

accurate and timely fit-for-duty determinations in order to reduce maritime safety risks.

DATES: The forms became available for use by November 15, 2009.

ADDRESSES: Coast Guard Forms CG-719 K and CG-719 K/E are available on the internet at <http://www.regulations.gov>, under this docket number [USCG-2009-0937]. They will also be made permanently available on the Coast Guard National Maritime Center's (NMC) internet Web site at: <http://www.uscg.mil/nmc>.

The Department of Transportation Docket Management Facility maintains the public docket for this notice. All forms mentioned in this Notice are part of this docket and are available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting "USCG-2009-0937" in the "Keyword" box, and then clicking "Search."

FOR FURTHER INFORMATION CONTACT: For questions on this notice of availability, e-mail or call LT(jg) Dylan McCall (CG-5434) at U.S. Coast Guard Headquarters, 202-372-1128, e-mail: Dylan.k.mccall@uscg.mil.

For questions on the use of these forms, please contact the NMC by e-mail at iasknmc@uscg.mil or by phone at 1-888-IASKNMC [427-5662].

For questions on viewing the docket, contact Renee V. Wright, Program Manager, Docket Operations, Office of Information Services, Office of the Assistant Secretary for Administration, Office of the Secretary, at M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone: 202-366-9826; e-mail: renee.wright@dot.gov.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard has revised the Merchant Mariner Credential Medical Evaluation Report (CG-719 K) and the Merchant Mariner Evaluation of Fitness for Entry Level Ratings (CG-719 K/E) forms and announces their availability to the public. These forms are used to facilitate obtaining objective medical information, which will assist the Coast Guard in making accurate and timely fit-for-duty determinations in order to reduce maritime safety risks. Please note that these versions of the forms have been approved for use by the Office of

Management and Budget (OMB) and have been assigned OMB Control Number 1625-0040.

The CG-719 K/E form should be used only by mariners seeking an entry level merchant mariner credential. This form is limited to applicants for the following rating endorsements: Ordinary Seaman, Wiper, or Steward's Department (food handler). The CG-719K form should be used for all other endorsement applications.

These forms more clearly align the merchant mariner credentialing process with the policies set forth by Navigation and Vessel Inspection Circular (NVIC) 04-08, *Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials*. (The NVIC is available for viewing at <http://www.uscg.mil/hq/cg5/nvic/2000s.asp#2008>.) Enclosure (3) to the NVIC provides guidance on use of the forms, which assist the Coast Guard in obtaining objective medical evidence of an applicant's physical condition as it relates to their ability to perform duties as a merchant mariner. Proper use of these forms as guided by NVIC 04-08 should lead to reduced processing times for mariners' applications.

Implementation Timeline

These forms are available at the NMC Web site (see **ADDRESSES** above). The Coast Guard is working to create both a printable user guide and to embed instructions in the electronic version of the form in order to assist both the mariner and physicians in completing the forms.

The forms are now available for use. Physical exams completed on or after January 1, 2010 must be on the new forms, Rev (01/09). Physical exams completed and signed prior to January 1, 2010, will continue to be accepted with applications submitted after that date; however, they must be dated within one year of application.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: November 24, 2009.

K. S. Cook,

*Rear Admiral, United States Coast Guard,
Director of Prevention Policy.*

[FR Doc. E9-28718 Filed 11-30-09; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5367-D-01]

Consolidated Delegation of Authority To the General Counsel

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Delegation of Authority.

SUMMARY: On November 18, 2008, HUD published a consolidated notice of delegation of authority from the Secretary to the General Counsel. Today's **Federal Register** notice updates the November 18, 2008, consolidated delegation of authority and supersedes all previous delegations of authority from the Secretary to the General Counsel.

DATES: *Effective Date:* November 23, 2009.

FOR FURTHER INFORMATION CONTACT:

Linda M. Cruciani, Deputy General Counsel for Operations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 10240, Washington, DC 20410-0500, telephone number 202-402-5108. (This is not a toll-free number.) Individuals with speech or hearing impairments may access this number through TTY by calling 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On November 18, 2008 (73 FR 68439), HUD published a consolidated notice of delegation of authority from the Secretary to the General Counsel. Today's **Federal Register** notice updates the November 18, 2008, consolidated delegation of authority and supersedes all previous delegations of authority from the Secretary to the General Counsel. Published elsewhere in today's **Federal Register** is a redelegation of authority from the General Counsel to subordinate employees within the Office of General Counsel.

