

Organizations, Functions, and Authority Delegations: Chief Counsel and Assistant Chief Counsel for Litigation

57 Fed. Reg. 58280

December 9, 1992

ACTION: Notice of delegation of authority.

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is giving notice of a new delegation of authority from the Administrator to the Chief Counsel and the Assistant Chief Counsel for Litigation regarding civil penalty actions under 14 CFR 13.16 and 14 CFR part 13, subpart G. The delegation was set forth in a memorandum signed by the Administrator on October 27, 1992. The FAA is publishing the text of the delegation so that it is available to interested parties. This delegation is somewhat broader than, and supercedes, a previous delegation of authority by the Administrator by memorandum signed on January 29, 1990, and published in the Federal Register on April 20, 1990. *55 FR 15094*; April 20, 1990.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC-400), Federal Aviation Administration, 701 Pennsylvania Avenue, NW., suite 925, Washington, DC 20004; telephone (202) 376-6441.

SUPPLEMENTARY INFORMATION: By memorandum signed on January 29, 1990, the Administrator delegated certain limited authority of the FAA decisionmaker to the Chief Counsel and the Assistant Chief Counsel for Litigation in actions brought under the FAA's Civil Penalty Demonstration Program. The text of the delegation was printed in the Federal Register on April 20, 1990. *55 FR 15094*; April 20, 1990.

In light of the enactment of the FAA Civil Penalty Administrative Assessment Act of 1992, Public Law 102-345, 106 Stat. 923, the Administrator has issued a new memorandum delegating limited authority as FAA decisionmaker to the Chief Counsel and the Assistant Chief Counsel for Litigation. The new delegation supersedes the previous delegation, and is applicable in all civil penalty actions under 14 CFR 13.16 and part 13, subpart G.

Based upon the Administrator's decisionmaking experience since January 20, 1990, the Administrator in the October 29, 1992, memorandum delegated somewhat broader authority to the Chief Counsel and Assistant Chief Counsel for Litigation. As with the earlier delegation, the new delegation is designed to eliminate the need for the Administrator to review and consider minor, procedural or unopposed matters.

The text of the delegation of authority signed by the Administrator, in pertinent part, is as follows: Under 49 U.S.C. 322(b) and 14 CFR 13.202, I delegate to the Chief Counsel and the Assistant Chief Counsel for Litigation the authority of the FAA decisionmaker in all civil penalty actions under 14 CFR 13.16 and 14 CFR part 13, subpart G, as follows:

a. To grant or deny extensions of time to file briefs, petitions for reconsideration, motions, and replies to petitions for reconsideration and motions; to grant or deny requests to file additional briefs; and to approve or disapprove other deviations from, or requests for changes in, procedural requirements;

b. To correct typographical, grammatical and similar errors in the FAA decisionmaker's orders, and to make editorial changes in those orders that do not involved substantive matters;

c. To issue orders dismissing appeals from initial decisions upon request of the appellant or due to the withdrawal of the complaint; to grant or deny motions to dismiss appeals from initial decisions, or to issue orders sua sponte. for failure to file a timely appeal or failure to perfect an appeal;

d. To stay the effectiveness of decisions and orders pending reconsideration by the FAA decisionmaker;

e. To issue orders staying, pending judicial review, orders of the FAA decisionmaker, and to consent to the entry of judicial stays regarding such orders;

f. To dismiss summarily petitions to reconsider or modify that are repetitious or frivolous;

g. To issue orders construing notices of appeal or other documents that meet the requirements for appeal briefs as appeal briefs, and to set a date for the filing of a reply brief.

The Chief Counsel or the Assistant Chief Counsel for Litigation may redelegate the authority set forth above to the Manager, Adjudications Branch.

Issued in Washington, DC. on December 3, 1992.

Kenneth P. Quinn,
Chief Counsel.