

62606

OST-99-6189-14

(vi) The computing of profit or fee for PST and PSTE.
[FR Doc. 87-992 Filed 1-15-87; 8:45 am]
BILLING CODE 3610-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amend. No. 214]

Organization and Delegation of Powers and Duties; Appendix A—Delegations and Redelegations by Secretarial Officers

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Chief Counsel of the Coast Guard authority and functions vested in the General Counsel as the Judge Advocate General under Chapter 47 of Title 10, United States Code, and the Manual for Courts-Martial, Executive Order 12473.

The Uniform Code of Military Justice, Chapter 47 of Title 10, United States Code, and the Manual for Courts-Martial have recently been changed to permit review of courts-martial by the Supreme Court. This and other changes in the Code and the Manual have made it appropriate to republish the delegations from the General Counsel. The revisions clarify former delegations, adds new delegations to cover changes in the Code and the Manual, and changes delegations to conform with existing practice.

EFFECTIVE DATE: January 16, 1987.

FOR FURTHER INFORMATION CONTACT: Sam Whitehom, Department of Transportation, Office of General Counsel; (202) 366-9307, Washington, DC 20590.

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

Drafting information: The principal drafter of this final rule is LT Michael J. Zmaczynski, Military Justice Division, Office of Chief Counsel, U.S. Coast Guard.

Discussion: The Uniform Code of Military Justice, Chapter 47 of Title 10, United States Code, and the Manual for Courts-Martial have recently been changed to permit review of courts-martial by the Supreme Court. This and

other changes in the Code and the Manual have made it appropriate to republish the delegations from the General Counsel. The revision clarifies former delegations, adds new delegations to cover changes in the Code and the Manual, and changes delegations to conform with existing practice.

Evaluation: This is a rule of agency organization, not preceded by an NPRM, which is exempt from the provisions of Executive Order 12291: the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.); and DOT Order 2100.5. This rule will provide information for the public concerning the status of the General Counsel's delegations to the Chief Counsel.

List of Subjects in 49 CFR Part 1

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

In accordance with the foregoing, 49 CFR Part 1 is amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

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

2. Appendix A to 49 CFR Part 1 is amended by revising paragraph 2, introductory text and (1), (5), and (8), and by adding paragraph 2, (9) to read as follows:

APPENDIX A-DELEGATIONS AND REMLEGATIONS BY SECRETARIAL OFFICERS

2. Chief Counsel, U.S. Coast Guard (a) The General Counsel, as Judge Advocate General for the U.S. Coast Guard, has delegated to the Chief Counsel, U.S. Coast Guard, pursuant to the Uniform Code of Military Justice, Chapter 47 of Title 10, United States Code, authority to exercise the following powers and duties:

(1) The authority to recommend assignment for duty of judge advocates under Article 6(a), section 806(a) of Title 10 United States Code.

(5) The authority to instruct the convening authority to take action in accordance with the decision of the Court of Military Review or dismiss the charges under Article 66(e), section 866(e) of Title 10, United States Code

(8) The authority to detail appellate Government counsel and appellate defense counsel to perform duties in connection with the review of court-martial cases by the Court of Military Review, the Court of Military Appeals and the Supreme Court.

(9) The authority to perform any other duty and exercise any other power which the

General Counsel is authorized or required to perform under the Uniform Code of Military Justice or the Manual for Courts-Martial, with the exception of the following which are reserved to the General Counsel or his or her delegatee within the Office of the General Counsel:

(i) Authority to certify commissioned officers as qualified for duty as military judges under Article 26(b), section 826(b) of Title 10, United States Code.

(ii) Authority to establish a Court of Military Review and designate a chief judge of the court under Article 66(a), section 866(a) of Title 10, United States Code.

(iii) Authority to order cases sent to the Court of Military Appeals under Article 67(b)(2), section 867(b)(2) of Title 10, United States Code.

(iv) Authority to examine records of general courts-martial not reviewed under Article 68, section 866 of Title 10, United States Code, and modify or set aside the findings or the sentence, or refer the record to the Court of Military Review under Article 69(a), section 869(a) of Title 10, United States Code.

(v) Authority to prescribe rules not inconsistent with the Manual for Courts-Martial to govern the professional supervision and discipline of military trial and appellate judges, judge advocates, and other lawyers who practice in proceedings governed by the UCMJ and Manual for Courts-Martial.

(vi) Authority to make the recommendation of the Judge Advocate General in a court-martial case requiring approval by the Secretary or the President.

(vii) Authority to approve a vacation of suspension of dismissal of military personnel.

Issued On: December 30, 1986.

Jim J. Marquez,
General Counsel.

[FR Doc. 87-867 Filed 1-15-87; 8:45 am]

BILLING CODE 4910-02-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 604 and 653

[Docket No. 60617-6320]

Red Drum Fishery of the Gulf of Mexico; Corrections

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; corrections.