In addition to the authority published in today's consolidated delegation of authority, the Secretary has delegated other authorities to the General Counsel by regulation. These delegations include:

1. Naming the General Counsel as HUD's Designated Agency Ethics Official; 5 CFR 7501.
2. Authorizing the General Counsel, and in some instances, the appropriate Associate General Counsel or Regional Counsel, to respond to subpoenas and/or other demands from the courts or other authorities; 24 CFR part 15.
3. Designating the General Counsel as the source selection authority for the procurement of outside legal services through either the lowest price technically acceptable or tradeoff process; 48 CFR 2415.303(a)(3).
4. Designating the General Counsel as a responsible official to ensure the implementation of the policies of the National Environmental Policy Act (NEPA) and other environmental

requirements of the Department, including the performance of the responsibilities of a Program Environmental Clearance Officer pursuant to 24 CFR 50.10(a), 50.16.

5. Authorizing the General Counsel, as set forth in 24 CFR parts 103 and 180, to exercise authority pertaining to civil rights statutes, including the Fair Housing Act, 42 U.S.C. 3601 *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 *et seq.*; the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; and Section 109 of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 *et seq.*

6. Authorizing the General Counsel to initiate a civil money penalty action pursuant to Sections 102 and 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a(c), 3545); 24 CFR part 4 in accordance with the provisions of 24 CFR part 30.

7. Authorizing the General Counsel to appoint, and fix the compensation of a foreclosure commissioner or commissioners and alternate commissioners, in accordance with the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3701 *et seq.*); 24 CFR 27.10.

HUD's Program Assistant Secretaries have also delegated authority to the General Counsel. The Assistant Secretary for Housing—Federal Housing Commissioner has delegated authority to the General Counsel to issue a notice of violation under the terms of a regulatory agreement; to issue a notice of default under the terms of housing assistance payments contracts (HAPs); to impose civil money penalties; and to take all actions permitted under 24 CFR 30.36, 30.45, and 30.68. (71 FR 60168, October 12, 2006.)

Section 30.36 of HUD's regulations (24 CFR 30.36) authorizes the Assistant Secretary for Housing—Federal Housing Commissioner, or designee, to initiate civil money penalty action against any principal, officer, or employee of a mortgagee or lender, or other participant or any provider of assistance to a borrower in connection with any such mortgage or loan, including: sellers, borrowers, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, dealers, consultants, contractors, subcontractors, and inspectors.

Section 30.45 of HUD's regulations (24 CFR 30.45) authorizes the Assistant Secretary for Housing—Federal Housing Commissioner, or designee, to initiate civil money penalty action against any mortgagor of a multifamily property

with a mortgage insured, co-insured, or held by the Secretary, pursuant to Title II of the National Housing Act or to Section 202 of the Housing Act of 1959.

Section 30.68 of HUD's regulations (24 CFR 30.68) authorizes the Assistant Secretary for Housing—Federal Housing Commissioner, or designee, to initiate civil money penalty action against any owner, general partner of a partnership, or agent employed to manage the property that has an identity of interest with the owner or general partner receiving project-based assistance under Section 8 of the United States Housing Act of 1937 for a knowing and material breach of housing assistance payment (HAP) contracts.

Section A. Authority

The Secretary of Housing and Urban Development hereby delegates the following authorities to the General Counsel:

1. To interpret the authority of the Secretary and to determine whether the issuance of any rule, regulation, statement of policy, or standard promulgated by HUD is consistent with that authority.

2. To direct all litigation affecting HUD and to sign, acknowledge, and verify on behalf of and in the name of the Secretary all declarations, bills, petitions, pleas, complaints, answers, and other pleadings in any court proceeding brought in the name of or against the Secretary or in which the Secretary is a named party.

3. To direct the referral of cases and other matters to the Attorney General for appropriate legal action and to transmit information and material pertaining to the violation of law or HUD rules and regulations. Excepted from this authority, however, are those referrals and transmittals that the Inspector General is authorized to make by law or by delegation of authority.

