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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 841

RIN 3206-AI83

Retirement and Insurance— Automation and Simplification of FERS Employee Record Keeping During an Intra-Agency Transfer

AGENCY: Office of Personnel Management.

ACTION: Interim rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to allow the automated transfer of Federal Employees' Retirement System (FERS) employee payroll account information from one payroll office to another, within the same agency, eliminating the requirement of creating and forwarding a hard copy Individual Retirement Record (IRR) to OPM for each intra-agency transfer. When an employee is no longer employed by the agency or is no longer covered under FERS, a comprehensive IRR will then be forwarded to OPM.

DATES: Interim rules effective April 20, 2000; comments must be received on or before July 19, 2000.

ADDRESSES: Send comments to Mary Ellen Wilson, Retirement Policy Division, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; or deliver to OPM, Room 4351, 1900 E Street, NW., Washington DC. Comments may also be submitted by electronic mail to combox@opm.gov.

FOR FURTHER INFORMATION CONTACT: For Part 841: John Panagakos, (202) 606-0299.

SUPPLEMENTARY INFORMATION: 5 CFR 841.504(d) directs an agency payroll office to close a FERS employee's IRR and forward it to OPM when the employee separates, transfers to another

agency or to a position serviced by another payroll office, or transfers to a position in which he or she is not covered by FERS. This means that even when an employee transfers within an agency, but is subject to a different payroll office, a hard copy IRR must be created from the payroll information and forwarded to OPM. There are compelling reasons to retain the requirement to create a hard copy IRR each time an employee (1) moves from one agency to another; (2) separates from Federal service; or (3) changes retirement coverage. However, recent automated advances obviate the need to immediately create and forward an IRR to OPM for every intra-agency transfer that only involves different payroll offices under the same system of automated records.

As a result of modernization efforts in automated record keeping software, early in the year 2000 the Defense Finance and Accounting Service (DFAS) plans to implement the automated transfer of large numbers of payroll accounts from one payroll office to another within their agency. This software also has the capability to electronically transfer retirement information as well as payroll information, thus securing an accurate record of retirement information for hard copy certification and transmittal to OPM when the employee falls into one of the three retained categories listed above (e.g., separates from Federal service).

For these reasons, the Office of Personnel Management is proposing to amend 5 CFR 841.504(d) to allow agencies this flexibility in intra-agency record keeping. OPM's authority to make this amendment is in section 8461(g) of title 5, United States Code.

Waiver of General Notice of Proposed Rulemaking

Under section 553(b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making these rules effective in less than 30 days. These regulations will affect the operation of all Federal payroll offices on and after May 1, 2000. Publication of a general notice of proposed rulemaking would be contrary to the public interest because it would delay the implementation of cost saving

automated record keeping measures that are non-controversial in nature.

Regulatory Flexibility Act

I certify that this amendment to the regulation will not have a significant economic impact on a substantial number of small entities because the amendment provides a cost-saving option previously unavailable to those agencies but does not require that they obtain the necessary software to implement that option.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 841

Administrative practice and procedure, Air traffic controllers, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions.

Office of Personnel Management

Janice R. Lachance,

Director.

Accordingly, OPM amends part 841 of title 5 of the Code of Federal Regulations as follows:

PART 841—FEDERAL EMPLOYEES RETIREMENT SYSTEM—GENERAL ADMINISTRATION

1. The authority citation for part 841 is revised to read as follows:

Authority: 5 U.S.C. 8461; § 841.108 also issued under 5 U.S.C. 552a; subpart D also issued under 5 U.S.C. 8423; § 841.504 also issued under 5 U.S.C. 8422; § 841.507 also issued under section 505 of Pub. L. 99-335, 100 Stat. 514; subpart J also issued under 5 U.S.C. 8469; § 841.506 also issued under 5 U.S.C. 7701(b)(2); § 841.508 also issued under section 505 of Pub. L. 99-335, 100 Stat. 514.

Subpart E—Employee Deductions and Government Contributions

2. In § 841.504 paragraph (d) is revised to read as follows:

§ 841.504 Agency responsibilities.

* * * * *

(d) When an employee separates from Federal service or transfers to another agency, or transfers to a position in which he or she is not covered by FERS, the agency must close the employee's

Individual Retirement Record (IRR) and forward it to OPM within the time standards prescribed by OPM. However, if an employee transfers to another position covered under FERS—

- (1) Within the same agency, and
- (2) To a position serviced by another payroll office, the agency may, in lieu of forwarding an IRR to OPM at the time of the intra-agency transfer, record the transfer for future IRR certification in an internal automated system of records.

