental assessment process. Successful resolution will usually mean that any impact with respect to an approved coastal zone management program is not significant and no further information is needed.

(14) *Prime and Unique Farmland.*

(a) If any farmland is to be converted to other uses as a direct result of the proposed action or induced development, the local office of the USDA shall be contracted to determine if the farmland is identified as prime or unique. If it is not prime or unique, the contact shall be documented in the environmental assessment; no further analysis is necessary.

(b) If prime or unique farmland is to be converted, the environmental assessment shall describe present uses of the farmland, the amount to be converted compared with the total amount of such land in the area, and any proposed mitigation measures. The local USDA office should be asked to review this information and, unless the USDA indicates that the conversion constitutes a potential significant loss, no further assessment is needed except to document the result of the USDA review.

(c) If the USDA does indicate a potential significant loss, the instructions in paragraph 85n apply.

(15) *Energy Supply and Natural Resources.*

(a) Energy requirements associated with the action fall generally into two categories:

1 Those which relate to changed demands for stationary facilities (e.g., airfield lighting and terminal building heating). For purposes of the environmental assessment, the proposal shall be examined to identify any

proposed major changes in stationary facilities which would have a measurable effect on local supplies. If there are major changes, power companies or other suppliers of energy shall be contacted to determine if projected demands can be met by existing or planned source facilities.

2 Those which involve the movement of air and ground vehicles. Increased consumption of fuel by aircraft need only be examined if average ground movement or runup times are increased substantially without offsetting efficiencies in operational procedures or if the action includes a change in flight patterns, such as from noise abatement procedures, which adds noticeably to flight times. Ground vehicles' fuel consumption shall be examined only if the action would add appreciably to access time or if there would be a substantial change in movement patterns for on-airport service or other vehicles.

(b) Use of natural resources other than for fuel need be examined only if the action involves a need for unusual materials or those in short supply.

(c) For most airport actions, changes in energy or other natural resource consumption will not result in significant impacts. If the environmental assessment identifies problems with demands exceeding supplies, changes in aircraft or ground vehicle use which would greatly increase fuel consumption, or the proposed substantial use of natural resources in short supply, additional analysis will be required in an environmental impact statement per paragraph 85o. Otherwise, it may be assumed that impacts are not significant.

(16) *Light Emissions.*

(a) The sponsor shall consider the extent to which any lighting associated with an airport action will create an annoyance among people in the vicinity of the installation. The following information shall be included in the environmental assessment whenever the potential for annoyance exists:

1 Site location of lights or light system.

2 A brief description of the light system as to its purpose, method of installation (pole or ground mounted), beam angle, intensity, color, flashing sequence, and other pertinent characteristics of the particular system and its use.

3 Measures to lesson any annoyance, such as shielding or angular adjustments.

(b) Only in unusual circumstances, as for example when high intensity strobe lights would shine directly into people's homes, will the impact of light emissions

be considered sufficient to warrant special study and a more detailed examination of alternatives in an environmental impact statement. Normally, it may be concluded that no significant impact would occur.

(17) *Solid Waste Impact.*

(a) Airport actions which relate only to airfield development (runways, taxiways, and related items) will not normally include any direct relationship of solid waste collection, control, or disposal other than that associated with the construction itself (reference paragraph 47e(18)).

(b) Terminal area development may involve circumstances which require consideration of solid waste impacts. Preliminary review should indicate if the projected quantity or type of solid waste generation or method of collection or disposal will be appreciably different than would be the case without the action. If there is an appreciable difference, consultation with local officials shall determine if there is any potential problem with either capacity of available disposal facilities or location which may violate any local, state, or Federal regulations. Special attention shall be given to the control of hazardous waste.

(c) Consultation with local officials shall also determine the location of all solid waste disposal facilities within or planned to be within 1,500 meters of all runways planned to be used by piston-type aircraft and within 3,000 meters of all runways planned to be used by turbojet aircraft. A preliminary study of disposal sites within the above distances should determine if a potential bird hazard exists and if the affected planned runways need to be modified. (Meters used in lieu of feet per EPA.)

(d) The environmental assessment shall document the results of the consultation; the nature of any potential problems, including the siting of runways in the vicinity of active or planned solid waste disposal facilities; and the manner in which waste products will be controlled to comply with any applicable regulations. If it is necessary to explain a problem concerning solid waste system loading resulting from terminal development, an estimate of current and projected quantities of waste production and disposal capacity shall be included. Only if there are significant unresolved issues will additional analysis be needed in an environmental impact statement.

(18) *Construction Impacts.*

(a) Specific effects during construction which may create adverse environmental impacts include noise of construction equipment on the site, noise and dust from delivery of

materials through residential streets, creation of borrow pits and disposal of spoil, air pollution from burning debris, and water pollution from erosion. The extent to which any of these effects are subject to local, state, or Federal ordinances or regulations shall be discussed as applicable together with measures to be taken to conform with such requirements.

(b) In general, impacts during construction are of lesser magnitude than long term impacts of the proposed action. Many of the specific types of impacts which could occur will be covered in the descriptions of other impact categories. To the extent not discussed elsewhere, this item shall include a general description of the type and nature of the construction and measures to be taken to minimize potential adverse effects. As a minimum, reference shall be made to the incorporation in project specifications of the provisions of Advisory Circular 150/5370-7, Airport Construction Controls to Prevent Air and Water Pollution.

(c) Only in unusual circumstances, as for example construction in an ecologically sensitive area or construction involving substantial urban effects, would this impact category be considered to create significant consequences which may not be adequately mitigated. It is a matter of FAA judgment to determine if such circumstances exist and require the preparation of an environmental impact statement.

f. *Environmental Consequences—Other Considerations.* To the extent not covered in the Specific Impact Categories under paragraph 47e, the Environmental Consequences section of the environmental assessment shall include discussion of the following:

(1) "Possible conflicts between the proposed action and the objectives of Federal, regional, state, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned" (CEQ 1502.16(c)). If the proposal is not reasonably consistent with plans, goals, policies, or controls that have been adopted for the area in which the airport is located, an environmental impact statement is required.

(2) ". . . [A]ny inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned)" (CEQ 1506.2(d)). If the proposal is inconsistent with a Federal, state, or local law or administrative determination relating to the environment, an environmental impact statement is required.

(3) "Means to mitigate adverse environmental impacts . . ." (CEQ

1502.16(h)) which were not included in the Alternatives section and are important in judging the significance of an impact or in supporting a section 16(c)(4) finding that "the proposed action includes all possible steps to minimize any adverse effects."

(4) Degree of controversy on environmental grounds. If the proposal is highly controversial with regard to an impact that is determined to be significant according to the thresholds in paragraphs 47e and 85, an environmental impact statement is required. Otherwise, no further analysis is needed and a finding of no significant impact may be prepared.

g. *Preparers.* The preparers of an environmental assessment shall be identified, and other information on the preparers per paragraph 87 shall subsequently be made available to the FAA if an environmental impact statement is prepared.

h. *Appendices.* The environmental assessment shall have appended to it the following:

(1) Any documentation supporting statements in the body of the environmental assessment, including methodologies and sources used. Such documentation should be minimal in an environmental assessment.

(2) An air and water quality certification pursuant to section 16(e) of the Airport Act if one is required and has been obtained at this stage.

(3) A listing of agencies and persons consulted and any responses.

(4) Evidence that A-95 coordination has taken place, comments and recommendations received through the A-95 review process, and responses to such comments.

(5) A summary of citizen involvement, evidence of the opportunity for a public hearing if required under section 16(d) of the Airport Act, and a summary of issues raised at any public hearing held.

(6) Any cost-benefit analysis that the sponsor has done. See CEQ 1502.23 for more specific information when a cost-benefit analysis is being considered for the proposed action.

48. *A-95 Review Process.*

a. Review of proposed Airport Development Aid Program actions by state and local government organizations routinely occurs through procedures set forth in OMB Circular A-95 (Revised). The purpose of the A-95 clearinghouse process is to assure that proposed federally assisted programs and projects are reviewed and evaluated in advance in terms of their potential impact on or conflict with statewide or areawide comprehensive planning or upon the plans and programs of local governments. In the

case of proposed actions which are not Airport Development Aid Program actions, it is suggested that the sponsor consider use of the A-95 review procedure to solicit input to the environmental assessment from state and local agencies in order to reduce the need for independent contacts with affected agencies.

b. The A-95 clearinghouse process for projects is set forth in Special Federal Aviation Regulation, Part 35.

c. Under A-95 procedures, sponsors are required to notify the appropriate clearinghouses as soon as project planning has developed in sufficient detail to inform the clearinghouses of the nature and scope of the development proposed to be undertaken for which Federal assistance will be sought. This should take place at least 60 days prior to the date the sponsor submits its preapplication form requesting Federal assistance.

d. During the initial clearinghouse review period, the preapplication for Federal aid may be completed. This period may also be used to complete the requirement for public hearings, if applicable. The A-95 procedure includes provisions for consideration of the project's probable impact on the environment and input from areawide and local agencies authorized to develop and enforce environmental standards or which have expertise or jurisdiction with respect to environmental impacts. An appropriate vehicle to solicit such input is the environmental assessment.

e. The clearinghouse should be asked to inform known interested groups of the project. If either the sponsor or FAA has knowledge of such groups, this information should be given to the clearinghouse. During this same period, the clearinghouse may act as liaison between the agencies affected and the sponsor, arranging meetings and such other forms of consultation as may be necessary to work towards resolution of any problem raised by the proposed project.

f. The comments and recommendations received through the A-95 clearinghouse process become input to the sponsor's environmental assessment and ultimately must be reported and appropriately addressed in the FAA's environmental documentation.

49. Public Hearing.

a. If a new airport location, a new runway, or an extension of an existing runway is involved, the sponsor must afford the opportunity for public hearings as required by section 16(d)(1) of the Airport Act. The public hearing opportunity shall normally be afforded

prior to formal submission of a sponsor's environmental assessment.

b. In deciding whether a public hearing is appropriate in other cases, the FAA and sponsor shall consider the provisions of CEQ 1506.6(c)(1) and (2); i.e., whether there is:

"(1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.

"(2) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. . ."

c. In preparing for a public hearing, the sponsor is required to comply with the requirements in section 152.73 of the Federal Aviation Regulations. Notice of the hearing is required to be published in an areawide or local newspaper of general circulation and shall include:

(1) The intent to undertake the proposed airport development, with a concise description of the proposed development;

(2) The opportunity for a public hearing;

(3) The scheduling of a public hearing (time, date, and place), if requested by interested parties; and

(4) The availability and location of an environmental assessment if one is required by paragraph 21, 22, or 24; or a statement that, in accordance with FAA Order 5050.4, Airport Environmental Handbook, the proposed development will not have a significant effect on the environment and is categorically excluded from the requirement to prepare an environmental assessment.

d. Additional information concerning the public hearing is contained in Advisory Circular 150/5100-7A. Hearings may be held by the sponsor simultaneously with the A-95 review process. An environmental assessment, if required by the FAA, is to be made available for public examination at least 30 days prior to the hearing and so indicated in the hearing notification. Comments received through the A-95 process should be made available at the public hearing if the A-95 process has been completed.

e. A detailed summary of issues raised in public hearings is to be included in an environmental assessment. A hearing transcript need not be included, but at least one copy of the transcript must be obtained by the sponsor for the record. The sponsor must furnish a copy of the transcript to the FAA upon request.

50. FAA Submission.

a. The sponsor shall revise the environmental assessment as necessary as a result of the A-95 review, any public hearing, and other input and shall

submit a completed assessment per paragraph 47 to the FAA. The environmental assessment shall be submitted, depending upon the type of action proposed, at any time in the project formulation but not later than at submission of the sponsor's preapplication for Federal aid or the sponsor's request for either FAA approval of a new or revised airport layout plan, FAA approval of an airport location, conveyance of government lands for airport purposes under section 23 of the Airport Act, or FAA approval of a release of airport land.

b. The FAA may require corrections or additional information from the sponsor before accepting the environmental assessment. The FAA's acceptance of the environmental assessment will be indicated on the cover page by the signature of the responsible FAA official. From this point on the environmental assessment is a Federal Document for which the FAA is responsible. The number of copies of the environmental assessment submitted to the FAA shall be determined by consultation with the FAA and, for findings of no significant impact, shall include a copy designated as a reproducible master which must be of good quality.

c. If no environmental assessment is required by the FAA, such as for runway extensions which are not major runway extensions, and a public hearing is held, the sponsor shall submit a written report to the FAA which summarizes the issues raised, alternatives considered, conclusion reached, and reasons for the conclusion. The sponsor must furnish a copy of the transcript to the FAA upon request. The responsible official shall review the written report to determine whether the action should remain a categorically excluded action or whether it appears to be covered by conditions set forth in paragraph 21, 22, or 24.

51. FAA Completion of Environmental Assessment and Decision.

a. The FAA is responsible for making the judgment, based on the environmental assessment and any other known information, of whether the action choice will be an environmental impact statement or a finding of no significant impact and shall inform the sponsor of this decision.

b. If no thresholds indicating the potential for significant impact are exceeded for the proposed action, the environmental assessment, when evaluated and accepted by the FAA, will have been completed. The FAA decision will be to prepare a finding of no significant impact.

c. If some thresholds are exceeded, the environmental assessment may not have been completed when it is evaluated and accepted from the sponsor by the FAA, and the FAA may not be able to make a decision on the appropriate action choice until completing further evaluation and consultation. This situation may occur for two reasons. One is that a number of thresholds of significance may produce borderline cases which require further FAA evaluation, in consultation with appropriate officials having jurisdiction and expertise, in order to make a final judgment on whether impacts are significant. The second reason is that there are some consultations, such as the section 7(a) consultation under the Endangered Species Act Amendments or the consultation with the Advisory Council on Historic Preservation, which are required when specific categories of impacts may be of significant concern and for which the FAA rather than the sponsor must take the lead. When enough evaluation and applicable consultations have been completed by the FAA to judge for each category of impact whether the impact is significant or not, the FAA shall complete the documentation of the environmental assessment and make its decision on the action choice.

d. In order to minimize overall environmental processing time, sponsors should inform the FAA as soon as they find that their initial analysis exceeds thresholds of significance. Consultations can then be initiated without delay and advice offered on what the needs for additional information for more detailed analysis are likely to be. These further actions need not be delayed until the sponsor's final submission of the environmental assessment but can be pursued simultaneously with the environmental assessment preparation.

e. To assist in resolving uncertainties on whether impacts are significant, it may be prudent to initiate scoping prior to a firm final decision to prepare an environmental impact statement and prior to issuing a Notice of Intent per CEQ 1501.7. Scoping, under these circumstances, may eliminate from detailed study all issues as insignificant and thereby lead the responsible FAA official to determine that a finding of no significant impact is the appropriate action choice. If the FAA has announced a decision to prepare an environmental impact statement and issued a Notice of Intent to this effect, CEQ 1501.7(c) provides the authority to revise previous determinations on the significance of impacts when applicable.

52. *Availability of Environmental Assessments.* After the FAA has evaluated and accepted the environmental assessment, this document shall be made available to the public pursuant to CEQ 1506.6.

53.-59. *Reserved.*

Chapter 6. Finding of No Significant Impact

60. *Requirement for Finding of No Significant Impact.*

a. CEQ 1501.4(e) provides that the Federal agency shall "Prepare a finding of no significant impact (section 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement." Section 1508.13 defines a finding of no significant impact as "... a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (section 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared." The FAA shall evaluate the environmental assessment to determine if an alternative which provides a good solution to the problem has no significant impacts. Unless there is an overriding reason for not selecting such an alternative, the FAA shall then proceed with the preparation of a finding of no significant impact. This decision point is identified as step 13 in Appendix 1. The process for a finding of no significant impact is shown in steps 14 through 23 of Appendix 1.

b. For the FAA Airports Program there are two types of findings of no significant impact. The first type shall be designated simply "Finding of No Significant Impact" and includes proposed actions which have been found by the FAA not to have a significant impact on the environment and which require no specific coordination under the Airport Act. The second type shall be designated "Finding of No Significant Impact/Section 16(c)(4) Coordination" and includes proposed actions which do not have a significant impact, but do require coordination with DOI and EPA pursuant to the Airport Act.

61. *Special Considerations.* There are several special assurances, conclusions, and findings which apply to Airport Development Aid Program projects, to projects involving the use of section 4(f) lands, to projects involving the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and to other environmental areas. If any of these special assurances, conclusions, or findings apply to a proposed action, they must be based on

appropriate analyses and evidence in the finding of no significant impact, although the findings themselves will not be made until the decision on the Federal action per paragraph 67c.

62. *Format and Content.*

a. The CEQ Regulations do not specify a format for the finding of no significant impact. CEQ 1508.13 does briefly indicate content of the document: "It [the finding of no significant impact] shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (section 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference."

b. Both types of Airports Program findings of no significant impact shall use the following documentation.

(1) A heading which shall read: "Department of Transportation, Federal Aviation Administration, Finding of No Significant Impact (or) Finding of No Significant Impact/Section 16(c)(4) Coordination."

(2) The airport name, location, and proposed Federal action.

(3) Reasons why the FAA has determined that the proposed action will have no significant impacts, referencing the environmental assessment. CEQ 1502.2(b) states "... there should be only enough discussion to show why more study is not warranted."

(4) Mitigation measures which are a condition of Federal approval.

(5) The environmental assessment with its appendices.

(6) For Airport Development Aid Program projects, a letter from the sponsor giving specific land use assurances if the FAA is not satisfied that the information in the environmental assessment provides a satisfactory basis for making a standard assurance pursuant to section 18(a)(4) in the grant.

63. *Coordination.*

a. *General.* Appropriate Federal, state, and local coordination shall be completed as described in Chapter 5 for applicable areas of environmental consideration. In all cases, coordination with the State Historic Preservation Officer is required. In addition, other informal coordination as may be considered prudent by the region may be carried out to satisfy the FAA regarding the extent of specific impacts. All proposed findings of no significant impact shall be reviewed by affected FAA program divisions and staff officials at the regional level before presentation for approval. Findings of no significant impact which are not section 16(c)(4) actions may be approved

without headquarters level review or other formal Federal review unless such review is required under some special purpose law, regulation, or executive order. This is shown as step 15 in Appendix 1.

b. *Section 16(c)(4) Actions.*

(1) Section 16(c)(4) of the Airport Act requires consultation with DOI and EPA regarding the effects which a new airport, new runway, or major runway extension may have on natural resources. Proposed findings of no significant impact which are section 16(c)(4) types of actions shall be distributed for formal Federal review as follows:

(a) One copy to the Office of Airport Planning and Programming (Attention: APP-600).

(b) Five copies to EPA regional offices.

(c) The same number of copies to DOI as required for draft environmental impact statements, sent directly to the same address in Washington as given in paragraph 91.

(d) Copies to the Department of Agriculture (USDA) or the Department of Housing and Urban Development (HUD) if section 4(f) land under their jurisdiction is involved.

(2) Copies shall be accompanied by a transmittal letter explaining the purpose of the consultation. A time limit for review of not less than 45 days after receipt of the letter shall be established after which it may be presumed that the agency consulted has no comment. Differences of opinion that develop as a result of section 16(c)(4) consultation shall be resolved at the field level to the extent possible. Unresolved issues, including objections on the adequacy of the assessment of impacts or alternatives or objections to the proposed section 16(c)(4) action, shall be identified and called to the attention of the approving official. The roles of DOI and EPA are of consultation, not concurrence, on section 16(c)(4) actions. After consultation, it is FAA's responsibility to give due consideration to the comments received and to make the decision as to whether the action should be approved as a finding of no significant impact. Reference steps 16 through 20 of Appendix 1.

