

Office of the Secretary of Transportation

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(c) Carry out the functions vested in the Secretary by section 4(b) (as appropriate) of Executive Order 11912.

(d) Carry out the functions to promote carpooling and vanpooling which were vested in the Federal Energy Administration by section 381(b)(1)(B) of the Energy Policy and Conservation Act and transferred to the Department of Transportation by section 310 of the Department of Energy Organization Act of 1977.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-118, 41 FR 35849, Aug. 25, 1976; Amdt. 1-157, 45 FR 83409, Dec. 18, 1980; Amdt. 1-184, 48 FR 44079, Sept. 27, 1983; Amdt. 1-228, 54 FR 10010, Mar. 9, 1989; Amdt. 1-261, 59 FR 10064, Mar. 3, 1994]

§ 1.64 Delegations to the Director, Transportation Administrative Service Center.

The Director, Transportation Administrative Service Center (TASC), is delegated authority to operate the Working Capital Fund (49 U.S.C. 327).

[Amdt. 1-285, 62 FR 16499, Apr. 7, 1997]

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

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

(3) *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 28, 1984, as amended by Amdt. 1-261, 59 FR 10061, 10064, Mar. 3, 1994; 68 FR 34550, June 10, 2003]

§ 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.*);

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(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;

(f) Carry out the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735 *et seq.*);

(g) Carry out the Suits in Admiralty Act (1920), as amended (46 App. U.S.C. 741 *et seq.*);

(h) Carry out the Civilian Nautical School Act, 1940 (46 App. U.S.C. 1331 *et seq.*);

(i) Carry out the Act of June 2, 1951 (46 App. U.S.C. 1241a) regarding the "Vessel Operations Revolving Fund";

(j) Carry out the Act of August 9, 1954 (50 U.S.C. 196 *et seq.*) commonly called the Emergency Foreign Vessels Acquisition Act;

(k) Carry out the Merchant Marine Decorations and Medals Act of 1988 (46 App. U.S.C. 2001 *et seq.*);

(l) Carry out the Maritime Academy Act of 1958, as amended (46 App. U.S.C. 1381 *et seq.*);

(m) Carry out the Act of May 16, 1972, as amended (86 Stat. 140) authorizing sale or purchase of certain passenger vessels;

(n) Carry out the Act of August 22, 1972 (86 Stat. 618) authorizing sale of Liberty ships for use as artificial reefs;

(o) Carry out section 717 of the Act of October 26, 1972 (86 Stat. 1184) commonly known as the Department of Defense Appropriations Act, 1973, and similar subsequent enactments, with respect to transferring or otherwise making available vessels under the jurisdiction of the Maritime Administration to another Federal agency or, similarly, accepting vessels from another Federal agency;

(p) Carry out the provisions of sections 10 through 13 of Public Law 103-451, the National Maritime Heritage Act of 1994, 108 Stat. 4769, 4778-4782;

(q) Exercise the authority vested in the Administrator of General Services by the Act of June 1, 1948, Public Law 80-566, 62 Stat. 281, 40 U.S.C. 318-318c and the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, and delegated to the Secretary of Transportation by the Administrator of General Services on March 23, 2000, relating to the enforcement of laws for the protection of property and persons at the United States Merchant Marine Academy, located in Kings Point, New York. This may be accomplished through appointment of uniformed personnel as special police, establishment of rules and regulations governing conduct on the affected property, and execution of agreements with other Federal, State, or local authorities.

(r) Carry out the responsibilities of the National Shipping Authority (initially established by the Secretary of Commerce effective March 13, 1951) in the capacity of Director, National Shipping Authority;

(s) Carry out the Maritime Education and Training Act of 1980 (46 App. U.S.C. 1295), as amended;

(t) Carry out all other activities previously vested in the Secretary of Commerce and transferred pursuant to Public Law 97-31;

(u) Carry out the functions vested in the Secretary by section 3(d) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(d)) as it relates to ships owned or operated by the Maritime Administration when engaged in non-commercial service;

(v) Carry out the responsibilities and exercise the authorities of the Secretary of Transportation under the Maritime Security Act of 1996, Public Law 104-239;

(w) Carry out the provisions of subtitle B of Public Law 101-624;

(x) Carry out the responsibilities and exercise the authorities of the Secretary of Transportation under sections 1008, 1009, and 1013 of Public Law 104-324;

(y) Carry out the functions vested in the Secretary by the Oil Pollution Act

of 1990 (August 18, 1990; Pub. L. 101-380; 104 Stat. 484) in sections 4115(f) relating to vessel financing and 4117 relating to a feasibility study of an oil pollution prevention program. (See 49 CFR 1.46 and 1.53).

(z) Carry out the functions vested in the Secretary by Section 2927, Title XXIX of the National Defense Authorization Act of 1994 (Public Law 103-160; November 30, 1993) relating to authority to convey surplus real property to public entities for use in the development or operation of port facilities.

