

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12220, Amdt. 13-10]

### PART 13—ENFORCEMENT PROCEDURES

#### Exercise of Certain Authority

The purpose of these amendments is to (1) add the Aeronautical Center Counsel (as to matters under title V of the Federal Aviation Act of 1958) to the persons designated in § 13.15 of the Federal Aviation Regulations as having authority to make or accept offers to compromise civil penalties; and (2) clarify § 13.19(c) (3) to confine elections (by persons charged in certificate actions) to appeal to the National Transportation Safety Board, to matters concerned with title VI of the Act.

These amendments to § 13.15 further reflect delegations of authority to exercise functions in enforcement proceedings under Part 13 by stating that in addition to the General Counsel, the Associate General Counsel for Operations and Evaluation, and the Regional Counsel concerned, the Aeronautical Center Counsel may make or accept offers to compromise civil penalties (as to matters under title V of the Federal Aviation Act of 1958).

Amendment 13-9, issued January 4, 1972 (37 F.R. 436; January 12, 1972) among other things inserted new subparagraph (3) in paragraph (c) of § 13.19 to reflect the current practice, as indicated in the enclosures of Notices of Proposed Certificate Action, of allowing the certificate holder to request that an order be issued in accordance with the Notice of Proposed Certificate Action so that he may appeal to the National

Transportation Safety Board. Paragraph (d) of § 13.19 specifically indicates that such an appeal is not available to any person whose Certificate of Aircraft Registration (a title V matter) is affected by an order issued under § 13.19. However, paragraph (c) (3) may be misinterpreted, particularly by a person who fails to read the entire section, as meaning that he may elect to appeal to the Board in a title V matter. These amendments clarify by specifically confining paragraph (c) (3) to situations where the charges concern matters under title VI to the Act, thus excluding application to aircraft registration matters.

Since these amendments are procedural in nature and do not impose a burden on any person, notice and public procedure thereon is not required and the amendments may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations is amended, effective September 14, 1972, as follows:

#### § 13.15 [Amended]

1. By inserting the phrase "the Aeronautical Center Counsel (as to matters under title V of the Act)," after the words "the Associate General Counsel for Operations and Evaluations," in the second sentence in paragraph (b), and in the second sentence in paragraph (c), in § 13.15.

2. By amending subparagraph (3) in paragraph (c) in § 13.19 to read as follows:

#### § 13.19 Certificate action.

\* \* \* \* \*  
(c) \* \* \*

(3) Request that an order be issued in accordance with the Notice of Proposed Certificate Action so that he may appeal to the National Transportation Safety Board, if the charges concern a matter under title VI of the Act;

\* \* \* \* \*  
(Secs. 313(a), 601, 609, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1429; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.47(a) of the Regulations, Office of the Secretary of Transportation; 49 CFR 12)

Issued in Washington, D.C., on September 6, 1972.

J. H. SHAFFER,  
Administrator.

(As published in the Federal Register [ 37 F.R. 18614] on September 14, 1972)

GC