SUMMARY: This document corrects several mistakes in the preamble and the regulatory text of the final rule for the Red Drum Fishery of the Gulf of Mexico which was published December 24, 1986, 51 FR 46675.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1'

(OST Docket No. 1 ; Amend. No. 214)

Organization and Delegation of
Powers and Duties; Appendix A--
Delegations and Redelegations by
Secretarial Officers

AGENCY: Office of the Secretary, DOT

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to delegate to the Chief Counsel of the Coast Guard authority and functions vested in the General Counsel as the Judge Advocate General under Chapter 47 of Title 10, United States Code, and the Manual for Courts-Martial, Executive Order 12473.

EFFECTIVE DATE: On publication

FOR FURTHER INFORMATION CONTACT: Sam Whitehorn, Department of Transportation, Office of General Counsel; (202) **366-9307**, Washington, D. C. 20590.

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

DRAFTING INFORMATION: The principal drafter of this final rule is LT Michael J. Zmaczynski, Military Justice Division, Office of Chief Counsel, U.S. Coast Guard.

DISCUSSION: The Uniform Code of Military Justice, Chapter 47 of Title 10, United States Code, and the Manual for Courts-Martial have recently been changed to permit review of courts-martial by the Supreme Court. This and other changes in the Code and the Manual have made it appropriate to republish the delegations from the General Counsel. The revision clarifies former delegations, adds new delegations to cover changes in the Code and the Manual, and changes delegations to conform with existing practice.

EVALUATION: This is a rule of agency organization, not preceded by an NPRM, which is exempt from the provisions of Executive Order 12291; the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.); and DOT Order 2100.5. This rule will provide information for the public concerning the status of the General Counsel's delegations to the Chief Counsel.

LIST OF SUBJECTS in 49 CFR Part 1:

Authority Delegations (Government Agencies)

Organization and Functions (Government Agencies).

In **accordance** with the foregoing, paragraph 2 of Appendix A to 49 CFR Part 1 is revised to read as follows:

PART 1 - ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

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

2. Paragraph 2 of Appendix A to 49 CFR Part 1 is revised to read as follows:

APPENDIX A - DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

* * * * *

2. Chief Counsel, U.S. Coast Guard. (a) The General Counsel, as Judge Advocate General for the U.S. Coast Guard, has delegated to the Chief Counsel, U.S. Coast Guard, pursuant to the Uniform Code of Military Justice, Chapter 47 of Title 10, United States Code, authority to exercise the following powers and duties:

(1) The authority to recommend assignment for duty of judge advocates under Article 6(a), section 806(a) of Title 10, United States Code.

* * *

(5) The authority to instruct the convening authority to take action in accordance with the decision of the Court of Military Review or dismiss the charges under Article 66(e), section 866(e) of Title 10, United States Code.

* * * * *

(8) The authority to detail appellate Government counsel and appellate defense counsel to perform duties in connection with the review of court-martial cases by the Court of Military Review, the Court of Military Appeals and the Supreme Court.

(9) The authority to perform any other duty and exercise any other power which the General Counsel is authorized or required to perform under the Uniform Code of Military Justice or the Manual for Courts-Martial, with the exception of the following which are reserved to the General Counsel or his or her delegatee within the Office of the General Counsel:

(i) Authority to certify commissioned officers as qualified for duty as military judges under Article 26(b), section 826(b) of Title 10, United States Code.

(ii) Authority to establish a Court of Military Review and designate a chief judge of the court under Article 66(a), section 866(a) of Title 10, United States Code.

(iii) Authority to order cases sent to the Court of Military Appeals under Article 67(b)(2), section 867(b)(2) of Title 10, United States Code.

(iv) Authority to examine records of general courts-martial not reviewed under Article 66, section 866 of Title 10, United States Code, and modify or set aside the findings or the sentence, or refer the record to the Court of Military Review under Article 69(a); section 869(a) of Title 10, United States Code.

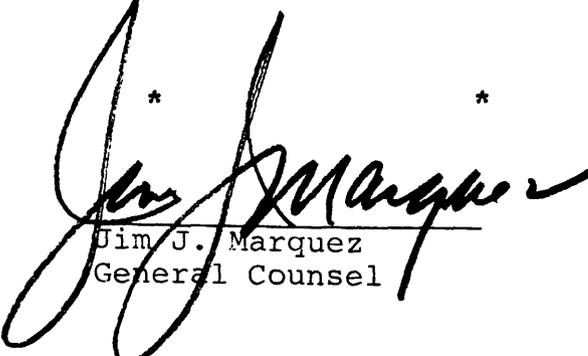
(v) Authority to prescribe rules not inconsistent with the Manual for Courts-Martial to govern the professional supervision and discipline of military trial and appellate judges, judge advocates, and other lawyers who practice in proceedings governed by the UCMJ and Manual for Courts-Martial.

(vi) Authority to make the recommendation of the Judge Advocate General in a court-martial case requiring approval by the Secretary or the President.

(vii) Authority to approve a vacation of suspension of dismissal of military personnel.

* * * * *

Issued On: December 30, 1986


Jim J. Marquez
General Counsel