

Office of the Secretary of Transportation

§ 1.66

§ 1.65 Authority to classify information.

(a) E.O. 12356 confers upon the Secretary of Transportation authority to originally classify information as Secret and Confidential with further authorization to delegate this authority. (No official of the Department of Transportation has authority to originally classify information as Top Secret.)

(b) The following delegations of this authority, which may not be redelegated, are hereby made:

(1) *Office of the Secretary (OST)*. Chief, Security Staff.

(2) *U.S. Coast Guard (USCG)*. The Commandant; Chief, Office of Operations.

(3) *Federal Aviation Administration (FAA)*. The Administrator; Director of Civil Aviation Security.

(4) *Maritime Administration (MARAD)*. The Administrator; Associate Administrator for Policy and Administration (Confidential only); Director, Office of International Activities (Confidential only); Chief, Division of National Security Plans (Confidential only).

(c) Authority to originally classify information as Secret or Confidential is delegated to the following officials to become effective automatically upon declaration of civil readiness level Initial Alert or the comparable military readiness level. If invoked, this authority is automatically terminated when both civil and military levels return to the level of Communications Watch or comparable readiness state.

(1) *OST*. Deputy Secretary; Assistant Secretary for Transportation Policy; Assistant Secretary for Aviation and International Affairs; Assistant Secretary for Administration.

(2) *USCG*. Vice Commandant; Chief of Staff; Commander, Atlantic Area; Commander, Pacific Area; Commanders, Coast Guard Districts; Commander, Coast Guard Activities, Europe; Chief, Intelligence and Security Division.

(3) *FAA*. Deputy Administrator; Directors, FAA Regions and Centers.

(4) *MARAD*. Deputy Administrator; Region Directors; Heads of ALFA, BRAVO, and CHARLIE Emergency Teams when activated.

(d) Although the delegations of authority are expressed above in terms of positions, the authority is personal and is vested only in the individual occupying the position. The authority may not be exercised "by direction of" a designated official. The formal appointment or assignment of an individual to one of the identified positions, a designation in writing of an individual to act in the absence of one of these officials, or the exercise by an individual of the powers of one of these officials by operation of law, however, conveys the authority to originally classify information.

(e) Previous delegations of authority to Department of Transportation officials to originally classify information as Secret and Confidential are hereby rescinded.

[Amdt. 1-195, 49 FR 26594, June 23, 1984, as amended by Amdt. 1-261, 59 FR 10061, 10064, Mar. 3, 1994]

§ 1.66 Delegations to Maritime Administrator.

With the exception of those authorities delegated to the Maritime Subsidy Board in § 1.67 of this title, the Maritime Administrator is delegated authority to:

(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.*);

(b) Carry out the Merchant Marine Act, 1920, as amended (46 App. U.S.C. 861 *et seq.*), including the Ship Mortgage Act, 1920, as amended (46 App. U.S.C. 921 *et seq.*);

(c) Carry out the Merchant Marine Act, 1928, as amended (46 App. U.S.C. 891 *et seq.*);

(d) Carry out section 7 of the Intercoastal Shipping Act, 1933, as amended (46 App. U.S.C. 843 *et seq.*);

(e) Carry out the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1101 *et seq.*); except the authority delegated to the Administrator of the National Oceanic and Atmospheric Administration relating to the establishment of capital construction fund agreements under section 607 thereof and the granting of financing guarantees under title XI thereof, with respect to vessels in the fishing trade or industry;