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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 amends the delegations of authority from the Secretary of Agriculture to other General Officers and agency heads to delegate to the Director, Hazardous Materials Management Group authority to carry out certain duties related to hazardous materials management.

EFFECTIVE DATE: December 29, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas Fox, Attorney, Office of the General Counsel, United States Department of Agriculture, Room 3351 South Building, Washington, DC 20250, (202) 720-6715.

SUPPLEMENTARY INFORMATION: On January 15, 1999, the Secretary of Agriculture established the USDA Hazardous Materials Policy Council (Council) to direct the USDA Hazardous Materials Management and Federal Facilities Compliance Program (Program). By Memorandum dated April 14, 1999, the Secretary decided to strengthen the Program within the Department by assigning to the Counsel lead responsibility for hazardous materials management and Federal facilities compliance. Also, the Secretary directed that the executive director of the Council serve as the Director of the Hazardous Materials Management Group, the group that acts as technical and program staff to the Council. The decision was based upon the fact that the Department had a decentralized arrangement for the implementation of the program and needed to improve coordination among the agencies of the Department. This

final rule delegates responsibilities to the director of the Hazardous Materials Management Group.

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.

Further, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order No. 12866 and No. 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), and thus is exempt from 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).

Accordingly, 7 CFR Part 2 is amended as follows:

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

1. The authority citation for Part 2 is revised to read as follows:

Authority: 5 U.S.C. 301; Reorganization Plan No. 2 of 1953; 3 CFR 1949-1953 Comp., p. 1024.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. Section 2.25 is added in subpart D to read as follows:

§ 2.25 Director, Hazardous Materials Management Group.

(a) The following delegations of authority are made by the Secretary of Agriculture to the Director, Hazardous Materials Management Group.

(1) Serve as Executive Director of the USDA Hazardous Materials Policy Council.

(2) Represent USDA is consulting or working with the Environmental Protection Agency (EPA), the Council on Environmental Quality, the Domestic Policy Council, and others to develop policies relating to hazardous materials management and Federal facilities compliance.

(3) Monitor, review, evaluate, and oversee hazardous materials

management program activities and compliance Department-wide.

(4) Monitor, review, evaluate, and oversee USDA agency expenditures for hazardous materials management program accomplishments.

(5) Coordinate for the USDA Hazardous Materials Policy Council the presentation of the USDA Hazardous Waste Management appropriation budget request to the Office of Management and Budget (OMB) and Congress.

(6) Prepare for the USDA Hazardous Materials Policy Council the hazardous materials management program budget and accomplishment reports to Congress, OMB, and EPA and take a lead role in the preparation of replies to Congressional inquiries.

(7) Represent USDA on the National Response Team on hazardous spills and oil spills pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601, *et seq.*); the Clean Water Act, as amended (33 U.S.C. 1251, *et seq.*); Oil Pollution Act, as amended (33 U.S.C. 2701, *et seq.*); Executive Order 12580, 3 CFR, 1987 Comp., p. 193; Executive Order 12777, 3 CFR, 1991 Comp., p. 351, and the National Contingency Plan, 40 CFR Part 300.

(8) Approve disbursements from the New World Mine Response and Restoration Account, approve the New World Mine Response and Restoration Plan, and make quarterly reports to Congress under Sections 502(d) and (f) of Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Public Law 105-83.

(9) Provide program leadership and oversight for USDA compliance with applicable pollution control laws and executive orders, including Executive Order 13148, Greening of the Government Through Leadership in Environmental Management.

(10) Ensure that the Hazardous Materials Management Program Department-wide is accomplished with regard to, and in compliance with, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and low-Income Populations.

(11) Take such action as may be necessary, with the affected agency head and with the concurrence of the General

Counsel, including issuance of administrative orders and agreements with any person to perform any response action under sections 106(a) and 122 (except subsection (b)(1)) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9606(a), 9622), pursuant to sections 4(c)(3) and 4(d)(3) of Executive Order 12580, as amended by Executive Order 13016.

(12) Receive administrative support from the Assistant Secretary for Administration.

(b) [Reserved]

Dated: December 14, 2000.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 00-32405 Filed 12-28-00; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1439

RIN 0560-AG33

Livestock Indemnity Program for Contract Growers

AGENCIES: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule implements provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (the 2001 Act) related to the Livestock Indemnity Program for Contract Growers (LIP-CG). That statute amended the time period during which eligible losses could have occurred and the Commodity Credit Corporation (CCC) is publishing this rule to extend the availability of benefits under LIP-CG to include benefits for livestock losses incurred during the period January 1, 2000 through February 7, 2000. Other provisions of the Act will be implemented under separate rules.

DATES: Effective December 27, 2000.

ADDRESSES: Comments should be mailed to: Sharon Biastock, Production, Emergencies, and Compliance Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave., SW., Washington, DC 20250-0540, telephone (202) 720-6336, Stop 0517; e-mail address: sharon_biastock@wdc.fsa.usda.gov. Comments can be inspected in Room 4093, South Building, U.S. Department of Agriculture, 1400 Independence Ave., SW., Washington, DC, between 7:30

a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT:

Sharon Biastock, Price Support Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave., SW., Washington, DC 20250-0540, telephone (202) 720-6336, Stop 0517; e-mail address: sharon_biastock@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Notice and Comment

CCC published a final rule implementing the LIP-CG on June 8, 2000 at 65 FR 36550, as provided by the Omnibus Consolidated Appropriations Act, 2000 (Pub. L. 106-113), which added funding to the emergency livestock assistance provided by section 802 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (Pub. L. 106-78) and authorized its use for emergency assistance to contract growers during 1999. Section 824 of Public Law 106-78 required that the regulations necessary to implement the livestock assistance provisions be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture (the Secretary) effective July 24, 1971 (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. The 2001 Act amended Public Law 106-113 to extend the time frame for losses compensable under LIP-CG, and thus supercedes the existing regulations. Because this rule merely amends the regulations previously published as a final rule exempt from notice and comment, Congress intended for the statutory amendment to the program and the necessary regulatory amendments to be similarly exempt. These provisions are thus issued as final.

Executive Order 12866

This rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Unfunded Mandates Reform Act of 1995

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. Further, in any case, these provisions do not impose any mandates on state, local or tribal governments, or the private sector.

Small Business Regulatory Enforcement Fairness Act of 1996

As discussed in the earlier section on Notice and Comment, section 824 of Public Law 106-78 required that the regulations necessary to implement the emergency livestock assistance provisions be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. Section 824 also required that the Secretary use the provisions of section 808 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) (5 U.S.C. 808), which provides that a rule may take effect at such time as the agency may determine if the agency finds for good cause that public notice is impracticable, unnecessary, or contrary to the public purpose, and thus