

Dated: January 17, 1996.
 Joel Jay Schaer,
Regulations Officer.
 [FR Doc. 96-911 Filed 1-23-96; 8:45 am]
 BILLING CODE 4150-04-P

DEPARTMENT OF TRANSPORTATION

49 CFR Chapter X

[STB Ex Parte No. 525]

Surface Transportation Board; Transfer of Regulations from the Interstate Commerce Commission to the Surface Transportation Board Pursuant to the ICC Termination Act of 1995

AGENCY: Surface Transportation Board.
ACTION: Final rule.

SUMMARY: Effective January 1, 1996, the ICC Termination Act of 1995 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation (DOT) the Surface Transportation Board (the Board). The Act provides that the Board shall perform a number of functions previously performed by the Commission. The Act further provides that, with certain exceptions, all regulations previously issued by the Commission shall continue in effect according to their terms until modified or terminated. The Board is therefore changing the name of the agency in the heading of the chapter in which the Commission's (now the Board's) regulations are issued, chapter X of subtitle B of title 49 of the Code of Federal Regulations.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, abolished the Commission and established the Board within DOT. See Act sections 2 (effective date) and 101 (abolition of the Commission). See also 49 U.S.C. 701 (establishment of the Board within DOT), as added by Act section 201(a).

The Act provides that, with certain exceptions, all regulations previously issued by the Commission and in effect on January 1, 1996, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board, any other authorized official, a court of competent

jurisdiction, or operation of law. See Act section 204(a).

The Act further provides that, except as otherwise provided in the Act or in the amendments made thereby, the Board shall perform all functions that, immediately prior to January 1, 1996, were functions of the Commission or were performed by any officer or employee of the Commission in the capacity as such officer or employee. See 49 U.S.C. 702, as added by Act section 201(a). See also 49 U.S.C. 721(a) (authority of the Board to prescribe regulations), also as added by Act section 201(a).

Because the regulations previously issued by the Commission are now subject, for the most part, to the jurisdiction of the Board, the Board, by the action taken here, is changing the name of the agency in the heading of the chapter in which the Board's (formerly the Commission's) regulations are issued, chapter X of subtitle B of title 49 of the Code of Federal Regulations. Because this action merely reflects, and is required by, the enactment of the Act and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

The Act makes numerous and substantial changes in subtitle IV of title 49, United States Code, and the Board intends to proceed, as expeditiously as its resources allow, to issue certain new regulations required by the Act and to conform its old regulations to the changes in the laws it administers. The actions taken in issuing new regulations and in revising old regulations will be, to varying degrees, substantive in nature. The action taken today, by contrast, is ministerial in nature: it simply changes the name of the agency in the heading of chapter X.

All persons referencing the chapter X regulations should be advised that certain of these regulations will henceforth be administered, in whole or in part, by the Secretary of Transportation. Such regulations will ultimately be removed from this chapter. See 49 U.S.C. 13101 to 14914 (authority of the Secretary of Transportation to administer, in part, 49 U.S.C. Subtitle IV, Part B), as added by Act section 103.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: January 18, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Board Member Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, subtitle B of the Code of Federal Regulations is amended by revising the heading for chapter X to read as follows:

CHAPTER X—SURFACE TRANSPORTATION BOARD, DEPARTMENT OF TRANSPORTATION

[FR Doc. 96-1155 Filed 1-23-96; 8:45 am]
 BILLING CODE 4915-00-P

Federal Highway Administration

49 CFR Parts 382, 385, 391, 393, and 397

RIN 2125-AD71

Federal Motor Carrier Safety Regulations; Technical Amendments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical amendments.

SUMMARY: This document makes technical amendments to various sections of the Federal Motor Carrier Safety Regulations to correct erroneous cross-references and to amend references in which the regulations referenced have been redesignated or removed. In addition, a cautionary note is added to appendix B of 49 CFR chapter III, subchapter B, to alert users of the CFR, that this appendix relates solely to Federal authority, has no application to a State's authority to enforce adopted regulations, and is not to be included in its present form in any general adoption of the regulations by the States.

