

resulting in damage to the property of, or injury to, a third party, and the third party asserts a claim against the Government based on the alleged negligence of the vehicle operator acting within the scope of his or her duties, it shall be the responsibility of the agency employing the person who was operating the GSA IFMS vehicle at the time of the accident to make every effort to settle the claim administratively to the extent that the agency is empowered to do so under the provisions of 28 U.S.C. 2672. It shall be the further responsibility of the agency, in the event that administrative settlement cannot be effected, to prepare completely, from an administrative standpoint, the Government's defense of the claim. The agency shall thereafter transmit the complete case through appropriate channels to the Department of Justice.

(b) Except for the exclusions listed in § 101-39.406, the agency employing the vehicle operator shall be financially responsible for damage to a GSA IFMS vehicle.

(c) If a law suit is filed against the agency using a GSA Interagency Fleet Management System (IFMS) vehicle, the agency shall furnish the appropriate GSA Regional Counsel with a copy of all papers sent in the action. When requested, GSA's Regional Counsel will cooperate with and assist the using agency and the Department of Justice in defense of any action against the United States, the using agency, or the operator of the vehicle, arising out of the use of a GSA IFMS vehicle.

33. Section 101-39.406 is revised to read as follows:

§ 101-39.406 Responsibility for damages.

(a) GSA will charge the using agency all costs resulting from damage, including vandalism, theft, and parking lot damage, to a GSA Interagency Fleet Management System (IFMS) vehicle which occurs during the period that the vehicle is assigned or issued to that agency, to an employee of that agency, or to the agency's authorized contractor; however, the using agency will not be held responsible for damages to the vehicle if it is determined by GSA, after review on a case by case basis of the documentation required by § 101-39.401, that damage to the vehicle occurred:

(1) As a result of the negligent or willful act of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued and the identity of the party can be reasonably determined;

(2) As a result of mechanical failure of the vehicle, and the using agency (or its employee) is not otherwise negligent.

Proof of mechanical failure must be submitted; or

(3) As a result of normal wear and tear such as is expected in the operation of a similar vehicle.

(b) Agencies using GSA IFMS services will be billed for the total cost of all damages resulting from neglect or abuse of assigned or issued GSA IFMS vehicles.

(c) If an agency is held responsible for damages, GSA will charge to that agency all costs for removing and repairing the GSA IFMS vehicle. If the vehicle is damaged beyond economical repair, GSA will charge all costs to that agency, including fair market value of the vehicle less any salvage value. Upon request, GSA will furnish an accident report, where applicable, regarding the incident to the agency. Each agency shall be responsible for disciplining its employees who are guilty of damaging GSA IFMS vehicles through misconduct or improper operation, including inattention.

(d) If an agency has information or facts that indicate that it was not responsible for an accident, the agency may furnish the data to GS-4 requesting that costs charged to and collected from it be credited to the agency. GSA will make the final determination of agency responsibility based upon Government findings, police accident reports, and any available witness statements.

(e) When contractors or subcontractors of using agencies are in accidents involving GSA IFMS vehicles, the agency employing the contractor will usually be billed directly for all costs associated with the accident. It will be the responsibility of the using agency to collect accident costs from the contractor should the contractor be at fault.

34. Subpart 101-39.49 is revised to read as follows:

Subpart 101-39.49—Forms

§ 101-39.4900 Scope of subpart.

This subpart provides the means for obtaining forms prescribed or available for use in connection with subject matter covered in part 101-39.

§ 101-39.4901 Obtaining standard and optional forms.

Standard and optional forms referenced in Part 101-39 may be obtained through the General Services Administration, Inventory and Requisition Management Branch, Attn: FCNI, Washington, DC 20406, or through regional GSA Federal Supply Service Bureaus. GSA regional offices will provide support to requesting activities needing forms.

Dated: July 16, 1991.

Richard G. Austin,

Administrator of General Services.

{FR Doc. 91-28035 Filed 11-25-91; 8:45 am}

BILLING CODE 6820-24-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

{OST Docket No. 1; Amdt. 247}

Organization and Delegation of Powers and Duties; Delegation of Authority to the Maritime Administration

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends 49 CFR 1.66 with respect to delegation of authority from the Secretary of Transportation (Secretary). It delegates to the Maritime Administrator authority conferred by 46 App. U.S.C. 836 relating to prosecution of forfeitures incurred under the provisions of the Shipping Act, 1916. The rule also amends the existing citations to title 46, United States Code, contained in 49 CFR 1.66 and 1.67. This amendment reflects a partial revision and enactment into positive law of title 46 that resulted in the unrevised portion being redesignated as title 46 App. U.S.C.

EFFECTIVE DATE: November 26, 1991.

FOR FURTHER INFORMATION CONTACT Linda Somerville, Vessel Transfer and Disposal Officer, Maritime Administration, room 7324, 400 Seventh Street, SW., Washington, DC 20590, telephone: (202) 366-5821; or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, room 10424, Department of Transportation, 400 Seventh Street, SW., room 10424, Washington, DC 20590, telephone: (202) 366-9307.

