

You and your family have certain rights and benefits in the unlikely event you are injured or killed while riding aboard a Government aircraft. Federal employees and some private citizens are eligible for workers' compensation benefits under the Federal Employees' Compensation Act (FECA). When FECA applies, it is the sole remedy. For more information about FECA and its coverage, consult with your agency's benefits office or contact the Branch of Technical Assistance at the Department of Labor's Office of Workers' Compensation Programs at (202) 693-0044. (These rules also apply to travel on other Government-owned or operated conveyances such as cars, vans, or buses.)

State or foreign laws may provide for product liability or "third party" causes of actions for personal injury or wrongful death. If you have questions about a particular case or believe you have a claim, you should consult with an attorney.

Some insurance policies may exclude coverage for injuries or death sustained while traveling aboard a Government or military aircraft or while within a combat area. You may wish to check your policy or consult with your insurance provider before your flight. The insurance available to Federal employees through the Federal Employees Group Life Insurance Program does not contain an exclusion of this type.

If you are the victim of an air disaster resulting from criminal activity, Victim and Witness Specialists from the Federal Bureau of Investigation (FBI) and/or the local U.S. Attorney's Office will keep you or your family informed about the status of the criminal investigation(s) and provide you or your family with information about rights and services, such as crisis intervention, counseling and emotional support. State crime victim compensation may be able to cover crime-related expenses, such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. The Office for Victims of Crime (an agency of the Department of Justice) is authorized by the Antiterrorism Act of 1996 to provide emergency financial assistance to state programs, as well as the U.S. Attorneys Office, for the benefit of victims of terrorist acts or mass violence.

*If you are a Federal employee:*

1. If you are injured or killed on the job during the performance of duty - including while traveling aboard a Government aircraft or other government-owned or operated conveyance for business purposes, you and your family are eligible to collect workers' compensation benefits under FECA. You and your family may not file a personal injury or wrongful death suit against the United States or its employees. However, you may have cause of action against potentially liable third parties.

2. You or your qualifying family member must normally also choose between FECA disability or death benefits, and those payable under your retirement system (either the Civil Service Retirement System or the Federal Employees Retirement System). You may choose the benefit that is more favorable to you.

*If you are a private citizen not employed by the Federal Government:*

1. Even if you are not regularly employed by the Federal Government, if you are rendering personal service to the Federal Government on a voluntary basis or for nominal pay, you may be defined as a Federal employee for purposes of FECA. If that is the case, you and your family are eligible to receive workers' compensation benefits under FECA, but may not collect in a personal injury or wrongful death lawsuit against the United States or its employees. You and your family may file suit against potentially liable third parties. Before you depart, you may wish to consult with the department or agency sponsoring the flight to clarify whether you are considered a Federal employee.

2. If there is a determination that you are not a Federal employee, you and your family will not be eligible to receive workman's compensation benefits under FECA. If you are traveling for business purposes, you may be eligible for workman's compensation benefits under state law. If the accident occurs within the United States, or its territories, its airspace, or over the high seas, you and your family may claim against the United States under the Federal Tort Claims Act or Suits in Admiralty Act. If you are killed aboard a military aircraft, your family may be eligible to receive compensation under the Military Claims Act, or if you are an inhabitant of a foreign country, under the Foreign Claims Act.

**§ 301-70.910 Do the rules in this part apply to travel on Government aircraft by the President and Vice President or by individuals traveling in support of the President and Vice President?**

Given the unique functions and needs of the presidency and the vice presidency, section 4 of Circular A-126, "Improving the Management and Use of Government Aircraft," Revised May 1992, makes clear that Circular A-126 does not apply to aircraft while in use by or in support of the President or Vice President. Since the principal purpose of the rules in this part is to implement Circular A-126, the rules in this part also do not apply to such travel. If any questions arise regarding travel related to the President or Vice President, contact the Office of the Counsel to the President or the Office of the Counsel to the Vice President, respectively.

