

Commander S.T. Fuger, Jr., Project Attorney.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

§ 117.353 [Amended]

2. Section 117.353(c) is removed.

Dated: January 6, 1988.

H.B. Thorsen,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 88-1459 Filed 1-25-88; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

49 CFR Parts 301, 386, and 389

Rules of Practice and Rulemaking Procedures for Motor Carriers; Technical Amendments

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule; technical amendments.

SUMMARY: This document makes technical amendments to various sections of the Motor Carrier regulations: To make the handling of the delegations of authority relating to motor carrier safety consistent with other delegations of authority within the FHWA; to clarify the authority of the administrative law judge to dismiss a case; to reflect a recent internal agency reorganization with new responsibilities and terminology given to the Office of Motor Carrier Standards; to provide nomenclature changes; and to add new authority provided by the Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. 99-570, 100 Stat. 3207-170.

EFFECTIVE DATE: January 26, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas P. Kozlowski, Office of Motor Carrier Standards, (202) 366-4049; or Ms. Julie A. White, Office of Chief Counsel, (202) 366-1353, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On October 27, 1986, the Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. 99-570, 100 Stat. 3207-170 (the Act), was signed into law by the President. This final rule adds the Act to the Sources of authority for Part 386, Rules of Practice for Motor Carrier Safety and Hazardous Materials Proceedings, and Part 389, Rulemaking Procedures—Federal Motor Carrier Safety Regulations.

The FHWA has undergone an internal reorganization in which the functions of the Bureau of Motor Carrier Safety were transferred to the Office of Motor Carriers. This final rule removes § 301.60, which delegated certain authority of the Federal Highway Administrator to the Associate Administrator for Motor Carriers and to the Director, Bureau of Motor Carrier Safety. Delegations of authority relating to motor carrier safety are now contained in the FHWA Organization Manual. This change is consistent with delegations of other types of authority within the FHWA.

In addition, changes have been made to §§ 386.11(a) and 386.48 reflecting the transfer of authority concerning commencement of driver qualification proceedings and waiver of service from the Bureau of Motor Carrier Safety to the Office of Motor Carrier Standards. Section 386.54(b)(6) has been clarified to state explicitly the authority of the administrative law judge to dismiss a case where a hearing was requested. Changes have also been made to § 386.72 to reflect a transfer of authority concerning out of service orders from the Bureau of Motor Carrier Safety to the Office of Motor Carrier Safety Field Operations and the Regional Directors of Motor Carrier Safety. Part 389 has been changed to reflect that rulemaking procedures for the Federal Motor Carrier Safety Regulations are now conducted by the Federal Highway Administrator. Formerly, they were conducted by the Director, Bureau of Motor Carrier Safety.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The amendments in this document are primarily technical in nature and are needed solely to update the regulations to reflect current statutory changes as well as revisions relating to the agency's reorganization. For these reasons and since this rule imposes no additional burdens on the States or other Federal agencies, the FHWA finds good cause to make this regulation final without prior

notice and opportunity for comments and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reasons, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, this final rule is effective upon publication in the Federal Register.

Since the changes in this document are primarily nonsubstantive in nature and relate to internal agency management and procedures, the anticipated economic impact, if any, is minimal. Therefore, a full regulatory evaluation is not required. For the above reasons and under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this final rule will not have significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA hereby amends Chapter III of 49 CFR as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

List of Subjects in 49 CFR Parts 301, 386, and 389

Authority delegations (government agencies), Administrative practice and procedure, Civil forfeiture, Highways and roads, Motor carriers, Motor vehicle safety.

Issued on: January 19, 1988.

Robert E. Farris,

Deputy Administrator, Federal Highway Administration.

The FHWA hereby amends 49 CFR Chapter III as follows:

PART 301—[AMENDED]

1. The authority citation for Part 301 continues to read as follows:

Authority: 49 U.S.C. 104, 307, 501 *et seq.*, 1801 *et seq.*, 3101 *et seq.*, 10925, 10927 note; 42 U.S.C. 4917; 49 CFR 1.48.

§ 301.60 [Removed]

1a. Section 301.60 entitled "Delegations of authority relating to motor carrier safety" is removed from Part 301.