(3) The copy received by the Office of Airport Planning and Programming shall receive limited review for the purpose of evaluating the quality of the proposed finding of no significant impact/section 16(c)(4) coordination. No concurrence by the Office of Airport Planning and Programming on individual 16(c)(4) actions is required. No further distribution is made within FAA or DOT headquarters.

c. *Special Circumstances.* CEQ 1501.4(e)(2) provides that "In certain limited circumstances . . . the agency shall make the finding of no significant impact available for public review (including State and areawide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin." The circumstances in CEQ 1501.4(e)(2) are "(i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement . . ." (see paragraph 21b). "(ii) The nature of the proposed action is one without precedence." The responsible official shall determine if the circumstances in CEQ 1501.4(e)(2) apply. The 30-day public review period may run concurrently with the Federal review for section 16(c)(4) actions.

64. *Approval.*

a. The decision to approve a finding of no significant impact may be made by the FAA approving official. In addition to the information on format and content provided in paragraph 62, the final document shall include other material which contributes to the finding, including documentation of EPA and DOI coordination for 16(c)(4) actions.

b. Section 16(c)(4) coordinations require review by the regional counsel for legal sufficiency. If a proposal involves section 4(f), the finding of no significant impact shall also be reviewed for legal sufficiency by the regional counsel (steps 19 and 20, Appendix 1).

c. The Federal approval shall include the following: "After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to section 102(2)(C) of NEPA. Approved: _____ Date: _____ Disapproved: _____ Date: _____"

65. *Final Distribution.* After a finding of no significant impact/section 16(c)(4) coordination is approved, the region shall send one copy of the approved package to EPA, DOI (in Washington), CAB (for air carrier airports), and APP-600 for record purposes. (If no change have been made since the circulation of the package, no additional copy of the circulated document need be included in the final package sent to APP-600.)

Otherwise, distribution of approved findings of no significant impact outside the region is not required. However, the document shall be made available upon request per CEQ 1506.6 (step 21, Appendix 1).

66. *Public Availability.* CEQ 1501.4(e)(1) states "The agency shall make the finding of no significant impact available to the affected public as specified in section 1506.6." The regional office shall comply with section 1506.6 and shall formulate a system for announcing the availability of the finding of no significant impact through appropriate media in the area affected and in cooperation with the sponsor of the project. The announcement shall indicate the availability of the finding of no significant impact for review which shall include FAA regional and district offices, the sponsor's office, and other appropriate locations of general public access. Copies of findings of no significant impact shall be provided, on request, free of charge or at a fee commensurate with the cost of reproduction (step 22, Appendix 1).

67. *Decision and Implementation.*

a. Immediately following the approval of a finding of no significant impact, the decision may be made on the Federal action (step 23, figure 1).

b. Mitigation measures which were made a condition of approval of the finding of no significant impact shall be included in the decision as well as the steps taken to assure appropriate commitment and follow-up of mitigation measures. Proposed changes in or deletions of mitigation measures which were a condition of approval of the finding of no significant impact must be reviewed by the same FAA offices which reviewed the original document and must be approved by the official who originally approved the finding of no significant impact.

c. A record of decision is not required for findings of no significant impact. However, prior to the Federal action and based upon the data presented in the finding of no significant impact, the decisionmaker must reach and document the appropriate conclusions, findings, or assurances. These assurances shall be incorporated in a letter or other documentation attached to the Federal action and signed by the FAA decisionmaker.

d. If the decisionmaker wishes to take an action which was included as an alternative in the finding of no significant impact and which involves a special interest (e.g., section 4(f) land, endangered species, wetlands, historic site, or others), the FAA shall first complete any required evaluation and consultation that has not been done,

supplementing the original finding of no significant impact, prior to taking the action. Supplements to findings of no significant action shall be reviewed and approved as appropriate for the type of action (i.e., whether or not pursuant to section 16(c)(4)).

e. If the alternative on which the decisionmaker now wishes to take action has potential significant impacts, the FAA shall issue a notice of intent to prepare an environmental impact statement and commence scoping.

68.-69 *Reserved.*

Chapter 7. Environmental Impact Statement Preparation

70. *General.* This chapter and the subsequent two chapters describe the preparation, content, and processing of an environmental impact statement pursuant to section 102(2)(C) of NEPA. The process leading to a decision by FAA to prepare an environmental impact statement is described in Chapter 5. The circumstances of the proposed action which warrant the preparation of an environmental impact statement are contained in paragraphs 47e, 47f, and 85. This chapter explains the purpose of an environmental impact statement and the manner in which it is to be prepared. It describes the scoping process, the assignment of responsibilities for input, and contracting for environmental impact statement preparation (see steps 24 through 29 in Appendix 1).

71. *Purpose.* CEQ 1502.1 states that "The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act [NEPA] are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions."

72. *Implementation.*

a. To achieve the purpose in CEQ 1502.1, environmental impact statements

are to be prepared in the manner prescribed in CEQ 1502.2.

b. CEQ 1502.6 provides that "Environmental impact statements shall be prepared using an inter-disciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts (section 102(2)(A) of the Act). The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process. . . ."

c. Other sections of the CEQ Regulations which apply generally to the preparation of environmental impact statements and their application to airport actions include sections 1502.4(a) and (b), 1502.5, and 1502.8.

(1) CEQ 1502.4(a) states in part that "Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined" and that "Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement."

(2) CEQ 1502.4(b) provides that "Agencies shall prepare statements on broad actions [such as the adoption of new agency programs or regulations] so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking." In the Airports Program, the principal example of an environmental impact statement for a broad action is the one prepared in conjunction with the National Airport System Plan.

(3) CEQ 1502.5 provides that "An agency shall commence preparation of an environmental impact statement as close as possible to the time that the agency is * * * presented with a proposal * * *". For airport actions, formal preparation shall normally commence with the scoping process immediately after it is determined by the FAA responsible official at the region or airports district office level that an environmental impact statement is necessary. This decision point is identified in the flow diagram (Appendix 1) as step 13. Nothing in this order shall preclude earlier commencement of the gathering of information and preparation for the scoping process as described in paragraph 74, below.

(4) CEQ 1502.8 states that "Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them."

(5) CEQ 1501.8 describes the circumstances when the setting of time limits for the NEPA process may be

appropriate and the factors which should be considered.

73. *Limitations.* CEQ 1506.1 deals with limitations on actions during the NEPA process. Key provisions of CEQ 1506.1 which relate to proposals for airport actions include the following:

a. "(a) Until an agency issues a record of decision [described in paragraph 98 of this order] * * * no action concerning the proposal shall be taken which would:

(1) "(1) Have an adverse environmental impact; or
(2) "(2) Limit the choice of reasonable alternatives."

b. "(b) If any agency is considering an application from a non-Federal entity, and is aware that the applicant is about to take an action within the agency's jurisdiction that would meet either of the criteria in paragraph (a) of this section, then the agency shall promptly notify the applicant that the agency will take appropriate action to insure that the objectives and procedures of NEPA are achieved."

c. "(d) This section does not preclude development by applicants of plans or designs or performance of other work necessary to support an application for Federal, State or local permits or assistance."

74. *Scoping.*

a. The general requirement for scoping is contained on CEQ 1501.7 which provides that "there shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping." The responsible official shall assume a key role in managing the preparation of an environmental impact statement. (In the context of scoping, the responsible official is the official in charge of preparation of the environmental impact statement for the lead agency. Where joint lead agencies are involved, the other agency(s) may share in the responsibility for scoping with the FAA.) Scoping is a major element. The responsible official shall take the lead in the scoping process, including issuing the notice of intent, inviting the participation of other agencies and interested persons pursuant to CEQ 1501.7(a)(1), determining the issues to be analyzed in depth, and assigning responsibilities for inputs to the environmental impact statement. CEQ 1501.7 further describes these steps in detail.

b. (1) The first step is described in section 1501.7 as follows: "As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent

(section 1508.22) in the Federal Register * * * Regions shall follow regional counsel procedures for filing notices in the Federal Register through the Office of the Chief Counsel, Rules Docket.

(2) The notice of intent in section 1508.22 * * * means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

"(a) Describe the proposed action and possible alternatives.

(b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held."

"(c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement."

(3) A scoping meeting, per se, is not a requirement for every action requiring an environmental impact statement. Depending on the nature and complexity of the project, some or all of the information needed during the scoping process may be obtained by letter or telephone.

(4) If for some reason there is a lengthy period between the time a decision is made to prepare an environmental impact statement and the actual preparation, section 1507.3(e) provides that * * * the notice of intent * * * may be published at a reasonable time in advance of preparation of the draft statement."

c. (1) Section 1501.7 further provides that the lead agency shall "Determine the scope (section 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement." Scope as defined in CEQ 1508.25 * * * consists of the range of actions, alternatives, and impacts to be considered * * *

(a) To determine the range of actions, the problem as described in the environmental assessment shall be carefully reviewed. The proposed action and any actions functionally related to it (see paragraph 26) must be clearly understood.

(b) Alternatives shall be reviewed in this context, identifying those which need to be rigorously explored and objectively evaluated as well as those which can be eliminated (see paragraph 47c).

(c) The range of impacts and areas requiring further study shall be determined by review of the environmental assessment and the criteria set forth in paragraphs 47e, 47f, and 85. Those impact categories which fall below the threshold of significance in the environmental assessment normally do not need further study or

description in the environmental impact statement.

(2) Establishing a clear definition of the Federal action, the alternatives, and the impacts needing detailed study (as well as those which do not) early in the scoping process should help considerably in managing the environmental impact statement preparation process.

75. Assigning Responsibilities.

a. An integral part of the scoping process is the allocation of assignments for preparation of the environmental impact statement by the responsible official among the lead and cooperating agencies (step 26, Appendix 1). This process is intended to assure, among other things, that applicable environmental permits, licenses, and other consultation requirements are identified in the environmental impact statement.

b. Federal agencies which shall be invited by the responsible official to be cooperating agencies are those with jurisdiction by law in areas which may be affected by airport development.

c. Federal agencies with special expertise may also be asked to be cooperating agencies.

d. If a Federal agency that is requested to be a cooperating agency replies pursuant to CEQ 1501.6(c) that it will not participate, two copies of such letter shall be sent to APP-600 which will forward one copy to the Office of the Assistant Secretary for Policy and International Affairs, P-1. A copy of the draft environmental impact statement shall be sent to such agency. If that agency has adverse comments on the draft, the matter shall be referred to APP-600 for subsequent discussion with CEQ through P-1.

e. The definition of a cooperating agency in CEQ 1508.5 includes the provision that "A State or local agency of similar qualifications [i.e., jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal] or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency." To the extent that such agencies have not provided sufficient information during the A-95 review process or other earlier consultation, their use as cooperating agencies in the environmental impact statement preparation is encouraged. Their inputs may be especially important in areas which have been identified as significant environmental issues and where specific environmental laws and regulations are involved. The respective roles of Federal and state or local agencies in given areas (e.g., impacts on fish and wildlife resources)

shall be clearly identified and understood in the assignment of responsibilities for environmental impact statement inputs.

f. The airport sponsor shall be one of the key participants in the scoping process and shall be kept abreast of the areas of impact being studied, especially those which have a direct effect on the operation of its airport. The sponsor shall be apprised of mitigation measures or alternatives being proposed and shall be consulted regarding its ability or willingness to carry out provisions which may subsequently be imposed as grant conditions or other means to reduce environmental harm. The sponsor may also be the principal linkage with the affected communities in assuring, for example, that all reasonable measures have been or will be taken to provide compatible land uses in the airport environs.

g. It is incumbent upon the responsible official, in assigning responsibilities and managing the environmental impact statement preparation, to assure that those providing input appreciate the need for timely submittal and focus of the analysis on the pertinent issues at hand. This official shall monitor progress and coordinate efforts to avoid duplication or misunderstanding among the parties involved and assure that necessary areas are covered. The schedule for preparation of each item of information shall take into consideration any dependencies that may exist. For example, it may not be possible to complete analysis in one area without having obtained information from another. The objective of the responsible official is the production of a draft environmental impact statement which will deal sufficiently with the critical and significant issues to avoid or minimize critical comments during the required review period to follow.

76. Contracting.

a. Chapter 2 describes in general the requirements and responsibilities of the FAA and state and local agencies in meeting the requirements of NEPA and the CEQ Regulations. The degree to which state and local agencies can be involved is dependent upon whether a state agency has statewide jurisdiction or what type of state or local environmental laws or regulations exist. These distinctions are important in determining what roles agencies may play in the preparation or contracting for the preparation of an environmental impact statement as discussed below.

b. (1) State agencies with statewide jurisdiction pursuant to section 102(2)(D) of NEPA may act as joint lead agencies for the preparation of the environmental impact statement as long as the FAA

furnishes guidance and participates in such preparation and independently evaluates the statement prior to its approval and adoption (reference NEPA, section 102(2)(D)(ii) and (iii)). (Also see paragraph 5.1 for the definition of NEPA 102(2)(D) states.)

(2) Agencies subject to state or local requirements comparable to NEPA shall be joint lead agencies (unless specifically barred by some other law) in cooperation with FAA. Such cooperation, in the works of CEQ 1506.2(c), " * * * shall to the fullest extent possible include joint environmental impact statements."

(3) State or local agencies which do not qualify as lead agencies under the conditions given in (1) and (2) above may not be lead agencies but may be cooperating agencies if they have jurisdiction by law or special expertise with respect to environmental impacts involved.

c. CEQ 1506.5(c) provides that " * * * any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under section 1501.6(b), a cooperating agency." Further, it is intended that " * * * the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest."

d. Under the provisions set forth above and when a determination has been made to have a contractor prepare the environmental impact statement, the contractor shall be selected either by the FAA or:

(1) A state agency with statewide jurisdiction and responsibility for action per section 102(2)(D) of NEPA.

(2) A state or local agency which is subject to state or local requirements comparable to NEPA ("NEPA-like" state or local agency).

A cooperating agency may also select contractors. However, its role is limited to providing information and analyses within its own area of special expertise or jurisdiction. It may obtain such data by contract under its own selection procedures. It would not be expected to select a contractor to prepare the entire FAA environmental impact statement.

e. In any case where a contractor prepares an environmental impact statement, section 1506.5(c) requires that "Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency [for its portion], specifying that they have no financial or other interest in the outcome of the project." Furthermore, " * * * the responsible

Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents."

f. When an agency as defined in paragraph d above elects to use a contractor to prepare an environmental impact statement, the contractor may be under contract either to that agency or the sponsor as long as the contractor is selected by the lead agency. The selection processes to be used will be based on principles in Advisory Circular 150/5100-9. This advisory circular was written to provide guidance to airport sponsors in the selection and employment of architectural, engineering, and planning consultants under the FAA Airport Development Aid and Planning Grant Programs. However, its principles apply to the selection of contractors to prepare environmental impact statements. The selection criteria and procedures therein shall be applied to the fullest extent applicable—with the obvious exception that FAA (or another lead agency) makes the selection. Further, the selecting agency must advise potential contractors of the requirement to sign the disclosure statement described in paragraph e above. The disclosure statement shall include language equivalent to the following: "We, (name of firm), do hereby certify that we have no financial or other interests in the execution or outcome of the proposed development at (airport)."

77. Use of Information.

a. CEQ 1506.5(c) specifically provides "Nothing * * * is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency."

b. The use of information obtained in the manner set forth above may obviate the need for extensive contractual efforts in preparing an environmental impact statement. It must be cautioned, however, that any information received from the airport sponsor or others shall be used only after evaluation and acceptance of its contents by the FAA. Further, to the extent that the information represents a significant background paper, the names and qualifications of those persons primarily responsible for its preparation together with the identification of persons responsible for particular analyses shall be listed for incorporation in the list of preparers of the environmental impact statement (see paragraph 87).

78. Preparation of a Draft Environmental Impact Statement. As a result of the scoping process, the

responsible official should have a detailed analysis of the significant issues and impacts from the various cooperating agencies and others who were assigned responsibilities as described in paragraph 75. The responsible official's task of preparing the environmental impact statement at this point involves collating the results, conducting a detailed evaluation, and adding the necessary cover sheet, summary, etc., as may be needed to complete the document and prepare it for circulation. If a contractor has been hired to prepare the environmental impact statement, the responsible official is still required to independently evaluate the statement and be responsible for its scope and contents. When in-house expertise is insufficient to evaluate independently, it may be necessary to supplement FAA expertise with either cooperating agency or independent contractor assistance. A detailed description of the environmental impact statement contents and processing of the completed document are given in Chapters 8 and 9.

79. Reserved.

Chapter 8. Environmental Impact Statement Contents

80. Format.

a. CEQ 1502.10 recommends a standard format, which is to be followed for Airports Program environmental impact statements, as follows: "(a) Cover Sheet. (b) Summary. (c) Table of Contents. (d) Purpose of and Need for Action. (e) Alternatives Including Proposed Action * * *. (f) Affected Environment. (g) Environmental Consequences * * *. (h) List of Preparers. (i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent. (j) Index. (k) Appendices (if any)."

b. CEQ 1502.11 through 1502.18 require the inclusion of specific information in respective sections of the environmental impact statement. The following paragraphs provide additional instructions.

81. Cover Sheet, Summary, and Table of Contents.

a. The cover sheet shall include the information required in CEQ 1502.11 plus a heading as follows: "Department of Transportation, Federal Aviation Administration, Draft (or Final) Environmental Impact Statement. This statement is submitted for review pursuant to the following public law requirements: [List those applicable; e.g., section 102(2)(C) of the National Environmental Policy Act of 1969, section 16(c)(4) of the Airport and Airway Development Act of 1970, as

amended, section 4(f) of the Department of Transportation Act of 1966]."

b. In addition to the requirements of CEQ 1502.12, Airports Program environmental impact statement summaries shall highlight evidence in the environmental impact statement which supports required assurances and indicate mitigation measures which are proposed. The summary of the final environmental impact statement shall specify any mitigation measures which are a condition of approval and identify any monitoring to be done. In addition, the final environmental impact statement summary shall identify the environmentally preferable alternative or alternatives and the FAA's preferred alternative (in most cases, the proposed action), including reasons for these choices.

82. *Purpose of and Need for the Action.* CEQ 1502.13 states "The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing alternatives including the proposed action." Normally, the purpose and need as described in the environmental assessment will suffice for purposes of the environmental impact statement.

