

16. Report to Congress. The Commission will send a copy of the *Second Order*, including this FRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). The *Second Order* and this FRFA (or summaries thereof) will also be published in the **Federal Register**, see 5 U.S.C. 604(b), and will be sent to the Chief Counsel for Advocacy of the Small Business Administration.

#### *Paperwork Reduction Act*

This *Second Order* has been analyzed with respect to the Paperwork Reduction Act of 1995 (the "1995 Act") and does not impose new or modified information collection requirements on the public.

OMB Approval Number: 3060-0981.

Title: *1998 Biennial Regulatory Review "Streamlining of Cable Television Services Part 76 Public File and Notice Requirements, Second Report and Order."*

Type of Review: None.

Respondents: Businesses or other for-profit entities.

*Needs and Uses:* The Commission adopted the *Report and Order* pursuant to Section 11 of the 1996 Telecommunications Act which requires the Commission to conduct a biennial review of regulations that apply to operations and activities of any provider of telecommunications service and to repeal or modify any regulation it determines to be no longer in the public interest. Although Section 11 does not specifically refer to cable operators, the Commission has determined that the first biennial review presented an excellent opportunity for a thorough examination of all of the Commission's regulations. The initial NPRM in this proceeding was not published in the **Federal Register**. The Commission found that, with the exception of one provision, the rules adopted in the *Report and Order* are procedural in nature and subject to the prior notice exemption contained in § 1.412(b)(5) of the Commission's rules. The **Federal Register** notice provided notice of § 76.1700(a), adopted as an interim rule and provided interested parties the opportunity to comment.

#### **List of Subjects in 47 CFR Part 76**

Multichannel video and cable television service.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

For the reasons discussed in the preamble, the Federal Communications

Commission amends 47 CFR part 76 as follows:

#### **PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE**

1. The authority citation for Part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

2. Section 76.1700 is amended by revising the section heading and the introductory text of paragraph (a) to read as follows:

#### **§ 76.1700 Records to be maintained by cable system operators.**

(a) *Recordkeeping requirements.* The operator of every cable television system having fewer than 1,000 subscribers is exempt from the public inspection requirements contained in § 76.1701 (political file); § 76.1715 (sponsorship identification); § 76.1702 (EEO records available for public inspection); § 76.1703 (commercial records for children's programming); § 76.1704 (proof-of-performance test data); and § 76.1706 (signal leakage logs and repair records). The operator of every cable television system having 1000 or more subscribers but fewer than 5000 subscribers shall, upon request, provide the information required by § 76.1715 (sponsorship identification); § 76.1702 (EEO records available for public inspection); § 76.1703 (commercial records for children's programming); § 76.1704 (proof-of-performance test data); and § 76.1706 (signal leakage logs and repair records) but shall maintain for public inspection a file containing a copy of all records required to be kept by § 76.1701 (political file). The operator of every cable television system having 5000 or more subscribers shall maintain for public inspection a file containing a copy of all records which are required to be kept by § 76.1701 (political file); § 76.1715 (sponsorship identification); § 76.1702 (EEO records available for public inspection); § 76.1703 (commercial records for children's programming); § 76.1704 (proof-of-performance test data); and § 76.1706 (signal leakage logs and repair records).

\* \* \* \* \*

[FR Doc. 01-31869 Filed 12-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### **DEPARTMENT OF TRANSPORTATION**

#### **Office of the Secretary of Transportation**

#### **49 CFR Part 1**

[Docket No. OST-1999-6189]

RIN 2105-ZZ04

#### **Organization and Delegation of Powers and Duties to the Under Secretary of Transportation for Security, Transportation Security Administration**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** A new operating administration, the Transportation Security Administration (TSA), headed by the Under Secretary of Transportation for Security, was established within the United States Department of Transportation (DOT) pursuant to the Aviation and Transportation Security Act [Public Law 107-71 (November 19, 2001)]. Accordingly, by this action, the Secretary of Transportation (Secretary) amends Part 1 of title 49, *Code of Federal Regulations*, to reflect this new DOT operating administration and its general responsibilities.

**EFFECTIVE DATE:** This Final Rule is effective on December 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Steven Cohen, Office of the General Counsel, Office of Environmental, Civil Rights, and General Law, Department of Transportation (C-10), 400 Seventh Street, SW., Room 10101, Washington, DC 20590, (202) 366-4684 (voice), (202) 366-9170 (fax) (202) 755-7687 (TDD).