4. To accept, on behalf of the Secretary, service of all summons, subpoenas, and other judicial, administrative, or legislative processes directed to the Secretary or to an employee of HUD in an official capacity, and to execute affidavits asserting HUD's deliberative process privilege.

5. Where not inconsistent with other regulations pertaining to proceedings before administrative law judges, to approve the issuance of subpoenas or interrogatories pertaining to investigations for which responsibility is vested in the Secretary.

6. To consider, ascertain, adjust, determine, compromise, allow, deny, or otherwise dispose of claims under the Federal Tort Claims Act, 28 U.S.C. 1346(b), 2671 *et seq.* and the Military

Personnel and Civilian Employees' Claims Act of 1974, 31 U.S.C. 3721 *et seq.*

7. To act upon the appeals and issue final determinations on appeals of denial of access or record correction under the Privacy Act of 1974, except appeals regarding records maintained by the Office of Inspector General (Pub. L. 93-579), 5 U.S.C. 552(c).

8. To make written requests, for purposes of civil or criminal law enforcement activities, to other agencies for the transfer of records or copies of records maintained by such agencies under subsection (b)(7) of the Privacy Act of 1974, as amended (5 U.S.C. 552a(b)(7)).

9. To act upon appeals under the Freedom of Information Act, 5 U.S.C. 552, except appeals from decisions of the Office of Inspector General.

10. To appoint a foreclosure commissioner or commissioners, or a substitute foreclosure commissioner, to replace a previously designated foreclosure commissioner under:

(a) Section 805 of the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3754; the power to fix compensation for the foreclosure commissioner under Section 812 of the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3761; and to promulgate regulations necessary to carry out the provisions of the Single Family Mortgage Foreclosure Act of 1994; and

(b) Section 365 of the Multifamily Mortgage Foreclosure Act of 1981, 12 U.S.C. 3701, *et seq.*; the power to fix compensation for the foreclosure commissioner under Section 369(c) of the Multifamily Mortgage Foreclosure Act of 1981, 12 U.S.C. 3701, *et seq.*; and to promulgate regulations necessary to carry out the provisions of the Multifamily Mortgage Foreclosure Act of 1981.

11. To make determinations and certifications required under Section 1114 of the Right to Financial Privacy Act, 12 U.S.C. 3401, *et seq.*

12. To designate authorized officials to exercise the powers or perform the duties of the General Counsel, through an order of succession (subject to the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345-3349d), during any period when, by reason of absence, disability, or vacancy in office, the General Counsel for HUD is not available.

13. To serve as an Attesting Officer and to cause the seal of HUD to be affixed to such documents as may require its application and to certify that a copy of any book, paper, microfilm, or

other document is a true copy of that in the files of HUD.

14. To act as the designated official under Section 5(a) of Executive Order 12630, *Governmental Actions and Interference With Constitutionally Protected Property Rights*, issued March 15, 1987, (53 FR 8859, March 18, 1988) consistent with Executive Order 13406, *Protecting the Property Rights of the American People*, issued June 23, 2006 (71 FR 36973, June 28, 2006).

15. To make determinations of federalism implications, preemption, or the need for consultations with state and local officials as required by Executive Order 13131, *Federalism*, issued August 4, 1999 (64 FR 43255, August 10, 1999).

Section B. Authority to Redelegate

The General Counsel is authorized to redelegate to employees of HUD any of the authority delegated under Section A above.

Section C. Authority Superseded

This delegation supersedes all previous delegations of authority from the Secretary to the General Counsel.

Authority: Section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: November 23, 2009.

Shaun Donovan,
Secretary.

[FR Doc. E9-28787 Filed 11-30-09; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5367-D-02]

Consolidated Redefinition of Authority to the Office of General Counsel

AGENCY: Office of General Counsel, HUD.

ACTION: Notice of Redefinition of Authority.

SUMMARY: This redefinition of authority consolidates and updates past redefinitions of authority from the General Counsel to subordinate employees.

DATES: *Effective Date:* November 23, 2009.

