

**Title 14—Aeronautics and Space**  
**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 15966; Amdt. 10-11]

**PART 13—ENFORCEMENT PROCEDURES**  
**Redelegation of Hazardous Materials Enforcement Authority**

The purpose of this amendment to Part 13 of the Federal Aviation Regulations (14 CFR 13) is to redelegate the Administrator's enforcement authority, with respect to the Hazardous Materials Transportation Act, concerning the transportation and shipment of hazardous materials by air, as delegated to him by the Secretary of Transportation.

The Secretary of Transportation has delegated to the Federal Aviation Administrator authority to carry out functions vested in the Secretary by the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*) concerning investigations, records, inspection, penalties, and specific relief so far as they apply to the transportation or shipment of hazardous materials by air (paragraph 1.47(k) of the Regulations of the Office of the Secretary of Transportation 49 CFR 1.47(k)). In order to further delegate this authority to the same officials who currently have responsibility under Part 13 with respect to the enforcement provisions of the Federal Aviation Act of 1958, this amendment redelegates the Administrator's enforcement authority with respect to the Hazardous Materials Transportation Act, and regulations issued under that Act, to the Chief Counsel, the Deputy Chief Counsel, each Assistant Chief Counsel, and to each Regional Counsel (as appropriate). This amendment adds new § 13.16, and affects §§ 13.1, 13.3, and 13.23 of Part 13. A conforming clarification is also made to § 13.19.

With respect to civil penalty actions, new § 13.16 deals solely with the Hazardous Materials Transportation Act and regulations issued under that Act. It is thus in addition to, and does not affect, the continuing authority, pursuant to § 13.15, to take civil penalty actions with respect to violations of the Federal Aviation Act of 1958, and regulations or orders issued under that Act, in cases involving transportation or shipment of hazardous materials, as delegated to the Administrator. This is made clear in § 13.16(c).

As this amendment merely redelegates authority within the FAA, and involves agency organization, procedure or practice only, notice and public procedure thereon are not required. Furthermore, in order to support timely enforcement of the Hazardous Materials Transportation Act, and in order to ensure uninterrupted enforcement with respect to regulations issued under that Act, this redelegation should be effective as soon as possible. I, therefore, find that good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

**AUTHORITY:** [sections 302(f), 303(d), and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1343(f), 1344(d), and 1354(a)); and § 1.47 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.47)].

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations is amended, effective August 2, 1976, as follows:

1. Paragraph (a) of § 13.1 is amended to read as follows:

**§ 13.1 Reports of violations.**

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, or of any regulation or order issued under it, or any violation of the Hazardous Materials Transportation Act or of any regulation or order issued under it, relating to the transportation or shipment by air of hazardous materials, may report it to appropriate personnel of an FAA regional or district office.

2. Paragraph (a) of § 13.3 is amended by adding the following language at the end thereof:

3. In the first sentence of § 13.3(b), the word "Act" is deleted and the words "Federal Aviation Act of 1958" are inserted in place thereof.

4. Section 13.3 is amended by adding a new paragraph (c) reading as follows:

**§ 13.3 Investigations.**

(a) "Under § 1.47(k) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(k)), the Administrator may, with respect to the transportation or shipment by air of hazardous materials, conduct investigations, issue subpoenas, conduct hearings, require the production of relevant documents, records, and property, and take depositions as prescribed in Section 109 of the Hazardous Materials Transportation Act (49 U.S.C. 1808)."

(c) For the purpose of investigating alleged violations of the Hazardous Materials Transportation Act, or of any regulation or order issued under it, relating to the transportation or shipment by air of hazardous materials, the authority under Section 109 of that Act (49 U.S.C. 1808), as delegated to the Administrator, has been redelegated to the Chief Counsel, the Deputy Chief Counsel, each Assistant Chief Counsel, and each Regional Counsel.

5. A new § 13.16 is added to read as follows:

**§ 13.16 Civil Penalties: Hazardous Materials Transportation Act.**

(a) Section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809) provides for civil penalties, for persons who knowingly commit acts that are violations of that Act, or of any regulation issued under it, of not more than \$10,000 for each violation.

(b) The authority under § 110 of the Hazardous Materials Transportation Act to initiate, compromise, and assess civil penalties, and refer cases to the U.S. Attorney General for collection of such civil penalties for violations of that Act, or of regulations dealing with transportation or shipment of hazardous materials

by air issued under that Act, as delegated to the Administrator, has been redelegated to the Chief Counsel, the Assistant Chief Counsel for Operations and Evaluation, and to each Regional Counsel.

(c) The redelegation in paragraph (b) of this section is in addition to the authority to take civil penalty action under § 13.15 of this Part with respect to violations of the Federal Aviation Act of 1958, and regulations or orders issued under that Act, involving transportation or shipment of hazardous materials, as delegated to the Administrator.

**§ 13.19 [Amended]**

6. Section 13.19 is amended by amending paragraph (b) by adding the following new sentence after the first sentence (which ends with the words "or air agency certificate") and before the second sentence (which begins with the words "this authority is"): "This authority may be exercised for remedial purposes in cases involving the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*) or regulations issued under that Act."

7. § 13.23 is amended to read as follows:

**§ 13.23 Criminal penalties.**

(a) Sections 902 and 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1472 and 1523), provide criminal penalties for any person who knowingly and willfully violates specified provisions of that Act or any regulation or order issued under those provisions. Section 110(b) of the Hazardous Materials Transportation Act (49 U.S.C. 1809(b)) provides for a criminal penalty of a fine of not more than \$25,000, imprisonment for not more than five years, or both, for any person who willfully violates a provision of that Act or a regulation or order issued under it.

(b) If an inspector or other employee of the FAA becomes aware of a possible violation of any criminal provision of the Federal Aviation Act of 1958 (except a violation of § 902(i) through (m) which is reported directly to the Federal Bureau of Investigation), or of the Hazardous Materials Transportation Act, relating to the transportation or shipment by air of hazardous materials, he shall report it to the Office of the Chief Counsel or the Regional Counsel concerned. If appropriate, that office refers the report to the Department of Justice for criminal prosecution of the offender. If such an inspector or other employee becomes aware of a possible violation of a Federal statute that is within the investigatory jurisdiction of another Federal agency, he shall immediately report it to that agency according to standard FAA practices.

Issued in Washington, D.C., on July 26, 1976.

JOHN L. McLUCAS,  
 Administrator.

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