

# 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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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 537

RIN 3206-AK37

#### Repayment of Student Loans

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing final regulations to implement provisions of the Federal Employee Student Loan Assistance Act which increase the maximum amounts Federal agencies are authorized to repay under the Federal student loan repayment program.

**DATES:** The regulations are effective April 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Gene Holson by telephone at (202) 606-2858; by fax at (202) 606-0824; or by e-mail at [pay-performance-policy@opm.gov](mailto:pay-performance-policy@opm.gov).

#### SUPPLEMENTARY INFORMATION:

The Office of Personnel Management (OPM) is issuing final regulations to implement provisions of the Federal Employee Student Loan Assistance Act (Pub. L. 108-123, Nov. 11, 2003) which increase the maximum amounts Federal agencies are authorized to repay under the Federal student loan repayment program. The Act amended 5 U.S.C. 5379, which provides agencies with the authority to repay student loans on behalf of candidates for Federal jobs or current Federal employees to recruit and retain highly qualified personnel. The statutory amendment increases the limitations on payments authorized by an agency from \$6,000 to \$10,000 per employee in any calendar year and from \$40,000 to a total of \$60,000 for any one employee. Subsequently, section 1123 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-

136, November 24, 2003) also contained an amendment to 5 U.S.C. 5379 to increase the maximum amount Federal agencies are authorized to repay under the Federal student loan repayment program from \$6,000 to \$10,000 for any one employee in a calendar year.

#### Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5 of the United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. These regulations implement Pub. L. 108-123, which became effective on November 11, 2003. The waiver of the requirements for proposed rulemaking and a delay in the effective date are necessary to ensure timely implementation of the law as intended by Congress.

#### E.O. 12866, Regulatory Review

The Office of Management and Budget has reviewed this rule in accordance with E.O. 12866.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will apply to only Federal agencies and employees.

#### List of Subjects in 5 CFR Part 537

Administrative practice and procedure, Government employees, Wages.

Office of Personnel Management.

**Kay Coles James,**  
*Director.*

■ Accordingly, OPM is amending 5 CFR part 537 as follows:

#### PART 537-REPAYMENT OF STUDENT LOANS

■ 1. The authority citation for part 537 continues to read as follows:

**Authority:** 5 U.S.C. 5379.

■ 2. In § 537.106, paragraphs (c)(1) and (c)(2) are revised to read as follows:

#### § 537.106 Procedures for making loan repayments.

\* \* \* \* \*

(c) \* \* \*

(1) \$10,000 per employee per calendar year; and

(2) A total of \$60,000 per employee.

\* \* \* \* \*

[FR Doc. 04-8939 Filed 4-19-04; 8:45 am]

**BILLING CODE 6325-39-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 03-082-2]

#### Golden Nematode; Regulated Area

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting as a final rule, with one change, an interim rule that amended the golden nematode regulations by adding a field in Steuben County, NY, to the list of generally infested regulated areas. In this document, we are making an editorial change in order to correct a reference in the regulations. The interim rule was necessary to prevent the artificial spread of golden nematode to noninfested areas of the United States.

**DATES:** *Effective Date:* May 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dr. Vedpal Malik, Agriculturalist, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-6774.

#### SUPPLEMENTARY INFORMATION:

#### Background

The golden nematode (*Globodera rostochiensis*) is a destructive pest of potatoes and other solanaceous plants. Potatoes cannot be economically grown on land which contains large numbers of the nematode. The golden nematode has been determined to occur in the United States only in parts of New York.

The golden nematode regulations (contained in 7 CFR 301.85 through 301.85-10 and referred to below as the regulations) list two entire counties and portions of seven other counties in the State of New York as regulated areas and restrict the interstate movement of regulated articles from those areas. Such restrictions are necessary to prevent the artificial spread of the golden nematode to noninfested areas of the United States.