PART 386—RULES OF PRACTICE FOR MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS PROCEEDINGS

2. The authority citation for Part 386 is revised to read as follows:

Authority: Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. 99-570, 100 Stat. 3207-170 (49 U.S.C. 2701 *et seq.*); the Motor Carrier Safety Act of 1984, Pub. L. 98-554, 98 Stat. 2829 (49 U.S.C. 2501 *et seq.*); the recodification of Title 49, U.S. Code, Transportation, Pub. L. 97-449, 96 Stat. 2413 (49 U.S.C. 104(c)(2), 501 *et seq.*, 3101 *et seq.*); the Hazardous Materials Transportation Act, Pub. L. 93-633, 88 Stat. 2156 (49 U.S.C. 1801 *et seq.*); the Bus Regulatory Reform Act of 1982, Pub. L. 97-261, 96 Stat. 1121 (49 U.S.C. 10927, note); the Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 820 (49 U.S.C. 10927, note); 49 CFR 1.45, 1.48.

§ 386.1 [Amended]

3. Section 386.1 is amended by amending the first sentence to add as the first statute citation, the following words: "the Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. 99-570, 100 Stat. 3207-170 (49 U.S.C. 2701 *et seq.*)";

§ 386.2 [Amended]

4. Section 386.2 is amended by amending the definition of "civil forfeiture proceedings" to add as the first statute citation, the following words: "the Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. 99-570, 100 Stat. 3207-170 (49 U.S.C. 2701 *et seq.*)";

§§ 386.11 and 386.48 [Amended]

5. Sections 386.11(a) and 386.48 are amended by substituting the words "Office of Motor Carrier Standards" for "Bureau of Motor Carrier Safety" each time they appear in the text.

§ 386.54 [Amended]

6. Section 386.54 is amended by revising paragraph (b)(6) to read as follows:

(b) * * *

(6) To consider and rule upon all procedural and other motions, including motions to dismiss, except motions which, under this part, are made directly to the Associate Administrator;

§ 386.72 [Amended]

7. In § 386.72 revise the first sentence of paragraph (b)(1) to read as follows:

(b)(1) Whenever it is determined that a violation of 49 U.S.C. 3102 or the Motor Carrier Safety Act of 1984 or the Commercial Motor Vehicle Safety Act of 1986 or a regulation issued under such section or Acts, or combination of such violations, poses an imminent hazard to

safety, the Director, Motor Carrier Safety Field Operations or the Regional Directors of Motor Carrier Safety, or his or her delegate, shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations as provided by section 213(b) of the Motor Carrier Safety Act of 1984 and section 12012(d) of the Commercial Motor Vehicle Safety Act of 1986. (49 U.S.C. 521(b)(5)). * * *

8. In § 386.72 amend paragraph (b)(2) by adding the words ", and section 12012(d) of the Commercial Motor Vehicle Safety Act of 1986" before the period and after the last statute citation.

PART 389—RULEMAKING PROCEDURES—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

9. The authority citation for Part 389 is revised to read as follows:

Authority: Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. 99-570, 100 Stat. 3207-170 (49 U.S.C. 2701 *et seq.*); 49 U.S.C. 104 and 3102; sec. 30 of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 820), as amended by sec. 108(b)(5) of Pub. L. 96-510, 94 Stat. 2767; sec. 406 of Pub. L. 97-424, 96 Stat. 2097; sec. 222 of Pub. L. 98-554, 98 Stat. 2846 (49 U.S.C. 10927 note); secs. 18 and 25(c) of the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261, 96 Stat. 1102, 1120, 49 U.S.C. 10927 note); and 42 U.S.C. 4917.

§ 389.1 [Amended]

10. Section 389.1 is amended by adding the following citation: "the Commercial Motor Vehicle Safety Act of 1986" after the words "the Motor Carrier Safety Act of 1984";

§ 389.3 [Amended]

11. Section 389.3 is amended by amending the definition of "Act" by adding the following citations "the Motor Carrier Safety Act of 1984," and "the Commercial Motor Vehicle Safety Act of 1986" after the words "Act of 1980"; removing the definitions of "Bureau" and "Director"; and adding a new definition to read "Administrator" means the Federal Highway Administrator.

§ 389.5 [Amended]

12. Section 389.5 is amended by substituting the word "Administrator" for the word "Director" and replacing the address at the end of the paragraph with the following: "Headquarters, Federal Highway Administration, Nassif

Building, 400 Seventh Street, SW., Washington, DC 20590."