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**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

**46 CFR Parts 221, 315, and 355**

[Docket No. MARAD 2004-18059]

RIN 2133-AB59

**Shipping—Technical Amendments**

**AGENCY:** Department of Transportation, Maritime Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes minor technical changes to terms and definitions in title 46 of the Code of Federal Regulations (CFR). The minor technical changes update the title to conform to 46 App. U.S.C. 802, which was amended by the Coast Guard Authorization Act of 1998. This rulemaking will have no substantive effect on the regulated public.

**EFFECTIVE DATE:** This final rule is effective on June 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** Murray A. Bloom, Chief, Division of Maritime Programs, Office of Chief Counsel, Maritime Administration, 400 7th Street, SW., Room 7228, Washington, DC 20590; telephone: (202) 366-5164; fax: (202) 366-3511.

**ADDRESSES:** This final rule is available for inspection and copying between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays, at the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0001. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

**SUPPLEMENTARY INFORMATION:** MARAD is updating its regulations under 46 CFR parts 221, 315, and 355 to conform to 46 App. U.S.C. 802, which was amended by the Coast Guard Authorization Act of 1998, section 421 of Pub. L. 105-383. The changes eliminate references to company or entity presidents and instead include such individuals under the category of "chief executive officer, by whatever title."

**Rulemaking Analyses and Notices**

*Executive Order 12866 (Regulatory Planning and Review), and Department of Transportation (DOT) Regulatory Policies; Pub. L. 104-121*

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This final rule will not result in an annual effect on the economy of \$100 million

or more. It also is not considered a major rule for purposes of Congressional review under Pub. L. 104-121. This final rule is also not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034, February 26, 1979). The costs and overall economic impact of this rulemaking are so minimal that no further analysis is necessary.

**Administrative Procedure Act**

The Administrative Procedure Act (5 U.S.C. 553) provides an exception to notice and comment procedures when they are unnecessary or contrary to the public interest. MARAD finds that under 5 U.S.C. 553(b)(3)(B), good cause exists for not providing notice and comment since this final rule only implements minor technical changes to the wording of existing regulations under 46 CFR parts 221, 315, and 355, which have no substantive effect on the regulated public. Under 5 U.S.C. 553(d)(3), MARAD finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**Federalism**

We analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism") and have determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The regulations have no substantial effects on the States, the current Federal-State relationship, or the current distribution of power and responsibilities among various local officials. Therefore, consultation with State and local officials was not necessary.

**Executive Order 13175**

MARAD does not believe that this final rule will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

**Regulatory Flexibility**

The Maritime Administrator certifies that this final rule will not have a significant economic impact on a substantial number of small entities. This final rule only makes minor technical changes to terms and definitions in title 46 of the CFR, which

have no substantive effect on the regulated public.

**Environmental Assessment**

We have analyzed this final rule for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have concluded that under the categorical exclusions provision in section 4.05 of Maritime Administrative Order (MAO) 600-1, "Procedures for Considering Environmental Impacts," 50 FR 11606 (March 22, 1985), neither the preparation of an Environmental Assessment, an Environmental Impact Statement, nor a Finding of No Significant Impact is required for this rulemaking. This rulemaking has no environmental impact.

**Paperwork Reduction Act**

This rulemaking contains no new or amended information collection or recordkeeping requirements that have been approved or require approval by the Office of Management and Budget.

**Unfunded Mandates Reform Act of 1995**

This final rule will not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It will not result in costs of \$100 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector. This final rule is the least burdensome alternative that achieves the objective of U.S. policy.

**List of Subjects**

46 CFR Part 221

Administrative practice and procedure, Maritime carriers, Mortgages, Penalties, Reporting and recordkeeping requirements, Trust and trustees.

46 CFR Part 315

Government contracts, National defense, Vessels.

46 CFR Part 355

Citizenship and naturalization, Maritime carriers, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, MARAD amends 46 CFR chapter II as follows:

**PART 221—REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS**

■ 1. The authority citation for part 221 continues to read as follows:

**Authority:** 46 App. U.S.C. 802, 803, 808, 835, 839, 841a, 1114(b), 1195; 46 U.S.C. chs. 301 and 313; 49 U.S.C. 336; 49 CFR 1.66.