83. *Alternatives, Including the Proposed Action.*

a. CEQ 1502.14 states that "This section is the heart of the environmental impact statement." Further, it is to be "Based on the information and analysis presented in the sections on the Affected Environment [paragraph 84] * * * and the Environmental Consequences [paragraph 85] * * *." Paragraph 47c includes key references and extent of analysis of alternatives in the environmental assessment. During scoping, the environmental assessment shall be reviewed for those alternatives which should be dropped from further consideration. However, eliminated alternatives are to be identified in the environmental impact statement with a simple explanation of why no further investigation was necessary. Alternatives covered in the environmental assessment may require expansion of certain portions. During the scoping process (paragraph 74), those areas needing additional work shall be identified.

b. Both section 16(c)(4) of the Airport Act and section 4(f) of the DOT Act require a finding that "no feasible and prudent alternative" exists. The terms "feasible" and "prudent" are separate criteria and refer to sound engineering principles and sound judgment, respectively. A construction alternative, for example, may be feasible if, as a matter of sound engineering principles, it can be built. It may not be prudent,

however, because of safety, policy, environmental, social, or economic consequences. The environmental documentation must show that no feasible and prudent alternative exists when all factors (safety, national policy, efficiency, economic, social, and environmental) are considered.

c. When section 16(c)(4) of the Airport Act is applicable, the FAA shall authorize no project under the Airport Development Aid Program involving airport location, a major runway extension, or runway location found to have an adverse effect unless he shall render a finding in writing, following a full and complete review, that no feasible and prudent alternative to the project exists and that all possible steps have been taken to minimize such adverse effect. The environmental impact statement must include sufficient information to support such a conclusion where applicable. However, the section 16(c)(4) finding is not made until the final decision on the action is rendered (see paragraph 98).

d. Project development involving section 4(f) of the DOT Act does not necessarily fall within the processing requirements of NEPA, section 102(2)(C). However, regardless of which action choice is appropriate, the documentation must contain an assessment of alternatives and evidence of planning to minimize harm to the section 4(f) land. To comply with section 4(f), it is necessary to show that a rejected alternative to a proposed action presents unique problems or that the costs or community disruption it entails reach extraordinary magnitudes. For additional guidance relative to section 4(f), see paragraphs 47e(7) and 85g.

e. A no practicable alternative finding is required for construction activity in a wetland area and for significant encroachment on a floodplain. This finding is further explained in paragraphs 47e(11)(e) and 47e(12)(g)3.

f. CEQ 1505.2 requires that an agency's record of decision specify the alternative or alternatives which were considered to be environmentally preferable. Whether an alternative is "environmentally preferable" is a matter of judgment on the part of the responsible official when considering the potential environmental impacts of the various alternatives considered.

84. *Affected Environment.* CEQ 1502.15 states that "The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a

statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement." The description of the affected environment as contained in the environmental assessment (reference paragraph 47d) will usually suffice for the environmental impact statement, unless there is a particular significant impact area for which additional data may be necessary to understand the effects.

85. *Environmental Consequences.* Per CEQ 1502.16, "This section forms the scientific and analytic basis for the comparisons under section 1502.14 [alternatives, as described in paragraph 83 above]. It shall consolidate the discussions of those elements required by sections 102(2)(C) (i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) [alternatives] as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in section 1502.14. It shall include discussions of:

a. "Direct effects and their significance [reference section 1508.18 for definition of 'effects' both direct and indirect] * * *

b. "Indirect effects and their significance * * *

c. "Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See section 1506.2(d) [Elimination of duplication with State and local procedures].)

d. "The environmental effects of alternatives including the proposed action. The comparisons under section 1502.14 will be based on this discussion.

e. "Energy requirements and conservation potential of various alternatives and mitigation measures.

f. "Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

g. "Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

h. "Means to mitigate adverse environmental impacts (if not fully covered under section 1502.14(f))."

Specific environmental impact areas to be discussed "as much as is necessary to support the comparisons [of alternatives]" are described in detail in the following subparagraphs. Impacts shall be analyzed for each alternative, including the proposed action which is treated in detail in the environmental impact statement. The draft statement shall include, under appropriate impact categories, all applicable permit or license requirements and shall indicate any known problems with obtaining them. The draft statement shall also report on the status of any special consultation required (such as consultation under the Endangered Species Act Amendments, the National Historic Preservation Act, the Fish and Wildlife Coordination Act, etc.).

a. Noise.

(1) Paragraph 47e(1) presents the requirements for a noise analysis and the information needed in an environmental assessment. When an initial analysis indicates that the circumstances in 47e(1)(d) are exceeded, then an additional time above threshold type analysis shall be done. Using a methodology approved by the FAA, the data shall include as a minimum the average duration above 65 to 115 decibels (in 10 decibel intervals) for existing and planned noise sensitive areas. The data shall be presented for a 24-hour day in evening (7 p.m. to 10 p.m.) and night (10 p.m. to 7 a.m.) periods on a grid pattern not to exceed 3,000-foot intervals. Equal noise exposure contours shall be developed for each alternative (including the no action alternative) considered in detail in the environmental impact statement whenever any land use planning or noise abatement procedures are associated with the project. Such contours shall include at least the 65 and 75 Ldn or 65 or 75 CNEL and shall be developed using the same data base as used for the time above analysis for each reasonable alternative.

(2) The text and graphics developed for the environmental assessment shall be reviewed and refined as necessary. Aerial photographs, when available, may be very helpful in illustrating the relationship of the airport to surrounding

land uses and development. When the proposal will result in an increase in noise sensitive areas or numbers of people exposed to noise impacts and is highly controversial on this basis, the analysis shall include directly or by reference discussion of potential effects of noise on hearing, communication, and sleep interference, both for outdoor and indoor activities giving appropriate consideration to the effects of construction, climate, and lifestyles. Inclusion of data on background or ambient noise levels is helpful in this regard. Selective monitoring to obtain such data is encouraged when such data is not otherwise available. Other discussion such as effects of noise on animals shall be included only to the extent relevant to the situation and based on available and reliable source data, which may be referenced.

(3) The analysis shall include noise from sources other than aircraft operations when the effects are comparable with or exceed aircraft noise. The result of any monitoring done to verify or refine noise data shall be included.

(4) Mitigation measures which are in effect or proposed, including noise abatement procedures and land acquisition, shall be described and the relationship to the proposal explained.

b. *Land Use.* When significant noise impacts occur over noise sensitive areas (e.g., residential neighborhoods; educational, health, and religious structures and sites; and outdoor recreational, cultural, and historic sites), the analysis shall include a discussion of the noise impact over each such area under various alternatives compared to existing conditions. This includes size and location of residential areas exposed to specific noise levels, numbers of people and schools affected, and such other information as may be appropriate. Any mitigation measures to be taken in addition to those associated with noise impacts or relocation, such as insulation, changes in zoning, or other land use controls, shall be discussed. The greater the degree of existing and potential impacts over noise sensitive areas, the closer attention shall be paid to the requirements of section 18(a)(4) of the Airport Act, as described in paragraph 47e(2). The development and adoption of airport noise control and land use compatibility studies may be helpful in this regard.

c. *Social Impacts.* As set forth in paragraph 47e(3), when the environmental assessment indicates the potential for significant impact because of relocation or other community disruption, additional analysis is needed in the environmental impact statement

to describe the degree of impact and measures to minimize such adverse effects. If an insufficiency of available relocation housing is indicated or has engendered a high degree of controversy, a thorough analysis of efforts made to remedy the problem shall be reflected in the environmental impact statement including if necessary provision for housing of last resort as authorized by section 206(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If business relocation would cause appreciable economic hardship on the community, if significant changes in employment would result directly from the action, or if community disruption is considered substantial, the environmental impact statement will include a detailed explanation of the effects and the reasons why significant impacts cannot be avoided.

d. *Induced Socioeconomic Impacts.* When the environmental assessment pursuant to paragraph 47e(4) indicates substantial induced or secondary effects directly attributable to the proposal, a detailed analysis of such effects shall be included in the environmental impact statement. As pertinent and to the extent known or predictable, such factors as effects on regional growth and development patterns, spin-off jobs created, and induced impacts on the natural environment shall be described.

e. Air Quality.

(1) Paragraph 47e(5) describes the requirements for air quality analyses for an environmental assessment. When the thresholds in paragraph 47e(5)(c) are exceeded or when the responsible official otherwise judges that a significant or highly controversial air quality issue exists, additional analysis shall be performed in consultation with the State air quality board, designated air quality region, and/or the EPA, as appropriate. The type of analysis required depends on the particular situation and the information needed by the State or Federal air quality officials who will be reviewing the results. If thresholds have been exceeded for a designated Nonattainment pollutant, pollution offset procedures must be taken in accordance with the EPA guidelines implementing section 173 of the Clean Air Act Amendments. Inclusion of state and Federal agencies with air quality expertise in the scoping process as cooperating agencies will be helpful in identifying other specific analyses to be undertaken such as the investigation of hot spots, monitoring, or modeling.

(2) In general, modeling can be considered to be one of two types—proportional and dispersion.

Proportional models are useful in assessment of impacts of emissions on an area or regional basis, particularly the precursor pollutants such as hydrocarbon and nitrogen oxide (which are precursors to oxidants). Proportional models may also be used to determine impacts of pollutants with local significance (carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulates). Dispersion modeling is limited to pollutants with local significance. Details on appropriate use of these models may be obtained by consultation with the FAA's Office of Environment and Energy.

(3) Alternative mitigation measures may be included in detailed analyses. The air quality certification requirement for Airport Development Aid Program applications for projects involving airport location, runway location, or a major runway extension is described in paragraph 47e(5)(e).

f. *Water Quality.* Paragraph 47e(6) deals with the examination of potential water quality impacts in an environmental assessment. When the thresholds identified in paragraph 47e(6)(c) indicate the potential for significant water quality impacts, additional analysis in consultation with affected agencies will be necessary. Specific information or studies may be required by state or Federal officials with specific water quality types of jurisdiction or permit responsibility. The type of analysis required depends on the particular situation and may be determined through agreements reached during scoping. The water quality certification requirement for projects involving airport location, runway location, or a major runway extension is discussed in paragraph 47e(5)(e).

g. *Department of Transportation Act, Section 4(f).* Application of paragraph 47e(7) will identify if section 4(f) of the DOT Act is involved in the proposal. The environmental assessment will reflect the results of early consultation, including identification of the effects and acceptable mitigation measures. When the threshold in paragraph 47e(7)(f) is exceeded, the FAA shall consult with the officials having jurisdiction over the section 4(f) lands and other agencies as necessary. The environmental impact statement shall thoroughly analyze and document alternatives that would avoid the section 4(f) land and provide detailed measures to minimize harm.

h. *Historic, Architectural, Archeological, and Cultural Resources.*

(1) The initial requirements for the evaluation of historical, architectural, archeological, and cultural resources are presented in paragraph 47e(8). If the

thresholds in paragraph 47e(8)(b)4 or 47e(8)(c)6 are exceeded, further examination is necessary as indicated below under the appropriate law to which the threshold applies. If section 4(f) is involved as determined according to the instructions in paragraph 47e(8)(d), the analysis indicated in paragraph 85g will apply if the impact on 4(f) land is significant. The DOT 4(f) section of the environmental impact statement may cross reference the historical/archeological analysis.

(a) National Historic Preservation Act of 1966, as amended.

1 When a determination of adverse effect has been made, the consultation procedures of the Advisory Council on Historic Preservation (36 C.F.R. Part 800.4(d)) shall be followed. Two weeks prior to a formal request for review to the Advisory Council the responsible official shall notify APP-600, and APP-600 shall consult with the Office of the Assistant Secretary for Policy and International Affairs. The responsible official shall submit the preliminary case report and request comments from the Council, notify the State Historic Preservation Officer, and proceed with the consultation. (If the FAA is already preparing a draft environmental impact statement because of other significant impacts, this draft statement can be submitted as the preliminary case report. Circulation of the draft statement will constitute a request for Council comments if the FAA so requests in the cover letter transmitting the draft.) The sponsor shall provide information and participate in the consultation process with and under the guidance of the FAA.

2 The consultation process includes consideration of feasible and prudent alternatives to avoid the adverse effects on National Register or eligible property, of mitigation measures, and of accepting adverse effects. The FAA has the final judgment on whether the appropriate action choice is an environmental impact statement or a finding of no significant impact. Advice from the Advisory Council and the State Historic Preservation Officer may assist the FAA in making this judgment.

a If the consulting parties agree on an alternative to avoid or satisfactorily mitigate adverse effects, a memorandum of agreement shall be executed specifying how the proposed action will proceed to avoid or mitigate the adverse effects. In this case, the FAA may complete the environmental assessment by including in it the memorandum of agreement and may prepare a finding of no significant impact.

b If the consulting parties determine that there are no feasible and prudent alternatives that could avoid or

satisfactorily mitigate the adverse effects but that it is in the public interest to proceed with the proposed action, a memorandum of agreement shall be executed. This memorandum may specify recording, salvage, or other measures that shall be taken to minimize adverse effects before the proposed action proceeds. It is likely that, in this circumstance, the impact on National Register or eligible properties will be considered significant and require the preparation of an environmental impact statement.

3 The Advisory Council on Historic Preservation may be a cooperating agency in the preparation of an environmental impact statement. Information developed for and during the consultation process will be sufficient for purposes of environmental impact statement documentation. The final impact statement shall include comments of the Advisory Council and a copy of any memorandum of agreement. (If a memorandum of agreement has been executed prior to circulation of a draft environmental impact statement, the memorandum shall be included in the draft.) Within 90 days after carrying out the terms of a memorandum of agreement, the FAA is required to report to all signatories on the actions taken.

(b) Archeological and Historic Preservation Act of 1974.

1 When a determination of adverse effect has been made, the instructions in subparagraphs (a) 1, 2, and 3 apply except that the Heritage Conservation and Recreation Service may be a cooperating agency for purposes of environmental impact statement preparation.

2 If salvage is involved, the FAA may use not more than 1 percent of the Federal share of the project for this purpose except that the 1 percent limitation does not apply if the project involves \$50,000 or less.

3 If the FAA finds in the course of project construction that significant resources will be irrevocably lost or destroyed, the FAA must notify the Heritage Conservation and Recreation Service of this situation and include information relevant to the matter. The FAA then has a responsibility to take action in accordance with the Archeological and Data Preservation Act to recover, protect, and preserve such resources.

i. *Biotic Communities (including both flora and fauna).*

(1) Paragraph 47e(9) presents the requirements for the analysis of biotic community impacts and the information needed in an environmental assessment. When the initial analysis indicates that the thresholds in subparagraph (c) or (d)

are exceeded, the FAA shall make the judgment on the significance of potential impacts. The FAA will consult with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, state or local wildlife agencies, and others as necessary in order to make this judgment.

(2) If impacts are judged to be significant, further detailed analysis may include:

(a) Use of aerial photographs and field reconnaissance to verify biotic community types and to observe wildlife or its traces.

(b) Determining the significance of various habitats proposed for removal and species that would be displaced, including the importance of flora and fauna species inhabiting the area, the range of various species, and the location of nesting and breeding areas.

(c) A more detailed analysis of other impact areas (e.g., noise, air quality, water quality, induced development) as may be necessary to determine biotic impacts.

(d) Mitigation measures.

(e) A judgment as to what extent the proposed action and its alternatives will alter ecological systems.

(3) If the proposed project affects water resources and thereby invokes the Fish and Wildlife Coordination Act, the FAA shall give full consideration to the recommendations of the Fish and Wildlife Service and the state wildlife agency and shall assure that the project plan includes such justifiable means and measures for wildlife purposes as the FAA finds should be adopted to obtain maximum overall project benefits.

(4) If significant biotic community impact relates either to use of section 4(f) lands or to endangered or threatened species, those sections of the environmental impact statement may incorporate or cross-reference the biotic community analysis as appropriate.

j. Endangered and Threatened Species of Flora and Fauna.

(1) Paragraph 47e(10) presents the requirements for the analysis of potential impacts on endangered and threatened species and the information needed in an environmental assessment. When the threshold in paragraph 47e(10)(c)3 or (d)3 is exceeded, the FAA shall forward the environmental assessment (or separate biological assessment) to the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whichever has jurisdiction, together with a request to initiate consultation under section 7(a) of the Endangered Species Act Amendments of 1978.

(2) If the biological opinion from the Fish and Wildlife Service or the

National Marine Fisheries Service concludes that the proposed action is not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat, the FAA may conclude that impacts are not significant. On the other hand, the biological opinion may conclude that the proposed action does pose jeopardy and may suggest reasonable and prudent alternatives to avoid jeopardizing species or adversely modifying critical habitat. In this case, if the FAA and the airport sponsor accept an alternative proposed by the Fish and Wildlife Service or the National Marine Fisheries Service or propose another alternative which proves acceptable to these Services, the FAA may also conclude that impacts are not significant.

(3) If neither of the above conditions in paragraph (2) apply, the potential impact is considered significant. In the preparation of an environmental impact statement, the FAA shall request the Fish and Wildlife Service or National Marine Fisheries Service to be a cooperating agency on the basis of its jurisdiction. Further detailed analysis may consider:

(a) Any previously unconsidered mitigation measures or project modifications which would lessen impacts so as not to jeopardize species or destroy or modify critical habitat.

(b) Whether further biological assessment would be profitable to pursue in terms of likelihood of changing the biological opinion.

(c) Whether the FAA or the airport sponsor will request an exemption under section 7(g) of the Endangered Species Act Amendments.

k. Wetlands.

(1) Paragraph 47e(11) presents the requirements for the analysis of impacts on wetlands and the information needed in the environmental assessment. When the initial analysis indicates that the applicable thresholds are exceeded or when an agency having special interest in a wetlands area indicates potential significant impacts of the proposal, the FAA shall examine all relevant factors and make the judgment on the significance of the impacts. The FAA will consult as necessary with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Corps of Engineers, the EPA, and state and local natural resource and wildlife agencies in order to make this judgment. Any of these agencies may become cooperating agencies on the basis of their jurisdiction or expertise. Permitting agencies may become joint lead agencies. The FAA shall make every effort to assure that any environmental document prepared by the FAA meets

the needs of permitting agencies. (Reference paragraphs 75b and 75c.)

(2) If impacts are judged to be significant, further detailed analysis shall include the following as applicable to the proposal:

(a) Considerations specified in Executive Order 11990, Protection of Wetlands:

1 "public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;"

2 "maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources;"

3 "other uses of wetlands in the public interest, including recreational, scientific, and cultural uses."

(b) An opinion, based on the above considerations, of the proposal's overall effect on the survival and quality of the wetlands.

(c) Aeronautical safety, transportation objectives, economics, and other factors bearing on the problem.

(d) Further consideration of the practicability of any alternatives.

(e) Inclusion of all practicable measures to minimize harm.

(3) Pursuant to the Fish and Wildlife Coordination Act, the FAA shall apply the instructions contained in paragraph 85i above.

(4) If a state Coastal Zone Management Program or section 4(f) of the DOT Act are significantly involved, the instructions under paragraphs 85m and 85g respectively, are to be followed.

1. Floodplains.

(1) Paragraph 47e(12) presents the requirements for the analysis of impacts on floodplains and the information needed in the environmental assessment. When the initial analysis indicates that the applicable thresholds established in paragraph 47e(12)(d) or 47e(12)(j) are exceeded, the FAA shall prepare an environmental impact statement. Federal, state, or local agencies with floodplain jurisdiction and expertise may become cooperating agencies.

(2) Further analysis shall include the following as applicable to the proposal:

(a) A more detailed analysis of other impact areas (e.g., water quality, induced development, construction impacts) as may be necessary to determine more precisely the impacts on the natural and beneficial floodplain values, including alterations to the present flood storage volume and flooding cycle.

(b) A more detailed assessment of the risk to human life and potential future damage to the transportation facility or other property within the floodplain.

(c) Aeronautical safety, transportation objectives, economics, and other factors bearing on the problem.

(d) Further consideration of the practicability of any alternatives.

(e) Inclusion of all practicable measures to minimize harm and to restore and preserve the natural and beneficial floodplain values affected. Commitments to later compliance with special flood related design criteria or the imposition, in advance, of protective conditions may be warranted in some situations.

