

Congress that would make pre-employment alcohol testing discretionary with employers. This legislation is based on the Administration's policy of eliminating regulations that are unnecessary or too costly and burdensome. It would clarify that employers are not required to conduct such testing, but have the option of doing so under the authority of Federal law.

Regulatory Process Matters

DOT Regulatory Policies and Procedures

The final rule is considered to be a nonsignificant rulemaking under DOT Regulatory Policies and Procedures, 44 FR 11034. It also is a nonsignificant rule for purposes of Executive Order 12886. The Department estimated, at the time it issued its final alcohol testing rules in February 1994, that pre-employment alcohol testing in the four operating administrations would cost approximately \$28 million per year. Suspending the rules will proportionally save these expenditures during the period the suspension is in effect.

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Immediate Effectiveness and Issuance Without Prior Notice and Comment

Because it is necessary for the Department immediately to implement the Court's decision, because the Department does not have any discretion with respect to compliance with this decision, and because the Department must promptly resolve any legal uncertainty over the validity of pre-employment alcohol testing the decision has created, the Department finds that there is good cause to make this rule effective immediately. For the same reasons, the Department finds that prior notice and public comment would be impracticable, unnecessary, and contrary to the public interest.

FAA

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Aircraft pilots, Airmen, Airplanes, Air transportation, Aviation safety, Drug abuse, Drugs, Narcotics, Pilots, Safety, Transportation.

For the reasons set out in the preamble, the Federal Aviation Administration amends 14 CFR part 121, as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1485, and 1502 (revised Pub. L. 102–143, October 28, 1991); 49 U.S.C. 106(g) (revised, Pub. L. 97–449, January 12, 1983).

2. In Appendix J, Sec. III, subsection A (“Pre-employment”) is suspended as of May 10, 1995.

Issued in Washington, DC on May 3, 1995.

David R. Hinson,
Administrator, Federal Aviation Administration.

FRA

List of Subjects in 49 CFR Part 219

Alcohol and drug abuse, Railroad safety, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, FRA amends 49 CFR Part 219, as follows:

PART 219—CONTROL OF ALCOHOL AND DRUG USE

1. The authority for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304; Pub. L. 103–272 (July 5, 1994); and 49 CFR 1.49(m).

2. In § 219.501, paragraph (f) is added to read as follows:

§ 219.501 Pre-employment tests.

* * * * *

(f) Notwithstanding any other provisions of this subpart, all provisions and requirements in this section pertaining to preemployment testing for alcohol are suspended as of May 10, 1995.

Issued in Washington, DC on May 3, 1995.

Jolene M. Molitoris,
Administrator, Federal Railroad Administration.

FHWA

List of Subjects in 49 CFR Part 382

Alcohol and drug abuse, Highway safety, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the FHWA amends 49 CFR Part 382, as follows:

PART 382—CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

1. The authority for part 382 continues to read as follows:

Authority: 49 U.S.C. 31306; 49 U.S.C. app. 31201 et. seq.; 49 U.S.C. 31502; 49 CFR 1.48.

2. In § 382.301, paragraph (e) is added to read as follows:

§ 382.301 Pre-employment testing.

(e) Notwithstanding any other provisions of this subpart, all provisions and requirements in this section pertaining to preemployment testing for alcohol are suspended as of May 1, 1995.

Issued in Washington, DC on May 3, 1995.

Rodney Slater,
Administrator, Federal Highway Administration.

FTA

List of Subjects in 49 CFR Part 654

Alcohol testing, Grant programs-transportation, Mass transportation, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons set out in the preamble, the Federal Transit Administration amends 49 CFR Part 654, as follows:

PART 654—PREVENTION OF ALCOHOL MISUSE IN TRANSIT OPERATIONS

1. The authority for part 654 continues to read as follows:

Authority: 49 U.S.C. 5331; 49 CFR 1.51.

2. Section 654.31 is suspended as of May 10, 1995.

Issued in Washington, DC on May 3, 1995.

