

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: March 16, 1995.

Felicia Marcus,

Regional Administrator.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No 1; Amdt. 1-269]

Organization and Delegation of Powers and Duties Transfer of Delegations From Assistant Secretary for Governmental Affairs to General Counsel and Deputy General Counsel

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: Responsibility for the Department's airline consumer protection program and related responsibilities has been transferred from the Assistant Secretary for Governmental Affairs to the General Counsel and the Deputy General Counsel. This rule amends the delegations to be in accordance with the changed responsibilities. The rule is necessary to reflect the delegations in the Code of Federal Regulations.

EFFECTIVE DATE: This rule becomes effective March 28, 1995.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366-9306, United States Department of Transportation, 400 7th Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Responsibility for the Department's airline consumer protection program and related responsibilities has been

transferred from the Assistant Secretary for Governmental Affairs to the General Counsel and the Deputy General Counsel. This rule amends the delegations to be in accordance with the changed responsibilities. The Office of Intergovernmental and Consumer Affairs has been changed to the Office of Intergovernmental Affairs. The Aviation Consumer Protection Division, located within the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, has been created.

Since this rule relates to departmental management, organization, procedure, and practice, 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). Therefore, this rule is effective on the date of its publication.

List of Subjects in 49 CFR Part 1

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

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

§ 1.22 [Amended]

2. Section 1.22(f) is revised to read as follows:

§ 1.22 Structure.

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(f) *Office of the Assistant Secretary for Governmental Affairs.* This office is composed of the Offices of Congressional Affairs and Intergovernmental Affairs.

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3. In § 1.56a, "1.61(d)" is revised to read "1.57(s)" in paragraph (f)(1).

4. In § 1.56b, "1.61(d)" is revised to read "1.57(s)".

5. Section 1.57 is amended by adding a new paragraph (s) to read as follows:

§ 1.57 Delegations to General Counsel.

* * * * *

(s) Assist and protect consumers in their dealings with the air transportation industry and assist state and local organizations in handling airline consumer complaints. Carry out 49 U.S.C. 40113 and 41771 as appropriate to those functions.

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6. Section 1.57a is revised to read as follows:

§ 1.57a Delegations to Deputy General Counsel.

The Deputy General Counsel is delegated authority to:

(a) Appear on behalf of the Department on the record in hearing cases, and to initiate and carry out enforcement actions on behalf of the Department, under the authority transferred to the Department from the Civil Aeronautics Board as described in §§ 1.56a(f) and 1.57(s). This includes the authority to compromise penalties under 49 U.S.C. 46301; to issue appropriate orders, including cease and desist orders, under 49 U.S.C. 46101; and to require the production of information, enter carrier property and inspect records and inquire into the management of the business of a carrier under 49 U.S.C. 41711, as appropriate to the enforcement responsibilities. In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

(b) Initiate and carry out enforcement actions relating to:

(1) foreign airport security on behalf of the Department under 49 U.S.C. 44907; and

(2) the Consumer Credit Protection Act under section 4(a)(5) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443). In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

§ 1.61 [Amended]

7. In § 1.61, remove paragraph (d).

Issued at Washington, DC this 22nd day of March, 1995.

Federico Peña,

Secretary of Transportation.

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