(f) Evidence that the action conforms to applicable state and/or local floodplain protection standards.

m. Coastal Zone Management Program:

(1) The procedures for determining consistency with approved state coastal zone management programs are outlined in paragraph 47e(13). If a state which has such a program raises an objection based on inconsistency of the proposed action with its program, FAA shall not approve such action unless the objection is satisfied or successfully appealed by the sponsor to the Secretary of Commerce. The process will normally be completed prior to a determination by the FAA whether or not an environmental impact statement is needed for the proposal. If any issues remain that have not been resolved regarding the relationship of the action to an approved coastal zone management program, such issues shall be identified in the scoping process and resolved in the environmental impact statement. In this situation, the state coastal zone management agency shall be invited to participate in the scoping process.

(2) If there is no approved state program for a coastal area and there appear to be significant impacts per paragraph 47e(13)(a), the FAA shall consult as necessary with state and Federal agencies with jurisdiction and expertise to determine any additional needs for detailed coastal and marine studies.

n. Prime and Unique Farmland.—If upon review of the environmental assessment the local USDA office finds that potential significant environmental impacts exist according to the threshold established in paragraph 47e(14)(c), additional analysis is needed in the environmental impact statement. The FAA shall ask USDA to be a cooperating agency. The analysis may evaluate the impacts on agricultural production in the area, any disruption of

the farming community either as a direct result of construction or by changes in land use associated with the action, and measures to minimize the harm. Such measures may include adjustment in the action to reduce the amount of prime or unique farmland taken out of production or retaining as much of the land as possible for agricultural use by incorporation into compatible land use plans.

o. Energy Supply and Natural Resources.—Additional analysis in an environmental impact statement is needed if the examination as described in paragraph 47e(15) indicates that the thresholds are exceeded. Such analysis shall include additional detail as needed to fully explain the degree of the problem and measures to be taken to minimize the impact. Measures such as more efficient airfield design, ground access improvements, or energy efficient building design shall be considered and described where applicable and incorporated in the action to the extent possible. The Department of Energy may be a cooperating agency and be of assistance in determining additional specific analysis needed and in judging the seriousness of impacts.

p. Light Emissions.—The description of potential annoyance from airport lighting and measures to minimize the effects as contained in an environmental assessment per paragraph 47e(16) will usually be sufficient for an environmental impact statement, in which case no further analysis is necessary. Further consideration may concentrate on previously unconsidered mitigation measures and alternatives. It is possible that the responsible FAA official will judge that a special lighting study is warranted.

q. Solid Waste Impacts.—The information in the environmental assessment as discussed in paragraph 47e(18) will usually be sufficient to describe any solid waste impacts related to the action. Only if significant problems are anticipated with respect to meeting any applicable local, state, or Federal regulations on solid waste management will any additional information or analysis be needed. Additional data may include results of any further consultation with affected agencies and measures to be taken to minimize the impacts. Disposal which would adversely affect water quality or other impact categories may be discussed under those categories or appropriately cross-referenced.

r. Construction Impacts.—The environmental assessment shall usually contain sufficient discussion of construction impacts, per paragraph 47e(19), to obviate the need for any

further information in an environmental impact statement. In an unusual circumstance where a construction impact would create significant consequences which cannot be mitigated, a more thorough discussion is needed, including the results of contacts with those agencies which have concerns and the reasons why such impacts cannot be avoided or minimized to insignificant levels.

s. Design, Art, and Architectural Application:

(1) The environmental assessment will normally include appropriate discussion of the application of design, art, and architecture in mitigating adverse visual and other environmental impacts and encouraging enhancement of the environment. In this context, the determination of "significant" impacts in this category sufficient of itself to require preparation of an environmental impact statement is usually not relevant nor is there need for more extensive detailed analysis in an environmental impact statement. The environmental assessment shall be reviewed, however, to assure that appropriate consideration has been given as discussed in paragraph 41b.

(2) FAA can encourage but cannot impose application of design, art, and architectural principles on an airport sponsor. Therefore, if additional information or analysis is needed in an environmental impact statement, it shall be discussed with and agreed upon by the sponsor. It should be noted that extensive detailed design concepts are not usually developed until after the environmental action has been completed. FAA Order 5100.35, Design, Art, and Architecture in Airport Development, prescribes guidelines for treating and promoting design, art, and architectural objectives in Airport Development Aid Program projects.

86. Adverse Impacts Which Cannot Be Avoided, Short Term Uses and Long Term Productivity, and Irreversible and Irrecoverable Commitments of Resources.—These subjects shall be covered under the heading "Environmental consequences" in the environmental impact statement and need not be repeated in separate sections. The various impact categories described in paragraph 85 shall normally include and identify those adverse impacts which cannot be avoided. These discussions shall also examine, as applicable, the extent to which the proposal involves tradeoffs between short term environmental gains at the expense of long term losses or long term gains at the expense of short term losses and the extent to which the proposal forecloses or broadens future

options. The extent to which the proposal would irreversibly and irretrievably curtail the range of beneficial uses of the environment shall be identified where significant. If new, unusual, or limited sources or types of materials are involved in a project, a quantitative estimate and description shall be included. Normally, labor and materials required to accomplish an airport development project do not significantly curtail the range of beneficial uses of the environment. Depletion of materials in short supply or significant irreversible changes in natural and cultural resources shall be covered.

87. List of Preparers, List of Parties to Whom Sent:

a. CEQ 1502.17 requires that "The environmental impact statement shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement . . . Where possible the persons who are responsible for a particular analysis, including analyses in background papers, shall be identified. Normally the list will not exceed two pages."

b. CEQ 1506.5(a) states "If an agency requires an applicant to submit environmental information for possible use by the agency in preparing an environmental impact statement then . . . the agency shall independently evaluate the information submitted and shall be responsible for its accuracy. If the agency chooses to use the information submitted by the applicant in the environmental impact statement, either directly or by reference, then the names of the persons responsible for the independent evaluation shall be included in the list of preparers."

c. CEQ 1506.5(c) states with regard to environmental impact statements: "If the document is prepared by contract, the responsible Federal official . . . shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents." The names of the persons responsible for the independent evaluation shall be included in the list of preparers.

d. A list of agencies and organizations and persons to whom copies of the statement have been sent shall also be included.

88. Index and Appendices:

a. An index shall be included at the end of an environmental impact statement to assist the reader and facilitate review.

b. When an appendix is used, CEQ 1502.18 requires that it: "(a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which is not so prepared and which is incorporated by reference. . . .) (b) Normally consist of material which substantiates any analysis fundamental to the impact statement. (c) Normally be analytic and relevant to the decision to be made. (d) Be circulated with the environmental impact statement or be readily available on request."

89. *Miscellaneous.*—CEQ 1502.21, .22, and .24 discuss in detail "incorporation by reference," "Incomplete or unavailable information," and "Methodology and scientific accuracy," respectively. These sections should be reviewed for appropriate treatment of these instructions in an environmental impact statement.

Chapter 9. Environmental Impact Statement Processing

90. General:

a. This chapter applies to proposed Federal actions requiring an environmental impact statement. The process for an environmental impact statement is shown in steps 30 through 46 of Appendix 1.

b. Environmental impact statements shall be reviewed by affected FAA program divisions and staff officers at the regional level prior to filing or public review. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the draft statement and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out.

c. For adoption of another agency's environmental impact statement, refer to CEQ 1506.3.

91. *Distribution for Federal Review of Draft Environmental Impact Statements.*—The FAA region or airports district office shall distribute the draft environmental impact statement, per steps 30 through 35 of Appendix 1, as follows:

a. *Distribution for Headquarters Review.*—Five copies of the draft environmental impact statement, including the A-95 comments and the summary sheet, are to be forwarded to the Office of Airport Planning and Programming, APP-600, which shall be responsible for further distribution within the FAA and the Office of the Secretary of Transportation.

b. *Distribution and Coordination for Intergovernmental Review:*

(1) Per CEQ 1503.1, comments on the draft environmental impact statement

shall be obtained from or requested of appropriate Federal, state, and local agencies including affected local jurisdictions.

(2) Federal agencies with jurisdiction by law or special expertise shall be asked to comment.

(3) For instructions on circulation of the summary in lieu of the full environmental impact statement, see CEQ 1502.19.

(4) Draft statements shall be coordinated with the appropriate regional offices of other Federal agencies having jurisdiction by law or special expertise except that statements to be coordinated with any component of DOI, DOC, or the Department of Energy (DOE) shall be sent directly to their Washington headquarters at the following address:

(a) Assistant Secretary—Program Policy, Attention: Director, Environmental Project Review, U.S. Department of the Interior, Washington, D.C. 20240.

(b) Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

(c) Division of NEPA Affairs, Department of Energy, Room 4G064, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (only for airport actions having major energy-related consequences).

(5) Agencies will normally receive one copy of the draft environmental impact statement except as follows:

(a) Five copies of draft statements shall be sent to the appropriate regional office of the EPA.

(b) DOI shall receive:

1 Twelve copies (seven of the final) for projects in each state except those listed in 2 and 3 below.

2 Thirteen copies (eight of the final) for the projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

3 Fourteen copies (nine of the final) for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(6) One copy of draft statements on air carrier airports shall be sent to: Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20420.

c. *Availability to the Public.*—The draft environmental impact statement shall be made available for public review per CEQ 1506.6. Notices of availability shall specifically identify the person in the FAA to contact for status or other information on the environmental impact statement. Normally, this person will be the same

as the one listed on the cover sheet per CEQ 1502.11(c) (also see paragraph 81a).

d. *Filing with EPA.*—The draft environmental impact statement shall be filed with EPA per CEQ 1506.9. The EPA will subsequently publish a notice in the Federal Register per CEQ 1506.10 which will begin the 90-day period after which the Federal action can be taken. Five copies of the draft statement shall be sent to: Office of Environmental Review, EIS Filing Section (A-104), U.S. Environmental Protection Agency, Room 2119, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Telephone: (202) 245-3006).

e. *Establishing Time Limits.*—Pursuant to CEQ 1506.10(c), in seeking comments FAA regional airports divisions may establish a time limit of not less than 45 days from publication of the notice by EPA per d above and receipt by other agencies for reply after which, if no comments are received, it may be presumed that the agency consulted has no comments to make. Fifteen-day extensions will normally be granted when requested by other agencies. When DOT section 4(f) is involved, a 60-day review period is normally required by DOL. Time limits shall take into account the magnitude and complexity of the statement and degree of public interest in the proposal.

92. *Comments on the Draft Environmental Impact Statement:*

a. CEQ 1503.3 addresses specificity of comments. If the responsible official considers that the comments received by a commenting agency have not been made in accordance with the intent of this section, consultation with that agency may be undertaken to rectify discrepancies.

b. It is expected that the extent of comments on the draft will be reduced commensurate with the degree of involvement of the commenting agencies in the scoping process. Problems raised by commenting agencies in the draft review which were thought to have been resolved during scoping may be discussed with or assigned to those agencies for resolution.

c. Comments from EPA are categorized by impact and statement adequacy according to the following criteria:

(1) The impact is rated by EPA as: LO—Lack of Objections, ER—Environmental Reservations, or EU—Environmentally Unsatisfactory.

(2) The statement adequacy is categorized by EPA as: 1—Adequate, 2—Insufficient Information, or 3—Inadequate.

93. *Recirculation of the Draft.*—CEQ 1502.9(a) instructs that "If a draft statement is so inadequate as to

preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.

94. *Preparation and Review of Final Environmental Impact Statements:*

a. Final environmental impact statements shall be prepared in accordance with CEQ 1503.4 (step 36 in Appendix 1). The contents of a final environmental impact statement shall be those described for the environmental assessment in paragraph 47 as expanded and elaborated on during the more detailed analyses of significant issues; as discussed in paragraphs 80 through 86, and as revised following review of the draft statement. The final statement shall contain a concise status report (which may be included in the summary or an appendix) on the compliance or anticipated compliance with permit or license requirements.

b. The environmental impact statement shall include evidence and required consultation to support any assurances if applicable to the Federal action. The assurances themselves will not be made until the record of decision.

(1) For all airport development there shall be evidence to support the following Airport Development Aid Program grant assurances as required by the Airport Act.

(a) The project is reasonably consistent with existing plans of planning agencies for development of the area (section 16(c)(1)(A));

(b) Fair consideration has been given to the interest of communities in or near the project location (section 16(c)(3));

(c) Appropriate action has been or will be taken to restrict, to the extent reasonable, the use of land in the vicinity of the airport to purposes compatible with airport operations (section 18(a)(4));

(d) Appropriate air and water quality certificates have been or will be obtained (section 16(e)) for projects involving airport location, runway location, or a major runway extension.

(2) For actions involving an airport location, runway location, or major runway extension pursuant to section 16(c)(4) of the Airport Act and found to have an adverse effect, there shall be evidence to support a conclusion that:

(a) There is no feasible and prudent alternative, and

(b) All possible steps have been taken to minimize adverse effects.

(3) For actions involving the use of lands subject to section 4(f) of the DOT

Act, there shall be evidence to support a conclusion that:

(a) There is no feasible and prudent alternative to the use of such land, and

(b) The project includes all possible planning to minimize harm to such lands resulting from such use.

(4) For actions involving the displacement and relocation of people, there shall be evidence to support assurances that:

(a) Fair and reasonable relocation payments and assistance have been or will be provided pursuant to provisions in Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) Comparable decent, safe, and sanitary dwellings available on an open occupancy basis are on the market or will be built if necessary prior to actual displacement.

(5) For actions involving new construction directly or indirectly affecting wetlands, there shall be evidence to support assurances that:

(a) There is no practicable alternative to such construction, and

(b) The proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

(6) For actions involving a significant encroachment on a floodplain, there shall be evidence to support assurances that:

(a) There is no practicable alternative, and

(b) The action conforms to applicable state and/or local floodplain protection standards.

(7) For actions within or affecting land or water uses in an area covered by an approved state coastal zone management program, there shall be evidence to support an assurance that the action is consistent with the approved state coastal zone management program to the fullest extent practicable. (If the action is determined to be inconsistent with the state's approved program, the Federal agency shall not approve the action except upon a finding by the Secretary of Commerce that the proposed action is consistent with the purposes or objectives of the Coastal Zone Management Act or necessary in the interest of national security.)

c. CEQ 1504 establishes procedures for "environmental referrals" to CEQ by Federal agencies with disagreements on the environmental effects of a proposal. When a notice of intended referral has been received on an Airports Program environmental impact statement, a copy of the notice shall be forwarded to APP-600 which will advise P-1. Every effort shall be made to resolve the issues prior

to processing the final environmental impact statement. Resolution of issues shall be documented in the final statement. Notification in writing to the FAA from the referring agency indicating that its objections have been resolved shall be obtained to obviate the requirement for concurrence in the final statement by P-1.

95. Approval of Final Environmental Impact Statements:

a. Delegation to FAA.—Final approval authority on environmental impact statements for airport actions has been delegated to the FAA but subject to prior concurrence by the Assistant Secretary for Policy and International Affairs, P-1, for the following categories of actions (Any actions identified in (1) through (5) below which involve DOT section 4(f) also require concurrence by the DOT General Counsel.):

(1) Any new airport serving a metropolitan area (construed as a standard metropolitan statistical area unless specifically directed otherwise).

(2) Any new runway or runway extension for an airport, any part of which is located in a standard metropolitan statistical area and is either certificated under section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators.

(3) Any action to which a Federal, state, or local government agency has expressed opposition on environmental grounds.

(4) Any action for which the Assistant Secretary for Policy and International Affairs requests an opportunity to review and concur in the final statement or for which FAA requests such review and concurrence by that office.

(5) Any action for which a notice of intended referral to CEQ has been received from another agency per CEQ 1504 and the objections have not been resolved (see paragraph 94c).

b. Draft Record of Decision.—P-1 requires that a draft record of decision accompany, but not be part of, any final statement sent through that office for concurrence. This draft record of decision is for environmental review purposes only and does not constitute a review by P-1 of the Airports Program's project or funding decision. This draft record of decision shall state what the FAA's preferred alternative is, include the information specified in CEQ 1505.2 (b) and (c), indicate what environmental commitments (if any) are to be included as a condition for a favorable decision on the preferred alternative and how these will be implemented (e.g., special condition in grant agreement, property conveyance deed, plans and

specifications), and incorporate proposed applicable assurances. The draft record of decision need not include project or funding information which is not relative to environmental approval.

c. Airports Program Approval Authority:

(1) The Associate Administrator for Airports has final impact statement approval authority for any action in the categories specified in paragraph 95a, subject to prior review for legal sufficiency by the Chief Counsel and concurrence by the Assistant Secretary for Policy and International Affairs.

(2) The Assistant Secretary may determine, after review of a draft statement, that a final statement on an action covered by paragraph 95a can be processed without prior concurrence by that office. In such case, the approval authority by the Associate Administrator for Airports may be delegated to the region on a case-by-case basis.

(3) Those actions in (2) above for which the Associate Administrator for Airports has delegated approval authority and all other environmental impact statements may be approved by the regional director or his designee. Approval may be given after review for legal sufficiency by regional counsel and subject to prior concurrence by the Director, Office of Airport Planning and Programming, and the Chief Counsel, when such concurrence is deemed necessary upon headquarters' review of the draft statement or when requested by the regional director. All actions involving section 4(f) of the DOT Act are subject to review for legal sufficiency by Chief Counsel in headquarters (steps 37 through 45, Appendix 1).

d. Headquarters Review:

(1) When final approval of an environmental statement is retained in headquarters, the headquarters coordination is initiated when statements are received in the Office of Airport Planning and Programming. Copies are forwarded by APP-600 to the Office of the Chief Counsel for review for legal sufficiency, and then to appropriate elements of the Office of the Secretary of Transportation when required for review and concurrence, with a request for response within 15 to 30 days, depending upon the complexity of the statement. During headquarters review, the statement is revised as necessary or information added. The statement, with any comment, is then submitted to the Associate Administrator for Airports for approval (steps 38 through 41, Appendix 1).

(2) When approval authority is delegated to the regional director and concurrence by headquarters is

requested, two copies are to be forwarded to APP-600 for action (step 44, Appendix 1).

e. Approval.—As the mechanism for approval of a final statement, a declaration approximately as follows shall be added to the summary. Signature and date blocks shall be added for the concurrence of appropriate offices and approval or disapproval of the approving official (step 41 or 45, Appendix 1).

"After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969."

96. Notification and Distribution of Approved Final Environmental Impact Statement:

a. General. Distribution by the region or airports district office of approved final statements to EPA, other agencies and organizations, and the public shall, insofar as possible, be simultaneous so as to avoid unnecessary inquiries and insure that all interested parties have a fair opportunity to review the documentation (step 46, Appendix 1). If there have been only minor changes to the draft, the procedure in CEQ 1503.4(c) may be used for circulation of less than the entire document. The region shall notify APP-600 when distribution has been completed.

b. Distribution to EPA.—The FAA regional office preparing the final environmental impact statement shall forward to the appropriate EPA regional office one copy of the final statement if it was categorized LO-1. Otherwise, five copies shall be sent to EPA. In the event that EPA has comments on a final impact statement, the FAA regional office shall make every reasonable effort to resolve any conflicting issues. If the issues cannot be resolved, the matter shall be referred to APP-600.

c. Distribution to the Office of Environment and Energy.—The region shall send one copy to AEE-1 for information and for ultimate transmission to the DOT library.

d. Distribution to the Civil Aeronautics Board.—The region shall send one copy of statements for air carrier airports to the CAB address listed in paragraph 91a(6) for information.

e. Distribution to DOI.—The region shall send to the DOI address listed in

paragraph 91a(4)(a) the number of copies listed in paragraph 91a(5)(b).

f. *Other Distribution by the Region.*—A copy of the final environmental impact statement shall also be sent to each Federal, state, and local agency and private organization which made substantive comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comments on the draft. The sponsor shall also be sent a copy as well as the appropriate state and area-wide clearinghouses unless otherwise designated by the governor. A copy of the approved final statement shall be sent to APP-600 for information unless APP-600 has retained a copy when approved by the Associate Administrator for Airports. When the number of commenters is such that distribution in this manner is impractical, alternative arrangements shall be made after consultation with EPA and DOT, through APP-600.

g. *Availability to the Public:*

(1) Additional copies shall also be made available by the region to the public for review by distribution to appropriate locations accessible to the general public.