FOR FURTHER INFORMATION CONTACT: Linda M. Cruciani, Deputy General Counsel for Operations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 10240, Washington, DC 20410-0500, telephone number 202-402-5108. (This is not a

toll-free number.) Individuals with speech or hearing impairments may access this number through TTY by calling 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Elsewhere in today's **Federal Register** is a notice of a consolidated delegation of authority from the Secretary of HUD to the General Counsel. In that notice, the General Counsel was given the authority to redelegate to employees of HUD any authority delegated by the Secretary in that notice to the General Counsel. Through this notice, the General Counsel is redelegating certain authority to other employees of the Office of General Counsel.

Section A contains concurrent redelegations from the General Counsel to the Principal Deputy General Counsel (or General Deputy General Counsel), the Deputy General Counsel for Operations, the Deputy General Counsel for Housing Programs and the Deputy General Counsel for Enforcement and Fair Housing. Section B contains redelegations from the General Counsel to specific positions within the Office of General Counsel. Section C contains redelegations to the Departmental Enforcement Center within the Office of General Counsel. These redelegations revoke and supersede all previous delegations of authority from the General Counsel to subordinate employees, but specifically do not revoke the divisions of responsibility set forth in the Office of General Counsel Litigation Handbook and its appendices.

Section A. Authority Delegated to the Principal Deputy General Counsel and Deputy General Counsels

The General Counsel retains and redelegates the following authority concurrently to the Principal Deputy General Counsel, the Deputy General Counsel for Operations, the Deputy General Counsel for Housing Programs and the Deputy General Counsel for Enforcement and Fair Housing.

1. To interpret the authority of the Secretary and to determine whether the issuance of any rule, regulation, statement of policy, or standard promulgated by HUD is consistent with that authority.

2. To direct all litigation affecting HUD and to sign, acknowledge and verify on behalf of and in the name of the Secretary all declarations, bills, petitions, pleas, complaints, answers, and other pleadings in any court proceeding brought in the name of or against the Secretary or in which he/she is a named party.

3. To direct the referral of cases and other matters to the Attorney General for appropriate legal action and to transmit

information and material pertaining to the violation of law or HUD rules and regulations. There are exceptions from this authority, however, those referrals and transmittals that the Inspector General is authorized to make by law or by delegation of authority.

4. To accept, on behalf of the Secretary, service of all summons, subpoenas, and other judicial, administrative, or legislative processes directed to the Secretary or to an employee of HUD in an official capacity and to execute affidavits asserting HUD's deliberative process privilege.

5. Where not inconsistent with other regulations pertaining to proceedings before administrative law judges, to approve the issuance of subpoenas or interrogatories pertaining to investigations for which responsibility is vested in the Secretary.

6. To consider, ascertain, adjust, determine, compromise, allow, deny or otherwise dispose of claims under the Federal Tort Claims Act, 28 U.S.C. 1346(b), 2671 *et seq.* and the Military Personnel and Civilian Employees' Claims Act of 1974, 31 U.S.C. 3721 *et seq.*

7. To act upon the appeals and issue final determinations on appeals of denial of access or record correction under the Privacy Act of 1974, except appeals regarding records maintained by the Office of Inspector General (Pub. L. 93-579), 5 U.S.C. 552(c).

8. To make written requests, for purposes of civil or criminal law enforcement activities, to other agencies for the transfer of records or copies of records maintained by such agencies under subsection (b)(7) of the Privacy Act of 1974, as amended (5 U.S.C. 552a(b)(7)) ("Privacy Act").

9. To act upon appeals under the Freedom of Information Act, 5 U.S.C. 552, except appeals from decisions of the Office of Inspector General.

10. To appoint a foreclosure commissioner or commissioners, or a substitute foreclosure commissioner to replace a previously designated foreclosure commissioner under:

(a) Section 805 of the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3754; the power to fix compensation for the foreclosure commissioner under Section 812 of the Single Family Mortgage Foreclosure Act of 1994; 12 U.S.C. 3761, and to promulgate regulations necessary to carry out the provisions of the Single Family Mortgage Foreclosure Act of 1994; and

(b) Section 365 of the Multifamily Mortgage Foreclosure Act of 1981, 12 U.S.C. 3701, *et seq.*; the power to fix compensation for the foreclosure