

made effective in less than 30 days after publication in the **Federal Register**.

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

Authority delegations (government agencies), Organizations and functions (government agencies).

In consideration of **the foregoing**, **49 CFR Part 1** is amended as **set forth below**:

PART 1-(AMENDED)

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

Authority: 49 U.S.C. **102-110**, and 322(a) and (b).

2. Section **1.48** is amended by revising paragraphs (a), (e), (f), (g), (k), (p), (w), (x), (z) and by removing and reserving paragraphs (d), (h) and (v).

§ 1.48 Delegation to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to-

(a) Investigate and report on the safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 USC. 307, so far as it relates to motor carriers.

(d) [Reserved]

(e) Carry out 49 U.S.C. **3103** relating generally to investigation of the need for regulation of sizes, weights, and combinations of motor vehicles and qualifications and maximum hours of service of employees of motor carriers and motor private carriers.

(f) Carry out 49 U.S.C. **3102** relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers, motor private carriers and motor carriers of migrant workers.

(g) Carry out **49 U.S.C. 503** and **3104** relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles so far as they pertain to motor private carriers of property and motor carriers of migrant workers (except motor contract carriers).

(h) [Reserved]

(k) Initiate proceedings as a complainant under 49 U.S.C. **10925** to revoke, suspend or amend the

certificates, pen-nits or licenses of a motor carrier.

(p) Carry out the functions vested in the Secretary provided by 42 U.S.C. **4917** relating to procedures for the inspection, surveillance and measurement of commercial motor vehicles for compliance with interstate motor carrier noise emission standards and related enforcement activities including the promulgation of necessary regulations.

(v) [Reserved]

(w) Carry out the functions vested in the Secretary by section **30** of the Motor Carrier Act of 1980 (Pub. L. **96-296, 94 Stat. 820**), as amended by **§ 108(b)(5)** of Pub. L. **96-510, 94 Stat. 2767**; section 406 of Pub. L. **97-424, 96 Stat. 2158**; and section 222 of Pub. L. **98-554, 98 Stat. 2846** (49 U.S.C. 10927 note).

(x) Carry out the functions vested in the Secretary by sections 4(a) and (5)(c) of Executive Order 12316 of August 14, **1981 (46FR 42237, August 20, 1981)** (delegating sections **107(c)(1)(C)** and **108(b)**, respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. **96-510, 94 Stat. 2781**), insofar as they relate to motor carriers.

(z) Carry out the functions vested in the Secretary by **§§ 18** and **25(c)** of the Bus Regulatory Reform Act of 1982 (Pub. L. **97-261, 96 Stat. 1102**), as amended by section 224 of Pub. L. **98-554, 98 Stat. 2847** (49 U.S.C. 10927 note).

Issued in Washington, DC, an February **12, 1986**.

Elizabeth Hanford Dole,
Secretary of Transportation.
[FR Doc. 86-5062 Filed 4-11-86; 8:45 am]
BILLING CODE 4910-62-M

49 CFR Part 1

~~(CFR Document No. 206)~~

Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard and Reservations of Authority

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule amends Title 49, Code of Federal Regulations to clarify the existing roles of the Secretary and the Commandant with regard to the administration of the Military Justice System in the U.S. Coast Guard, Both

the Uniform Code of Military Justice, **10 U.S.C. 601** et seq., (UCMJ) and the Manual for Courts-Martial (MCM, 1984) authorize the Secretary to promulgate regulations and to take other actions in Military Justice matters. Most of these functions are routine in nature and were delegated to the Commandant when the Coast Guard became part of the Department of Transportation in **1967**. This rule specifically lists all secretarial reservations of authority, and delegates all functions not so reserved, thus clarifying the Commandant's existing authority to administer the Military Justice System in the Coast Guard.

EFFECTIVE DATE: April 14, 1986.

