

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 2

#### Delegations of Authority By the Secretary of Agriculture and General Officers of the Department

**AGENCY:** Office of the Secretary, USDA.  
**ACTION:** Final rule.

**SUMMARY:** The "Service First" initiative is an agency-wide joint pilot program between the Forest Service and the Bureau of Land Management (BLM) of the U.S. Department of the Interior to promote customer service and efficiency in the management of public lands and National Forest System lands. This final rule delegates authority from the Secretary of Agriculture to the Under Secretary for Natural Resources and Environment to enter into pilot projects with BLM and, where appropriate, to delegate to BLM employees the authority to perform Forest Service duties. This rule also further delegates this authority from the Under Secretary for Natural Resources and Environment to the Chief of the Forest Service.

**EFFECTIVE DATE:** This rule is effective September 20, 2002.

**FOR FURTHER INFORMATION CONTACT:** Bill Delaney, Office of Communication, Forest Service, (202) 205-0974.

**SUPPLEMENTARY INFORMATION:** Section 331 of the fiscal year 1998 Department of the Interior and Related Agencies Appropriations Act (Pub. L. 105-83; November 14, 1997) and Section 330 of the fiscal year 2001 Department of the Interior and Related Agencies Appropriations Act (Pub. L. 106-291; October 11, 2000) authorize the Secretaries of Agriculture and the Interior to make reciprocal delegations of their respective authorities, responsibilities, and duties in support of the "Service First" initiative to promote

customer service and efficiency in the management of public lands and National Forest System lands.

In the initial implementation of the "Service First" initiative, the Secretary of Agriculture delegated authority to establish "Service First" pilots and to make reciprocal delegations to Bureau of Land Management (BLM) officials to the Chief of the Forest Service through Secretary's Memorandums, which are part of USDA's internal directive system. Further delegations from the Chief to lower-level Forest Service officials, as necessary to carry out the goals of joint pilot projects, were made through Interim Directive No. 1230-2001-1 to Chapter 1230—Delegations of Authority and Responsibility, of the Forest Service Manual (36 CFR 200.4).

Congress has now authorized establishment of pilot projects across the agency through fiscal year 2005 (Pub. L. 106-291). Accordingly, it is more efficient to provide for a continuing delegation of authority to the Chief through issuance of a rule to Title 7, Code of Federal Regulations, Part 2—Delegations of Authority by the Secretary of Agriculture and General Officers of the Department. Therefore, this final rule amends 7 CFR 2.20 and 2.60 to delegate authority from the Secretary of Agriculture to the Under Secretary for Natural Resources and Environment and to further delegate authority to the Chief of the Forest Service to enter into pilot projects with BLM and to delegate to BLM employees the authority to perform FS duties. Should Congress extend the pilot project authority beyond September 30, 2005, make the Service First authority a continuing authority, or decide not to renew the authority, the Department will revise 7 CFR 2.20 and 2.60 as needed to conform to future legislative action.

This rule relates solely to internal agency management. Therefore, pursuant to 5 U.S.C 553, notice of a proposed rulemaking and opportunity to comment are not required. For this same reason, this rule is also exempt from the provisions of Executive Order No. 12866 on Federal Regulations and Executive Order No. 12988 on Civil Justice Reform. 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 the provisions of that Act. Accordingly, as

authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104-121, this rule may be made effective immediately upon publication in the **Federal Register**.

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

Authority delegations (Government agencies).

Therefore, for the reasons set forth in the preamble, part 2 of title 7 of the Code of Federal Regulations 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 continues to read:

**Authority:** 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. Amend § 2.20 by adding a new paragraph (a) (2) (xxxix) to read as follows:

##### § 2.20 Under Secretary for Natural Resources and Environment.

(a) \* \* \*

(2) \* \* \*

(xxxix) Enter into pilot projects with the Bureau of Land Management (BLM), U.S. Department of the Interior, in support of the Service First initiative for the purpose of promoting customer service and efficiency in managing National Forest System lands and public lands and delegate to BLM employees those Forest Service authorities necessary to carry out pilot projects (Public Law 106-291).