SUPPLEMENTARY INFORMATION: Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) requires the approval of the Secretary for the sale, mortgage, lease, charter, delivery or transfer in any manner to a noncitizen of any interest in or control of a vessel documented under United States law, or for any agreement to do so, or the transfer of a documented vessel, or a vessel last documented under laws of the United States, to foreign registry. It provides that a documented vessel may be seized by and forfeited to the United States Government if the vessel is in violation of this provision of law. The Secretary

has delegated this authority to the Maritime Administrator at 49 CFR 1.66(a). Section 38 of the 1916 Act (46 App. U.S.C. 836), as amended on December 12, 1989, by Public Law 101-225, provides that all forfeitures incurred under the 1916 Act may be prosecuted in the same court and may be disposed of in the same manner as forfeitures for offenses relating to the collection of duties, except that forfeitures may be remitted without seizure of the vessel. The Maritime Administration, in carrying out the forfeiture authority delegated to the Maritime Administrator by the Secretary, may from time to time find good cause to exercise the discretion to remit the forfeiture without seizure of the vessel. Specific delegation by the Secretary to the Maritime Administrator of the procedural authority provided by 46 App. U.S.C. 836 will clarify the authority of the Maritime Administration to remit forfeitures of vessels. 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. Title 46, United States Code, has been partially revised and enacted into positive law by Public Law 98-89, 97 Stat. 500; Public Law 99-509, 100 Stat. 1913, and Public Law 100-710, 102 Stat. 4735. Since Congress has only partially revised title 46, the unrevised portion of title 46 has been redesignated as title 46 appendix. Accordingly, the citations of authority to 46 U.S.C. at 49 CFR 1.66 and 1.67 are being redesignated as 46 App. U.S.C. Corresponding changes are 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), Organization and functions (Government agencies).

In consideration of the foregoing, part 1 of title 39, 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.

2. Section 1.66 is amended by revising paragraph (a) to read as follows:

§ 1.66 Delegations to Maritime Administrator.

(a) Carry out sections 9, 12, 14a, 21a, 37, 38, 40, 41, and 42 of the Shipping Act, 1916, as amended (46 App. U.S.C. 801 *et seq.*);

§§ 1.66 and 1.67 [Amended]

3. Sections 1.66 and 1.67 are amended by removing the citation "46 U.S.C." wherever it appears, and adding in its place "46 App. U.S.C.".

Issued on: November 7, 1991.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91-27987 Filed 11-25-91; 8:45 am]

BILLING CODE 4910-42-M

Federal Railroad Administration

49 CFR Part 245

[FRA Docket No. RSUF-1, Notice No. 5]

RIN 2130-AA62

Railroad User Fees; Open Meeting

AGENCY: Federal Railroad Administration; Department of Transportation.

ACTION: Notice of open meeting.

SUMMARY: On September 30, 1991, the Federal Railroad Administration (FRA) published an interim final rule establishing the railroad user fee program which is applicable to the collection of user fees for fiscal year 1991. FRA indicated in the interim final rule its intention to reopen the user fee proceeding early in fiscal year 1992 to consider other user fee allocation criteria. As a first step in this process, FRA held an informal open meeting on November 8, 1991, in Washington, DC. The meeting was attended by interested railroad industry representatives and involved a discussion of key considerations in identifying criteria that might fairly allocate railroad user fees across the industry and some alternative assessment criteria that might be employed for fiscal years 1992 through 1995. To further this process, FRA intends to hold a second meeting on Friday, December 6, 1991. This second meeting will again be open to any interested persons who wish to attend as either participants or observers.

DATES: The second open meeting will be held on Friday, December 6, 1991 at 9 a.m.

ADDRESSES: The open meeting will be held in Room 6200, Nassif Building, 400

Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Gail L. Payne, Senior Program Analyst, Industry Operations and Safety Analysis Division, Office of Policy, (RRP-12), FRA, Washington, DC 20590 (Telephone: 202 366-0384); or William Fashouer, Deputy Assistant Chief Counsel, Office of Chief Counsel, (RCC-10), FRA, Washington, DC 20590 (Telephone: 202-366-0616).

SUPPLEMENTARY INFORMATION:

Background

On September 30, 1991, FRA published an interim final rule establishing the railroad user fee program mandated by section 216 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 *et seq.*) as enacted in section 10501 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508, 104 Stat. 1388-399). FRA's interim final rule bases the collection of railroad user fees for fiscal year 1991 on two criteria: train miles and road miles. As noted in FRA's Notice of Proposed Rulemaking ("NPRM") (45 FR 21216 (May 7, 1991)), FRA selected these criteria because they equitably allocated user fees across the railroad industry, they represented data the industry was already maintaining and therefore imposed only a limited additional reporting burden on the industry, they represented data that FRA could verify, and they allowed FRA to complete the interim rulemaking process in fiscal year 1991. A number of entities commenting on the NPRM noted that the fiscal year 1991 rulemaking schedule did not afford them sufficient time to evaluate and propose alternative criteria. These groups and individuals requested FRA to reopen the proceeding early in fiscal year 1992 in order to examine other factors upon which to allocate the user fees for fiscal years 1992 through 1995. FRA agreed to consider whether there might be alternative criteria that would improve on the criteria employed for fiscal year 1991.