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[FR Doc. 00-9853 Filed 4-19-00; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 96-031-2]

RIN 0579-AA82

Importation of Wood Chips From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with changes, a proposed rule to allow the importation of *Pinus radiata* wood chips from Chile if the surfaces of the wood chips are treated with a specified pesticide mixture. This change to the regulations for importing logs, lumber, and other unmanufactured wood articles will provide another alternative for persons interested in importing wood chips from Chile while continuing to protect against the introduction of dangerous plant pests.

EFFECTIVE DATE: May 22, 2000.

FOR FURTHER INFORMATION CONTACT: Donna L. West, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1236; (301) 734-6799.

SUPPLEMENTARY INFORMATION:

Background

Logs, lumber, and other unmanufactured wood articles imported into the United States could pose a significant hazard of introducing plant pests and pathogens detrimental to agriculture and to natural, cultivated, and urban forest resources. The regulations in 7 CFR 319.40-1 through 319.40-11 (referred to below as the regulations) contain provisions to eliminate any significant plant pest risk presented by the importation of logs,

lumber, and other unmanufactured wood articles.

On July 28, 1998, the Animal and Plant Health Inspection Service (APHIS) published in the **Federal Register** (63 FR 40193-40200, Docket No. 96-031-1) a proposed rule to amend the regulations to allow the importation of *Pinus radiata* wood chips from Chile if the surfaces of the wood chips are treated with a specified pesticide mixture.

We solicited comments concerning our proposed rule for 60 days ending September 28, 1998. We received 10 comments by that date. The comments were from four environmental groups (with overlapping management), three State governments, two corporations, and the Government of Chile. Seven of the commenters supported the proposed rule, although several stated that there were deficiencies in the rule that should be corrected before the rule could win their full support. The remaining commenters disagreed with the proposed rule or suggested alternatives to it. All of the issues raised by the commenters are discussed below.

Comment—Control of Stain Fungi: Several commenters questioned whether the surface pesticide treatment or other requirements of the rule would prevent the introduction of stain fungi, particularly of the genus *Ophiostoma*, that may be associated with wood chips from Chile.

Response: The surface pesticide treatment contained in the rule has been proven effective against stain fungi, including stain fungi of the genus *Ophiostoma*. Research demonstrating this effectiveness has been published (see, for example, Morrell, Freitag, and Silva, "Protection of Freshly Cut Radiata Pine Chips From Fungal Attack," Forest Prod. J. 48(2):57-59).

Comment—Heat Treatment Should Be Required: Several commenters stated that the position of most experts, State regulators, and members of the public is that heat treatment of imported wood articles capable of bearing pests is the only safe and acceptable method of importation. They stated that fumigation or surface pesticide treatment are not economically feasible or effective alternatives.

Response: "Safe" and "acceptable" are terms whose meanings vary greatly depending on individual values. We are assuming that the comments refer to safety and acceptability in terms of the effectiveness of systems in preventing the introduction and dissemination in the United States of dangerous plant pests. No commenter submitted data proving that a heat treatment system is "safer" than the proposed surface

pesticide treatment system. The new surface pesticide treatment would reduce the risk associated with any plant pest introduction to a negligible level.

Regarding the practicality of heat treating wood chips, heat treated wood chips are less useful than wood chips that have undergone less destructive treatments. Heat treatment decreases the quality of wood chips and renders them useless for many specific manufacturing purposes. Regarding the economic feasibility of the proposed surface pesticide treatment and fumigation, wood product companies have requested that they be able to utilize the surface pesticide alternative and, therefore, presumably find it economically feasible. Under normal business practices, it is not economically feasible for methyl bromide to effectively penetrate wood chips to more than 120 cubic feet. When penetration is inadequate, the requirements of the regulations are not met, and the wood chips cannot be imported under the fumigation treatment option. In theory, it is possible to effectively penetrate large piles of wood chips by using a specialized technique to distribute the fumigant (e.g., a vacuum chamber or submerged gas tubes); however, the cost of utilizing such a technique is so exorbitant that it becomes economically infeasible. Consequently, no one has imported large shipments of wood chips, fumigated as a whole, under the fumigation treatment option. Fumigation remains in the regulations as a treatment option for wood chips because it is used for small shipments. One reason for developing the surface pesticide treatment in the proposal was to compensate for the unavailability of fumigation as a treatment method for large shipments of wood chips.

Comment—Pesticide Application Protocol and Quality Control: One commenter cited research by Dr. Jeffrey J. Morell of Oregon State University that was used to support the treatment in the proposed rule. The commenter noted that the only pathogens tracked for efficacy in the research were *Trichoderma* species and that there was no efficacy evaluation for insects. The commenter stated that Morell concluded the following modifications of the surface pesticide treatment system may be needed: An increase in biocide concentration; improved uniformity of the spray system; routine assessment of chip treatment quality; and a system for regular microbiological assessment of organisms present in imported wood chips.