\* \* \* \* \*

#### Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

3. Amend § 2.60 by adding a new paragraph (a) (48) to read as follows:

##### § 2.60 Chief, Forest Service.

(a) \* \* \*

(48) Enter into pilot projects with the Bureau of Land Management (BLM), U.S. Department of the Interior, in support of the Service First initiative for the

purpose of promoting customer service and efficiency in managing National Forest System lands and public lands and delegate to BLM employees those Forest Service authorities necessary to carry out those pilot projects (Pub. L. 106-291).

\* \* \* \* \*

Dated: September 10, 2002.

For Subpart C:

**Ann M. Veneman,**

*Secretary of Agriculture.*

Dated: August 30, 2002.

For Subpart J:

**Mark Rey,**

*Under Secretary for Natural Resources and Environment.*

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 02-089-1]

#### Change in Disease Status of Denmark Because of Exotic Newcastle Disease

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations by removing Denmark from the list of regions considered free of exotic Newcastle disease. We are taking this action because Denmark has confirmed an outbreak of exotic Newcastle disease. This action restricts the importation of poultry carcasses, parts or products of poultry carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from Denmark. This action is necessary to help prevent the introduction of exotic Newcastle disease into the United States.

**DATES:** This rule is effective retroactively to July 16, 2002. We will consider all comments that we receive on or before November 19, 2002.

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02-089-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 02-089-1. If you

use e-mail, address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 02-089-1" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Gary Colgrove, Chief Staff Veterinarian, Sanitary Trade Issues Team, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-4356.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of specified animals and animal products into the United States in order to prevent the introduction of various animal diseases. The regulations in § 94.6 govern, among other things, the importation of poultry carcasses, parts or products of poultry carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions where exotic Newcastle disease (END) is considered to exist. END is considered to exist in all regions not listed in § 94.6(a)(2).

END is a contagious and fatal viral disease affecting all species of birds. Previously known as velogenic viscerotropic Newcastle disease, END is considered one of the most infectious diseases of poultry in the world. The disease is so virulent that some birds die without exhibiting any symptoms, and a death rate of nearly 100 percent can occur in unvaccinated flocks. END can also infect and kill vaccinated poultry.

The disease is spread primarily through direct contact between healthy birds and the bodily discharges, including droppings and secretions from the nose, mouth, and eyes of infected birds. END incubation ranges

from 2 to 15 days, and infected birds may present a variety of respiratory and digestive symptoms before they die. Egg production may decrease or cease entirely.

Under § 94.6, poultry carcasses, and parts and products of poultry carcasses may be imported into the United States from regions where END exists only if they have been cooked or are consigned directly to an approved establishment in the United States. Eggs (other than hatching eggs) of poultry, game birds, or other birds from regions where END exists may be imported into the United States only if: (1) They are accompanied by a health certificate regarding the flock of origin and meet certain other conditions; (2) they are consigned directly to an approved establishment for breaking and pasteurization; (3) they are imported under permit for scientific, educational, or research purposes; or (4) they are imported under permit and have been cooked or processed and will be handled in a manner that prevents the introduction of END into the United States.

Further, poultry carcasses, parts or products of poultry carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds that do not qualify for entry into the United States under one of these conditions may transit the United States via air and sea ports under the conditions set out in § 94.15(d).

On July 16, 2002, Denmark reported a confirmed case of END to the Office International des Epizooties. Therefore, in order to prevent the introduction of END into the United States, we are amending § 94.6(a)(2) by removing Denmark from the list of regions considered to be free of END. This action restricts the importation of poultry carcasses, parts or products of poultry carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from Denmark. We are making this amendment effective retroactively to July 16, 2002, which is the date that END was confirmed in that region.

Although we are removing Denmark from the list of regions considered free of END, we recognize that Denmark immediately responded to the outbreak of END by imposing restrictions on the movement of poultry and poultry products within its borders and initiating measures to eradicate the disease. At this time, it appears that the outbreak is well-controlled. Considering Denmark's efficient response to the outbreak, we intend to reassess their END status at a future date. During the reassessment, we will consider all comments we receive on this interim