(2) The availability of the final statement shall be announced by the region in the appropriate local media in a manner similar to the announcement method for the draft environmental impact statement.

h. *Filing with EPA.*—The region shall distribute to EPA the required five copies of the final statement for Federal Register notification. The region shall forward the copies directly to the address listed in paragraph 91d. A copy of the transmittal to EPA shall be forwarded to APP-600 for record purposes.

i. *Timing of Decision.*—In accordance with CEQ 1506.10(b) "No decision on the proposed action shall be made or recorded [see paragraph 98] . . . until the later of the following dates: (1) Ninety (90) days after publication of the notice described above [by EPA per paragraph 91d] . . . for a draft environmental impact statement. (2) Thirty (30) days after publication of the notice described above [by EPA per paragraph 96h above] . . . for a final environmental impact statement."

j. *Comments Before Decision.*—CEQ 1503.1(b) provides that "An agency may request comments on a final environmental impact statement before the decision is finally made. In any case other agencies or persons may make comments before the final decision. . . ."

97. *Other Availability of Final Statements.*—In addition to the availability and distribution of approved

final environmental impact statements, final statements proposed for approval shall normally be made available upon request in FAA offices for inspection by the public and by Federal, state, or local agencies prior to final approval and filing with EPA. Such statements shall carry a notation that they have not been approved and filed.

98. *Decision:*

a. Following the review periods prescribed in CEQ 1506.10, the FAA decisionmaker may make a decision on the Federal action (see steps 47 through 53 of Appendix 1). The environmental impact statement and other environmental documents shall be included in the administrative record and made available to the decisionmaker. CEQ 1505.2 requires a record of this decision and specifies information to be included in the record of decision. CEQ 1505.2(b) states "An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions." The Airports Program's statutory mission is to promote the development of a safe and efficient nationwide airport system adequate to meet the current and projected growth in aviation, and this mission is to be given appropriate weight in any final decision on an action. Based upon the data presented in the environmental impact statement and other relevant considerations, the record of decision shall also include the appropriate assurances, conclusions, or findings as delineated in paragraph 94b.

b. The record of decision shall include any mitigation measures which were made a condition of the approval of the environmental impact statement. Proposed changes in or deletions of mitigation measures which were a condition of approval of the environmental impact statement shall be reviewed by the same FAA offices which reviewed the final statement and must be approved by the environmental impact statement approving official.

c. If the decisionmaker wishes to take an action which was included within the range of alternatives of an approved environmental impact statement but was not the agency's preferred alternative as identified in the final statement, the decisionmaker shall first coordinate a new draft record of decision for concurrence with the same FAA and DOT offices whose concurrence was required for approval of the final statement. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in the record of decision, may request that a

supplement to the environmental impact statement be prepared and circulated, or may nonconcur. The decisionmaker shall not approve the Federal action over a nonconcurrence.

d. If the alternative the decisionmaker now wishes to take action on involves a special interest (e.g., section 4(f) land, endangered species, wetlands, historic sites, or others), the FAA shall first complete any required evaluation and consultation that has not been done, supplementing the original environmental impact statement, prior to taking the action. Supplements to environmental impact statements shall be reviewed and approved in the same manner as the original document.

99. *Implementation of Environmental Commitments:*

a. In accordance with CEQ 1505.3, "Mitigation . . . and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency." This section of the CEQ Regulations further specifies actions which the lead agency shall take to implement environmental commitments. The FAA shall take steps as appropriate to the action, through special conditions in grant agreements, airport location approvals, property conveyance deeds, releases, airport layout plan approvals, and contract plans and specifications and shall monitor these as necessary to assure that representations made in the environmental documentation with respect to mitigation of impacts will be carried out.

b. Generally, the following guidelines apply to the inclusion of special environmental assurances in grant agreements, property conveyance deeds, releases, and airport layout plan approvals:

(1) Include actions or commitments by the airport sponsor, if any, which are critical to the decision.

(2) Include significant measures for mitigation of adverse impacts.

(3) Include actions to be taken by the sponsor to identify mitigating measures or to encourage others to take mitigating measures.

(4) Include special commitments to ensure compatibility of the airport with the surrounding area.

(5) Do not include in grant agreements standard items that are incorporated in project plans and specifications.

(6) Do not include assurances which are found to derogate safety. APP-600 shall be contacted to discuss disposition of any previously approved environmental commitments which appear to fall into this category.

c. Any significant deviation from prescribed action that may reduce protection to the environment must be submitted through APP-600 to P-1 for concurrence if the approved statement was concurred in by P-1.

Chapter 10. Tiering, Time Limitations, Written Reevaluations, Supplements

100. *General.*—After a draft or final environmental impact statement or a finding of no significant impact has been prepared, there are circumstances which involve further environmental documentation. These are discussed in the following paragraphs.

101. Tiering:

a. Tiering is defined in CEQ 1508.28 and further discussed in CEQ 1500.4(i), 1502.4(d), and 1502.20. CEQ 1508.28 states that tiering is appropriate when the sequence of analyses is:

(1) "From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis."

(2) "From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe."

b. In the Airports Program, tiering is most applicable in the circumstances listed below. Care must be exercised when tiering not to separate actions which are functionally related and have no independent utility.

(1) Program statements (as for new legislation or a new National Airport System Plan) followed by site specific statements as required.

(2) Environmental documents resulting from master planning covering specific short term projects, in a long term development context, to be followed at a later time when further specific projects become ripe for decision.

(3) Environmental documents for airport location approvals to be followed at a later time by specific development projects as the need develops. The subsequent environmental analysis or statement will then focus on the development which is proposed for decision and exclude from consideration the issue of airport location (including other airport sites as reasonable alternatives to the proposed action) since this has already been decided.

(4) Environmental documents for airport layout plan approvals (see paragraph 30). Tiering for airport layout plan approvals may work in either of two ways:

(a) All of the development on an airport layout plan may be environmentally approved (i.e., an unconditionally approved airport layout plan) if appropriate analyses have been completed and applicable assurances (such as for DOT section 4(f), relocation, wetlands, floodplains, coastal zone management programs) can be made. The appropriate environmental action choice for any future Federal actions involving development on an unconditionally approved airport layout plan would be either a written reevaluation or a supplement (see paragraphs 103 and 104, respectively). Tiering is more likely to be applied in this manner to airport layout plans which have resulted from master planning as described in subparagraph (2) above.

(b) More immediate range development shown on an airport layout plan may be environmentally approved with deferral or environmental action on later stages of development because the time is not ripe for decision on these stages. This situation may occur either with or without master planning having been done. The latter method of tiering will result in conditionally approved airport layout plans. At the time that the later development is proposed for decision, a new environmental analysis or statement will be required.

c. For instructions relative to summarizing, referencing, and making available previously tiered environmental documents, see CEQ 1502.20.

102. Time Limitations for Environmental Documents:

a. The time limitations below have been established for all DOT environmental impact statements. The time limitations in subparagraph (2) apply to final environmental impact statements approved after July 30, 1979, and apply effective July 30, 1982, to final statements approved prior to July 30, 1979.

(1) A draft environmental impact statement may be assumed valid for a period of three years. If the final statement is not submitted within three years from the date of the draft statement circulation, a written reevaluation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment, and mitigation measures set forth in the draft statement remain applicable, accurate, and valid.

If there have been changes in these factors which would be significant in the consideration of the proposal, a supplement to the draft statement or a new draft statement shall be prepared and circulated.

(2) With regard to approved final impact statements, four sets of conditions have been established:

(a) If major steps toward implementation of the proposed action (such as the start of construction, substantial acquisition, or relocation activities) have not commenced within three years from the date of approval of the final statement, a written reevaluation of the adequacy, accuracy, and validity of the final statement shall be prepared. If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental environmental impact statement shall be prepared and circulated.

(b) If the proposed action is to be implemented in stages or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy, and validity of the final statement shall be made at each major approval point which occurs more than three years after approval of the final statement and a new supplemental statement prepared, if necessary.

(c) If major steps toward implementation of the proposed action have not occurred within the timeframe (if any) set forth in the final statement or, if no timeframe is set forth, within five years from the date of approval of the final statement, the written reevaluation required by (a) or (b) above shall be referred to the same concurring authority that concurred in the environmental impact statement.

(d) If the proposed action has been restrained or enjoined by court order or legislative process after approval of the final statement, the five-year period may be extended by the time equal to the duration of the injunction, restraining order, or legislative delay.

b. For Airports Program environmental actions, the above time limitations shall also apply to preliminary section 16(c)(4) findings of no significant impact which have been circulated to EPA and DOI and to final approved section 16(c)(4) findings of no significant impact.

103. *Written Reevaluations.*—When required by paragraphs 102a(1), a(2)(a), and a(2)(b) above, the responsible official shall prepare a written reevaluation of the continued applicability, adequacy, accuracy, and validity of a draft or final impact

statement. There is no requirement for a specific format or content, for coordination, or for publication of this written reevaluation. It shall include the name of the FAA responsible official and the date prepared and shall become part of the administrative record on the action. No further processing is required unless the written reevaluation indicates that a supplemental or new draft or final impact statement is necessary.

104. Supplements:

a. CEQ 1502.9(c) defines two circumstances requiring the preparation of supplements to draft or final impact statements, as follows:

(1) "The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(2) "There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts."

b. A change in the proposed action, in the environmental circumstances, or in the agency's decision (reference paragraph 98) may cause a supplement to a draft or final impact statement to be prepared soon after the original document. If a reasonable alternative which is significantly different from alternatives considered in the draft is identified, a supplement shall be prepared. A supplement is not required if the only change is the development of additional data, provided such data are not in conflict with the environmental impact statement. In other cases, a supplement may be required because the time limitation on an environmental document has been exceeded and a written evaluation has indicated that the contents of the original document are no longer applicable, adequate, accurate or valid per paragraph 102.

c. The format and contents of a supplement are not specified and are expected to vary depending on the extent of the changes. A supplement is likely to be in the form of either:

(1) A separate document which discusses the changed circumstances, identifies the parts of the original environmental document which have been affected, and presents the new data.

(2) Changes to the original environmental document in the form of new pages to replace existing pages and/or new pages to be added.

d. Supplements are subject to the same circulation and filing requirements as the original environmental document and to the same approval level (unless a new element is present which would raise the required approval level). Scoping is not required. A supplement is considered part of the documentation for decisionmaking. If a supplement

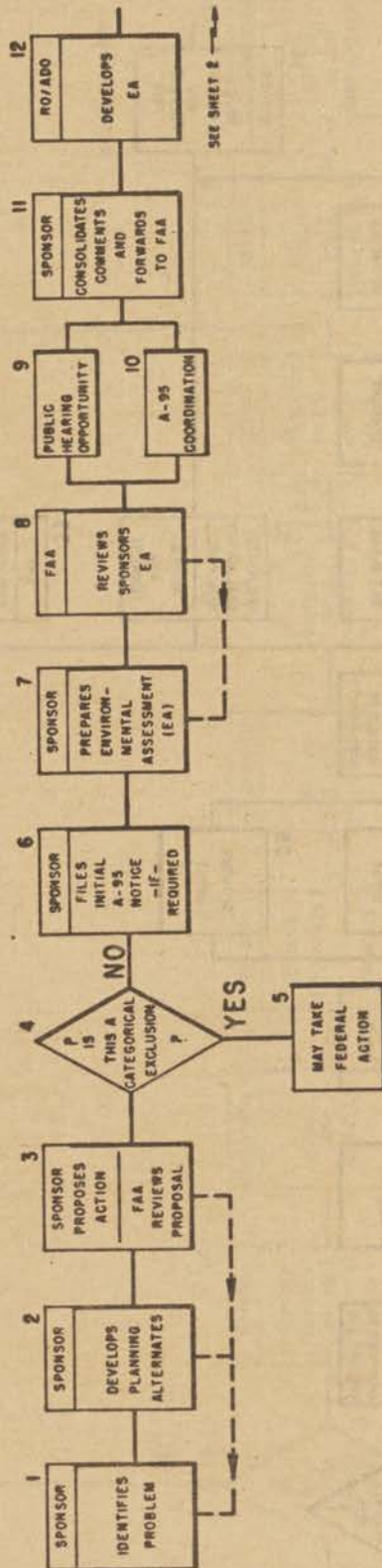
changes a record of decision, a new record of decision must be issued after the required 30-day review period.

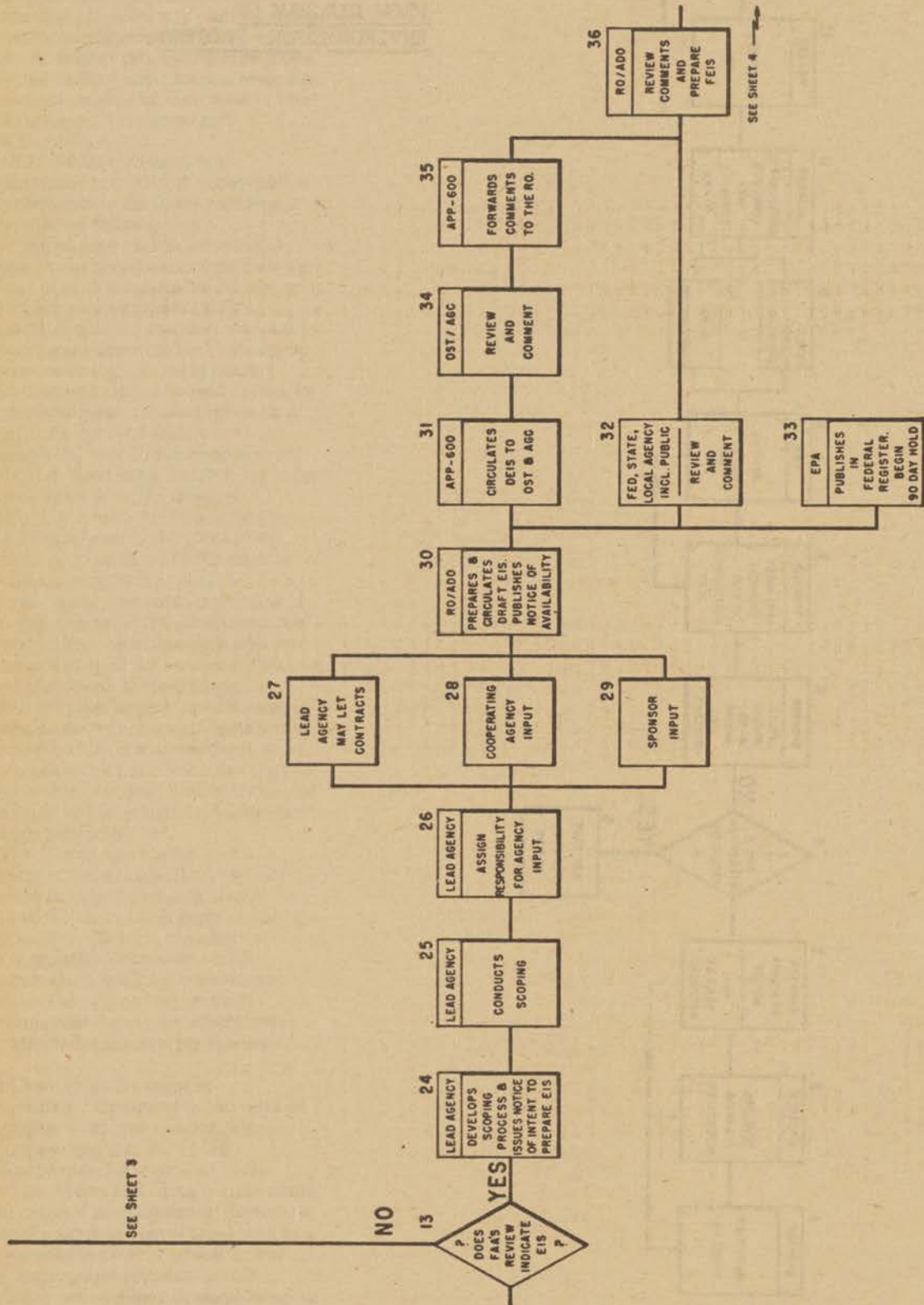
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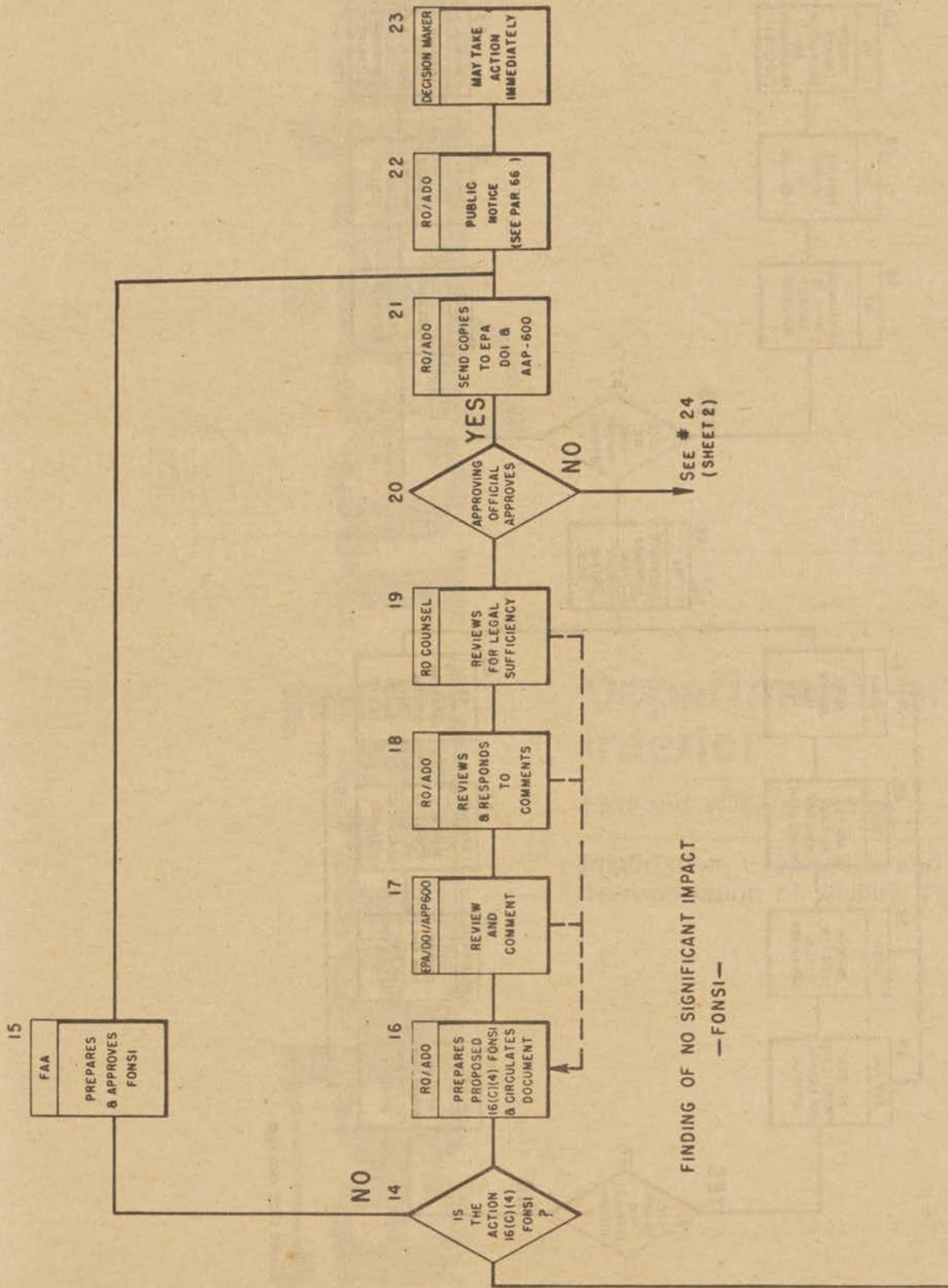
FLOW DIAGRAM OF ENVIRONMENTAL PROCESS.





