

§ 1.90 (Amended)

(w) Carry out the provisions of subtitle B of Public Law 101-624.

Issued on: February 5, 1991.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91-3890 Filed 2-19-91; 8:45 am]

BILLING CODE 101042-N

49 CFR Part 1

[OST Docket No. 1; Amdt I-2391

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This document delegates authority to the Administrators of the Department of Transportation's Operating Administrations to carry out the provisions of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500).

EFFECTIVE DATE: February 20, 1991.

FOR FURTHER INFORMATION CONTACT: Mary M. Crouter, Senior Attorney, Office of the Chief Counsel, Research and Special Programs Administration, DCC-1, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590; telephone number (202) 368-4400, or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone number (202) 368-9307.

SUPPLEMENTARY INFORMATION: On November 3, 1990, the President signed the Sanitary Food Transportation Act of 1990 (SFTA; Pub. L. 101400). The SFTA requires the Secretary of Transportation, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, to issue regulations with respect to the transportation of food, food additives, drugs, devices, and cosmetics in motor vehicles and rail vehicles which are used to transport either refuse or other nonfood products which, when so transported, would make such food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals.

Section 9 of the SFTA provides that the Secretary of Transportation may implement the SFTA through means that include inspections conducted by state employees who are funded under the Motor Carrier Safety Assistance

Program (MCSAP). The Secretary, in cooperation with the other Federal agencies, is required to develop and carry out a training program for inspectors to conduct vigorous enforcement of the statute and regulations. Section 10 of the SFTA provides that the Secretary has the same powers and duties as the Secretary of the Hazardous Materials Transportation Act (HMTA).

Section 11 of the SFTA provides that the Secretary shall issue civil and criminal violation regulations or orders issued by the SFTA shall be determined, and civil and criminal penalties for such violations shall be imposed, in the same manner and to the same extent that violations are determined and penalties are imposed under section 110 of the HMTA. Section 11 also provides for equitable relief in the same manner and to the same extent that the Secretary is authorized to take such action under section 111 of the HMTA. Section 12 of the SFTA provides that the provisions of the HMTA relating to the relationship of that Act to a law or other requirement of a State, political subdivision, or Indian tribe shall apply with respect to the relationship of the SFTA to a law or other requirement of a State, political subdivision, or Indian tribe which concerns a subject covered under the SFTA. This amendment delegates the authority of the Secretary to issue regulations and enforce the SFTA to the Administrators of certain of the Department of Transportation Operating Administrations.

Section 15 of the SFTA, the Motor Carrier Safety Act of 1990, amends the Hazardous Materials Transportation Act, 49 U.S.C. 1801 et seq., to prohibit a motor carrier receiving an unsatisfactory safety rating from operating a commercial motor vehicle to transport (1) hazardous materials for which placarding is required, or (2) more than 15 passengers, including the driver. Section 15 also requires the Secretary to issue regulations establishing a system to make safety ratings readily available to the public, and establishing procedures to ensure the correction of violations noted during inspections funded under MCSAP. Section 15 provides that the Secretary shall establish operational procedures to initiate enforcement action for serious safety violations, and requires the Secretary to initiate rulemaking on the need to make trucks more visible to motorists so as to reduce accidents. This amendment delegates the authority of the Secretary under Section 15 of the SFTA to the Administrators of the

Federal Highway Administration and the National Highway Traffic Safety Administration.

Since these amendments relate to Departmental management, notice and public comment are unnecessary. For the same reason, a good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). The SFTA was enacted on November 3, 1990, more than 30 days prior to the effective date of this rule. Therefore, the delegations of authority to the Administrators of the Operating Administrations are effective as of the date of publication of this final rule.

List of Subjects in 49 CFR Part 1

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

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

PART I-ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

Authority: 49U.S.C. 322.

2. Section 1.48 is amended by adding a new paragraph (hh) as follows:

§ 1.48 Delegations to Federal Highway Administrator.

(hh) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, 13, 15(b), 15(c), 15(d), and 15(e) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213), with respect to transportation by highway.

3. Section 1.49 is amended by adding a new paragraph (ee) as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

(ee) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, and 13 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213), with respect to transportation by railroad.

4. Section 1.50 is amended by adding a new paragraph (m) as follows:

§ 1.50 Delegations to the National Highway Traffic Safety Administrator.

