

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: April 28, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amendment 1-298]

Organization and Delegation of Powers and Duties; Delegations to the Maritime Administrator

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation (Secretary) is delegating to the Maritime Administration his authority to make determinations concerning the employment of a vessel in the coastwise trade under section 502 and 503 of the "Coast Guard Authorization Act of 1998". Section 502 authorizes the Secretary to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade to eligible vessels as a small passenger vessel or an uninspected passenger vessel when, after notice and an opportunity to comment, a determination has been made that the employment of the vessel in coastwise trade will not adversely affect U.S. vessel builders and the coastwise trade business of any person who employs vessels built in the U.S. in that business. Section 503 authorizes the Secretary to revoke endorsements issued under section 502 when, after an opportunity for public comment, a determination has been made that a vessel's employment has substantially changed or has had a negative impact upon U.S. vessel builders or a coastwise trade business that employs vessels built in the United States.

EFFECTIVE DATE: May 10, 1999.

FOR FURTHER INFORMATION CONTACT: Richard Weaver, Chief, Division of Management and Organization, Maritime Administration, MAR-318, Room 7301, 400 Seventh Street, SW., Washington, DC 20590, Phone: (202) 366-2811; or Blane Workie, Office of

General Counsel (C-50), Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, Phone: (202) 366-4723.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation is delegating to the Maritime Administrator his authority to make determinations under sections 502 and 503 of Public Law 105-383. Under section 502, the Secretary of Transportation may waive the U.S.-built vessel requirements of sections 12106 and 12108 of title 46 of the U.S.C., section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883). Section 502 authorizes the Secretary to issue a "certificate of documentation" with the appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire. However, the Secretary, after notice and an opportunity for public comment, must determine that the employment of the vessel in the coastwise trade will not adversely affect: (1) United States vessel builders; or (2) the coastwise trade business of any person who employs vessels built in the United States in that business.

The Secretary delegates this authority to make determinations to the Maritime Administrator because the Maritime Administration assists domestic shippers in locating suitable coastwise trade eligible vessels and is best suited to determine the effect and substantiality of vessel waivers of the coastwise trade laws on U.S. vessel builders and U.S.-built vessel coastwise trade businesses, including the economic development of affected ports and communities. The Coast Guard issues vessel documents and endorsements for vessels granted waivers under section 502. See 49 CFR 1.46(d). The Coast Guard and the Maritime Administration will coordinate the processing of requests for waivers under section 502.

Under section 503, the Secretary has the authority to revoke endorsements issued under section 502 when, after an opportunity for public comment, the Secretary makes a determination that the employment of a vessel in the coastwise trade has substantially changed since the issuance of an endorsement under section 502 of Public Law 105-383. The Secretary

delegates this authority to make determinations under section 503 to the Maritime Administration for the same reasons given above for delegating the authority to make determinations under section 502. Upon making the determination that the employment of a vessel in the coastwise trade has substantially changed and the vessel is no longer eligible for a coastwise endorsement, the Maritime Administration will coordinate with the Coast Guard for revocation of applicable endorsements.

Since this amendment relates to departmental organization, procedure and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Maritime Administration's ability to meet the statutory intent of title V, Public Law 105-383, covered by this delegation, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of 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, effective upon publication, to read as follows:

PART 1—[AMENDED]

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

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

2. In § 1.66 (Delegations to Maritime Administrator) the following paragraph (cc) is added at the end thereof.

§1.66 Delegations to Maritime Administrator.

* * * * *

(cc) Carry out the functions and exercise the authority vested in the Secretary to make the necessary determinations concerning the employment of a vessel under sections 502 and 503 of title V, Pub. L. 105-383, titled the Coast Guard Authorization Act of 1998.

Issued at Washington, DC, this 27th day of April, 1999.

Rodney E. Slater,

Secretary of Transportation.

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