§ 389.7 [Amended]

13. Section 389.7 is amended by substituting the word "Administrator" for the word "Bureau";

§ 389.11 [Amended]

14. Section 389.11 is amended by substituting the word "Administrator" for the word "Director" and by adding the citation "the Commercial Motor Vehicle Safety Act of 1986" after the words "Motor Carrier Safety Act of 1984";

§§ 389.13, 389.17, 389.25, 389.27, 389.29, and 389.31 [Amended]

15. Sections 389.13, 389.17(b), 389.25, 389.27(b), 389.29, and 389.31(a) are amended by substituting the word "Administrator" for the word "Director" each time that it appears in the text, and in § 389.31(b)(1) removing the address and replacing it with "Administrator, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590";

§ 389.33 [Amended]

16. Section 389.33 is amended by: (1) Substituting the word "Administrator" for the word "Director" each time that it appears in the section, and (2) by revising paragraph (a) to read as follows:

(a) Unless the Administrator otherwise specifies, no public hearing, argument, or other proceeding is held directly on a petition before its disposition under this section.

§ 389.35 [Amended]

17. Section 389.35 is amended by substituting the word "Administrator" for the word "Director" each time that it appears in the text, and the address in paragraph (a) is revised to read "Administrator, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590".

§ 389.37 [Amended]

18. Section 389.37 is amended by substituting the word "Administrator" for the word "Director" each time that it appears in the text.

§ 389.38 [Removed]

19. Section 389.38 entitled "Saving provision" is removed from Part 389.

[FR Doc. 88-1394 Filed 1-25-88; 8:45 am]
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Proposed Rules

Federal Register

Vol. 53, No. 16

Tuesday, January 26, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

Standards of Approval of Warehouses For Grain, Rice, Dry Edible Beans, and Seed

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of meeting.

SUMMARY: The Commodity Credit Corporation published a proposed rule in the *Federal Register* on October 8, 1987, regarding warehouse bonding. Several State warehouse licensing authorities expressed concern about the proposed rules and requested additional time to respond. Accordingly, a notice was published in the *Federal Register* on November 16, 1987, which extended the comment period for the proposed rule from November 9, 1987, to January 8, 1988. In addition, several State warehousing authorities have requested that a meeting be held in Washington, DC to further clarify and explain their concerns about the proposed rule. The Commodity Credit Corporation agrees that such a meeting would be beneficial for State warehousing authorities to explain their objections and concerns. The meeting would be held to further clarify and explain comments that were received during the comment period and would not reduce or detract from the positions listed in the submitted comments. The comment period will be further extended until February 12 to allow further written comments to be submitted after the meeting.

DATES: The meeting will be February 2, 1988 at 9:00 am.

ADDRESSES: South Agriculture Building, Room 4960, 12th and Independence SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steven R. Closson, Chief, Storage Contract Branch, Warehouse Division, USDA, Room 5962-South Building, P.O.

Box 2415, Washington, DC 20013, (202) 447-5647.

Signed at Washington, DC, on January 19, 1988.

Milton Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 88-1484 Filed 1-25-88; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 044CE, Notice No. 23-ACE-37]

Special Conditions; Modified Cessna Model 172 Series Airplanes With Porsche PFM3200No3 Engines Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for modified Cessna Model 172 Series Airplanes with Porsche PFM3200No3 Engines installed. The airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. The novel and unusual design features include the installation of the Porsche PFM3200No3 Engine, which incorporates an electronic ignition system and a unique single-lever power control, for which the applicable regulations do not contain adequate or appropriate airworthiness standards. This notice contains the additional airworthiness standards which the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATE: Comments must be received on or before February 25, 1988.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 044CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 044CE. Comments may be inspected in the Rules Docket weekdays, except

Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Oscar Ball, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking further rulemaking action on this proposal. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 044CE." The postcard will be date stamped and returned to the commenter. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the rules docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Background

On February 19, 1987, Porsche Aviation Products, Inc., Rural Route 2, Box 118A, Galesburg Municipal Airport, Galesburg, Illinois 61401, made application to the FAA for supplemental type certificate (STC) approval of the design changes necessary to incorporate the Porsche PFM3200No3 Engine in the Cessna Model 172M, N, P, and Q airplanes. The Porsche engine installation incorporates an electronic ignition system and a single-level power control.