(m) Carry out the functions vested in the Secretary by section 15(f) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213).

approved closing costs under the following conditions:

(c) The reimbursement (excluding closing costs) does not exceed the lesser of the amounts specified in paragraphs (c) (1), (2) or (3) of this section:

(2) The amount certified by FmHA or VA to be a fair value for the property based on the lesser of the market value or the amount of FmHA's or VA's claim plus the expenses connected with Federal ownership; or

(3) The amount certified by RTC as the applicable price consistent with RTC pricing policies in effect at the time; and

8. Section 590.19 is revised to read as follows:

§ 590.19 Use of section 810 funds.

Section 810 funds may be used to reimburse HUD, VA, FmHA or RTC for federally-owned properties. Section 810 funds may not be used to reimburse LUHAs for administrative costs, nor may they be used to acquire property other than through reimbursement for federally-owned property. Participants receiving Community Development Block Grant (CDBG) funds may charge eligible administrative expenses incurred in operating their urban homesteading programs to their otherwise available CDBG administrative funds, provided such administrative expenditures would satisfy other Title I requirements.

9. In § 590.21, the first and second sentences are revised to read as follows:

§ 590.21 Reservation of funds.

After execution of the applicant's urban homesteading program participation agreement during the first program year, and thereafter following approval of the applicant's annual request for program participation, HUD will reserve funds to reimburse the FHA Fund, HUD's Rehabilitation Loan Fund, FmHA, VA, or RTC when specific properties are identified for transfer to the LUHA, as stated in § 593.17 or § 590.18. Funds will be reserved by HUD on a first-come, first-served basis subject to availability from the applicable field office subassignment, except that field offices may designate a temporary initial allocation of section 810 funds to be exclusively available for each participating LUHA for a period not to exceed 90 days from the date the LUHA is notified of such temporary allocation.

Date: 11. 1991
 Anna K. ...
 Assistant Secretary for Community Planning and Development
 [FR Doc. 91-3971 Filed 2-19-91; 8:45 am]
 BILLING CODE 4210-04-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 580, 581 and 583

[Docket No. 91-07]

Bonding of Non-Vessel-Operating Common Carriers

AGENCY: Federal Maritime Commission.

ACTION: Stay of effective date of interim rule.

SUMMARY: This stays the effective date of the Interim Rule in Docket No. 91-01 for a period of sixty days. This stay implements an exemption granted by the Commission from the requirements of section 710 of Public Law No. 101-595.

DATES: Stag effective February 20, 1991. Interim rules effective April 15, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published an Interim Rule in this proceeding in the Federal Register on January 15, 1991 (56 FR 1493) with an effective date of February 14, 1991. The Interim Rule implemented the provisions of Section no of Public Law No. 101-595 by establishing requirements relating to bonding of non-vessel-operating common carriers. The Commission now, in response to a petition from interested parties, has granted a 60 day exemption pursuant to section 16 of the Shipping Act of 1984, 46 U.S.C. app. section 1715, from the provisions of section no of Public Law No. 101-595. In view of this exemption, a corresponding stay of the effective date of the rules to April 15, 1991, is appropriate.

By the Commission.
 Ronald D. Murphy,
 Assistant Secretary.
 [FR Doc. 91-3880 Filed 2-19-91; 8:45 am]
 BILLING CODE 9730-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Docket No. 1, Amdt. 1-238]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation (Secretary) hereby delegates to the Maritime Administrator authority conferred by subtitle B—Shipping Provisions, Public Law 101-624, enacted November 28, 1990.

EFFECTIVE DATE: February 20, 1991.

FOR FURTHER INFORMATION CONTACT: James E. Saari, Secretary, Maritime Administration, 400 Seventh Street SW., Room 7300, Washington, DC 20590, telephone: (202) 366-5746; or Steven O. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, Room 10424, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone: (202) 366-9307.

SUPPLEMENTARY INFORMATION: Subtitle B of Public Law 101-624 confers on the Secretary of Transportation authority to designate a vessel as an American Great Lakes vessel. The Secretary is hereby amending regulations of the Office of the Secretary of Transportation, at 49 CFR 1.66, to delegate to the Maritime Administrator that authority. A corresponding change is being made to the Department's Organization Manual.

Since this amendment relates to Departmental organization, notice and comment are unnecessary, and the rule may become effective in fewer than thirty days after publication in the Federal Register.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies).

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 continues to read as follows:
 Authority: 49 U.S.C. 322.
2. Section 1.66 is amended as follows:
 Add a new paragraph (w) at the end, to read as follows:

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-239]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This document delegates authority to the Administrators of the Department of Transportation's Operating Administrations to carry out the provisions of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500).

