

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.

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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,

Docket No. 93-037-1), a proposal to amend the regulations in 7 CFR part 330 and 9 CFR part 94 to allow certain cruise ships to dispose of garbage in landfills at Alaskan ports.

We solicited comments concerning our proposal for 60 days ending June 4, 1996. We received 2 comments by that date. They were both from cruise ship industry representatives.

One commenter supported the proposed rule, as written, in its entirety.

The other commenter suggested three changes: First, clarify that the regulation as proposed would apply to individual ships rather than to a company's entire fleet; second, allow ships to "incidentally" traverse international waters between Alaskan and Canadian ports; and third, allow ships to visit west coast U.S. ports outside of Alaska.

We have carefully considered these suggestions and determined that all of them are worthwhile. We are therefore amending the proposed regulation to adopt them. As requested, we are amending the proposed regulation to clarify that it applies to individual ships rather than to a company's entire fleet. This was always our intention. We are also amending the proposed regulation to allow cruise ships to incidentally enter international waters in order to safely navigate between ports along the rugged coast of Alaska and Canada. Such movements through international waters should pose no disease risk.

In addition, we are amending the proposed regulations to provide that cruise ships may include United States or Canadian ports of call in their Alaska cruise itinerary. Such cruise ships calling at ports on the west coast of the United States or Canada can obtain stores only of United States or Canadian origin. This would not change the stores status of the vessel, i.e., whether the vessel has restricted or prohibited materials on board.

However, cruise ship operators should note that garbage offloaded from those vessels at West Coast ports will be required to be incinerated or sterilized, because it is considered regulated garbage under §§ 330.400(c) and 94.5(b). Although, as explained in our proposed rule, the climate, the types and location of animals in Alaska, and other conditions in Alaska where landfills are located, result in an insignificant risk of pest or disease spread from garbage from such cruise ships. However, the climate, types and location of animals, and other conditions at ports on the west coast of the lower 48 states are very different. Material which poses an insignificant risk if disposed of in Alaska under the conditions which exist there could pose a significant risk if disposed of at a port

elsewhere in the United States. This is especially true for materials which might transmit plant pests or diseases.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

There is a shortage of incinerators and sterilizers accessible to cruise ships in Alaska. Incinerators are now available to dispose of regulated maritime garbage only at Juneau, Ketchikan and Sitka. Sterilizers to dispose of maritime garbage are not available. Further, it is impractical for cruise ships to dispose of all regulated garbage in on-board incinerators or grinders, or by dumping on the high seas.

During the period when cruise ship garbage is incinerated, the total volume of garbage is too great for all of the garbage to be incinerated. We are, therefore, currently allowing certain cruise ships to dispose of regulated garbage in landfills at Alaskan ports. These are ships which have no prohibited or restricted meat or animal products on board at the time they enter Alaskan waters, and which remain in Alaskan or Canadian waters during the entire cruise season. Therefore, no major change in current practice is required.

Allowing for the continued use of landfills will have a beneficial economic impact on cruise ships, as landfill disposal is less expensive than incineration. Our information indicates that none of the cruise ships that will be affected by this rule is U.S.-owned and none is classified as a "small" entity (defined as having fewer than 500 employees, according to Small Business Administration (SBA) size criteria.)

We also foresee no economic impact on incinerator or landfill owners. The Administrator has authority, in specific cases, to approve the removal of regulated garbage in a manner that is adequate to prevent the dissemination of plant pests and livestock or poultry diseases into the United States. Under this authority, the Administrator has already approved, on a case by case basis, the removal of regulated garbage from cruise ships to Alaskan landfills. Because the amendments to the regulations only change these case by

case exceptions generally granted to a rule of general applicability, there should be no impact of any kind on incinerator or landfill operations.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The alternatives to this rule would be to take no action or to prohibit disposal of all cruise ship garbage in landfills at Alaskan ports. We do not consider prohibiting such garbage disposal a reasonable alternative. Prohibiting such garbage disposal would disrupt industry operations without any salutary effect on disease or pest risk. We also do not consider doing nothing a reasonable alternative. Doing nothing would continue the case by case exceptions which are now granted without giving notice to the public.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the conclusion that the disposal, in landfills at Alaskan ports, of garbage from cruise ships under the conditions specified in this rule will not present a risk of introducing or disseminating plant or animal diseases or pests and will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on

Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 330

Customs duties and inspections, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 330 and 9 CFR part 94 are amended as follows:

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

1. The authority citation for part 330 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd–150ff, 161, 162, 164a, 450, 2260; 19 U.S.C. 1306; 21 U.S.C. 111, 114a; 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 330.400, paragraph (g)(1), a new sentence is added at the end of the paragraph to read as follows:

§ 330.400 Regulation of certain garbage.

* * * * *

(g)(1) * * * *Provided that*, a cruise ship may dispose of regulated garbage in landfills at Alaskan ports only, if and only if the cruise ship does not have prohibited or restricted meat or animal products on board at the time it enters

Alaskan waters for the cruise season, and only if the cruise ship, except for incidental travel through international waters necessary to navigate safely between ports, remains in Canadian and U.S. waters off the west coast of North America, and calls only at continental U.S. and Canadian ports during the entire cruise season.

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PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

3. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, and 4332; 7 CFR 2.22, 2.80, and 371.2(d)

4. In § 94.5, paragraph (f)(1), a new sentence is added at the end of the paragraph to read as follows:

§ 94.5 Regulation of certain garbage.

* * * * *

(f)(1) * * * *Provided that*, a cruise ship may dispose of regulated garbage in landfills at Alaskan ports only, if and only if the cruise ship does not have prohibited or restricted meat or animal products on board at the time it enters Alaskan waters for the cruise season, and only if the cruise ship, except for incidental travel through international waters necessary to navigate safely between ports, remains in Canadian and U.S. waters off the west coast of North America, and calls only at continental U.S. and Canadian ports during the entire cruise season.

* * * * *

Done in Washington, DC, this 18th day of April 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–10654 Filed 4–23–97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 340

[Docket No. 95–040–2]

RIN 0579–AA73

Genetically Engineered Organisms and Products; Simplification of Requirements and Procedures for Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations pertaining to genetically engineered plants introduced under notification and to the petition process for the determination of nonregulated status. The notification amendments allow most genetically engineered plants that are considered regulated articles to be introduced under the notification procedure, provided that the introduction meets certain eligibility criteria and performance standards. The petition amendments enable the Animal and Plant Health Inspection Service to extend an existing determination of nonregulated status to certain additional regulated articles that are closely related to an organism for which a determination of nonregulated status has already been made. We have prepared guidelines to provide additional information to developers of regulated articles and other interested persons regarding procedures, methods, scientific principles, and other factors that could be considered in support of certain actions under the regulations, and anticipate developing other such guidelines when appropriate for other actions. We are also reducing the field test reporting requirements for certain multi-year field trials conducted under permit or notification procedures.

The amendments simplify procedures for the introduction of certain genetically engineered organisms, requirements for certain determinations of nonregulated status, and procedures for the reporting of field tests conducted under notification. We are also changing all references to “Biotechnology, Biologics, and Environmental Protection” to “Animal and Plant Health Inspection Service” to reflect an internal reorganization within the Agency.

DATES: Effective May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. John Payne, Director, Biotechnology and Scientific Services, PPQ, APHIS, 4700