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access**

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**Background**

The Aviation and Transportation Security Act (ATSA) amends Chapter 1 of title 49, United States Code, by establishing TSA within DOT. TSA is headed by the Under Secretary of Transportation for Security. Accordingly, this rule amends Part 1 of title 49, Code of Federal Regulations, to reflect the establishment of TSA. Specifically, these amendments (1) Add the Under Secretary of Transportation for Security to the definition of "Administrator;" (2) add TSA to the list of operating elements within DOT that report directly to the Secretary; and (3) set forth TSA's general responsibilities.

This rule is being published as a final rule and made effective on the date signed by the Secretary of Transportation. 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 transportation regulations. In addition, the functions addressed in this rule must be implemented immediately to facilitate the formation of TSA, as created by the Act. Therefore, prior notice and opportunity to comment are unnecessary, and good cause exists to dispense with the 30-day delay in the effective date requirement so that TSA may operate pursuant to the amendments noted above.

**List of Subjects in 49 CFR Part 1**

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

Issued this 20th day of December 2001, at Washington, DC.

**Norman Y. Mineta,**  
*Secretary of Transportation.*

In consideration of the foregoing, Part 1 of title 49, Code of Federal Regulations, is amended as follows:

**PART 1—[AMENDED]**

1. The authority citation for Part 1 is revised to read as follows:

**Authority:** 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748; Pub. L. 107-71, 115 Stat. 597.

2. In § 1.2, new paragraph (1) is added to read as follows:

**§ 1.2 Definitions.**

\* \* \* \* \*

(1) The Under Secretary of Transportation for Security.

3. In § 1.3, new paragraph (b)(12) is added to read as follows:

**§ 1.3 Organization of the Department.**

\* \* \* \* \*

(b) \* \* \*

(12) The Transportation Security Administration, headed by the Under Secretary of Transportation for Security.

4. In § 1.4, new paragraph (n) is added to read as follows:

**§ 1.4 General responsibilities.**

\* \* \* \* \*

(n) The Transportation Security Administration. Is responsible for:

(1) Security relating to civil aviation and all other modes of transportation within the Department of Transportation, including at transportation facilities;

(2) Federal security screening operations for passenger air transportation and intrastate air transportation;

(3) Managing and carrying out program and regulatory activities, including administering laws and promulgating and enforcing security-related regulations and requirements in all modes of transportation, including at transportation facilities;

(4) Receiving, assessing, coordinating and distributing intelligence information related to transportation security;

(5) Developing, coordinating and carrying out plans to discover, prevent and deal with threats to transportation security;

(6) Identifying and undertaking research and development activities related to enhancing transportation security; and

(7) Coordinating domestic transportation, including aviation, rail, and other surface transportation, and maritime transportation (including port security) and overseeing all transportation related responsibilities of the Federal Government, other than the Department of Defense and the military departments, during a national emergency.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 011218303-1303-01; I.D. 110501B]

**RIN 0648-AP70**

**Atlantic Highly Migratory Species; Commercial Shark Management Measures**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Emergency rule; request for comments; fishing season notification.

**SUMMARY:** NMFS issues an emergency rule to establish the commercial quotas for large and small coastal sharks at 1,285 metric tons (mt) dressed weight (dw) and 1,760 mt dw, respectively. These regulations are necessary to ensure that the regulations in force are consistent with a court-approved settlement agreement and are based on the best available science. NMFS also notifies eligible participants of the opening and closing dates for the Atlantic large coastal sharks (LCS), small coastal sharks (SCS), pelagic sharks, blue sharks, and porbeagle sharks fishing seasons.

**DATES:** This emergency rule is effective as of 12:01 a.m., local time, on January 1, 2002, through July 1, 2002.

The fishery opening for LCS is effective January 1, 2002 through 11:30 p.m., local time, April 15, 2002. The LCS closure is effective from 11:30 p.m., local time, April 15, 2002, through June 30, 2002.

The fishery opening for SCS, pelagic sharks, blue sharks, and porbeagle sharks is effective January 1, 2001, through June 30, 2001, unless otherwise modified or superseded through publication of a closure notice in the Federal Register.

Comments on the emergency rule must be received no later than 5 p.m. on March 28, 2002.

**ADDRESSES:** Written comments on this emergency rule must be mailed to Christopher Rogers, Chief, NMFS Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910; or faxed to 301-713-1917. Comments will not be accepted if submitted via email or the Internet. Copies of the Environmental Assessment and Regulatory Impact Review prepared for this emergency rule may be obtained from Margo Schulze-