FOR FURTHER INFORMATION CONTACT:

Becky L. Bentson, Department of Transportation, Office of General Counsel: (202) 472-5577, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practices, it is excepted from notice and public procedure requirements and it may be made effective in fewer than thirty (30) days after publication in the **Federal Register**.

Drafting information: The principal persons involved in drafting this document are LT Christens Green, Office of Chief Counsel (Military Justice Division), and LT Dave Shippert, Office of Chief Counsel (Regulations and Administrative Law Division).

Discussion: The Secretary has the authority to administer the Military Justice System in the United States Coast Guard (U.C.M.J., 10 USC. 801 et seq.: MCM). Most of the Secretary's responsibilities are properly within the province of the Commandant and have been so delegated. The Secretary has specifically reserved the authority to act in certain instances. However, neither the delegation to the Commandant nor all the reservations of Secretarial authority have been clearly described in the Code of Federal Regulations. This rule amends both **§§ 1.44(m)** and **1.46** of Title **49 CFR** to accurately reflect these reservations and the delegation. The list of authorities reserved by the Secretary contained in **49 CFR 1.44(m)** is amended to include eight specific functions pertaining to Military Justice matters and **49 CFR 1.46** is amended to reflect the existing delegation to the Commandant in matters relevant to the administration of the Military Justice System. This rule merely Publishes existing practice and procedure and will have no impact upon the agency or the public.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organizations and functions (government agencies).

In consideration of the foregoing, 49 CFR Part 1 is amended as set forth below.

PART 1 – ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

Authority: 49 U.S.C. §§ 102-110, and 332 (a) and (b).

§ 1.44 [Amended]

2. Section 1.44(m) is amended to revise paragraph (12) and (13), and to add paragraphs (14) through (19) to read as follows:

* * * * *

(m) Coast Guard

* * * * *

(12) Substitute administrative discharge for dismissal of an officer under 10 U.S.C. 804 (a) and (b).

(13) Designation of commanding officers and officers in charge who may convene general, special and summary courts-martial. (10 U.S.C. 822(a)(6), 823(a)(7), and 824(a)(b)).

(14) In time of war certify cases to President to extend statute of limitations until after termination of hostilities. (10 U.S.C. 843(e)).

(15) Direct Judge Advocate General to establish branch office. (10 U.S.C. 868).

(16) Designate officers authorized to remit or suspend any part of amount of unexecuted part of any sentence. (10 U.S.C. 874(a)).

(17) Substitute administrative form of discharge for discharge or dismissal executed in accordance with sentence of court-martial (10 U.S.C. 874(b)).

(18) Substitute administrative discharge for previously executed sentence of dismissal when dismissal not imposed at new trial. (10 U.S.C. 875(c)).

(19) Designate persons to convene courts of inquiry. (10 U.S.C. 935(a)).

3. Section 1.46 is amended to add new paragraph (pp) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

(pp) Except as specifically reserved in 49 CFR § 1.44, carry out the responsibilities of, and exercise the authority of the Secretary contained in the Uniform Code of Military Justice, Chapter 47 of Title 10 United States Code, and the Manual for Courts-Martial, United States.

Issued in Washington, D.C. on February 7, 1986.

Elizabeth Hanford Dole,
Secretary of Transportation.

[FR Doc. 86-5061 Filed 4-11-86; 8:45 am]

BILLING CODE 4919-92-M

Federal Highway Administration

49 CFR Parts 301, 388, 389, 390, 391, 394, and 395

Federal Motor Carrier Safety Regulations; Technical Amendments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: As a result of the revisions in the delegations of authority from the Department of Transportation to the Federal Highway Administration as well as the reorganization of the Bureau of Motor Carrier Safety within the Federal Highway Administration, technical amendments are needed to reflect the current delegations of authority relating to motor carrier safety within the Federal Highway Administration.

EFFECTIVE DATE: April 14, 1986.