(aa) Carry out the following powers and duties vested in the Secretary by the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501-1524):

(1) The authority to issue, transfer, amend, or reinstate a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)).

(2) The authority to process applications for the issuance, transfer, amendment, or reinstatement of a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)), as amended, in coordination with the Commandant of the Coast Guard.

(3) Approval of fees charged by adjacent coastal States for use of a deepwater port and directly related land-based facilities (33 U.S.C. 1504(h)(2)).

(4) In collaboration with the Assistant Secretary for Aviation and International Affairs and the Assistant Secretary for Transportation Policy, consultation with the Secretary of State relating to international actions and cooperation in the economic, trade and general transportation policy aspects of the ownership and operation of deepwater ports (33 U.S.C. 1510).

(5) Submission of notice of the commencement of a civil suit (33 U.S.C. 1515(b)(2)).

(6) Intervention in any civil action to which the Secretary is not a party (33 U.S.C. 15150).

(7) Authority to request the Attorney General to seek the suspension or termination of a deepwater port license and to initiate a proceeding before the Surface Transportation Board (33 U.S.C. 1507, 1511(a)).

(bb) Carry out the functions and exercise the authorities vested in the Secretary by sections 202(b), 203(b), 203(g), and 213(g) of division c, title II,

Public Law 105-277, which relate to ownership and control requirements for vessel fishery endorsements for vessels measuring 100 feet and greater.

(cc) Exercise the authority vested in the Secretary of Transportation by section 408(a) of Public Law 105-383 approved November 13, 1998, (112 Stat. 3411 and 3430), 46 U.S.C. 2302(e), relating to the enforcement of the prohibition of shipment of Government-impelled cargoes on vessels if (1) the vessel has been detained and determined to be substandard by the Secretary of Transportation for violation of an international safety convention to which the United States is a party; or (2) the operator of the vessel has on more than one occasion had a violation of an international safety convention to which the United States is a party. The term "Government-impelled cargo" means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.

(dd) Carry out the functions and exercise the authority vested in the Secretary by section 109 of the Maritime Transportation Security Act of 2002, Public Law 107-295, 116 Stat. 2064, provide training for maritime security professionals. This authority may be redelegated.

(ee) Carry out the functions and exercise the authorities vested in the Secretary by section 3517 of Title XXXV of Public Law 108-136 which relates to the Maintenance and Repair Reimbursement Pilot Program.

(ff) Carry out the functions and exercise the authorities vested in the Secretary by Subtitle V of title 46 United States Code, which establishes the Maritime Security Fleet.

(gg) Carry out the functions and exercise the authorities vested in the Secretary by Subtitle D of Title XXXV of Public Law 108-136, which relates to the National Defense Tank Vessel Construction Assistance Program.

[Amdt. 1-164, 46 FR 47459, Sept. 28, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §1.66, see the List of CFR

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Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 1.67 Delegations to Maritime Subsidy Board.

(a) The Maritime Subsidy Board is delegated authority to:

(1) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 105(1) (except the last proviso thereto and readjustments in determinations of operating cost differentials not requiring a hearing and contractual changes reducing or re-aligning service requirements not involving additional subsidy or requiring a section 605(c) hearing under the Act (46 App. U.S.C. 1175(c)), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, and section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1101 *et seq.*).

(2) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 103(e) of Reorganization Plan No. 7 of 1961 and section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in paragraph (a)(1) of this section.

(3) Execute and sign, by and through any member of the Board or the Secretary or an Assistant Secretary of the Board, contracts and other documents authorized or approved by the Board pursuant to paragraphs (a)(1) and (a)(2) of this section. The execution of such contracts or documents may be attested, under the seal of the Department of Transportation, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

(b) The Maritime Subsidy Board may exercise other authorities of the Secretary of Transportation as applicable

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to performing the functions assigned to the Board in this part.

(c) The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board, unless the Secretary of Transportation designates another person. In case there still is a vacancy in the Board or in the absence or disability of one of its members, the Secretary of the Maritime Administration and Maritime Subsidy Board, or any other persons designated by the Secretary of Transportation, shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Transportation and exercise judgment independent of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairperson of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

(d) The Chairperson of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

[Amdt. 1-164, 46 FR 47460, Sept. 28, 1981, as amended by Amdt. 1-211, 51 FR 29471, Aug. 18, 1986; Amdt. 1-247, 56 FR 59893, Nov. 26, 1991]

§ 1.68 Delegations to the Under Secretary of Transportation for Security for the Transportation Security Administration.

(a) Carry out the functions vested in the Secretary by 49 U.S.C. 5103a relating to security risk determinations for the issuance of licenses to operate motor vehicles transporting hazardous materials in commerce.

(b) [Reserved]

[68 FR 10989, Mar. 7, 2003]