Gordon J. Linton,
Administrator, Federal Transit Administration.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority to the Commissioner of Food and Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority

by adding a new authority delegation from the Assistant Secretary for Health to the Commissioner of Food and Drugs for certain authorities delegated to the Assistant Secretary for Health under the Controlled Substances Act (as amended). The delegation excludes the authority to submit reports to Congress.

EFFECTIVE DATE: May 10, 1995.

FOR FURTHER INFORMATION CONTACT: Ellen R. Rawlings, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: On June 22, 1993, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health authorities vested in the Secretary under the Controlled Substances Act (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(h)(4)), as amended). On May 16, 1994, the Assistant Secretary for Health delegated to the Commissioner of Food and Drugs these same authorities. These authorities concern providing responses to the Drug Enforcement Administration's temporary scheduling notices made under the Controlled Substances Act, as amended. This delegation excludes the authority to submit reports to Congress.

Further redelegation of the authority delegated may only be authorized with the Commissioner's approval. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

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

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354, 361, 362, 1701-1706, 2101, 2125, 2127, 2128 of

the Public Health Service Act (42 U.S.C. 241, 242, 242a, 2421, 242n, 243, 262, 263, 263b, 264, 265, 300u-300u-5, 300aa-1, 300aa-25, 300aa-27, 300aa-28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Pub. L. 99-660 (42 U.S.C. 300aa-1 note).

2. Section 5.10 is amended by adding new paragraph (a)(37) to read as follows:

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(37) Functions vested in the Secretary under section 811(h)(4) of the Controlled Substances Act (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended) to provide responses to the Drug Enforcement Administration's temporary scheduling notices. The delegation excludes the authority to submit reports to Congress.

* * * * *

Dated: May 2, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95-11525 Filed 5-9-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

46 CFR Parts 50, 52, 56, 58, 61, and 111

[CGD 83-043]

RIN 2115-AB41

Incorporation of Amendments to the International Convention for Safety of Life at Sea, 1974

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying its regulations on navigational safety and marine engineering to harmonize them with the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), as amended, and to allow the use of current technology. This final rule is necessary because changes have been made to SOLAS 74 and new technology has become available. The incorporation of SOLAS 74 as amended will enhance the safety of personnel and vessels, protect the natural environment, and contribute to domestic carriers' improved competitiveness in the global market.

DATES: This final rule is effective on June 9, 1995. The Director of the Federal

Register approves as of June 9, 1995 the incorporation by reference of certain materials listed in this rule.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander R.K. Butturini, Engineering Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-2206.

SUPPLEMENTARY INFORMATION:

Drafting Information: The principal persons involved in drafting this final rule are Lieutenant Commander R.K. Butturini, Project Manager, and Mr. Patrick J. Murray, Project Counsel, Office of Chief Counsel, Regulatory History.

On September 28, 1990, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Incorporation of Amendments to the International Convention for Safety of Life at Sea, 1974" (55 FR 39638). The Coast Guard received three letters commenting on the NPRM. No public hearing was requested, and none was held.

Background and Purpose

On November 1, 1974, the Assembly of the Inter-Governmental Maritime Consultative Organization (IMCO) adopted SOLAS 74. In May 1982 IMCO was renamed the International Maritime Organization (IMO). Invoking Article VIII of SOLAS 74, which contained procedures for amending SOLAS 74, IMO adopted further resolutions; these resolutions recommended areas of SOLAS 74 in need of improvement. The United States was instrumental in the development of SOLAS 74 and its amendments.

To date, three sets of amendments have been adopted. The first set of amendments was approved by the Maritime Safety Committee (MSC) of IMO on November 20, 1981, and became effective on September 1, 1984. These amendments deal primarily with subdivision and stability, machinery and electrical installations, periodically unattended machinery spaces, and measures for fire safety. The second set of amendments was approved by the MSC on June 17, 1983, and became effective on July 1, 1986. These amendments deal primarily with appliances and arrangements for lifesaving and with the carriage of dangerous goods. The third set of amendments was approved by the MSC on April 11, 1989, and became effective on February 1, 1992. These amendments address amendments to SOLAS 74 that could not be included in the 1983 SOLAS amendments, and include