

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 11, 13, 15, and 185**

[Docket No. 29010; Amdt Nos. 11-42, 13-29, 15-4, 185-3]

RIN 2120-AG41

Organizational Changes and Delegations of Authority

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts changes to office titles as a result of changes in the names of various offices and the establishment of a new position within the Office of the Chief Counsel. These changes are necessary to make the regulations and delegations of authority consistent with the current structure of the Office of the Chief Counsel.

EFFECTIVE DATE: September 4, 1997.

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SUPPLEMENTARY INFORMATION:**Discussion**

On July 1, 1988, the Federal Aviation Administration (FAA) underwent far-reaching organizational changes that affected both headquarters and regional offices. The most significant of those changes placed certain regional offices in the direct reporting line to their headquarters counterparts, when before those offices had reported to the Regional Administrator. The legal office in each geographic region, as well as in the Mike Monroney Aeronautical Center, in Oklahoma City, Oklahoma, and the William Hughes Technical Center, in Atlantic City, New Jersey, were among the offices affected by that change. Prior to July 1988, those offices were known in each region as the Regional Counsel, and at the Centers as Center Counsel. After the organizational changes those offices reported directly to the Office of the Chief Counsel, and each name changed to Office of the Assistant Chief Counsel for the region or center served. Although the duties of each office did not significantly change, the name change caused confusion both within the FAA and outside of the agency. Therefore, the Office of the Chief Counsel has determined that the name of the legal office in each region

should be changed back to Regional Counsel for that region, the legal office at the Mike Monroney Aeronautical Center back to Aeronautical Center Counsel, and at the William Hughes Technical Center, Technical Center Counsel. This name change will not affect the reporting lines or delegations of authority made within the Office of the Chief Counsel, Regional Counsel and Center Counsel offices will still report directly to the Office of the Chief Counsel.

In November 1992, the Office of the Chief Counsel underwent organizational changes. One of the organizational changes made was to separate the duties of the Assistant Chief Counsel for Regulations and Enforcement, thus creating an office for the Assistant Chief Counsel for Regulations and an office for the Assistant Chief Counsel for Enforcement. These name changes are reflected in parts 11 and 13 of this document.

In addition, the FAA has recently established the position of Assistant Chief Counsel, Europe, Africa, and Middle East Area Office. The objective of establishing this new position is to establish within this region a senior level of legal support for U.S. civil aviation safety and security initiatives.

Within parts 11, 13, 15, and 185 of the Federal Aviation Regulations (FAR's), various regulations refer to legal offices at each region and at the centers, as well as FAA Headquarters. Title 14 of the Code of Federal Regulations must therefore be amended to reflect this name change of certain offices within the Office of Chief Counsel.

Good Cause Justification for Immediate Adoption of These Amendments

These amendments are needed to eliminate and avoid confusion over the internal structure of the FAA's Office of Chief Counsel. Since these amendments are editorial in nature, impose no additional burden on the public, and constitute only agency rules of organization, I find that notice and opportunity for prior public comment before adopting these amendments is unnecessary, and that good cause exists for making them effective immediately. In addition, the FAA has considered the Regulatory Policies and Procedures of the Office of the Secretary of Transportation and finds that notice and the opportunity for comment could not reasonably be anticipated to result in the receipt of useful information.

Paperwork Reduction Act

These amendments are completely editorial in nature. There will be no increase or decrease in the paperwork

requirements of the sections amended, which requirements have already been approved.

Federalism Implications

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

The FAA has determined that these amendments do not impose any additional burden on the public, and, accordingly, that this action is not a "significant regulatory action" under Executive Order 12866; it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and, because of its editorial nature, no economic impact is expected to result, and, therefore, no regulatory evaluation is required. In addition, the FAA certifies that these amendments will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects*14 CFR Part 11*

Administrative practice and procedure, Reporting and recordkeeping requirements.

14 CFR Part 13

Investigations, Law enforcement, Penalties.

14 CFR Part 15

Administrative claims, Air transportation, Aircraft, Airplanes, Airports, Federal Tort Claims Act, Helicopters, Heliports, Rotorcraft.

14 CFR Part 185

Administrative practice and procedure, Authority delegations (Government agencies), Government employees.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Parts 11, 13, 15 and 185 as follows:

PART 11—GENERAL RULEMAKING PROCEDURES

1. The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, 46102.

§ 11.11 [Amended]

2. Section 11.11 is amended by removing the words “office of the Assistant Chief Counsel” and adding, in their place, the words “Regional Counsel’s office” wherever they appear.

