

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Parts 1500, 1502, 1503, 1510, 1511, 1540, 1542, 1544, 1546, 1548, and 1550

[Docket No. TSA-2003-14702; Amendment Nos. 1500-1, 1502-1, 1503-1, 1510-3, 1511-2, 1540-5, 1542-1, 1544-4, 1546-1, 1548-1, and 1550-1]

RIN 1652-AA20

Transportation Security Administration Transition to Department of Homeland Security; Technical Amendments Reflecting Organizational Changes

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: Final rule.

SUMMARY: The Homeland Security Act of 2002 transferred the Transportation Security Administration from the Department of Transportation to the newly created Department of Homeland Security. This rule makes conforming technical changes to various parts of the Transportation Security Regulations, chapter XII of title 49, Transportation, of the Code of Federal Regulations, revising, where appropriate, all references to the titles, abbreviations, and acronyms of the "Department of Transportation" and the "Under Secretary of Transportation for Security." This regulation also makes conforming changes to the general definitions sections and revises TSA's address because of TSA Headquarters' physical move to Arlington, Virginia. Because this rule revises existing regulations to reflect organizational changes, it has no substantive effect on the public.

DATES: Effective August 19, 2003.

FOR FURTHER INFORMATION CONTACT: Marisa Mullen, Office of the Chief Counsel, TSA-2, Transportation Security Administration, West Building, Floor 8, 601 South 12th Street, Arlington, VA 22202-4220; telephone (571) 227-2706; e-mail marisa.mullen@dhs.gov.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Document

You can get an electronic copy using the Internet by—

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) web page (<http://dms.dot.gov/search>);

(2) Accessing the Government Printing Office's web page at http://www.access.gpo.gov/su_docs/aces/aces140.html; or

(3) Visiting the TSA's Law and Policy web page at <http://www.tsa.dot.gov/public/index.jsp>.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within the TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in **FOR FURTHER INFORMATION CONTACT**. Persons can obtain further information regarding SBREFA on the Small Business Administration's web page at http://www.sba.gov/advo/laws/law_lib.html.

Background

The rule makes technical changes to various provisions of chapter XII, title 49 (Transportation) of the Code of Federal Regulations (CFR), mainly in response to enactment of the Homeland Security Act of 2002 (HSA), Public Law 107-296, 116 Stat. 2135 (2002). Pursuant to the HSA, Congress established the Department of Homeland Security (DHS) (section 101 of HSA) and directed the transfer of the Transportation Security Administration (TSA) (section 403 of HSA) from the Department of Transportation (DOT) to DHS. As indicated in the Department of Homeland Security Reorganization Plan submitted on November 25, 2002, by the President to Congress (under section 1502 of the HSA), TSA transferred to DHS on March 1, 2003.

In addition, by March 1, TSA completed the physical move of its headquarters facilities and personnel from Washington, DC, to Arlington, Virginia. This rule revises any references to our location address or mailing address, as necessary.

Justification for Immediate Adoption

This rule relates only to agency organization, procedure, and practice. Therefore, under 5 U.S.C. 553(b)(3)(A), this rule is exempt from notice and comment rulemaking requirements. The changes made by the rule will have no substantive effect on the public; therefore, under 5 U.S.C. 553(d), this rule may become effective less than 30 days after publication in the **Federal Register**.

Provisions of the Final Rule

In 49 CFR, chapter XII, all references to the titles, abbreviations, and acronyms of the "Department of Transportation" and the "Under Secretary of Transportation for Security" are revised, where appropriate, to read "Department of Homeland Security" and "Administrator," respectively. In conjunction with the transfer of TSA to DHS, the head of TSA has adopted the new title of Administrator and has implemented conforming changes to the titles of other senior management officials at TSA. Other organizational changes have been made as well. Consequently, for purposes of the Transportation Security Regulations (TSRs), the official formerly referred to as the Under Secretary of Transportation for Security will be referred to as the Administrator, and the official formerly referred to as the Deputy Administrator/Chief Operating Officer will be referred to as the Deputy Administrator. In addition, officials previously referred to as Associate Under Secretaries will be known as Assistant Administrators and the official previously referred to as the Deputy Chief Counsel for Enforcement will be known as the Deputy Chief Counsel for Civil Enforcement. The final rule makes conforming changes to the TSRs to reflect these changes and adds a new definition of "Administrator" to the general definitions sections.

This rule also revises TSA's address because of TSA Headquarters' physical move from Washington, DC, to Arlington, Virginia. Our U.S. mailing address will no longer be routed to TSA through the DOT Headquarters' address at 400 Seventh Street, SW., Washington, DC. The official address for all TSA mail (both U.S. Postal System and all overnight mail) now is: Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220.

Although most references to DOT have been revised to DHS, in some instances, most notably in §§ 1510.19 and 1511.11, references to DOT remain to allow DOT access to books and records related to TSA's Civil Aviation Security Fees in order to facilitate DOT's enforcement of its consumer protection and economic authority.

In addition, the authority citations in 49 CFR parts 1500 through 1511 and 1540 through 1550 were amended to add 49 U.S.C. 114 and 40113, as appropriate. These citations include general agency authorities to conduct rulemaking and issue orders that had inadvertently been left out of previous rulemakings.