

## Office of the Secretary of Transportation

## § 1.57

115 Stat. 230), as delegated to the Secretary of Transportation by the President pursuant to a Presidential Memorandum dated September 25, 2001.

[Amdt. 1-261, 59 FR 10063, Mar. 3, 1994, as amended by Amdt. 1-266, 60 FR 11046, Mar. 1, 1995; Amdt. 1-269, 60 FR 15877, Mar. 28, 1995; 66 FR 55599, Nov. 2, 2001]

### **§ 1.56b Delegations to the Designated Senior Career Official, Office of the Assistant Secretary for Aviation and International Affairs.**

The Designated Senior Career Official in the Office of the Assistant Secretary for Aviation and International Affairs is delegated exclusive authority to make decisions in all hearing cases to select a carrier for limited-designation international route authority, and in any other case that the Secretary designates, under the authority transferred to the Department from the Civil Aeronautics Board described in §§1.56a(f) and 1.57(s) of this title; this includes the authority to adopt, reject or modify recommended decisions of administrative law judges.

[Amdt. 1-261, 59 FR 10064, Mar. 3, 1994, as amended by Amdt. 1-269, 60 FR 15877, Mar. 28, 1995]

### **§ 1.57 Delegations to General Counsel.**

The General Counsel is delegated authority to:

(a) Conduct all rule-making proceedings, except the issuance of final rules, under specific laws relating generally to standard time zones and daylight saving (advanced standard) time.

(b) Determine the practicability of applying the standard time of any standard time zone to the movements of any common carrier engaged in interstate or foreign commerce and issue operating exceptions in any case in which the General Counsel determines that it is impractical to apply the standard time.

(c) Provide and coordinate the Department's counseling service to employees on questions of conflict of interest and other matters of legal import covered by Departmental regulations on employee responsibility and conduct. Assure that counseling and interpretations on these matters are available to designated Deputy Counselors of the Department. Serve as the

Department's designee to the Civil Service Commission on these matters.

(d) Serve as the alternate representative of the Secretary on the Board of Directors of the National Railroad Passenger Corporation when so designated by the Secretary or Deputy Secretary and carry out the functions vested in the Secretary as a member of the board by section 303 of the Rail Passenger Service Act of 1970 (84 Stat. 1330).

(e) Review and take final action on referrals of the findings of the Board for Correction of Military Records of the Coast Guard (except with respect to those matters on which the Secretary's authority to take final action is exercised by the Board pursuant to 33 CFR 52.35-15) and the Coast Guard Discharge Review Board.

(f) Approve vacation of suspension or dismissal of military personnel (10 U.S.C. 872(b)).

(g) Grant permission, under specific circumstances, to deviate from a policy or procedure prescribed by part 9 of the regulations of the Office of the Secretary (part 9 of this subtitle) with respect to testimony of OST employees as witnesses in legal proceedings, the serving of legal process and pleadings in legal proceedings involving the Secretary or his Office, and the production of records of that Office pursuant to subpoena.

(h) Prepare proposed Executive orders and proclamations (including transmittal documents), effect appropriate Departmental coordination, and determine whether the transmittal to the Office of Management and Budget should be submitted over the Secretary's signature or the General Counsel's.

(i) Emboss and affix the official Departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(j) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before courts or agencies to present the views of the Department, subject to the concurrence of other interested staff elements in the Office of the Secretary.

## § 1.57a

(k) Exercise the authority delegated to the Department by the Assistant Attorney General, Land and Natural Resources Division, in his order of October 2, 1970, to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of the Department. Redlegation and successive redelegations of this authority may only be made to attorneys within the Department.

(l) Issue regulations making editorial changes or corrections in the Regulations of the Office of the Secretary.

(m) Review and take final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3).

(n) Consider, ascertain, adjust, determine, compromise, and settle for an amount not exceeding \$25,000, any tort claim arising from the activities of any employee of the Office of the Secretary. Request the approval of the Attorney General for any such award, compromise, or settlement in excess of \$25,000 (28 U.S.C. 2672).

(o) Conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act (June 21, 1980).

(p) Grant or deny petitions for extension of time to file a document under part 202 of title 46.

(q) Deny petitions for rulemaking or petitions for exemptions in accordance with § 5.13(c) of this title, and notify petitioners of denials in accordance with § 5.13(d) of this title.

(r) Exercise the review authority delegated to the Secretary by the President in Executive Order 12597 of May 13, 1987.

(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.

(10 U.S.C. 1552; 49 U.S.C. 1655(b); 49 U.S.C. 322; 49 CFR 1.57(1))

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.57, see the List of CFR

## 49 CFR Subtitle A (10-1-02 Edition)

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

### § 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.

[Amdt. 1-269, 60 FR 15877, Mar. 28, 1995]

### § 1.57b Delegations to the Assistant General Counsel for Environmental, Civil Rights, and General Law.

Administer 5 U.S.C. 552 and 49 CFR part 7 in connection with the records of the Office of the Secretary (including the Office of the Inspector General) and issue procedures to ensure uniform Departmental implementation of statutes and regulations regarding public access to records.

[Amdt. 1-228, 54 FR 10010, Mar. 9, 1989, as amended by Amdt. 1-261, 59 FR 10064, Mar. 3, 1994]