

**Waiver of Delay in Effective Date**

Pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to waive the delay in effective date and make these regulations effective in less than 30 days. The delay in effective date is being waived because agencies have begun their recruitment efforts and a delay would result in the postponement of job offers for positions that are made during the traditional summer season.

**Regulatory Flexibility Act**

I certify that these regulations will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations apply only to appointment procedures for certain employees in Federal agencies.

**List of Subjects in 5 CFR Parts 213 and 338**

Government employees, Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

**James B. King,**

*Director.*

Accordingly, OPM proposes to amend 5 CFR parts 213 and 338 as follows:

**PART 213—EXCEPTED SERVICE**

1. The authority citation for part 213 is revised to read as follows:

**Authority:** 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h), 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p.185; and 38 U.S.C. 4301 et seq.

**§ 213.3101 [Amended]**

2. In § 213.3101, paragraphs (b) [reserved] through (f) are removed; the paragraph designation in paragraph (a) is removed.

**PART 338—QUALIFICATION REQUIREMENTS (GENERAL)**

3. The authority citation for part 338 continues to read as follows:

**Authority:** 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218.

**Subpart B—[Reserved]**

4. In part 338, subpart B consisting of § 338.202, is removed and reserved.

[FR Doc. 97–10642 Filed 4–23–97; 8:45 am]

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**DEPARTMENT OF AGRICULTURE****Office of the Secretary****7 CFR Part 2****Revision of Delegations of Authority**

**AGENCY:** Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to reflect the establishment of the Risk Management Agency.

**EFFECTIVE DATES:** Effective April 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Siegler, Deputy Assistant General Counsel, General Law Division, Office of the General Counsel, Department of Agriculture, Room 2321–S, Washington, D.C. 20250, telephone 202–720–6035.

**SUPPLEMENTARY INFORMATION:** Section 194 of the Federal Agriculture Improvement and Reform Act of 1996, Public Law No. 104–127 (the Act), amended the Department of Agriculture Reorganization Act of 1994, to require the Secretary of Agriculture to establish an Office of Risk Management. The act provides that the functions of the Office of Risk Management are to supervise the Federal Crop Insurance Corporation; administer all programs authorized under the Federal Crop Insurance Act; administer any program that involves revenue sharing, risk management savings accounts, or the use of the futures market to manage risk and support farm income; and such other functions as the Secretary considers appropriate. On May 3, 1996, the Secretary established the Risk Management Agency.

The Federal Crop Insurance Corporation formerly was under the supervision of the Under Secretary for Farm and Foreign Agricultural Services, and the Administrator, Farm Service Agency. This document makes delegations to the Administrator, Risk Management Agency, and revises the delegations of authority to the Under Secretary for Farm and Foreign Agricultural Services, and the Administrator, Farm Service Agency, to reflect the establishment of the Risk Management Agency.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rule making and opportunity for comment are not required and good cause is found that this rule may be made

effective upon publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12866 and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 605), and thus is exempt from the provisions of that Act. Finally, this action is not a rule as defined in 5 U.S.C. 804, and thus does not require review by Congress.

**List of Subjects in 7 CFR Part 2**

Authority delegations (Government agencies).

**PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT**

Accordingly, 7 CFR part 2 is amended as follows:

1. The authority citation for part 2 continues to read as follows:

**Authority:** Sec. 212(a), Pub. L. 103–354, 108 Stat. 3210, 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949–1953 Comp., p. 1024.

**Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries**

2. Section 2.16 is amended by revising paragraphs (a)(4) and (b)(3) to read as follows:

**§ 2.16 Under Secretary for Farm and Foreign Agricultural Services.**

(a) \* \* \*

(4) *Related to risk management.* (i) Exercise general supervision of the Federal Crop Insurance Corporation.

(ii) Appoint such officers and employees as may be necessary for the transaction of the business of the Federal Crop Insurance Corporation and the Risk Management Agency.

(iii) Conduct pilot programs involving revenue insurance, risk management savings accounts, or the use of futures markets to manage risk and support farm income.

(iv) Provide education in management of the financial risks inherent in the production and marketing of agricultural commodities.

\* \* \* \* \*

(b) \* \* \*

(3) *Related to risk management.* (i) Appointment of those members of the Board of Directors of the Federal Crop Insurance Corporation who are not already otherwise employed by the Department of Agriculture, and as authorized in 7 U.S.C. 1505(a) designating an Under Secretary of

Agriculture to be a member of the Board in addition to the Under Secretary responsible for the Federal crop insurance program who is a Board member pursuant to 7 U.S.C. 1505(a).

(ii) Appointment of the Administrator of the Risk Management Agency who also shall serve as the Manager of the Federal Crop Insurance Corporation.