EFFECTIVE DATE: January 24, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Neill Thomas, (202) 366-4009, Office of Motor Carrier Research and Standards, or Paul L. Brennan, Office of Chief Counsel, (202) 366-0834. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Rulemaking Analyses and Notices

Because this final rule simply amends various sections of the Federal Motor Carrier Safety Regulations to correct erroneous cross-references and to insert a missing subpart heading, the FHWA believes that prior notice and opportunity for comment are

unnecessary under 5 U.S.C. 553(b)(3)(B). Similarly, due to the editorial nature of this final rule, the FHWA has determined that prior notice and opportunity for comment are not required under the Department of Transportation's regulatory policies and procedures. It is not anticipated that provision of a comment period would result in the receipt of useful information. In this final rule, the FHWA is not exercising discretion in a way that could be meaningfully affected by public comment.

In addition, the FHWA finds that good cause exists to dispense with the 30-day delay in the effective date required by 5 U.S.C. 553(d) due to the minor and technical nature of these amendments. Thus, the FHWA is proceeding directly with a final rule which will be effective on its date of publication.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is neither a significant regulatory action under Executive Order 12866 nor a significant rulemaking under the Department of Transportation's regulatory policies and procedures. It is anticipated that the economic impact of this action will not be substantial because this rule simply makes minor, technical corrections to the Federal Motor Carrier Safety Regulations. Therefore, a full regulatory evaluation is not warranted.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based upon this evaluation, the FHWA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

The FHWA has reviewed this action to ensure its compliance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not raise sufficient federalism issues to warrant the preparation of a separate Federalism Assessment. This final rule will not preempt any State law or State regulation, and no additional costs or burdens will be imposed on the States. In addition, this rule will have no effect on the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The agency has reviewed this action to ensure compliance with the National Environmental Policy Act of 1960 (42 U.S.C. 4321–4347) and has determined that this action will not have any effect on the quality of the environment. Thus, an environmental impact statement is not required.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Parts 382, 385, 391, 393, and 397

Highway safety, Highways and roads, Motor carriers, Motor vehicle safety.

Issued on: January 5, 1996.
Rodney E. Slater,
Federal Highway Administrator.

The FHWA hereby amends 49 CFR chapter III as set forth below.

PART 382—[AMENDED]

1. The authority citation for part 382 continues to read as follows:

Authority: 49 U.S.C. 31133, 31136, 31301 *et seq.*, 31502; 49 CFR 1.48.

2. In § 382.107, in the introductory text, the words “or § 40.73” are removed.

PART 385—[AMENDED]

3. The authority citation for part 385 continues to read as follows:

Authority: 49 U.S.C. 104, 504, 521(b)(5)(A), 5113, 31136, 31144, 31502; and 49 CFR 1.48.

§ 385.17 [Amended]

4. In § 385.17, paragraph (a) is amended by removing the reference “§ 390.40” and adding in lieu thereof the reference “§ 390.27”.

PART 391—[AMENDED]

5. The authority citation for part 391 continues to read as follows:

Authority: 49 U.S.C. 504, 31133, 31136, and 31502; and 49 CFR 1.48.

§ 391.49 [Amended]

6. In § 391.49, paragraph (b) is amended by removing the two references to “§ 390.40” and adding the reference “§ 390.27” in their stead.

PART 393—[AMENDED]

7. The authority citation for part 393 continues to read as follows:

Authority: Section 1041(b) of Pub. L. 102–240, 105 Stat. 1914, 1993 (1991); 49 U.S.C. 31136 and 31502; 49 CFR 1.48.

§ 393.25 [Amended]

8. In § 393.25, paragraph (b) is amended by removing the reference “§ 393.18” and adding in lieu thereof the reference “§ 393.11”.

§ 393.42 [Amended]

9. In § 393.42, paragraph (b)(2) is amended by removing the reference “§ 393.7(a)(3)” and adding in lieu thereof the reference “§ 393.71(a)(3)”.

PART 397—[AMENDED]

10. The authority citation for part 397 continues to read as follows:

Authority: 49 U.S.C. 5101 *et seq.*; and 49 CFR 1.48.

11. In part 397, subpart A is amended to add the heading:

Subpart A—General

Appendix B—[Amended]

12. In Appendix B to subchapter B of Chapter III, add after the heading the following:

Appendix B to Subchapter B—Special Agents

Cautionary note: This appendix relates only to Federal authority to enforce the regulations in this subchapter. In its present form, it has no application for the States and is not to be included in any adoption of these regulations by State authorities as a condition of eligibility for grants under part 350 of this chapter.

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[FR Doc. 96–861 Filed 1–23–96; 8:45 am]

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