

juice for chaptalization will be included as ameliorating material. * * *

Par. 3. In § 24.180, revise the second sentence to read as follows:

§ 24.180 Use of concentrated and unconcentrated fruit juice.

* * * Concentrated fruit juice reduced with water to any degree of Brix greater than 22 degrees Brix may be further reduced with water to any degree of Brix between its original density and 22 degrees Brix. * * *

PART 252—EXPORTATION OF LIQUORS

Par. 4. The authority citation for part 252 continues to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805; 27 U.S.C. 203, 205; 44 U.S.C. 3504(h).

Par. 5. In § 252.62, revise the second sentence of paragraph (c) to read as follows:

§ 252.62 Bond, Form 2735 (5100.30).

(c) * * * The exporter may reapportion the bond coverage, if changing conditions make this necessary, by filing a consent of surety, ATF Form 1533 (5000.18), for approval by the Director of Industry Operations (DIO).

* * *

Signed: June 25, 1999.

John W. Magaw,
Director.

Approved: June 12, 1999.

John P. Simpson
Deputy Assistant Secretary,
(Regulatory, Tariff and Trade Enforcement).
[FR Doc. 99-22290 Filed 8-26-99; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF JUSTICE

28 CFR Part 0

[AG Order No. 2250-99]

Personnel and Administrative Authorizations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule transfers the current delegations of authority for personnel and certain administrative matters affecting General Schedule grades GS-1 through GS-15 and wage board

positions in the Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA) contained in the Department of Justice regulations. The rule also revises the regulations to add delegations of authority for the Office of Justice Programs, the Executive Office for Immigration Review, and the Executive Office for United States Trustees. This revision consolidates the delegated authority for General Schedule grades GS-1 through GS-15 and wage board positions for all bureaus in one section. Finally, this rule publishes the definition of "career employee in the civil service" as it applies to the FBI-DEA Senior Executive Service (SES) and clarifies the authority delegated to the Deputy Attorney General will respect to personnel in the FBI-DEA SES.

EFFECTIVE DATE: August 17, 1999.

FOR FURTHER INFORMATION CONTACT:

Valerie M. Willis, Assistant Director, Executive Resources Group, Personnel Staff, Department of Justice, National Place Building, Suite 1170, 1331 Pennsylvania Avenue, NW, Washington, DC 20530, telephone (202) 514-6794.

SUPPLEMENTARY INFORMATION: The Department is consolidating in 28 CFR 0.138 the delegated authority for General Schedule grades GS-1 through GS-15 and wage board positions for all Department components. These delegations were previously included in two separate sections: 28 CFR 0.137 (delegations to the FBI and DEA) and 28 CFR 0.138 (delegations to bureaus. Because section 0.138 currently does not include all the components within the Department, this rule adds the Office of Justice Programs, the Executive Office for Immigration Review, and the Executive Office for United States Trustees to the components listed in section 0.138, thereby consolidating in one section delegations for all Department components.

This rule also publishes the definition of the term "career employee in the civil service" as it applies to eligibility for selection to the FBI-DEA SES in section 0.157. As provided in 5 U.S.C. 3151 (b)(2)(B), the Attorney General and the Director of the Office of Personnel Management have consulted and agreed to the definition of "career employee in the civil service" added to section 0.157.

Section 0.157 has also been modified to clarify the authority delegated to the Deputy Attorney General. It has been revised further to remove current redelegations. Redelegations will be made in internal guidance. Making redelegations by such guidance will allow greater flexibility to the

Department to redelegate when it is in the interest of the Department to do so, e.g., where reorganizations occur within the DEA or the FBI.

Administrative Procedure Act 5 U.S.C. 553

This rule is a rule of agency organization and is therefore exempt from the notice requirement of 5 U.S.C. 553(b). This rule is made effective upon signature.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Attorney General has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The rule pertains only to personnel and administrative matters affecting the Department.

Executive Order 12866

This action has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866 section 3(d)(3) and therefore is not a "regulation" or "rule" as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were

deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write to Valerie M. Willis, (202) 514-6794.

Congressional Review Act

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of non-agency parties. Accordingly, it is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 804. Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

According, part 0 of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301, 3151; 28 U.S.C. 509, 510, 515-519.

§ 0.137 [Removed and Reserved]

2. Section 0.137 of Subpart X is removed and reserved.

3. Section 0.138 is revised to read as follows:

§ 0.138 Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, United States Marshals Service, Office of Justice Programs, Executive Office for Immigration Review, Executive Office for United States Attorneys, Executive Office for United States Trustees.

(a) The Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization Service, the Director of the United States Marshals Service, the Assistant Attorney General for the Office of Justice Programs, the Director of the Executive Office for Immigration Review, the Director of the Executive Office for United States Attorneys, and the Director of the Executive Office for United States Trustees are, as to their

respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, awards, classification, and separation) of personnel in General Schedule grades GS-1 through GS-15 and in wage board positions, but excluding therefrom all attorney and U.S. Marshal positions. Such officials are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)).

(b) All personnel actions taken under this section shall be subject to post-audit and correction by the Assistant Attorney General for Administration.

4. Section 0.157 is amended by removing paragraph (e) and revising paragraphs (b) through (d) to read as follows:

§ 0.157 Federal Bureau of Investigation-Drug Enforcement Administration Senior Executive Service.

* * * * *

(b) Pursuant to 5 U.S.C. 3151(b)(2)(B), a career employee in the civil service is one who occupies, or who within the last 5 years occupied, a permanent position in the competitive service, a career-type permanent position in the excepted service, or a permanent position in the SES while serving under a career appointment. A career-type permanent position in the excepted service does not include:

(1) A Schedule C position authorized under 5 CFR 213.3301;

(2) A position that meets the same criteria as a Schedule C position; and

(3) A position where the incumbent is traditionally removed upon a change in Presidential Administration.

(c) Except as to the position of Deputy Director of the FBI (which remains subject to the exclusive authority of the Attorney General), the FBI-DEA SES is subject to the overall supervision and direction of the Deputy Attorney General, who shall ensure that the FBI-DEA SES is designed and administered in compliance with all statutory and regulatory requirements.

(d) The Attorney General retains the authority to recommend members of the FBI-DEA SES for Presidential Rank Awards.

Dated: August 17, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99-22349 Filed 8-26-99; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1917 and 1918

RIN 1218-AB33

Powered Industrial Truck Operator Training; Stay of Compliance Dates

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; Stay of compliance dates.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is staying the compliance date for the new Powered Industrial Truck Operator Training Standard as it applies to employers in the Marine Terminal and Longshoring Industries from December 1, 1999, until March 1, 2000. The compliance date of the standard for employers in General Industry, Shipyards and Construction remains December 1, 1999.

DATES: The effective date of this document is August 27, 1999.

The effective date for the new Powered Industrial Truck Operator Training Standard, published December 1, 1998 (63 FR 66238), is March 1, 1999.

Compliance Dates: The dates by which powered industrial truck operators must be trained and evaluated pursuant to the new standard in the Marine Terminal and Longshoring Industries are shown on the following table.

If the employee was hired	The initial training and evaluation of that employee must be completed
Before March 1, 2000 After March 1, 2000 ..	By March 1, 2000. Before the employee is assigned to operate a powered industrial truck.

Until operators are trained and evaluated pursuant to the new standard, employers in the Marine Terminal and Longshoring Industries must remain in compliance with OSHA's prior powered industrial truck operator training standards: 29 CFR 1917.27 (1998) for marine terminals; and 29 CFR 1918.98 (1998) for longshoring.