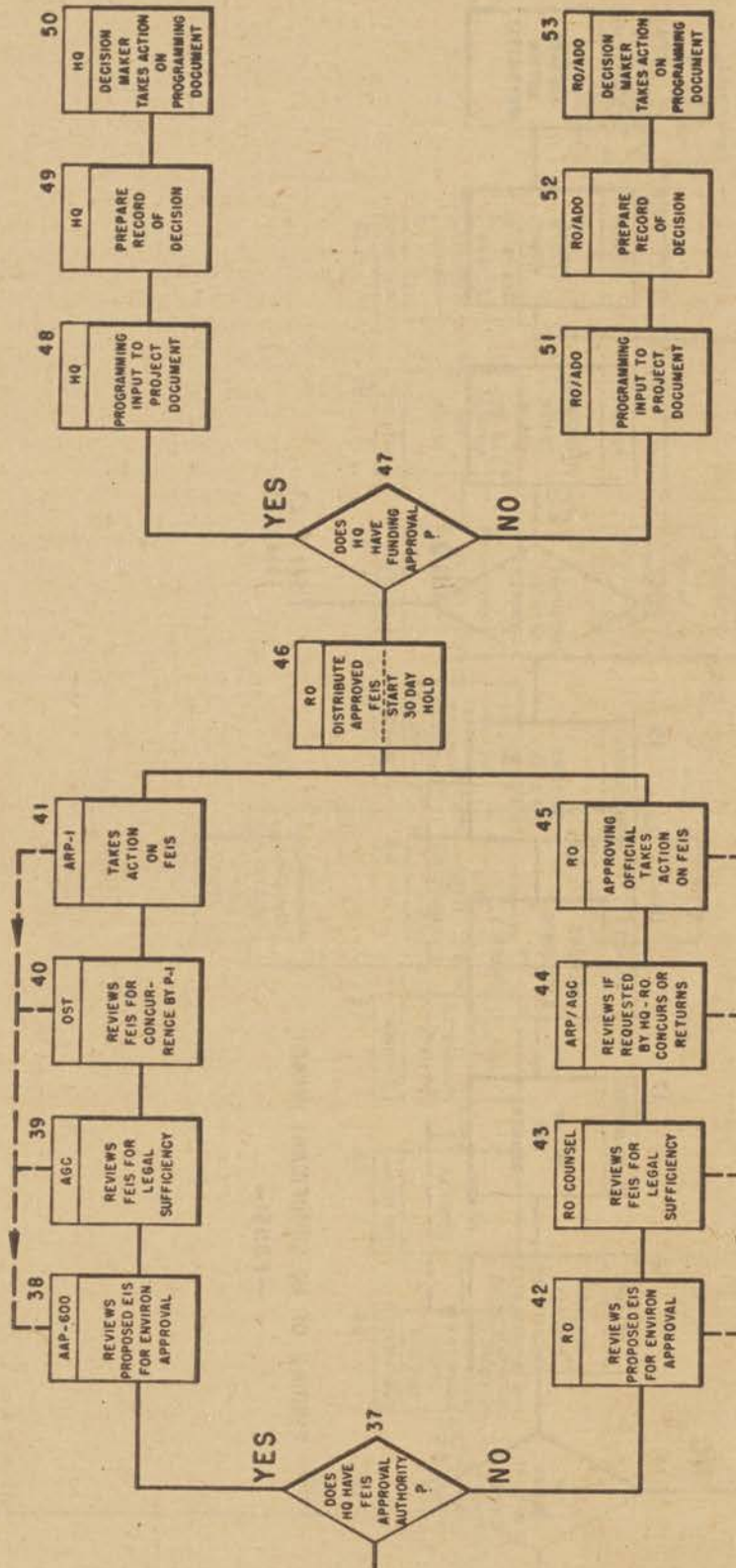
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federal register

Monday
August 25, 1980

Part IV

Department of the Interior

Fish and Wildlife Service

**Importation, Exportation and
Transportation of Wildlife; Final Rules**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 10, 13, and 14

Importation, Exportation and Transportation of Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking implements provisions of the Endangered Species Act of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Lacey Act, the Black Bass Act, and other statutes administered by the Service, by amending certain regulations governing the importation, exportation, and transportation of wildlife. The temporary permission to do business granted in the *Federal Register* on March 5, 1974 (39 FR 8357), to all persons engaged in business as importers or exporters of wildlife is replaced by a licensing system which regulates all persons who import or export wildlife for grain or profit. The licensing system is intended to improve the Service's ability to monitor wildlife traffic, protect wildlife resources, and communicate with persons most affected by subsequent Service rulemakings. Controls on the exportation of wildlife, including declaration requirements, have been added to complement those in effect for the importation of wildlife. These controls, implementing obligations regarding certain wildlife exports placed on the Service by the Endangered Species Act of 1973 and the Convention, are expected to provide the Service with previously lacking information on export volume, in total and by species, and should further the Service's ability to protect wildlife resources. The definition of "fish or wildlife," the cornerstone of the regulatory scheme, has been broadened to include species not currently covered, yet remains restrictive enough to exclude domestic varieties of animals. Some ports through which certain wildlife may enter or leave the United States have been changed to coincide with actual wildlife traffic patterns, or to accommodate importers of personally owned pet birds or certain antique articles who must comply with the port of entry requirements of other Federal agencies. Finally, the container marking requirements derived from the Black Bass and Lacey Acts have been simplified.

EFFECTIVE DATE: September 24, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. John T. Webb, Division of Law Enforcement, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION:**Background**

The Service enforces a variety of laws relating to the importation, exportation, and transportation of wildlife. Some of these laws apply only to certain species of wildlife, while others are of general applicability. Based on these laws, the Service regulates with varying emphasis the importation, exportation, and transportation of wildlife along the functional lines of wildlife transactions. This organization provides uniform rules and procedures for controlling the movement of wildlife within a comprehensive, understandable, and workable system.

The Service has reviewed these regulations which are enforced by the Service with the cooperation of the U.S. Customs Service and other Federal and State agencies. In its review, the Service found the need to resolve ambiguities, clarify requirements or procedures, or institute changes in procedures. This rulemaking is intended to accomplish these tasks.

In addition, both the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, hereinafter referred to as the "ESA") and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the "Convention" or by the acronym CITES) obligate the United States to control the exportation of certain wildlife and plants. As a result, this rulemaking contains a general revision of regulations regarding the exportation of wildlife.

Also, section 9(d) of the ESA (16 U.S.C. 1538(d)) makes it unlawful for any person to engage in business as an importer or exporter of fish or wildlife, other than certain shellfish and fishery products, without first having obtained permission from the Secretary of the Interior. On March 5, 1974, the Service granted temporary permission to all such persons by a notice in the *Federal Register* (39 FR 8357). That notice indicated that rules for obtaining permission on a more permanent basis would be promulgated at a later date.

On March 27, 1978 (43 FR 12830-12837), the Service published a proposed rulemaking to amend its regulations pertaining to the importation, exportation, and transportation of wildlife, to meet the needs and obligations addressed above. All interested parties were invited to submit

written comments which might contribute to the formulation of a final rulemaking. Additionally, in response to many requests, public hearings were held on October 6 and 12, 1978, in Denver, Colorado, and Washington, D.C., respectively, in which oral testimony was given by individuals who had requested to testify following the public hearing notice published in the *Federal Register* on August 23, 1978 (43 FR 37473). All written comments and hearing testimony have been considered in preparation of this rulemaking.

Summary of Comments

The comment period ran from March 27, 1978, to May 26, 1978, and was reopened on August 23, 1978, until October 31, 1978. A total of 630 responses (including oral testimony) were received and have been classified by origin as follows:

Government (State and Federal).....	21
Research (Medical and University).....	6
Zoos, Museums.....	20
Conservation Groups.....	13
Pet Industry.....	39
Furriers.....	65
Taxidermists.....	281
Trappers.....	20
Breeders.....	8
Designated Port Requests.....	44
General Public.....	113

The following is a summary of the comments arranged by topic; a discussion of any issue raised under a topic by a particular interest group, where applicable; and the Service's response to the comments, including changes from the proposed rulemaking, except corrections to typographical errors or minor technical or editorial changes.

Definition of "Fish or Wildlife"

A number of comments found the proposed definition of "fish or wildlife" in § 10.12 overbroad. The Service attempted to use the ESA definition, but encountered difficulties. The ESA definition does not exclude domestic animals; therefore, the regulations would have to be riddled with exceptions for the importers or exporters of domestic animals or their products, otherwise those importers or exporters would generally be required to use certain Customs ports and file a Declaration for Importation or Exportation of Wildlife (USFWS Form 3-177), and would be subject to sanctions if they did not. Instead, the Service has retained the word "wild" used in the former definition, which restricts the applicability of the regulations to those animals normally found in a wild state, whether or not

bred, hatched, or born in captivity. At the same time the definition has been broadened to include species covered by the ESA. Without providing specific exceptions, varieties of domestic animals have been eliminated from the rules coverage, which the Service has no need to monitor or control and those for which any attempt would be practically impossible. Furthermore, any ambiguity which may arise by basing exceptions on the word "domestic" is eliminated. No statutes enforced by the Service define that term, yet "wild" is defined by the Lacey Act (18 U.S.C. 42).

Import/Export License

By far the greatest number of comments addressed the Service's proposal to implement section 9(d) of the ESA by requiring any person who engages in business as an importer or exporter of wildlife to be licensed. Section 9(d) of the ESA, as noted above, makes it unlawful "for any person to engage in business as an importer or exporter of fish or wildlife * * * without having first obtained permission from the Secretary (of the Interior)." On its face section 9(d) applies to all wildlife as defined by the ESA, not to just endangered or threatened wildlife as suggested by many commenters. In addition, the permission required from the Secretary may take the form of a license or permit. These three terms, permission, license, and permit, were used interchangeably when section 9(d) was drafted by Congress.

Numerous commenters responded that there are adequate laws in force to monitor the import/export traffic in wildlife. The Service is aware that many persons required to be licensed by this rulemaking are covered by regulations promulgated by other agencies. However, the Service regulations provide a comprehensive scheme involving only wildlife resources. Through licensing the Service will be able to identify those persons who engage in business as importers or exporters of wildlife, which will in turn improve communications between the Service and these licensees, who are most likely to be affected by subsequent Service rulemakings. Further, the ESA requires more than the mere permission of the Secretary for a person to engage in business as an importer or exporter of wildlife. Such persons are subject to recordkeeping, inspection, and reporting requirements. Again, through licensing, these requirements can be enforced, with sanctions available for noncompliance.

The definition of "engage in business as an importer or exporter of wildlife" has been redefined. The word

"continuously" has been deleted, and the activity involving the importation or exportation of wildlife need only be "for gain or profit." Strictly construed, the Service could not enforce the licensing provision with the adverb "continuously" included; importers or exporters whose activities are substantial, but intermittent, would remain unregulated. Importers or exporters have also been alerted that a license may be required even though they are not considered to be importers or exporters by the customs laws of the United States. Divergence from customs law is found in the definition of "import" under section 3(10) of the ESA, 16 U.S.C. 1532(10), which states explicitly that customs law is not controlling. Similar admonishments have been included under the import/export license.

A substantial number of commenters requested that the issuance of import/export licenses be mandatory and not discretionary, and that a grandfather clause be applied to all current importers or exporters. As noted above, the Service has for some time operated under a grandfather clause. On March 5, 1974 (39 FR 8357), the Service granted temporary permission to all persons engaged in business as an importer or exporter of wildlife, and specified that regulations would be promulgated establishing a system for obtaining permission on a more permanent basis. Issuance, denial, suspension, revocation, and renewal of these licenses are governed by the general permit procedures of Part 13. For clarity, a reference to Part 13 has been included under § 14.93(f). Also, § 13.21(b) removes much of the discretion the Service has in deciding whether to issue a license. A license shall be issued unless one of the stated conditions exists, whereupon the issuance becomes discretionary. For this reason § 14.93 contains the language "may," but the discretion of the Service is substantially limited.

Administrative review of the denial of a license is available under § 13.21(d). The Service is currently developing more explicit regulations in this area, and for the procedure to be followed when a violation of the license is alleged, including criteria for the suspension or revocation of a license.

Section 14.93(c) has been added to allow applicants for a license to continue to engage in business under the temporary permission of the Secretary of the Interior until the application has been finally acted upon by the Service, if a complete application is received by the Service on or before December 31, 1980. Concern of the pet industry that

too much time would elapse between promulgation of the proposal and issuance of licenses should be alleviated by this provision.

Several commenters expressed the view that licenses should be valid indefinitely, or for some period greater than the two years provided. The Service believes that the two-year period, which is consistent with the time period for licenses issued by other Federal agencies, will enable the Service to maintain current and valid information on licensees, a task made otherwise difficult by the relatively high turnover rate of many of the businesses to be licensed.

The inclusion or deletion of certain persons required to be licensed resulted in opposition from a number of the affected groups. Taxidermists, which were the largest single group submitting comments, objected strenuously. However, only taxidermists importing or exporting wildlife in connection with the mounting, processing, or storage of trophies or specimens are required to be licensed. These taxidermists are responsible for the movement of wildlife and are involved in its shipping. It was frequently argued that they are only agents of the importer or exporter. Ownership of the wildlife, however, is not a prerequisite to the licensing requirement; consignees and others are also included. For this reason freight forwarders are also included over strenuous objections. Freight forwarders are often consignees of wildlife shipments. When a shipment is received, any evidence of the consignor is usually obliterated and the shipment is forwarded. Therefore, a wildlife shipment cannot be traced from the supplier to the purchaser or ultimate consignee, or from the purchaser or ultimate consignee to the supplier without guaranteed access to the records of the freight forwarder.

Section 14.91(c)(4), as it appeared in the proposed rulemaking, has been deleted, and laboratory research suppliers, who actually import the overwhelming percentage of animals imported for research purposes, have been shifted to subparagraph (c)(1) of the same section along with the addition of biological suppliers. Scientific researchers are not generally utilizing wildlife for commercial purposes, and their suppliers are otherwise covered by this section. Thus, the Service is still able to monitor the import/export traffic in wildlife without interfering with scientific research. That same section when read in conjunction with § 14.92(b)(3), providing for an exception to the licensing requirement for public

scientific or educational institutions, also proved to be ambiguous. New subparagraph (c)(4) of § 14.91 has been changed by the deletion of the word "manufacture" because it is inapplicable to items which have already been made into products.

The licensing exception provided to certain persons under § 14.92(b) generally includes persons already regulated by other governmental agencies whose importation or exportation of wildlife is incidental to their primary business purpose. An exception is also provided for governmental agencies and nonprofit organizations. These excepted categories have been redrawn to depict more accurately the persons covered and to indicate that, although a license is not required, other requirements remain in effect including recordkeeping. As described below, the Service is not requesting that a duplicate set of records be compiled, but only that the required information on any importation or exportation of wildlife be maintained, including the disposition of the wildlife. The disposition requirement was omitted from the proposal, but has been added to implement fully section 9(d)(2) of the ESA, 16 U.S.C. 1538(d)(2), which requires records to be kept which fully and correctly disclose the subsequent disposition of any imported or exported wildlife.

The exceptions to the licensing requirement given to importers or exporters of certain wildlife are derived from section 9(d) of the ESA, 16 U.S.C. 1538(d), except the one for captive-bred wildlife. The named captive-bred species were exempted because they are readily distinguished and considered by the Department of Agriculture to be domestic animals.

The application and recordkeeping requirements of the license were felt by many to be excessive, objectionable, and unnecessarily costly to the licensee. The proprietary information which must be included in the application has been simplified, by eliminating the need to furnish a copy of any corporate charter and bylaws.

The recordkeeping requirements of § 14.93(c) are not as burdensome as they might appear. The rulemaking does not direct either licensees or excepted persons to keep an additional set of records; it merely requires as a condition of licensing or as a requirement for certain persons to be excepted that certain information, as set forth in § 14.93(c) or § 14.92(b), be included as a part of whatever business records are presently maintained, and that such records be retained for a period of five years, which is consistent

with the statute of limitations for laws administered by the Service. The requirement that the records fully and correctly disclose the subsequent disposition by the licensee or excepted person of the wildlife imported or exported may be met by records which are specimen-specific, on an inventory basis, or a combination of the two depending upon the normal business practice of the importer or exporter. It should be noted that a report of these records is required only if requested.

Finally, the \$50 license fee has been retained. This fee is authorized by section 11(f) of the ESA, 16 U.S.C. 1540(f), which allows the Service to " * * charge reasonable fees for expenses to the Government connected with permits or certificates authorized by this Act including processing applications and reasonable inspections." A \$50 fee spread over two years is reasonable, and should help defer the costs of administering the program.

Definition of "Export"

The proposed definition of export has been deleted. The general meaning of export has been clearly defined by the Supreme Court as "to carry or send abroad." *Canton Railroad Co. v. Rogan*, 340 U.S. 511, 515 (1951). Also, utilization of judicial interpretations provides the flexibility necessary to deal with diverse factual situations which, depending on the circumstances, may or may not fall within the beginning of the export process.

Wildlife Declarations

Several commenters questioned the basis for providing an exception under § 14.64(b)(1) to the requirement that a Declaration for Importation or Exportation of Fish or Wildlife (USFWS Form 3-177) be completed, when the wildlife being exported is not intended for sale and the value is under \$250. This exemption adopts the monetary amount provided by the Department of Commerce to exempt one from completing a Shipper's Export Declaration, 16 CFR 30.55. These exportations would clutter any statistical compilation and because of the manner in which the exception is drawn involve wildlife not otherwise specifically regulated by the Service.

The Service also overlooked the possibility that injurious wildlife could be exported without filing an export declaration. This oversight has been corrected and an export declaration must be completed for the exportation of injurious wildlife. Previously, these exportations were undocumented. Now data can be collected to determine if

injurious wildlife is being reexported from the United States.

Inspection and Clearance

Many comments referred to the clearance requirements formerly found in Subpart D, which were designated "[Reserved]." This device is used where the provision is removed (*i.e.*, deleted) but reference to it maintains the integrity of the regulations and avoids the subsequent confusion which renumbering may cause.

Other comments were generally split between those which found the revised clearance procedure too lenient and those which found it too strict. One commenter argued that the new § 14.52(c) which replaces § 14.41 does not assure that the Lacey Act, 18 U.S.C. 43, is effectively enforced. For instance, documentation is no longer required to show that wildlife has been lawfully taken in the country of origin, when that country does not require any permit or document. The Service, however, believes that if the foreign country does not require official documentation, the documents presented upon importation will often be of doubtful reliability. Furthermore, under § 14.53(a), clearance may be refused whenever, under all the circumstances, there are reasonable grounds to believe that the Lacey Act, or any other Federal law or regulation, has been violated. Also, the Service has rejected suggestions to require only that documentation which physically accompanies the shipment. An importer must present all permits or other documents required by the laws or regulations of any foreign country, and clearance may be refused if they are not available or authentic.