§ 11.41 [Amended]

3. Section 11.41 is amended in paragraph (c)(2)(ii) by removing the words “An Assistant Chief Counsel” and adding, in their place, the words “A Regional Counsel or the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office”.

4. Section 11.41 is amended in paragraph (c)(2)(iii) by removing the words “and Enforcement”.

§ 11.61 [Amended]

5. Section 11.61 is amended in paragraph (d) by removing the words “an Assistant Chief Counsel for a region” and adding, in their place, the words “a Regional Counsel, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office”; and by removing the words “and Enforcement”; and by removing the words “Chief Counsel or Assistant Chief Counsel” and adding, in their place, “Chief Counsel, Assistant Chief Counsel, or Regional Counsel”; and by removing the word “his”.

§ 11.81 [Amended]

6. Section 11.81 is amended in paragraph (d) by removing the words “an Assistant Chief Counsel for a region or directorate” and adding, in their place, “a Regional Counsel or a Directorate Counsel, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office”; and by removing the words “and Enforcement”; and by removing the words “Chief Counsel or Assistant Chief Counsel for a region” and adding, in the place, “Chief Counsel, Assistant Chief Counsel, Regional Counsel, or Directorate Counsel”; and by removing the word “his”.

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

7. The authority citation for part 13 continues to read as follow:

Authority: 18 U.S.C. 6002, 49 U.S.C. 106(g), 5121–5124, 40113–40114, 44103–44106, 44702–44703, 44709–44710, 44713,

46101–46110, 46301–46316, 46501–46502, 46504–46507, 47106, 47111, 47122, 47306, 47531–47532.

§ 13.3 [Amended]

8. Section 13.3 is amended in paragraph (b) by removing the words “and each Assistant Chief Counsel” and adding, in their place, the words “each Assistant Chief Counsel, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel”.

9. Section 13.3 is amended in paragraph (c) by removing the words “and each Assistant Chief Counsel” and adding, in their place, the words “each Assistant Chief Counsel, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel.”

§ 13.15 [Amended]

10. Section 13.15 is amended in paragraphs (b) and (c)(1) by removing the words “the Assistant Chief Counsel for Regulations and Enforcement, and the Assistant Chief Counsel for a region or center” and adding, in their place, the words “the Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, the Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel”, wherever they appear.

11. Section 13.15 is amended in paragraph (c)(3) by removing the words “Assistant Chief Counsel for Regulations and Enforcement, or the Assistant Chief Counsel for a region or center” and adding, in their place, the words “Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, the Regional Counsel, the Aeronautical Center Counsel, or the Technical Center Counsel”.

§ 13.16 [Amended]

12. Section 13.16 is amended in paragraph (c) by removing the words “Assistant Chief Counsel for Regulations and Enforcement, and the Assistant Chief Counsel for a region or center” and adding, in their place, the words “Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel” wherever they appear.

§ 13.17 [Amended]

13. Section 13.17 is amended in paragraph (d) by removing the words “Assistant Chief Counsel of the region, in which” and adding, in their place, the words “the Regional Counsel or Assistant Chief Counsel for the region or area in which”; by removing the comma immediately after the word “region”, and by inserting commas immediately after the words “Chief Counsel” and immediately after the words “under this section”.

14. Section 13.17 is amended in paragraph (e)(3) by removing the word “or” after “the Chief Counsel” and adding, in their place, the words “, the Regional Counsel, or”.

§ 13.19 [Amended]

15. Section 13.19 is amended in paragraph (b) by removing the words “Assistant Chief Counsel for Regulations and Enforcement, and the Assistant Chief Counsel for the region or the Aeronautical Center” and adding, in their place, the words “Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, and the Aeronautical Center Counsel”; and by removing the words “Assistant Chief Counsel for the Aeronautical Center or for the region” and adding in their place, the words “each Regional Counsel, the Aeronautical Center Counsel, and the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office”.

16. Section 13.19 is amended in paragraph (c) by removing the words “Assistant Chief Counsel for Regulations and Enforcement, the Assistant Chief Counsel for the region or the Assistant Chief Counsel for the Aeronautical Center” and adding, in their place, the words “Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, or the Aeronautical Center Counsel”.