EFFECTIVE DATE: [insert date of publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT: Mary M. Crouter, Senior Attorney, Office of the Chief Counsel, Research and Special Programs Administration, DCC-1, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590; telephone number (202) 366-4400, or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, c-50, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590, telephone number (202) 366-9307.

SUPPLEMENTARY INFORMATION: On November 3, 1990, the President signed the Sanitary Food Transportation Act of 1990 (SFTA; Pub. L. 101-500). The SFTA requires the Secretary of Transportation, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, to issue regulations with respect to the transportation of food, food additives, drugs, devices, and cosmetics in motor vehicles and rail vehicles which are used to transport either refuse or other nonfood products which, when so transported, would make such food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals.

Section 9 of the SFTA provides that the Secretary of Transportation may implement the SFTA through means that include inspections conducted by state employees who are funded under the Motor Carrier Safety Assistance Program (MCSAP). The Secretary, in cooperation with the other Federal agencies, is required to develop and carry out a training program for inspectors to conduct vigorous enforcement of the statute and regulations. Section 10 of the SFTA provides that the Secretary shall have the same powers and duties under the SFTA as the Secretary has under section 109 (other than subsections (c) (1), (d), and (e)) of the Hazardous Materials Transportation Act (HMTA).

Section 11 of the SFTA provides that civil and criminal violations of regulations or orders issued under the SFTA shall be determined, and civil and criminal penalties for such violations shall be imposed, in the same manner and to the same extent that violations are determined and penalties are imposed under section 110 of the HMTA. Section 11 also provides for equitable relief in the same manner and to the same extent that the Secretary is authorized to take such action under section 111 of the HMTA. Section 12 of the SFTA provides that the provisions of the HMTA relating to the relationship of that Act to a law or other requirement of a State, political subdivision, or Indian tribe shall apply with respect to the relationship of the SFTA to a law or other requirement of a State, political subdivision, or Indian tribe which concerns a subject covered under the SFTA. This amendment delegates the authority of the Secretary to issue regulations and enforce the SFTA to the Administrators of certain of the Department of Transportation Operating Administrations.

Section 15 of the SFTA, the Motor Carrier Safety Act of 1990, amends the Hazardous Materials Transportation Act, 49 U.S.C. 1801 et seq., to prohibit a motor carrier receiving an unsatisfactory safety rating from operating a commercial motor

vehicle to transport (1) hazardous materials for which placarding is required, or (2) more than 15 passengers, including the driver. Section 15 also requires the Secretary to issue regulations establishing a system to make safety ratings readily available to the public, and establishing procedures to ensure the correction of violations noted during inspections funded under MCSAP. Section 15 provides that the Secretary shall establish operational procedures to initiate enforcement action for serious safety violations, and requires the Secretary to initiate rulemaking on the need to make trucks more visible to motorists so as to reduce accidents. This amendment delegates the authority of the Secretary under Section 15 of the SFTA to the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration.

Since these amendments relate to Departmental management, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). The SFTA was enacted on November 3, 1990, more than 30 days prior to the effective date of this rule. Therefore, the delegations of authority to the Administrators of the Operating Administrations are effective as of the date of publication of this final rule.

List of Subjects in 49 CFR Part 1

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

In consideration of the foregoing, Part 1 of title 49, Code of Federal Regulations, 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. 322.

§ 1.48 [Amended]

2. Section 1.48 is amended by adding a new paragraph (hh) as follows:

§ 1.48 Delegations to Federal Highway Administrator.

* * * * *

(hh) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, 13, 15(b), 15(c), 15(d), and 15(e) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213), with respect to transportation by highway.

§ 1.49 [Amended]

3. Section 1.49 is amended by adding a new paragraph (ee) as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

* * * * *

(ee) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, and 13 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213), with respect to transportation by railroad.

§ 1.50 [Amended]

4. Section 1.50 is amended by adding a new paragraph (m) as follows:

§ 1.50 Delegations to the National Highway Traffic Safety Administrator.

* * * * *

(m) Carry out the functions vested in the Secretary by section 15(f) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213).

§ 1.53 [Amended]

5. Section 1.53 is amended by adding a new paragraph (i) as follows:

§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.

* * * * *

(i) Carry out the functions vested in the Secretary by sections 4, 5, 6, 7, and 8 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213).

Issued on February 5, 1991.

A handwritten signature in black ink that reads "Samuel K. Skinner". The signature is written in a cursive style with a horizontal line underneath it.

Samuel K. Skinner
Secretary of Transportation