

List of Subjects in 47 CFR Part 95

Communications equipment, Penalties, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

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BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Chapter III and Part 301**

[Docket No. OST-2000-6698]

Motor Carrier Safety Regulations; Revision of Chapter Heading and Removal of CFR Part

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This document amends the heading for chapter III concerning motor carrier safety regulations. On October 9, 1999, the Secretary of Transportation (Secretary) rescinded the authority previously delegated to the Federal Highway Administrator to perform motor carrier functions and operations, and to carry out the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, United States Code; and redelegated that authority to the Director, Office of Motor Carrier Safety, a new office within the Department of Transportation (Department). The title of chapter III, therefore, was changed from "Federal Highway Administration, Department of Transportation" to "Office of Motor Carrier Safety, Department of Transportation" on October 29, 1999. On December 9, 1999, the Motor Carrier Safety Improvement Act of 1999 established a new administration—the Federal Motor Carrier Safety Administration (FMCSA)—within the Department to improve the motor carrier safety program, effective January 1, 2000. Accordingly, the title of chapter III is now being changed from "Office of Motor Carrier Safety, Department of Transportation" to "Federal Motor Carrier Safety Administration, Department of Transportation" to reflect the statutory changes noted above. The document also removes regulations that reference the organizational structure of the Federal Highway Administration (FHWA) so that new regulations may be added for the FMCSA.

EFFECTIVE DATE: This final rule is effective on January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590; or Ms. Cindy Walters, Office of the General Counsel, (202) 366-9314, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:**Electronic Access**

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Background

Section 338 of the Department of Transportation Appropriations Act, FY2000 [Public Law 106-69, 113 Stat. 986, at 1022 (October 9, 1999)] prohibits the expenditure of any funds appropriated by that Act "to carry out the functions and operations of the Office of Motor Carriers within the Federal Highway Administration" (FHWA). Section 338 further provides that, if the authority of the Secretary on which the functions and operations of the Office of Motor Carriers are based is redelegated outside the FHWA, the funds available to that office under the Act may be transferred and expended to support its functions and operations.

On October 9, 1999, the Secretary rescinded the authority previously delegated to the FHWA Administrator to carry out motor carrier functions and operations, and to carry out the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, U.S.C.; and redelegated that authority to the Director, Office of Motor Carrier Safety, a new office within the Department (64 FR 56270 and 64 FR 58356). Thus, the heading for chapter III, title 49 of the CFR, was changed from "Chapter III—Federal Highway Administration, Department of Transportation" to "Chapter III—Office of Motor Carrier Safety, Department of Transportation" on October 29, 1999 (64 FR 58355).

Section 101, title I, of the Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159, 113 Stat. 1748 (December 9, 1999)) established a new administration—the Federal Motor

Carrier Safety Administration—to improve the motor carrier safety program, effective January 1, 2000. Accordingly, the heading for chapter III, title 49 of the CFR, is now changed to read "Chapter III—Federal Motor Carrier Safety Administration, Department of Transportation."

The new FMCSA includes the following headquarters offices: the Office of Motor Carrier Research and Standards, the Office of Data Analysis and Information Systems, the Office of Motor Carrier Enforcement, the Office of Policy and Program Management, the Office of National and International Safety Programs, the Office of Technology Evaluation and Deployment, and the Office of Program Evaluation. In addition, the motor carrier functions of the former OMCS's Resource Centers and Division (i.e., State) Offices have been transferred to FMCSA Resource Centers and FMCSA Division Offices, respectively. Rulemaking, enforcement, and other activities of the former OMCS will be continued by the new administration. The action will cause no changes in the motor carrier functions and operations of the offices or resource centers listed above. For the time being all phone numbers and addresses are unchanged. Accordingly, this rule will also remove part 301 of chapter III (which references the organizational structure of the FHWA) and reserve this part so that new regulations may be added for the FMCSA.

This rule is being published as a final rule and made effective on January 1, 2000. As the rule relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). This action makes no substantive changes to the motor carrier safety regulations. It simply provides a chapter heading change to 49 CFR chapter III, and removes certain regulations that reference the organizational structure of the FHWA. Therefore, prior notice and opportunity to comment are unnecessary and that good cause exists to dispense with the 30-day delay in the effective date requirement so that the Federal Motor Carrier Safety Administration may administer its regulations pursuant to the statutory changes noted above.

List of Subjects in 49 CFR Part 301

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing and under the authority of 49 U.S.C. 301 and 322, Public Law 106-159, 113 Stat. 1748, and 49 CFR 1.73, chapter III of