§ 13.20 [Amended]

17. Section 13.20 is amended in paragraph (l) by removing the words “and the Assistant Chief Counsel for the region or the Aeronautical Center (as to matters under Title V of the Federal Aviation Act of 1958)” and adding, in their place, the words “, each Regional Counsel, and the Aeronautical Center Counsel (as to matters under Title V of the Federal Aviation Act of 1958)”.

§ 13.21 [Amended]

18. Section 13.21 is amended by removing the words "Assistant Chief Counsel for Regulations and Enforcement, or the Assistant Chief Counsel for the region or the Aeronautical Center concerned" and adding, in their place, the words "Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, and the Aeronautical Center Counsel".

§ 13.23 [Amended]

19. Section 13.23 is amended in paragraph (b) by removing the words "or the Assistant Chief Counsel for the region concerned" and adding, in their place, the words "or the Regional Counsel or Assistant Chief Counsel for the region or area concerned".

§ 13.25 [Amended]

20. Section 13.25 is amended in paragraph (a) by removing the words "Assistant Chief Counsel for Regulations and Enforcement the Assistant Chief Counsel for the region concerned, or the Assistant Chief Counsel for the Aeronautical Center" and adding, in their place, the words "Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, and the Aeronautical Center Counsel".

21. Section 13.25 is amended in paragraph (b) by removing the words "Assistant Chief Counsel for Regulations and Enforcement the Assistant Chief Counsel for the region concerned" and adding, in their place, the words "Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, and the Aeronautical Center Counsel".

§ 13.71 [Amended]

22. Section 13.71 is amended by removing the words "Assistant Chief Counsel for Regulations and Enforcement, or the Assistant Chief Counsel for the region concerned" and adding, in their place, the words "Assistant Chief Counsel, Enforcement,

the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, or a Regional Counsel".

§ 13.73 [Amended]

23. Section 13.73 is amended by removing the words "Assistant Chief Counsel for Regulations and Enforcement, or the Assistant Chief Counsel for the region concerned" and adding, in their place, the words "Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, or a Regional Counsel".

§ 13.81 [Amended]

24. Section 13.81 is amended in paragraph (a) introductory text by removing the words "Assistant Chief Counsel for Regulations and Enforcement, or the Assistant Chief Counsel for the region concerned" and adding, in their place, the words "Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, or a Regional Counsel".

§ 13.202 [Amended]

25. Section 13.202 is amended in the definition of "Agency attorney" by removing the words "the Assistant Chief Counsel for Regulations and Enforcement, the Assistant Chief Counsel for a region or center, or an attorney on the staff of the Assistant Chief Counsel for Regulations and Enforcement, the Assistant Chief Counsel for a region or center" and adding, in their place, the words "the Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, the Aeronautical Center Counsel, or the Technical Center Counsel, or an attorney on the staff of the Assistant Chief Counsel, Enforcement, the Assistant Chief Counsel, Regulations, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, each Regional Counsel, the Aeronautical Center Counsel, or the Technical Center Counsel."

PART 15—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

26. The authority citation for part 15 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2672, 2675; 49 U.S.C. 106(g), 40113, 44721.

27. Section 15.3 is amended by revising paragraph (b) to read as follows:

§ 15.3 Administrative claim, when presented; appropriate office.

* * * * *

(b) Claims shall be delivered or mailed to the Assistant Chief Counsel, Litigation Division, AGC-400, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, or alternatively, may be mailed or delivered to the Regional Counsel in any of the FAA Regional Offices or the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office.

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PART 185—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS, AND SERVICE OF LEGAL PROCESS AND PLEADINGS

28. The authority citation for part 185 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113-40114, 46104; 49 CFR part 9.

§ 185.5 [Amended]

29. Section 185.5 is amended by removing the words "each Assistant Chief Counsel" and adding, in their place, the words "each Assistant Chief Counsel, each Regional Counsel"; and by removing the words "Assistant Chief Counsel for the Aeronautical Center" and adding, in their place, the words, "Aeronautical Center Counsel"; and by removing the words "Assistant Chief Counsel for the Technical Center" and adding, in their place, the words "Technical Center Counsel"; and by removing the words "his respective jurisdiction" and adding, in their place, the words "their respective jurisdictions".

Issued in Washington, DC on August 25, 1997.

Jane F. Garvey,

Administrator.

[FR Doc. 97-23376 Filed 9-3-97; 8:45 am]

BILLING CODE 4910-13-M