FOR FURTHER INFORMATION CONTACT: Neill Thomas, National Standards Division, Bureau of Motor Carrier Safety, (202) 755-1011; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 4260346, Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: In view of the revisions in the delegations of authority from the Department of Transportation to the Federal Highway Administration published in this issue of the *Federal Register* to reflect current citations to the statutory authority relating to motor carrier safety and related areas as well as the reorganization of the Bureau of Motor Carrier safety within the Federal Highway Administration, certain regulations are revised to reflect the current delegations of authority as well as the offices responsible for these functions. Certain functions and responsibilities were delegated from the Federal Highway Administrator to the Associate Administrator for Motor Carriers. Certain of these functions were delegated to the Director, Bureau of Motor Carrier Safety, and some of these responsibilities redelegated to the Regional Director, Motor Carrier Safety. The paragraphs of 49 CFR 301.60 are renumbered in order to correctly reflect the direct line authority and delegations

from the Federal Highway Administrator to the Associate Administrator for Motor Carriers to the Director, Bureau of Motor Carrier Safety, then to the Regional Director, Motor Carrier Safety.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The amendments in this document are primarily technical in nature and are needed solely to update the regulations to reflect current statutory changes as well as revisions relating to the agency's reorganization. For these reasons and since this rule imposes no additional burdens on the States or other Federal agencies, the FHWA finds good cause to make this regulation final without prior notice and opportunity for comments and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reasons, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, this final rule is effective upon publication in the *Federal Register*.

Since the changes in this document are primarily nonsubstantive in nature and are merely needed to reflect those entities responsible for compliance with requirements relating to motor carrier safety, minimum financial responsibility, and noise emission, the anticipated economic impact, if any, is minimal. Therefore, a full regulatory evaluation is not required. For the above reasons and under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Parts 301, 388, 389, 390, 391, 394, and 395

Authority delegations (government agencies), Highways and roads, Motor carriers, Motor vehicle safety.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on April 3, 1986.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

In consideration of the foregoing, the Federal Highway Administration hereby amends 49 CFR Chapter III as set forth below.

pcw

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

(OST Docket No, 4 ; Amend, No. -- 206

Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard and Reservations of Authority.

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule amends Title 49, Code of Federal Regulations to clarify the existing roles of the Secretary and the Commandant with regard to the administration of the Military Justice System in the U.S. Coast Guard. Both the Uniform Code of Military Justice, 10 U.S.C. 801 et seq., (UCMJ) and the Manual for Courts-Martial (MCM, 1984) authorize the Secretary to promulgate regulations and to take other actions in Military Justice matters. Most of these functions are routine in nature and were delegated to the Commandant when the Coast Guard became part of the Department of Transportation in 1967. This rule specifically lists all secretarial reservations of authority, and delegates all functions not so reserved, thus clarifying the Commandant's existing authority to administer the Military Justice System in the Coast Guard.

EFFECTIVE DATE: (date of publication)

FOR FURTHER INFORMATION CONTACT: Becky L. Bentson, Department of Transportation, Office of General Counsel; (202) 472-5577, Washington, D.C. 20590.

3-4

50FR(

)

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practices, it is excepted from notice and public procedure requirements and it may be made effective in fewer than thirty (30) days after publication in the Federal Register.

DRAFTING INFORMATION: The principal persons involved in drafting this document are LT Christena Green, Office of Chief Counsel, (Military Justice Division) and LT Dave Shippert, Office of Chief Counsel, (Regulations and Administrative Law Division).

DISCUSSION: The Secretary has the authority to administer the Military Justice System in the United States Coast Guard (U.C.M. J., 10 U.S.C. 801 et seq.; MCM) Most of the Secretary's responsibilities are properly within the province of the Commandant and have been so delegated. The Secretary has specifically reserved the authority to act in certain instances. However, neither the delegation to the Commandant nor all the reservations of Secretarial authority have been clearly described in the Code of Federal Regulations. This rule amends both section 1.44(m) and section 1.46 of Title 49 CFR to accurately reflect these reservations and the delegation. The list of authorities reserved by the Secretary contained in 49 CFR 1.44(m) is amended to include eight specific functions pertaining to Military Justice matters and 49 CFR 1.46 is amended to reflect the existing delegation to the Commandant in matters relevant to the administration of the Military Justice System. This rule merely publishes existing practice and procedure and will have no impact upon the agency or the public.