In an interim rule effective and published in the **Federal Register** on January 5, 2004 (69 FR 247–249, Docket No. 03–082–1), we amended the regulations to add a field in Steuben County, NY, to the list of generally infested regulated areas. This action was necessary to prevent the artificial spread of golden nematode to noninfested areas of the United States.

We solicited comments concerning the interim rule for 60 days ending March 5, 2004. We did not receive any comments. However, after the interim rule was published, we noted an editorial error in the regulations. Specifically, the regulations at § 301.85(b)(6)(iii) incorrectly reference the location of certain treatment requirements for Irish potatoes harvested from a field where golden nematode is present. In this final rule, we are correcting that reference.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule with the change discussed in this document.

This final rule also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, the interim rule amending 7 CFR part 301 that was published at 69 FR 247–249 on January 5, 2004, is adopted as a final rule with the following change:

#### PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

#### § 301.85 [Amended]

■ 2. In § 301.85, paragraph (b)(6)(iii) is amended by removing the words “paragraph (b)(6)(ii)(A), (B), or (C)” and adding the words paragraph (b)(6)(iii)(A), (B), or (C)” in their place.

Done in Washington, DC, this 14th day of April, 2004.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 04–8895 Filed 4–19–04; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 93

[Docket No. 99–071–3]

#### Cattle From Australia and New Zealand; Testing Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations regarding the importation of cattle to exempt cattle imported from Australia and from New Zealand from testing for brucellosis prior to their export to the United States. We have determined that the testing of cattle imported from Australia and New Zealand for brucellosis is not necessary to protect livestock in the United States from the disease. This action relieves certain testing requirements for cattle imported from Australia and New Zealand while continuing to protect against the introduction of communicable diseases of cattle into the United States.

**EFFECTIVE DATE:** April 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dr. Anne Goodman, Supervisory Staff Officer, Regionalization and Evaluation Services Staff, 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 93 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including brucellosis and tuberculosis. Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*. In its principal animal hosts, brucellosis may cause abortion and impaired fertility. Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. It affects cattle, bison, deer, elk, goats, and other

species, including humans. Bovine tuberculosis in infected animals and humans manifests itself in lesions of the lung, lymph nodes, and other body parts, causes weight loss and general debilitation, and can be fatal.

Paragraph (a) of § 93.406 includes procedures for the importation of cattle from other parts of the world into the United States. This paragraph details tuberculosis and brucellosis testing and certification requirements for all cattle offered for importation from any part of the world, except those intended for immediate slaughter.

On April 20, 2001, we published in the **Federal Register** (66 FR 20211–20213, Docket No. 99–071–1) a proposal to amend the regulations by exempting cattle from Australia and New Zealand from testing for brucellosis prior to their export to the United States, and by exempting cattle from Australia from testing for tuberculosis prior to their export to the United States. These proposed changes were based on requests from Australia and New Zealand. In accordance with the provisions of 9 CFR part 92 for requesting recognition of the animal health status of a country or other region, when Australia and New Zealand requested exemption from the brucellosis testing requirements and Australia from the tuberculosis testing requirements, both countries submitted extensive documentation to the Animal and Plant Health Inspection Service (APHIS) that included information regarding disease history and control, livestock demographics and marketing practices, surveillance, and veterinary policies and infrastructure. The information was considered in assessing the disease risk of importing live cattle from those two countries under the conditions of the proposed rule and documented Australia and New Zealand's freedom from the diseases in question. (The information submitted by Australia and New Zealand, along with the risk assessment, may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** and may be viewed on the Internet at <http://www.aphis.usda.gov/vs/ncie/reg-request.html>.)

Following publication of the proposed rule, however, we were made aware of two outbreaks of tuberculosis that had occurred in Queensland, Australia, after we had completed our risk assessment. In order to take these outbreaks into account, we are conducting an updated assessment of the risk of tuberculosis from cattle imported from Australia and are not making final in this document our proposed provisions to exempt cattle from Australia from tuberculosis