■ 2. Amend § 221.3 by revising paragraphs (c)(2) and (c)(4) to read as follows:

**§ 221.3 Definitions.**

\* \* \* \* \*

(c)\* \* \*

(2) A corporation organized under the laws of the United States or of a State, the Controlling Interest of which is owned by and vested in Citizens of the United States and whose chief executive officer, by whatever title, chairman of the board of directors and all officers authorized to act in the absence or disability of such persons are Citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are Noncitizens;

\* \* \* \* \*

(4) An association organized under the laws of the United States or of a State, whose chief executive officer, by whatever title, chairman of the board of directors (or equivalent committee or body) and all officers authorized to act in their absence or disability are Citizens of the United States, no more than a minority of the number of its directors, or equivalent, necessary to constitute a quorum are Noncitizens, and a Controlling Interest in which is vested in Citizens of the United States;

\* \* \* \* \*

**PART 315—AGENCY AGREEMENTS AND APPOINTMENT OF AGENTS**

■ 3. The authority citation for part 315 continues to read as follows:

**Authority:** 50 U.S.C. App. 1744; 49 CFR 1.66.

■ 4. Amend § 315.3 by revising paragraphs (b)(2) and (b)(4) to read as follows:

**§ 315.3 Definitions.**

\* \* \* \* \*

(b)\* \* \*

(2) A corporation organized under the laws of the United States or of a State, the controlling interest of which is owned by and vested in Citizens of the United States and whose chief executive officer, by whatever title, chairman of the board of directors and all officers authorized to act in the absence or disability of such persons are Citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens;

\* \* \* \* \*

(4) An association organized under the laws of the United States or of a

State, whose chief executive officer, by whatever title, chairman of the board of directors (or equivalent committee or body) and all officers authorized to act in their absence or disability are Citizens of the United States, no more than a minority of the number of its directors, or equivalent, necessary to constitute a quorum are noncitizens, and a controlling interest in which is vested in Citizens of the United States;

\* \* \* \* \*

#### **PART 355—REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP**

■ 5. The authority citation for part 355 continues to read as follows:

**Authority:** Secs. 2, 204, 39 Stat. 729, as amended, 49 Stat. 1987, as amended, 73 Stat. 597; 46 U.S.C. 802, 803, 1114, 11.

■ 6. Amend § 355.1 by revising paragraph (a) to read as follows:

##### **§ 355.1 General.**

(a) Under section 2, Shipping Act, 1916, as amended and section 905(c),

Merchant Marine Act, 1936, as amended, no corporation is deemed to be a citizen of the United States unless:

(1) It is organized under the laws of the United States or of a State, Territory, District, or possession thereof;

(2) Its chief executive officer, by whatever title, and the chairman of its board of directors are citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are non-citizens (except that in the case of corporations under title VI, Merchant Marine Act, 1936, as amended, all directors must be citizens of the United States) and

(3) The controlling interest therein is owned by citizens of the United States or, in the case of a corporation operating any vessel in the coastwise trade, on the Great Lakes, or inland lakes of the United States, 75 per centum of the interest in such corporation is owned by citizens of the United States.

\* \* \* \* \*

■ 7. Amend § 355.2 by revising the introductory text of paragraph 3. of the sample Affidavit to read as follows:

##### **§ 355.2 Requirements regarding evidence of U.S. citizenship; affidavit guide.**

\* \* \* \* \*

Affidavit of U.S. Citizenship

\* \* \* \* \*

3. That the names of the Chief Executive Officer, by whatever title, Vice Presidents or other individuals who are authorized to act in the absence or disability of the Chief Executive Officer, by whatever title, the Chairman of the Board of Directors, and the Directors of the Corporation are as follows:

\* \* \* \* \*

By Order of the Maritime Administrator.

Dated: June 15, 2004.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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