

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****[Docket No. OST-2003-15243]****Withdrawal and Termination Actions****AGENCY:** Department of Transportation, Office of the Secretary.**ACTION:** Notice of withdrawal and termination of rulemaking actions.

SUMMARY: The Department of Transportation (DOT) is announcing its decision to withdraw certain proposed rulemakings, a policy statement, and an interim final rule that it had published in the **Federal Register** and is also announcing its decision to terminate a number of rulemaking actions previously listed in its semiannual Regulatory Agenda for which no proposed rules have been published. These actions are part of a Secretarial initiative to move forward with decisions on long-pending regulatory proposals, either bringing them to completion or eliminating them from DOT's Regulatory Agenda if no further regulatory action is presently contemplated. They include both significant and nonsignificant rulemaking actions of various modal administrations within DOT and the Office of the Secretary. Most of the withdrawals are published separately in today's **Federal Register**; for those that are not, we have provided the **Federal Register** citations for those already published and the expected publication date for those to be published in the near future. We also have identified in this notice those actions that are being terminated and provided the reason for the termination.

FOR FURTHER INFORMATION CONTACT: Jennifer Abdul-Wali, Office of the General Counsel, 400 Seventh Street, SW., Washington, DC 20590; (202) 366-4723; fax: (202) 366-9313; E-mail: Jennifer.Abdul-Wali@ost.dot.gov.

ADDRESSES: You may obtain a copy of this notice from the DOT public docket through the Internet at <http://dms.dot.gov>, docket number OST-03-15243. If you do not have access to the Internet, you may obtain a copy of the notice by United States mail from the

Docket Management System, U.S. Department of Transportation, Room PL401, 400 Seventh Street, SW., Washington, DC 20590. You must identify docket number OST-03-15243 and request a copy of the notice entitled "Notice of Withdrawal, Termination, and Deferral of Rulemaking Actions." You may also review the public docket in person in the Docket office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket office is on the plaza level of the Department of Transportation. Additionally, you can also get a copy of this document from the **Federal Register** Web site at www.gpo.gov.

SUPPLEMENTARY INFORMATION:**Background**

At the Department of Transportation, we have been engaged in a comprehensive effort to overhaul and expedite the Department's rulemaking process and to move long-pending rulemaking projects to completion. It is in the public interest for the Department to develop high quality rulemaking documents in a timely manner. Without compromising the numerous substantive and procedural legal requirements that must be addressed, and while stressing the importance of justifying the approach taken with a well-reasoned analysis, we have also emphasized that all rulemakings must be completed in a timely manner.

To achieve these goals, we have taken a number of steps. For example, we have created an effective tracking system for DOT's significant rulemakings to ensure that rules are either completed in a timely manner or that delays are identified and fixed. Through this tracking system, we have been able to prepare a monthly, internet-accessible report for the public providing the current status of these significant rulemakings. This not only provides the public with valuable information concerning our important rulemaking activity, but also provides them with the information necessary to evaluate the Department's progress in meeting its goal of completing rulemakings in a timely manner.

Our senior staff has also conducted a review of the current status of all

rulemakings pending within the Department. This review helped to identify and resolve problems that have delayed older rulemakings, and has resulted in a significant increase in our rulemaking productivity.

We also identified a number of rulemaking proceedings on the Department's Regulatory Agenda for which it was clear, as a result of the review, that no further action was presently contemplated. Many of these were proceedings for which no action has been taken in many years. The reasons for inaction varied. We decided to make a concerted effort to "clean up" the Department's Regulatory Agenda by withdrawing or terminating those proceedings for which no further action is intended.

As a result, 53 DOT rulemaking actions, many of them long-pending proceedings, have been or are being withdrawn or terminated. For withdrawals of proposed rules and other actions on which we asked for public comment, we have prepared, or will prepare, separate documents that respond to the public comments that we received and explain why the actions are being withdrawn. Each of those withdrawals is identified in this notice, and we provide information on when the withdrawal was or will be published. Most are being published in today's **Federal Register**. This notice also identifies those previously anticipated actions that were announced in a DOT semi-annual Regulatory Agenda, but which never resulted in a proposed rule. This notice announces that those actions have been, or will be, terminated, and provides a short explanation for the termination. All of this information is provided in the tables below:

1. The following twelve (12) proposed rulemakings, one (1) policy statement, and one (1) interim final rule (IFR) are withdrawn by separate actions in today's **Federal Register**. For each one, we have provided the DOT agency, the regulation identification number (RIN), the title, the action being withdrawn, and the **Federal Register** citation and date for the action being withdrawn.

Agency—RIN	Title	Action	Federal Register cite
OST-2105-AA46	Policy statement on airline preemption	Interim final rule	44 FR 9948, 02/15/79.
FAA-2120-AA09	Objects affecting navigable airspace	Notice of proposed rulemaking	55 FR 31722, 08/03/90.
FAA-2120-AA50	Miscellaneous amendments	Notice of proposed rulemaking	48 FR 45214, 10/03/83.
FAA-2120-AC72	Improved water survival equipment	Notice of proposed rulemaking	53 FR 24890, 06/30/88.
FAA-2120-AE41	Type certificates for some surplus aircraft of the armed forces.	Notice of proposed rulemaking	59 FR 19114, 04/21/94.
FAA-2120-AG16	Revised precision approach landing systems policy.	Policy statement	54 FR 53231, 12/27/89.