Several commenters wanted inspection and refusal of clearance to be mandatory rather than discretionary and felt these activities should be conducted only by inspectors or agents of the Service. Others commented that the inspection and clearance requirements already involve too much delay. The inspection and clearance procedure adopted continues the past practice, with slight modification. The Service believes this procedure has been effective and expedient. In some situations where unreasonable delay is involved, clearance may be conducted by Customs officers, subject to post-clearance inspection and investigation by the Service. Clearance by either Service or Customs officers does not constitute a certification of the legality of an importation under the laws or regulations of the United States.

Although wildlife exports may be subject to detention for inspection, no export clearance procedure has been

adopted. However, a procedure for permit validation by the Service prior to exportation remains as a permit condition for wildlife exports requiring either an export permit or a reexport certificate under the ESA or the Convention.

A description of the steps which may be taken when wildlife is refused clearance has been deleted. It would be impossible to specify in advance the appropriate procedure for each factual situation involving a refusal of clearance.

Marking Requirements

In response to a number of comments, § 14.82(a) has been simplified. The marking requirement may be satisfied by conspicuously marking on the outside of each package or container the word "fish" (or "wildlife" as appropriate) or the common name and attaching an invoice or packing list to the outside of just one package or container in the shipment. The use of the confusing term "generic" has also been omitted and scientific names need not be used if the alternatives to the marking requirement are followed. One commenter suggested that telephone numbers be placed on containers in the event of an emergency. Although not required by these regulations, anyone subject to the marking requirement may include such information.

Ports

1. *Generally.* Most commenters felt the activities which could be conducted at certain ports are too limited. The basis for regulations in this area is section 9(f) of the ESA, 16 U.S.C. 1538(f). The designated port is the keystone of the importation and exportation process. No particular conditions are placed on the use of these ports. From these the Service has expanded to recognize border and special ports, through which certain wildlife may be moved, and recognized that certain wildlife may move through any port. This scheme involves balancing the convenience to the importer or exporter with the restrictions imposed by a limited number of Service personnel.

If the wildlife requires a permit or certificate under 50 CFR Parts 16, 17, 18, 21, or 23 it must move through a designated port unless an exception to that requirement is applicable. Otherwise, the convenience of the importer or exporter has been given considerable attention.

To ease the burden on persons applying for designated port exception permits the number and kinds of the wildlife involved need only be provided "where such number and kinds can be

determined." This should provide enough flexibility in the issuance of permits to import or export wildlife at nondesignated ports where the species and amount are not determined in advance. However, identification of the wildlife must occur at the time of importation, except for scientific specimens which must be described within 180 days of the importation date.

Section 14.14 has been divided into subsections (a) and (b) in order to draw the distinction between the designated port in-transit requirement for imports into the United States and the exception from the designated port requirement provided for foreign in-transit shipment through the United States.

Section 14.19 has been divided into subsections (a), (b), and (c) to allow exports as well as imports through special ports for wildlife originating in or intended for final destination as appropriate, in the geographic locations specified for those special ports.

2. *Designated port requests.* A number of requests were made to designate Houston, Texas; Dallas, Texas; Denver, Colorado; San Diego, California; Boston, Massachusetts; and Washington, D.C., as ports where the importation or exportation of wildlife is authorized. Other comments sought the designation of certain border ports or objected to the deletion of others. As noted in the proposal these changes are in response to the volume of wildlife traffic through certain ports.

A substantial interest was demonstrated in designating Dallas/Ft. Worth as a port of entry. The Service found those comments persuasive, particularly after reviewing the volume of wildlife traffic through that area. As soon as possible the Service will attempt to establish Dallas/Ft. Worth as a designated port, subject to the availability of additional funds and resources with which to staff the port. For other cities the Service is continuing to study the situation and appreciates the evidence submitted on behalf on these cities. However, funding and personnel limitations preclude any expansion or reformulation of the list at this time.

3. *Designated port exceptions for personally owned pet birds and certain antique articles.* It has been brought to the attention of the Service that the Department of Agriculture has special regulations governing the importation of personally owned pet birds. Provisions have been added to allow for their importation at ports designated by the Department of Agriculture, and to allow clearance by Customs officials if Service personnel are unavailable.

Similarly, the U.S. Customs Service is proposing regulations to allow the importation of certain antique articles made from endangered or threatened wildlife. The Endangered Species Act Amendments of 1978 (Pub. L. 95-632, November 10, 1978, hereinafter referred to as the "Amendments") amended the ESA (16 U.S.C. 1539(h)) to permit the importation of certain antique articles (other than scrimshaw) which: (1) Were made before 1830, (2) are composed in whole or in part of any endangered or threatened species listed under 50 CFR 17.11 or 17.12, (3) have not been repaired or modified with any part of any endangered or threatened species on or after December 28, 1973, and (4) are entered at certain ports. Scrimshaw is defined in a 1976 amendment to the ESA, 16 U.S.C. 1539(f), as "any art form which involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, any bone or tooth of any marine mammal of the order Cetacea."

Also under the amendments, the Secretary of the Treasury, after consultation with the Secretary of the Interior, is authorized to establish by regulation the documentation necessary for the importation of the specified antique articles and to designate a port or ports within each Customs region at which the articles must be entered.

Therefore, to coordinate with U.S. Customs Service regulations, importers of the above-described antique articles may use ports designated by Customs. Articles which are allowed entry by Customs are not required to be cleared by the Service. However, a completed Declaration for Importation or Exportation of Fish or Wildlife (USFWS Form 3-177) must be filed before release from Customs custody with the District Director of Customs, who will forward the form to the Service. Any article not entered by Customs will be treated as an import subject to all applicable Service regulations.

4. *Shellfish and fishery products.* Shellfish and fishery products imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes may be imported or exported at any Customs port of entry, unless they are listed as endangered or threatened species under Part 17. The exception for these items found in § 1421 is no longer limited to the listed portions of the Tariff Schedules of the United States (T.S.U.S.).

Plants

Several commenters, including State or Federal agencies and conservation

groups, questioned why the proposal made no provision for controlling import/export traffic in plants. While the Service recognizes that it has the responsibility under the ESA for designating ports for the importation and exportation of plants as well as wildlife, the Service does not desire to act in this regard without input from the Department of Agriculture. Representatives of the Service have met with officials from the Department of Agriculture's Animal and Plant Health Inspection Service in order to develop plans to enforce the ESA with respect to plants. However, it should be pointed out that such implementation was not intended as a part of this rulemaking when it was proposed. The Service feels that the best course of action is to implement the licensing program for wildlife with this rulemaking and to resolve the plant questions at a later date.

Other Comments

Many commenters felt an environmental impact statement should be completed. In response, the Service completed an environmental assessment, which is noted below. Also, a number of commenters felt an economic impact statement should be completed. This document has since been replaced by a regulatory analysis. As also noted below, the Service has determined that a regulatory analysis is not required.

Description of the Final Rulemaking

The final rules contain the provisions enumerated below:

1. The definition of "fish or wildlife" at § 10.12 is broadened to include any arthropod, coelenterate, or other invertebrate; and clarified to include any wild animal, whether or not bred, hatched, or born in captivity.

2. The border port status of Tok Junction, Alaska; Norton, Vermont; Noyes, Minnesota; Oroville, Washington; and San Luis, Arizona, is terminated. Border port status is conferred on Alcan, Alaska; Jackman, Maine; Pembina, North Dakota; and Lukeville, Arizona.

3. Tampa, Florida, is no longer a Customs port of entry authorized for the importation of tropical, ornamental, and aquarium fish.

4. Section 14.17 allows personally owned pet birds to be imported at any port designated under 9 CFR Part 92 as a port of entry for pet birds, if the provisions of 9 CFR Part 92 are met. Under § 14.54(c) clearance may be obtained from Customs officers if a Service officer is not available within a reasonable time.

5. Section 14.21 is modified to conform to section 9(f)(1) of the ESA which exempts shellfish or fishery products imported for human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes from the designated port requirements, unless a permit or certificate is required by Part 17.

6. Section 14.22 allows certain antique articles, as defined, to be imported at ports designated by Customs. Under § 14.55(c) clearance of these articles by the Service is not required if they are allowed entry by Customs. If entry is refused the article will be treated as an import subject to all applicable Service regulations.

7. Export controls are accomplished by adding the word "exportation" where appropriate in the existing rules. The effect is to require most wildlife exports to occur at either a designated, border, or special port, unless an exception is available. Wildlife exports are subject to detention for inspection and inspection, but not clearance. The clearance requirements still apply only to wildlife imports. However, export permits or reexport certificates issued under 50 CFR Parts 17 or 23 include as a permit condition a procedure for permit validation by the Service prior to exportation.

8. The Convention has placed certain obligations on the United States to require import permits, export permits from the country of origin, or reexport certificates from the country of reexport for certain wildlife (50 CFR Part 23). In order to properly implement the Convention obligations, subpart D (foreign documentation) of Part 14 is deleted in its entirety. Instead, to obtain clearance for any wildlife under § 14.52 an importer must make available to a Service officer all permits or documents (including reexport certificates) required by the laws or regulations of any foreign country or the United States.

9. Subpart E of Part 14 restates the inspection provisions of the ESA (16 U.S.C. 1540(e)(3)). It requires that all wildlife imported at a designated port be cleared by a Service officer. Provisions are made for clearance by Customs officers of live animals imported at designated ports when a Service officer is temporarily unavailable. Wildlife lawfully imported under §§ 14.15, 14.16, or § 14.19 may also be cleared by Customs officers. However, any Customs inspection and clearance is subject to subsequent investigation by the Service.

10. Subpart F of Part 14 includes a new § 14.63, which requires a completed Declaration for Exportation of Fish or

Wildlife (USFWS Form 3-177) to be filed with the Service prior to the exportation of any wildlife. This subpart also allows scientists importing unidentified wildlife for taxonomic or faunal survey purposes to file a declaration describing the imported wildlife in general terms, with an amended declaration to be filed at a later date after there has been an opportunity to identify the wildlife.

11. The container marking requirements of subpart H of Part 14 are altered to accommodate the accepted commercial practice of the shipping industry, by providing an abbreviated marking alternative when an invoice or packing list is attached to the outside of a package or container in the shipment.

12. A new Subpart I is added to Part 14 to implement the import/export licensing provisions of section 9(d) of the ESA, 16 U.S.C. 1538(d). The new Subpart I identifies certain persons who are required to be licensed, exempts certain wildlife from the licensing requirement, exempts certain persons provided certain recordkeeping and inspection conditions are satisfied, and provides for the administration of licenses by the Service. The application procedure, additional license conditions, and the duration of the license provisions are found in § 14.93.

Provisions governing the issuance, denial, suspension, revocation, and renewal of an import/export license are found in Part 13.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this rulemaking. It is on file in the Service's Division of Law Enforcement, 1375 K Street, NW., Washington, D.C., and may be examined during regular business hours. This assessment forms the basis for the decision that issuance of these rules is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. The primary author of this rulemaking is Mr. John T. Webb, Division of Law Enforcement, (202) 343-9242.

Regulations Promulgation

Accordingly, Subchapter B of Chapter I Title 50 of the Code of Federal Regulations is hereby amended as set forth below:

PART 10—GENERAL PROVISIONS**§ 10.12 [Amended]**

1. Amend § 10.12 by adding the following definition in alphabetical order:

* * * * *

"The term 'fish or wildlife' means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof."

* * * * *

PART 13—GENERAL PERMIT PROCEDURES**§ 13.3 [Amended]**

2. Amend § 13.3 by adding the following sentence to the end of the existing text:

* * * As used in this Part 13, the term "permit" shall refer to either a license, permit, or certificate as the context may require.

* * * * *

§ 13.11 [Amended]

3. Amend § 13.11(d) by adding to the end of the table of fees the following:

Import/export license (Part 14 of this subchapter).....	\$50.00
* * * * *	

§ 13.12 [Amended]

4. Amend § 13.12(a)(6) by deleting the reference to "§ 14.42" and substituting a reference to "§ 14.52(c)."

5. Amend § 13.12(b) by adding to the table of reference, after "Symbol marking * * * 14.83," the following:

Import/export license.....	14.93
* * * * *	

6. Revise Part 14 to read as follows:

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE**Subpart A—Introduction**

- Sec.
- 14.1 Purpose of regulations.
- 14.2 Scope of regulations.

Subpart B—Importation and Exportation at Designated Ports

- 14.11 General restrictions.
- 14.12 Designated ports.
- 14.13 Emergency diversion.
- 14.14 In-transit shipments.
- 14.15 Personal baggage and household effects.
- 14.16 Border ports.
- 14.17 Personally owned pet birds.

- Sec.
- 14.18 Marine mammals.
- 14.19 Special ports.
- 14.20 Exceptions by permit.
- 14.21 Shellfish and fishery products.
- 14.22 Certain antique articles.

Subpart C—Designated Port Exception Permits

- 14.31 Permits to import or export wildlife at nondesignated port for scientific purposes.
- 14.32 Permits to import or export wildlife at nondesignated port to minimize deterioration or loss.
- 14.33 Permits to import or export wildlife at nondesignated port to alleviate undue economic hardship.

Subpart D—[Reserved]**Subpart E—Inspection and Clearance of Wildlife**

- 14.51 Inspection of wildlife.
- 14.52 Clearance of imported wildlife.
- 14.53 Refusal of clearance.
- 14.54 Unavailability of Service officers.
- 14.55 Exceptions to clearance requirements.

Subpart F—Wildlife Declarations

- 14.61 Import declaration requirements.
- 14.62 Exceptions to import declaration requirements.
- 14.63 Export declaration requirements.
- 14.64 Exceptions to export declaration requirements.

Subpart G—[Reserved]**Subpart H—Marking of Containers**

- 14.81 Marking requirement.
- 14.82 Exceptions and alternatives to the marking requirement.
- 14.83 Symbol marking permit.

Subpart I—Import/Export Licenses

- 14.91 License requirement.
- 14.92 Exceptions to license requirement.
- 14.93 License application procedure, conditions, and duration.

Authority: Lacey Act (18 U.S.C. 42-44); Endangered Species Act of 1973 (16 U.S.C. 1538(d)-(f), 1540(f)); Marine Mammal Protection Act of 1972 (16 U.S.C. 1382); Migratory Bird Treaty Act (16 U.S.C. 704, 712); Act of August 31, 1951, Ch. 376, Title 5, sec. 501 (31 U.S.C. 483a); Black Bass Act (16 U.S.C. 852c).

Subpart A—Introduction**§ 14.1 Purpose of regulations.**

The regulations contained in this part provide uniform rules and procedures for the importation, exportation, and transportation of wildlife.

§ 14.2 Scope of regulations.

The provisions in this part are in addition to, and do not supersede other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and transportation of wildlife.

Subpart B—Importation and Exportation at Designated Ports**§ 14.11 General restrictions**

Except as otherwise provided in this part, no person may import or export any wildlife at any place other than a Customs port of entry designated § 14.12.

§ 14.12 Designated ports.

The following Customs ports of entry are designated for the importation or exportation of wildlife and are referred to hereafter as "designated ports:"

- (a) Los Angeles, California;
- (b) San Francisco, California;
- (c) Miami, Florida;
- (d) Honolulu, Hawaii;
- (e) Chicago, Illinois;
- (f) New Orleans, Louisiana;
- (g) New York, New York; and
- (h) Seattle, Washington.

§ 14.13 Emergency diversion.

Wildlife which has been imported into the United States at any port or place other than a designated port solely as a result of a diversion due to an aircraft or vessel emergency must proceed as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful importation.

§ 14.14 In-transit shipments.

(a) Wildlife destined for a point within the United States may be imported into the United States at any port if such wildlife proceeds as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful importation.

(b) Wildlife moving in-transit through the United States from one foreign country to another foreign country is exempt from the designated port requirements of this part, if such wildlife is not unloaded within the United States.

§ 14.15 Personal baggage and household effects.

(a) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal baggage may be imported into or exported from the United States at any Customs port of entry. However, this exception to the designated port requirement does not apply to any raw or dressed fur; raw, salted or crusted hide or skin; game trophy; or to wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B.

(b) Wildlife products or manufactured articles, including mounted game trophies or tanned hides, which are not

intended for sale and are part of a shipment of the household effects of persons moving their residence to or from the United States may be imported or exported at any Customs port of entry. However, this exception to the designated port requirement does not apply to any raw fur; raw, salted, or crusted hide or skin; or to wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B.

§ 14.16 Border ports.

(a) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B, wildlife whose country of origin is Canada or the United States may be imported or exported at any of the following Customs ports of entry:

- (1) Alaska—Alcan;
- (2) Idaho—Eastport;
- (3) Maine—Calais, Houlton, Jackman;
- (4) Massachusetts—Boston;
- (5) Michigan—Detroit, Port Huron, Sault Sainte Marie;
- (6) Minnesota—Grand Portage, International Falls, Minneapolis-St. Paul;
- (7) Montana—Raymond, Sweetgrass;
- (8) New York—Buffalo-Niagara Falls, Champlain;
- (9) North Dakota—Dunseith, Pembina, Portal;
- (10) Ohio—Cleveland;
- (11) Vermont—Derby Line, Highgate Springs; and
- (12) Washington—Blaine, Sumas.

(b) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B, wildlife whose country of origin is Mexico or the United States may be imported or exported at any of the following Customs ports of entry:

- (1) Arizona—Lukeville, Nogales;
- (2) California—Calexico, San Diego-San Ysidro; and
- (3) Texas—Brownsville, El Paso, Laredo.

(c) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, or 21 of this Subchapter B, wildlife lawfully taken by U.S. residents in the United States, Canada, or Mexico and imported or exported for noncommercial purposes, may be imported or exported at any Customs port of entry.

§ 14.17 Personally owned pet birds.

Any person may import a personally owned pet bird at any port designated under, and in accordance with, 9 CFR Part 92.

§ 14.18 Marine mammals.

Any person subject to the jurisdiction of the United States who has lawfully taken a marine mammal on the high

seas and who is authorized to import such marine mammal in accordance with the Marine Mammal Protection Act of 1972 and implementing regulations (50 CFR Parts 18 and 216) may import such marine mammal at any port or place.

§ 14.19 Special ports.

(a) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B, wildlife which is imported for final destination in Alaska, Puerto Rico, or the Virgin Islands, may be imported through those Customs ports of entry named hereafter for the respective State or Territory of final destination:

- (1) Alaska—Alcan, Anchorage, Fairbanks, Juneau;
- (2) Puerto Rico—San Juan; and
- (3) Virgin Islands—San Juan, Puerto Rico.

(b) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B, wildlife which originates in Alaska, Puerto Rico, or the Virgin Islands, may be exported through the following Customs ports for the respective State or Territory:

- (1) Alaska—Alcan, Anchorage, Fairbanks, Juneau;
- (2) Puerto Rico—San Juan; and
- (3) Virgin Islands—San Juan, Puerto Rico.

(c) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B, wildlife which has a final destination of Guam or which originates in Guam may be imported or exported, as appropriate, through the port of Agana, Guam.

§ 14.20 Exceptions by permit.

Wildlife may be imported into or exported from the United States at any Customs port of entry designated in the terms of a valid permit issued pursuant to Subpart C of this part.

