

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C-10, Department of Transportation, Washington, DC 20590, telephone (202) 366-9156, FAX (202) 366-9170.

SUPPLEMENTARY INFORMATION: Since its establishment in 1967, DOT has had an Official Seal, which indicates official action of DOT and must be judicially noticed. These same provisions appear in DOT's internal directives, which are public documents. To eliminate duplication, the regulations regarding appropriate uses of the Seal and identification of which officials of DOT may affix it will be removed from the Code of Federal Regulations but continue to appear in the internal directives. Because these changes are editorial in nature and do not change the substantive requirements, the Department finds that notice and comment are unnecessary and contrary to the public interest.

Analysis of Regulatory Impacts

This amendment is not a "significant regulatory action" within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. There is no economic impact as a result of this change. Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

This rule does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the rule does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1980.

List of Subjects in 49 CFR Part 3

Seals and insignia.

In accordance with the above, DOT amends 49 CFR Part 3 as follows:

PART 3—[AMENDED]

1. The authority citation to Part 3 is revised to read as follows:

Authority: 49 U.S.C. 102(e).

§§ 3.3 and 3.5 [Removed]

2. Sections 3.3 and 3.5 are removed.

Issued in Washington, DC, on this 1st day of April, 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 96-9701 Filed 4-19-96; 8:45 am]

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49 CFR Part 79

[Docket No. OST-96-1258; Notice 96-8]

RIN 2105-AC41

Medals of Honor

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: DOT is clarifying its regulations regarding award of Medals of Honor for bravery in land transportation accidents/incidents. This action is taken on the Department's initiative in response to the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: May 22, 1996.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C-10, Department of Transportation, Washington, DC 20590, telephone (202) 366-9156, FAX (202) 366-9170.

SUPPLEMENTARY INFORMATION: Acting through DOT, the President of the United States may award a bronze medal for bravery to any person who, by extreme daring, risks his/her life in trying to prevent, or to save the life of a person in, a grave accident in the United States that involves an interstate rail carrier or a motor vehicle being operated on public highways. See 49 U.S.C. 80504. The regulations implementing this authority were last amended in 1968. DOT is revising them in order to simplify language and otherwise make them easier to understand. Because these changes are editorial in nature and do not change the substantive requirements, the Department finds that notice and comment are unnecessary and contrary to the public interest.

Analysis of Regulatory Impacts

This amendment is not a "significant regulatory action" within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. There will be no economic impact as a result of this change. Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

This rule does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the rule does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1980.

List of Subjects in 49 CFR Part 79

Decorations, Medals, Awards.

In accordance with the above, DOT revises 49 CFR Part 79, to read as follows:

PART 79—MEDALS OF HONOR

Sec.

79.1 Scope.

79.3 Application.

79.5 Investigation.

79.7 Award.

79.9 Design.

Authority: 49 U.S.C. 80504.

§ 79.1 Scope.

(a) This Part implements 49 U.S.C. 80504, which authorizes the President of the United States to award a bronze medal for bravery to any person who, by extreme daring, risks his/her life in trying to prevent, or to save the life of a person in, a grave accident/incident in the United States that involves an interstate rail carrier or a motor vehicle being operated on public highways.

(b) The actions for which the medal may be awarded must reflect such unusual daring and bravery that a person would not normally be expected to perform them as a regular part of his/her regular work or vocation.

§ 79.3 Application.

(a) Any person may apply for the award of the medal described in § 79.1, but only on behalf of another person, by writing to the Secretary of Transportation, Attention: Medals of Honor, within two (2) years of the action that is the subject of the application.

(b) Although no application form is required, the following information must be provided:

(1) Name, address, and telephone number of the person submitting the application.

(2) Name, address, and telephone number of the person on whose behalf the application is submitted.

(3) Date, time, place, and weather conditions of the action that is the subject of the application.

(4) Identification of rail or motor carrier involved, or of operator of motor vehicles involved.

(5) Identification of any public or private authority that investigated the accident/incident involved.

(6) Name, address, and telephone number of any witness to the action that is the subject of the application.

(7) Detailed description of the action that is the subject of the application, including why the person submitting the application thinks that the action merits the extraordinary recognition embodied in the Medal of Honor.

(c) An application and any documentary or other evidence supporting it must be supported by oath or affirmation, or by the signer's acknowledgment that a knowingly false statement is punishable as perjury.

§ 79.5 Investigation.

The Department of Transportation may make any investigation of an application that it deems appropriate, including the taking of testimony under oath or affirmation.

§ 79.7 Award.

If the Secretary of Transportation decides that it is warranted, the Secretary shall award the Medal on behalf of and in the name of the President of the United States.

§ 79.9 Design.

The Department is authorized to adopt and revise the existing designs for the award, rosette, and ribbon provided for by statute.

Issued in Washington, DC, on this 1st day of April, 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 96-9704 Filed 4-19-96; 8:45 am]

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Surface Transportation Board

49 CFR Part 1169

[STB Ex Parte No. 544]

Removal of Obsolete Regulations for Discontinuance of Bus Transportation in One State

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (the Board) is removing from the Code of Federal Regulations obsolete regulations concerning discontinuance of bus transportation in one state.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT:

Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA) abolished the Interstate Commerce Commission (ICC) and established the Board within the Department of Transportation. Section 204 of the ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

Under the Bus Regulatory Reform Act of 1982 (the Bus Act), state regulation of bus exit was relaxed. As here pertinent, section 16 of the Bus Act (codified at 49 U.S.C. 10935) provided a mechanism for bus companies to seek ICC permission to discontinue service on intrastate routes that form part of interstate routes when they have been denied permission by state regulatory bodies to discontinue such service.¹ *In Preemption of State Regulations—Regular-Route Exit*, 133 M.C.C. 20 (1982), the ICC issued rules,

¹ Under 49 U.S.C. 10935, discontinuance means total cessation of service or reducing the level of service to less than one trip per weekday (excluding Saturdays and Sundays).

found at 49 CFR 1169, to implement this statutory provision.

Pursuant to the ICCTA, 49 U.S.C. 10935 has been repealed. Because the section 10935 statutory basis for the part 1169 regulations for discontinuance of bus transportation in one state has been repealed, we are removing the now obsolete part 1169 regulations.²

Because this action merely reflects, and is required by, the enactment of the Act and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1169

Administrative practice and procedure, Buses, Motor Carriers.

Decided: April 9, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

PART 1169—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended by removing part 1169.

[FR Doc. 96-9788 Filed 4-19-96; 8:45 am]

BILLING CODE 4915-00-P

² We note that the repeal was not intended to reintroduce state regulation. Rather, under the preemption provisions of old 49 U.S.C. 11501(e), which were amended and recodified at 49 U.S.C. 14501(a), interstate or intrastate scheduling changes, including discontinuance and the reduction of the level of service on a carrier's interstate routes, are preempted from state regulation. The new law, we also note, leaves unchanged the ability of states to require notice, not to exceed 30 days, of schedule changes and discontinuances. As before, states may regulate intrastate commuter bus operations and strictly intrastate routes.