



Federal Register

**Monday,
December 11, 2006**

Part LX

**Surface
Transportation Board**

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 21)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (the Board), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing

regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its fall 2006 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: August 31, 2006.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams,
Secretary.

Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4195	Class Exemption for Expedited Abandonment Procedure for Class II and Class III Railroads, STB Ex Parte No. 647	2140-AA71
4196	Major Issues in Rail Rate Cases, STB Ex Parte No. 657 (Sub-No. 1)	2140-AA79
4197	Public Participation in Class Exemption Proceedings, STB Ex Parte No. 659	2140-AA80
4198	Rail Fuel Surcharges, STB Ex Parte No. 661	2140-AA81
4199	Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1)	2140-AA82

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4200	Small Rate Guidelines, STB Ex Parte No. 646	2140-AA70
4201	Rail Rate Challenges Under the Stand-Alone Cost Methodology, STB Ex Parte No. 657	2140-AA78

Surface Transportation Board (STB)

Long-Term Actions

4195. CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE FOR CLASS II AND CLASS III RAILROADS, STB EX PARTE NO. 647

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 10502; 49 USC 10903

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Board is considering a proposal to create a class exemption for Class II and Class III railroads from some of the prior approval requirements of the abandonment process.

Timetable:

Action	Date	FR Cite
ANPRM	08/13/03	68 FR 48332
Hearing	07/27/04	69 FR 44727
ANPRM	01/19/06	71 FR 3030
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:
www.stb.dot.gov

URL For Public Comments:
www.stb.dot.gov

Agency Contact: Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423-0001

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RIN: 2140-AA71

4196. MAJOR ISSUES IN RAIL RATE CASES, STB EX PARTE NO. 657 (SUB-NO. 1)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 10701(d); 49 USC 721

CFR Citation: 49 CFR 1111

Legal Deadline: None

Abstract: The Board is seeking comments on proposed changes to its "stand-alone cost" methodology for resolving major rail rate cases.

Timetable:

Action	Date	FR Cite
NPRM	03/03/06	71 FR 11015
NPRM Comment	06/30/06	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:
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URL For Public Comments:
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RIN: 2140-AA79

4197. PUBLIC PARTICIPATION IN CLASS EXEMPTION PROCEEDINGS, STB EX PARTE NO. 659

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 721(a); 49 USC 10502; 49 USC 10901 to 10902; 5 USC 553; 5 USC 559; 11 USC 1172; 49 USC 721; 49 USC 11323 to 11325

CFR Citation: 49 CFR 1150.32; 49 CFR 1150.35; 49 CFR 1150.42; 49 CFR 1150.45; 49 CFR 1180.4

Legal Deadline: None

Abstract: The Board proposes to revise its procedures for certain classes of exempt transactions under 49 USC 10901, 10902, and 11323 to provide for greater public participation in such proceedings and to allow Federal Register notice of covered transactions to precede the effective date of the exemption.

Timetable:

Action	Date	FR Cite
NPRM	03/16/06	71 FR 13563
NPRM Comment	06/14/06	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2140-AA80

4198. RAIL FUEL SURCHARGES, STB EX PARTE NO. 661

Priority: Other Significant

Legal Authority: 49 USC 10702(2); 49 USC 721 (b)

CFR Citation: None

Legal Deadline: None

Abstract: The Board is soliciting comments from rail shippers, railroads, and other interested parties regarding several proposals involving rail fuel surcharges.

Timetable:

Action	Date	FR Cite
Public Hearing	03/17/06	71 FR 13896
Public Hearing	08/10/06	71 FR 12841
Comment Period End	09/25/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2140-AA81

STB

Long-Term Actions

4199. • SIMPLIFIED STANDARDS FOR RAIL RATE CASES, STB EX PARTE NO. 646 (SUB-NO. 1)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 559; 49 USC 721; 49 USC 10701(d)(3); 49 USC 10704; 49 USC 10707; 49 USC 11144; 49 USC 11145; 49 USC 11701

CFR Citation: 49 CFR 1111.1; 49 CFR 1111.4; 49 CFR 1111.9; 49 CFR 1111.10; 49 CFR 1114.21 to 1114.22; 49 CFR 1114.26; 49 CFR 1114.30 to 1114.31

Legal Deadline: None

Abstract: The Board is proposing to revise its guidelines for determining the reasonableness of challenged rail rates in cases where a full stand-alone cost presentation is too costly, given the

value of the case. The proposed revisions to the guidelines would provide for a simplified stand-alone cost procedure for medium-size rate disputes, a modified three-benchmark method for small rate disputes, and would establish eligibility presumptions based on the maximum value of the case. The Board also proposes to amend its procedures for processing such rate cases.

Timetable:

Action	Date	FR Cite
NPRM	08/02/06	71 CFR 43703
NPRM Comment Period End	10/01/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: www.stb.dot.gov

URL For Public Comments: www.stb.dot.gov

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Related RIN: Merged with 2140-AA70

RIN: 2140-AA82

Surface Transportation Board (STB)

Completed Actions

4200. SMALL RATE GUIDELINES, STB EX PARTE NO. 646

Priority: Other Significant

Legal Authority: 49 USC 10701(d)(3)

CFR Citation: 49 CFR 1109; 49 CFR 1114

Legal Deadline: None

Abstract: The Board is seeking comments to revise the Simplified Guidelines (Rate Guidelines-Non-Coal Proceedings, 1 STB 1004 (1996)) to provide small shippers meaningful access to regulatory relief in cases where a full stand-alone cost presentation is too costly.

Timetable:

Action	Date	FR Cite
Notice	04/07/03	68 FR 16862
Hearing	06/29/04	69 FR 15553
Hearing	07/02/04	69 FR 40470
Merged With STB Ex Parte No. 646 (Sub-No. 1)	08/02/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: www.stb.dot.gov

URL For Public Comments: www.stb.dot.gov

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Related RIN: Merged with 2140-AA82

RIN: 2140-AA70

4201. RAIL RATE CHALLENGES UNDER THE STAND-ALONE COST METHODOLOGY, STB EX PARTE NO. 657

Priority: Other Significant

Legal Authority: 49 USC 10701(d); 49 USC 721

CFR Citation: 49 CFR 1111

Legal Deadline: None

Abstract: The Board is soliciting comments, suggestions, and proposals from rail shippers, railroads, and other interested parties regarding modifications to how the Board considers rail rate reasonableness under the stand-alone cost methodology.

Timetable:

Action	Date	FR Cite
Public Hearing	02/23/05	70 FR 8874
Hearing Postponed	03/22/05	70 FR 14493
Public Hearing	03/22/05	70 FR 14493
Merged with STB Ex Parte No. 657 (Sub-No. 1)	03/03/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: www.stb.dot.gov

URL For Public Comments: www.stb.dot.gov

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Related RIN: Merged with 2140-AA79

RIN: 2140-AA78

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