PART I-ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Accordingly, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

1.) section 1.44(m) is revised to add subparagraphs 12 through 19 to read as follows:

(m) Coast Guard

- (12) Substitute administrative discharge for dismissal of an officer under 10 U.S.C. 804(a) and (b).
- (13) Designation of commanding officers and officers in charge who may convene general, special and summary courts-martial. (10 U.S.C. 822(a)(6), 823(a)(7), and 824(a)(4)).
- (14) In time of war certify cases to President to extend statute of limitations until after termination of hostilities. (10 U.S.C. 843(e)).
- (15) Direct Judge Advocate General to establish branch office. (10 U.S.C. 868).
- (16) Designate officers authorized to remit or suspend any part of amount of unexecuted part of any sentence. (10 U.S.C. 874(a)).
- (17) Substitute administrative form of discharge for discharge or dismissal executed in accordance with sentence of court-martial (10 U.S.C. 874(b)).

(18) Substitute administrative discharge for previously executed sentence of dismissal when dismissal not imposed at new trial. (10 U.S.C. 875(c)).

(19) Designate persons to convene courts of inquiry. (10 U.S.C. .955(a)).

2.) section 1.46 is amended to add new paragraph (pp) to read as follows:

§1.46 Delegations to Commandant of the Coast Guard.

(pp) Except as specifically reserved in 49 CFR 11.44, carry out the responsibilities of, and exercise the authority of the Secretary contained in the Uniform Code of Military Justice, Chapter 47 of Title 10 United States Code, and the Manual for Courts-Martial, United States

AUTHORITY: 49 U.S.C. 322.

Issued in Washington, D.C. on

FEB 7 1986



Elizabeth Hanford Dole

Secretary of Transportation

List of Subjects in 49 CFR Part 1

Authority delegations (government **agencies**),
Organizations and functions (government agencies).

In consideration of the foregoing, 49 CFR Part 1 is amended as set forth below.

PART I - ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

Authority: 49 U.S.C. **§§102-110**, and **322(a)** and **(b)**.

2. Section **1.44(m)** is amended to revise subparagraph 12 and **13**, and to add subparagraphs 14 through 19 to read as follows:

* * * * *

(m) Coast Guard

* * * * *

(12) Substitute administrative discharge for dismissal of an officer under 10 U.S.C. **804(a)** and **(b)**.

(13) Designation of commanding officers and officers in charge who may convene general, special and summary courts-martial. (**10 U.S.C. 822(a)(6)**, **823(a)(7)**, and **824(a)(b)**).

(14) In time of war certify cases to President to extend statute of limitations until after termination of hostilities. (**10 U.S.C. 843(e)**).

(15) Direct Judge Advocate General to establish branch **office**. (**10 U.S.C. 868**).

(16) Designate officers authorized to remit or suspend any part of amount of unexecuted part of any sentence.

(10 U.S.C. 874(a)).

(17) Substitute administrative form of discharge for discharge or dismissal executed in accordance with sentence of court-martial (10 U.S.C. 874(b)).

(18) Substitute administrative discharge for previously executed sentence of dismissal when dismissal not imposed at new trial. (10 U.S.C. 875(c)).

(19) Designate persons to convene courts of inquiry.

(10 U.S.C. 935(a)).

3. Section 1.46 is amended to add new paragraph (pp) to read as follows:

§1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(pp) Except as specifically reserved in 49 CFR **§1.44**, carry out the responsibilities of, and exercise the authority of the Secretary contained in the Uniform Code of Military Justice, Chapter 47 of Title 10 United States Code, and the Manual for Courts-Martial, United States.

Issued in Washington, D.C. on

Elizabeth Hanford Dole
Secretary of Transportation