The First Open Meeting

On Friday, November 8, 1991, FRA held an open meeting to hear suggestions from the railroad industry and the public on the options and criteria for the assessment of railroad user fees for fiscal years 1992 through 1995. The meeting was announced in the Federal Register on October 21, 1991 (56 FR 52498). Participating in the open meeting were representatives of the major railroad industry associations (the Association of American Railroads, the American Short Line Railroad

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1 ; Amdt. 247]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, DOT.

ACTION: Final Rule

SUMMARY: This final rule amends 49 CFR 1.66 with respect to delegation of authority from the Secretary of Transportation (Secretary). It delegates to the Maritime Administrator authority conferred by 46 App. U.S.C. 836 relating to prosecution of forfeitures incurred under the provisions of the Shipping Act, 1916. The rule also amends the existing citations to Title 46, United States Code, contained in 49 CFR 1.66 and 1.67. This amendment reflects a partial revision and enactment into positive law of Title 46 that resulted in the unrevised portion being redesignated as Title 46 App. U.S.C.

EFFECTIVE DATE: (publication date)

FOR FURTHER INFORMATION CONTACT: Linda Somerville, Vessel Transfer and Disposal Officer, Maritime Administration, Room 7324, 400 Seventh Street, SW., Washington, DC 20590, telephone: (202) 366-5821; or Steven B. Farbman, Office of the Assistant

General Counsel for Regulation and Enforcement, Room 10424, Department of Transportation, 400 Seventh Street, SW., Room 10424, Washington, DC 20590, telephone: (202) 366-9307.

SUPPLEMENTARY INFORMATION: Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) requires the approval of the Secretary for the sale, mortgage, lease, charter, delivery or transfer in any manner to a noncitizen of any interest in or control of a vessel documented under United States law, or for any agreement to do so, or the transfer of a documented vessel, or a vessel last documented under laws of the United States, to foreign registry. It provides that a documented vessel may be seized by and forfeited to the United States Government if the vessel is in violation of this provision of law. The Secretary has delegated this authority to the Maritime Administrator at 49 CFR 1.66(a). Section 38 of the 1916 Act (46 App. U.S.C. 836), as amended on December 12, 1989, by Pub. L. 101-225, provides that all forfeitures incurred under the 1916 Act may be prosecuted in the same court and may be disposed of in the same manner as forfeitures for offenses relating to the collection of duties, except that forfeitures may be remitted without seizure of the vessel. The Maritime Administration, in carrying out the forfeiture authority delegated to the Maritime Administrator by

the Secretary, may from time to time find good cause to exercise the discretion to remit the forfeiture without seizure of the vessel. Specific delegation by the Secretary to the Maritime Administrator of the procedural authority provided by 46 App. U.S.C. 836 will clarify the authority of the Maritime Administration to remit forfeitures of vessels. 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. Title 46, United States Code, has been partially revised and enacted into positive law by Pub. L. 98-89, 97 Stat. 500; Pub. L. 99-509, 100 Stat. 1913, and Pub. L. 100-710, 102 Stat. 4735. Since Congress has only partially revised Title 46, the unrevised portion of Title 46 has been redesignated as Title 46 Appendix. Accordingly, the citations of authority to 46 U.S.C. at 49 CFR 1.66 and 1.67 are being redesignated as 46 App. U.S.C. Corresponding changes are 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), 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

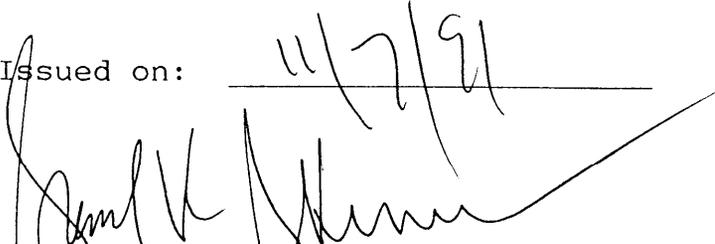
2. Section 1.66 is amended by revising paragraph (a) to read as follows:

Section 1.66 Delegations to Maritime Administrator.

* * * * *

(a) Carry out sections 9, 12, 14a, 21a, 37, 38, 40, 41, and 42 of the Shipping Act, 1916, as amended (46 App. U.S.C. 801 et seq.)

3. Sections 1.66 and 1.67 are amended by removing the citations to 46 U.S.C., wherever they appear, and adding, in their place, 46 App. U.S.C.

Issued on: 11/7/91


Samuel K. Skinner
Secretary of Transportation

**CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL**


Irma Jean V. Treadwell
Alternate Certifying Office