§ 14.21 Shellfish and fishery products.

Except for wildlife requiring a permit pursuant to Part 17 of this subchapter, shellfish and fishery products, imported or exported for purposes of human or animal consumption, or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes may be imported or exported at any Customs port of entry.

§ 14.22 Certain antique articles.

Any person may import any article (other than scrimshaw, which is hereby defined as any art form which involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, any bone or tooth of any marine mammal of the order

Cetacea) that was made before 1830, is composed in whole or in part of any endangered or threatened species listed under § 17.11 or § 17.12 of this subchapter, and has not been repaired or modified with any part of any endangered or threatened species on or after December 28, 1973, at any port designated under 19 CFR 12.26 for the importation of such antique articles.

Subpart C—Designated Port Exception Permits

§ 14.31 Permits to import or export wildlife at nondesignated port for scientific purposes.

(a) *General.* The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§ 13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife for scientific purposes at one or more named Customs port(s) of entry not otherwise authorized by Subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) *Application procedure.* Applications for permits to import or export wildlife at a nondesignated port for scientific purposes must be submitted to the Director. Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus the following additional information:

- (1) The scientific purpose or uses of the wildlife to be imported or exported;
- (2) The number and kinds of wildlife described by scientific and common names to be imported or exported where such number and kinds can be determined;

(3) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(4) The port(s) of entry where importation or exportation is requested, and the reasons why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port; and

(5) A statement as to whether the exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, permits to import or export wildlife at a nondesignated port issued under this section are subject to the following

condition: Permittee shall file such reports as specified on the permit, if any.

(d) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit under this section:

(1) Benefit to a *bona fide* scientific research project, other scientific purpose, or facilitation of the exchange of preserved museum specimens;

(2) The kind of wildlife involved and its place of origin;

(3) The reasons why the exception is requested; and

(4) Availability of a Service officer.

(e) *Duration of permits.* Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid for more than 2 years from the date of issuance.

§ 14.32 Permits to import or export wildlife at nondesignated port to minimize deterioration or loss.

(a) *General.* The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§ 13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife, in order to minimize deterioration or loss, at one or more named Customs port(s) of entry not otherwise authorized by Subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) *Application procedure.* Applications for permits to import or export wildlife at a nondesignated port to minimize deterioration or loss must be submitted to the Director. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, plus the following additional information:

(1) The number and kinds of wildlife described by scientific and common names to be imported or exported where such number and kinds can be determined;

(2) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(3) The port(s) of entry where importation or exportation is requested, and the reasons why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port (information must be included to show that an importation or exportation at a designated port would result in a substantial deterioration or loss to the wildlife); and

(4) A statement as to whether the exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, permits to import or export wildlife at a nondesignated port issued under this section are to be subject to the following conditions:

(1) Permittee shall file such reports as may be specified on the permit, if any; and

(2) Permittee shall pay costs incurred by the Director in inspecting permittee's importations or exportations at nondesignated ports, including salary, overtime, transportation and per diem of Service officers.

(d) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit under this section:

(1) Likelihood of a substantial deterioration or loss of the wildlife involved;

(2) The kind of wildlife involved and its place of origin; and

(3) Availability of a Service officer.

(e) *Duration of permits.* Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid more than 2 years from the date of issuance.

§ 14.33 Permits to import or export wildlife at nondesignated port to alleviate undue economic hardship.

(a) *General.* The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§ 13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife in order to alleviate undue economic hardship at one or more named Customs port(s) of entry not otherwise authorized by Subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) *Application procedures.* Applications for permits to import or export wildlife at a nondesignated port to alleviate undue economic hardship must be submitted to the Director. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, plus the following additional information:

(1) The number and kinds of wildlife described by scientific and common names to be imported or exported,

where such number and kinds can be determined, and a description of the form in which it is to be imported, such as "live," "frozen," "raw hides," or a full description of any manufactured product;

(2) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(3) The name and address of the supplier or consignee;

(4) The port(s) of entry where importation or exportation is requested, and the reasons why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port (information must be included to show the monetary difference between the cost of importation or exportation at the port requested and the lowest cost of importation or exportation at the port through which importation or exportation is authorized by Subpart B without a permit); and

(5) A statement as to whether exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, permits to import or export wildlife at a nondesignated port issued under this section are subject to the following conditions:

(1) Permittee shall file such reports as specified on the permit, if any; and

(2) Permittee shall pay costs incurred by the Director in inspecting permittee's importations or exportations at nondesignated ports, including salary, overtime, transportation and per diem of Service officers.

(d) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit under this section:

(1) The difference between the cost of importing or exporting the wildlife at the port requested and the lowest cost of importing or exporting such wildlife at a port authorized by these regulations without a permit;

(2) The severity of the economic hardship that likely would result should the permit not be issued;

(3) The kind of wildlife involved, including its form and place of origin; and

(4) Availability of a Service officer.

(e) *Duration of permits.* Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid for more than 2 years from the date of issuance.

Subpart D—[Reserved]**Subpart E—Inspection and Clearance of Wildlife****§ 14.51 Inspection of wildlife.**

Subject to applicable limitations of law, Service officers may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation.

§ 14.52 Clearance of imported wildlife.

(a) Except as otherwise provided by this subpart, all wildlife imported into the United States must be cleared by a Service officer prior to release from detention by Customs officers. Such clearance does not constitute a certification of the legality of an importation under the laws or regulations of the United States.

(b) Clearance by a Service officer may be obtained only at designated ports (§ 14.12), at border ports (§ 14.16), at special ports (§ 14.19), or at a port where importation is authorized by a permit issued under Subpart C of this part. Any wildlife released without a Service officer's clearance or clearance by Customs for the Service under authority of § 14.54 must be returned forthwith to a port where clearance may be obtained pursuant to this subpart.

(c) To obtain clearance, the importer, or the importer's agent, shall make available to a Service officer:

- (1) All shipping documents (including bills of lading, waybills and packing lists or invoices);
- (2) All permits or other documents required by the laws or regulations of the United States;
- (3) All permits or other documents required by the laws or regulations of any foreign country; and
- (4) The wildlife being imported.

§ 14.53 Refusal of clearance.

Any Service officer, or Customs officers acting under § 14.54, may refuse clearance of imported wildlife when there are reasonable grounds to believe that:

- (a) A Federal law or regulation has been violated;
- (b) The correct identity of the wildlife has not been established (in such cases, the burden is upon the owner, importer, or consignee to establish such identity);
- (c) Any permit or other documentation required for clearance of such wildlife is not available or is not authentic; or
- (d) The importer, or the importer's agent, has filed an incorrect or incomplete declaration for importation as provided in § 14.61.

§ 14.54 Unavailability of Service officers.

(a) *Designated ports.* All wildlife arriving at a designated port must be cleared by a Service officer before Customs clearance and release. However, if a Service officer is not available within a reasonable time, live wildlife may be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(b) *Border and special ports.* Wildlife lawfully imported at Canadian or Mexican border ports under § 14.16, or into Alaska, Puerto Rico, or the Virgin Islands, under § 14.19, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(c) *Permit imports.* Wildlife imported at a nondesignated port in accordance with the terms of a valid permit issued under Subpart C of this part, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(d) *Personal baggage and household effects.* Wildlife lawfully imported at any port of entry under § 14.15, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(e) *Personally owned pet birds.* Personally owned pet birds lawfully imported at a port of entry under § 14.17, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

§ 14.55 Exceptions to clearance requirements.

Except for wildlife requiring a permit pursuant to Part 17 of this Subchapter B, clearance is not required for the importation of the following wildlife:

- (a) Shellfish and fishery products imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;
- (b) Marine mammals lawfully taken on the high seas by United States residents and imported directly into the United States; and
- (c) Certain antique articles as specified in § 14.22 which have been released from custody by Customs officers under 19 U.S.C. 1499.

Subpart F—Wildlife Declarations**§ 14.61 Import declaration requirements**

Except as otherwise provided by the regulations of this subpart, a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177), signed by the importer or the importer's agent, shall be filed with the Service at the time and place where clearance under § 14.52 is requested, unless the wildlife is to be transhipped under bond to a different port for release from custody by Customs officers under 19 U.S.C. 1499 or is a certain antique article as specified in § 14.22, in which case the Form 3-177 shall be filed with the District Director of Customs at that port before release from Customs custody. All applicable information requested on the Form 3-177 shall be furnished, and the importer, or the importer's agent, shall certify that the information furnished is true and complete to the best of his/her knowledge and belief.

§ 14.62 Exceptions to import declaration requirements.

(a) Except for wildlife requiring a permit pursuant to Part 17 of this Subchapter B, a Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) does not have to be filed for importation of shellfish and fishery products imported for purposes of human or animal consumption, or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;

(b) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this subchapter B, a Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) does not have to be filed for importation of the following:

- (1) Fish taken for recreational purposes in Canada or Mexico;
- (2) Game mammals or birds from Canada or Mexico for which a Declaration for Free Entry of Game Mammals or Birds Killed by United States Residents (Customs Form 3315) has been filed with the U.S. Customs Service;

(3) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal baggage, except that a Form 3-177 must be filed for raw or dressed furs; for raw, salted, or crusted hides or skins; and for game or game trophies where the exception in paragraph (b)(2) of this section does not apply; and

(4) Wildlife products or manufactured articles which are not intended for sale and are a part of a shipment of the household effects of persons moving

their residence to the United States, except that a declaration must be filed for raw or dressed furs; and for raw, salted, or crusted hides or skins.

(c) *General declarations for certain specimens.* Notwithstanding the provisions of § 14.61, scientific institutions for taxonomic or faunal survey purposes may be described in general terms on the Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177), provided an amended Form 3-177 specifically describing the wildlife imported is submitted to the Service within 180 days after the filing of the general declaration. Extensions of this 180 day period may be granted by the Director.

§ 14.63 Export declaration requirements.

Except as otherwise provided by the regulations of this subpart, a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) signed by the exporter, or the exporter's agent, shall be filed with the Service prior to the export of any wildlife at the port of exportation as authorized in subpart B of this part. All applicable information requested on the Form 3-177 shall be furnished, and the exporter or the exporter's agent shall certify that the information furnished is true and complete to the best of his/her knowledge and belief.

§ 14.64 Exceptions to export declaration requirements.

(a) Except for wildlife requiring a permit pursuant to Part 17 of this Subchapter B, a Declaration for Importation or Exportation of Fish and Wildlife (form 3-177) does not have to be filed for the exportation of shellfish and fishery products imported or exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes.

(b) Except for wildlife requiring a permit pursuant to Part 16, 17, 18, 21, or 23 of this Subchapter B, a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3-177) does not have to be filed for the exportation of the following:

(1) Wildlife which is not intended for sale where the value of such wildlife is under \$250; and

(2) Wildlife products or manufactured articles, including game trophies, which are not intended for sale and are worn as clothing or contained in accompanying personal baggage or are part of a shipment of the household effects of persons moving their residence from the United States.

Subpart G—[Reserved]

Subpart H—Marking of Containers

§ 14.81 Marking requirement.

Except as otherwise provided in this subpart, no person may ship, transport, carry, bring or convey any wildlife in interstate or foreign commerce unless the package or container in which such wildlife is contained has the name and address of the shipper and consignee and an accurate statement of the contents by species and numbers of each species of wildlife therein contained clearly and conspicuously marked on the outside thereof.

§ 14.82 Exceptions and alternatives to the marking requirement.

(a) The requirements of § 14.81 may also be met by (1) conspicuously marking on the outside of each package or container the word "Fish" (or "Wildlife" as appropriate) or the common name and (2) securely attaching to the outside of one package or container in the shipment an invoice or packing list which contains the name and address of the consignee and shipper and which accurately states the number or other appropriate measure of quantity of each species contained in the shipment.

(b) The requirements of § 14.81 do not apply to packages or containers containing:

(1) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul or their products, that have been bred and born in captivity if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Furs, hides or skins that are shipped, transported, carried, brought or conveyed in interstate commerce if the names and addresses of the shipper and consignee are clearly and conspicuously marked on the outside thereof; and

(3) Wildlife shipped, transported, carried, brought, or conveyed in interstate or foreign commerce where such packages or containers are clearly and conspicuously marked with a symbol in accordance with the terms of a valid permit issued pursuant to § 14.83.

§ 14.83 Symbol marking permit.

(a) *General.* The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the use of an identification symbol in lieu of the marking required by § 14.81.

(b) *Application procedures.* Applications for symbol marking permits must be submitted to the Director. Each application must contain

the general information and certification required by § 13.12(a) of this subchapter, plus the following additional information:

(1) The estimated number and kinds of wildlife to be transported in interstate or foreign commerce, described by scientific and common names;

(2) Form in which transported, such as "raw skins," "fur garments," "pearl strands," or "fine leather goods;"

(3) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(4) A detailed statement of the reasons why the marking required by § 14.81 would create a significant possibility of theft of the package or its contents; and

(5) At the option of the applicant, a suggested symbol which is desired; provided that assignment of such symbol is subject to the discretion of the Director.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, permits to use symbol marking are subject to the following special conditions:

(1) The entire symbol must be clearly and conspicuously marked on the outside of each package;

(2) The symbol, together with other identifying numbers or characters, must appear on all shipping documents relating to the packages or containers, and on all declarations required by §§ 14.61 and 14.63; and

(3) The permittee shall, from the effective date of the permit, maintain complete and accurate records of all wildlife identified by the symbol which is actually shipped, transported, carried, brought, or conveyed in interstate or foreign commerce. The records must include a general description of the form of the wildlife, the number of items, the common and scientific names, a description of the package or container, the method of shipment, the date and place of shipment, and the air waybill or bill of lading number. Subject to applicable limitations of law, such records shall be open to inspection, auditing, or copying by Service officers during regular business hours.

(d) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit under this section:

(1) Whether the marking required by § 14.81 would create a significant possibility of theft of the package or its contents; and

(2) The kind of wildlife involved and its place of origin.

(e) *Duration of permits.* Any permit issued under this section expires on the

date designated on the face of the permit. In no case will the permit be valid for more than 2 years from the date of issuance.

Subpart I—Import/Export Licenses

§ 14.91 License requirement.

(a) *Prohibition.* Except as otherwise provided in this subpart, it is unlawful after December 31, 1980, for any person to engage in business as an importer or exporter of wildlife without first having obtained a valid import/export license from the Director.

(b) *Definition.* As used in this subpart, the phrase "engage in business as an importer or exporter of wildlife" means for a person to devote time, attention, labor, or effort to any activity for gain or profit that involves the importation or exportation of wildlife whether or not such person is an importer or exporter within the meaning of the customs laws of the United States.

(c) *Certain persons required to be licensed.* The definition in paragraph (b) of this section includes, but is not limited to, persons who engage in the following activities:

(1) Persons importing or exporting wildlife for trade, sale, or resale, such as animal dealers, animal brokers, pet dealers and pet suppliers, and laboratory research suppliers;

(2) Persons importing or exporting wildlife in the form of fur for tanning, manufacture, or sale, such as fur trappers, fur dealers, fur brokers, and fur manufacturers;

(3) Persons importing or exporting wildlife in the form of hides and skins for tanning, manufacture, or sale, such as hide and skin dealers, hide and skin brokers, leather dealers, and leather brokers;

(4) Persons importing or exporting wildlife products (such as garments, bags, shoes, boots, jewelry, rugs, or curios) for sale, such as wholesalers, retailers, distributors, and brokers;

(5) Taxidermists importing or exporting wildlife in connection with the mounting, processing, or storage of trophies or specimens; and

(6) Freight forwarders.

§ 14.92 Exceptions to license requirement.

(a) *Certain wildlife.* Any person may engage in business as an importer or exporter of the following wildlife without procuring an import/export license:

(1) Shellfish and fishery products which do not require a permit under Part 17 of this Subchapter B and which are imported or exported for purposes of human or animal consumption;

(2) Shellfish and fishery products which do not require a permit under Part 17 of this Subchapter B and which are taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes; and

(3) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul or their products if the animals have been bred and born in captivity.

(b) *Certain persons.* The following persons may engage in business as importers or exporters of wildlife without procuring an import/export license: *Provided,* That such persons keep such records as will fully and correctly disclose each importation or exportation of wildlife made by them and the subsequent disposition made by them with respect to the wildlife, and that subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to such persons' places of business, an opportunity to examine their inventory of imported wildlife and the records required above, and an opportunity to copy such records:

(1) Common carriers;

(2) Customs house brokers;

(3) Public museums, or other public, scientific or educational institutions, importing or exporting wildlife for research or educational purposes and not for resale;

(4) Federal, State, or municipal agencies;

(5) Circuses importing or exporting wildlife for exhibition purposes only and not for purchase, sale, or transfer of such wildlife.

§ 14.93 License application procedure, conditions, and duration.

(a) *General.* The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§ 13.11 and 13.12 of this subchapter, issue a license authorizing the applicant to engage in business as an importer or exporter of wildlife.

(b) *Application procedure.* Applications for import/export licenses must be submitted to the appropriate Special Agent in Charge (see § 10.22 of this subchapter). Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus the following additional information:

(1) A brief description of the nature of the applicant's business as it relates to the importation or exportation of wildlife, e.g., "live animal dealer," "fur broker," "taxidermist," "retail department store," and "pet shop;"

(2) If the application is in the name of a business, a statement disclosing the

names and addresses of all partners and principal officers;

(3) A statement of where books or records concerning wildlife imports or exports will be kept;

(4) A statement of where inventories of wildlife will be stored; and

(5) Name, address, and telephone number of the officer, manager, or other person authorized to make records or wildlife inventories available for examination by Service officials.

(c) *Applications for licenses received by the Service on or before December 31, 1980.* If a complete application for an import/export license is received by the appropriate Special Agent in Charge on or before December 31, 1980, the applicant may engage in business as an importer or exporter of wildlife until the application has been finally acted upon by the Service.

(d) *Additional license conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, import/export licenses are subject to the following special conditions:

(1) The licensee shall, from the effective date of the license, keep such records as will fully and correctly disclose each importation or exportation of wildlife made by the licensee and the subsequent disposition made by the licensee with respect to such wildlife. The records must include a general description of the form of the wildlife, such as "live," "raw hides," or "fur garments;" the quantity of wildlife, in numbers, weight, or other appropriate measure; the common and scientific names; the country or place of origin of the wildlife, if known; the date and place of import or export; the date of the subsequent disposition of the wildlife; the manner of disposition, whether by sale, barter, consignment, loan, delivery, destruction, or other means; and the name and address of the person who received the wildlife pursuant to such disposition, if applicable;

(2) Licensees shall include and retain in their records copies of all permits required by the laws and regulations of the United States and any country of export or origin;

(3) Licensees shall maintain such books and records for a period of five years;

(4) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to the licensee's places of business, an opportunity to examine the licensee's inventory of imported wildlife and the records required to be kept under paragraph (d)(1) of this section, and an opportunity to copy such records;

(5) Licensees shall, upon written request by the Director, submit within 60 days of such request a report containing the information required to be maintained by paragraph (d)(1) of this section; and

(6) An import/export license is only permission to engage in business as an importer or exporter of wildlife. Such a license is in addition to, and does not supersede, any other requirement established by law for the importation or exportation of wildlife.

(e) *Duration of license.* Any license issued under this section expires on the date designated on the face of the license. In no case will the license be valid for more than 2 years from the date of issuance.

(f) *Issuance, denial, suspension, revocation, or renewal of license.* Additional provisions governing the issuance, denial, suspension, revocation, and renewal of an import/export license are found in Part 13 of this Subchapter B.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.

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