#### **Subpart F—Delegations of Authority by the Under Secretary for Farm and Foreign Agricultural Services**

##### **§ 2.42 [Amended]**

3. Section 2.42 is amended by removing and reserving paragraph (a)(41).

4. A new section 2.44 is added to subpart F to read as follows:

##### **§ 2.44 Administrator, Risk Management Agency and Manager, Federal Crop Insurance Corporation.**

(a) *Delegations.* Pursuant to § 2.16(a)(4), subject to reservations in § 2.16(b)(3), the following delegations of authority are made by the Under Secretary for Farm and Foreign Agricultural Services to the Administrator, Risk Management Agency, and Manager Federal Crop Insurance Corporation:

(1) Appoint such officers and employees as may be necessary for the transaction of the business of the Federal Crop Insurance Corporation and the Risk Management Agency.

(2) Conduct pilot programs involving revenue insurance, risk management savings accounts, or the use of futures markets to manage risk and support farm income.

(3) Provide education in management of the financial risks inherent in the production and marketing of agricultural commodities.

(b) [Reserved]

Dated: April 17, 1997.

For Subpart C:

**Dan Glickman,**

*Secretary of Agriculture.*

Dated: April 1, 1997.

For Subpart F:

**Dallas R. Smith,**

*Acting Under Secretary for Farm and Foreign Agricultural Services.*

[FR Doc. 97-10640 Filed 4-23-97; 8:45 am]

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## **DEPARTMENT OF AGRICULTURE**

### **Animal and Plant Health Inspection Service**

#### **7 CFR Part 330**

#### **9 CFR Part 94**

[Docket No. 93-037-2]

### **Garbage; Disposal by Cruise Ships in Landfills at Alaskan Ports**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations that apply to garbage that can introduce diseases or pests of livestock, poultry, or plants. This amendment will allow cruise ships to dispose of garbage in landfills at certain Alaskan ports. This will apply only to cruise ships that do not have prohibited or restricted meat or animal products in the vessel stores. This amendment to the regulations will reduce the cost of disposing of cruise ship garbage at Alaskan ports, while continuing to help prevent the spread of plant pests and livestock and poultry diseases into or within the United States.

**EFFECTIVE DATE:** May 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ronald B. Caffey, Assistant to the Deputy Administrator, Veterinary Medical Office, PPQ, APHIS, Suite 4C03, 4700 River Road Unit 129, Riverdale, MD 20737-1236, (301) 734-7633.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Our regulations concerning garbage are contained in 7 CFR 330.400 and 9 CFR 94.5 (referred to below as "the regulations"). The regulations in 7 CFR 330.400 and 9 CFR 94.5 are intended to prevent the dissemination of plant pests and animal diseases.

Garbage is defined in § 330.400(b) and § 94.5(a) as all waste material that is derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas or means of conveyance. Garbage also means meals and other food that were available for consumption by

passengers and crew on an aircraft, but were not consumed.

Certain garbage is regulated under our regulations. There are three categories of regulated garbage: (1) Garbage that is on or removed from a means of conveyance if, at the time the garbage is on or removed from the means of conveyance, the means of conveyance has been in any port outside the continental United States and Canada within the previous 2-year period (see §§ 330.400(c) and 94.5(b) for definition; see §§ 330.400(c)(1) and (c)(2) and §§ 94.5(b)(1) and (b)(2) for exceptions); (2) garbage that is on or removed from a means of conveyance if, at the time the garbage is on or removed from the means of conveyance, the means of conveyance has moved during the previous 1-year period, either directly or indirectly, to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or possession or from Hawaii; or to Hawaii from any territory or possession (see §§ 330.400(d) and 94.5(c) for definition; see §§ 330.400(d)(2) and 94.5(c)(2) for exceptions); and (3) garbage that is commingled with regulated garbage (see §§ 330.400(e) and 94.5(d)).

Under our regulations, regulated garbage must be stored in tight, leak-proof, covered receptacles on board a means of conveyance while the means of conveyance is in the territorial waters or while otherwise within the territory of the United States. Also, regulated garbage must be removed from the means of conveyance in tight, leak-proof receptacles under the direction of an Animal and Plant Health Inspection Service (APHIS) inspector to an approved facility for incineration, sterilization, or grinding into an approved sewage system, under supervision of an APHIS inspector. Regulated garbage may be removed for other handling in a manner and under such supervision as the Administrator, APHIS, may approve in specific cases. Other handling is approved only if it complies with the applicable laws for environmental protection and is adequate to prevent the dissemination of plant pests and livestock or poultry diseases into or within the United States. (See §§ 330.400(g)(1) and 94.5(f)(1).)

Garbage can also be disposed of outside the territorial limits of the United States by dumping or in on-board incinerators, sterilizers, or grinders. However, these methods are limited to certain situations and are often impractical.

On April 5, 1996, we published in the **Federal Register** (61 FR 15201-15204,