

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 110

RIN 3206-AJ73

### Posting Regulations

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing proposed regulations to revise the rules relating to notice of new regulations and information collection requirements. The revisions include eliminating one subpart and renaming the remaining subpart and plain language modifications.

**DATES:** Submit comments on or before May 5, 2003.

**ADDRESSES:** Send or deliver written comments to: Claudio A. Benedi, Chief, Publications Services Division, Office of Contracting and Administrative Services, Office of Personnel Management, Room 5H35, 1900 E St NW., Washington, DC 20415-7730, or Fax: (202) 606-0909.

**FOR FURTHER INFORMATION CONTACT:** Robert T. Coco, (202) 606-1822, Fax: (202) 606-0909, or email [rtcoco@opm.gov](mailto:rtcoco@opm.gov).

**SUPPLEMENTARY INFORMATION:** We are revising part 110 to reflect the removal of old subpart B—Information Collection Requirements. Old subpart B was a requirement arising from an internal OPM housekeeping function no longer in effect. Its removal requires us to eliminate the old subpart A designation and use the designation part 110 to refer to the remaining material. We have also made minor word changes and changed the order of material within the section. Except as otherwise noted, the purpose of these revisions is not to make substantive changes but, rather, to make part 110 more readable.

*Section 110.101:* Changes “special bulletins” to “notice” and changes

“new regulations” to “new proposed, interim, and final regulations.” Corrects the name of the type of issuance currently used, which was changed in 1994 when the bulletin system was abolished, and clarifies regulation description to indicate that it includes new proposed, interim, and final regulations.

*Section 110.101(b):* (Note old paragraphs (a) and (b) have been reversed, and redesignated as paragraphs (b) and (a), respectively, so that they are now in a more logical sequence). Provides the option for viewing documents either in paper format or via Web site, thus providing the ability to use electronic as well as paper format of documents.

*Section 110.102(b):* Adds “agency Web sites” as a supplemental posting option. This provides the option for an agency to make new OPM regulations available on the agency’s Web site or through a link to the OPM Web site.

### Regulatory Flexibility Act

I certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

### Executive Order 12866, Regulatory Review

The Office of Management and Budget has reviewed this rule in accordance with Executive Order 12866.

### List of Subjects in 5 CFR Part 110

Government employees, Reporting and recordkeeping requirements.

Office of Personnel Management.

**Kay Coles James,**  
Director.

Accordingly, OPM proposes to revise part 110 of title 5, Code of Federal Regulations as follows:

### PART 110—POSTING NOTICES OF NEW OPM REGULATIONS

Sec.

110.101 What are OPM’s Notice and Posting System responsibilities?

110.102 What are Agency responsibilities?

**Authority:** 5 U.S.C. 1103.

### § 110.101 What are OPM’s Notice and Posting System responsibilities?

OPM will issue a notice that will provide information for Federal agencies, employees, managers, and other stakeholders on each of its new

proposed, interim, and final regulations. Each notice will transmit:

(a) A posting notice that briefly explains the nature of the change, and provides a place for Federal agencies to indicate where the full text of the **Federal Register** notice will be available for review.

(b) A copy of the notice of rulemaking that appears in the **Federal Register** or a link to a Web site where the notice of rulemaking appears.

### § 110.102 What are Agency responsibilities?

(a) *Agencies will make regulations available for review by employees, managers, and other interested parties.* Federal agencies receiving the notices of rulemaking described in § 110.101(b) will make those regulations available for review upon request. Each agency will complete the posting notice described in § 110.101(a) indicating where and how requests to review these materials should be made.

(b) *Agencies will determine posting locations and, if desired, develop supplemental announcements.* Agencies will display completed posting notices in a prominent place where the notices can be easily seen and read. Agencies will choose the posting location that best fits their physical layout. Agencies may supplement these postings with announcements in employee newsletters, agency Web sites, or other communication methods. The basic requirement to post the notice continues, however, even if supplemental announcement methods are used.

(c) *Agencies will post notices of the new regulations even if the **Federal Register** comment date has passed.* The public comment period on proposed regulations begins when a notice of proposed rulemaking is published in the **Federal Register**, not with the posting of the notice described in § 110.101(a). The purpose of the § 110.101(a) notice is solely to inform agency personnel of changes. Agencies are required to post the § 110.101(a) notice even if the formal deadline for comments shown in the preamble of the **Federal Register** notice of rulemaking has passed. Agencies should make every reasonable effort to minimize delays in distributing the notice described in § 110.101 to their field offices.

(d) *No fixed posting period.* There are no minimum or maximum time limits

on displaying the notice described in § 110.101(a). Each office receiving a notice for posting should choose the posting period which provides the best opportunity to inform managers and employees of regulatory changes based upon office layout, geographic dispersion of employees, and other local factors.

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 92

[Docket No. 01-036-1]

#### Requirements for Recognizing the Animal Health Status of Foreign Regions

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations that set out our procedures for recognizing the animal health status of regions. Specifically, we propose to require regions that have been granted status under the regulations to provide information, or allow us to access information, to confirm the regions' animal health status when we request it. We believe this action is necessary to help prevent the introduction of foreign animal health diseases into the United States.

**DATES:** We will consider all comments that we receive on or before May 5, 2003.

**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. 01-036-1, 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. 01-036-1. 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. 01-036-1" 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, 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 92, "Importation of Animals and Animal Products: Procedures for Requesting Recognition of Regions" (referred to below as the regulations), set out the process by which a foreign government may request recognition of the animal health status of a region or approval to export animals or animal products to the United States based on the risk associated with animals or animal products from that region. As provided in § 92.2, each request must include information about the region, including information on the authority, organization, and infrastructure of the veterinary services organization of the region; the extent to which movement of animals and animal products is controlled from regions of higher risk, and the level of biosecurity for such movements; livestock demographics and marketing practices in the region; diagnostic laboratory capabilities in the region; and the region's policies and infrastructure for animal disease control, *i.e.*, the region's emergency response capacity.

Recognition by the Animal and Plant Health Inspection Service (APHIS) of a region's animal health status makes exports of animals and animal products from that region subject to a certain set of import conditions, depending on that region's animal health status. These conditions are intended to ensure that animals and animal products imported from the region will not introduce animal diseases into the United States. However, once a region has been granted a particular animal health status for a specified disease, the regulations provide no mechanism for APHIS to verify that the assigned import conditions remain appropriate and

effective over time. We believe that such verification is sometimes necessary and appropriate to ensure continued protection from the introduction of foreign animal diseases into the United States.

Therefore, we are proposing to add a paragraph to § 92.2 that would require, at the discretion of the Administrator, that regions submit, or allow the collection of, information we believe is necessary to ensure that the animal health status of the region has been maintained. For example, we may determine that a site visit is necessary to verify information provided by the region, or we may require information to confirm that the import requirements of the region have not changed. Similarly, if a region with recognized animal health status borders a region that reports an outbreak of an animal health disease, we may require information regarding security along that border. These listed examples are simply that—examples of information we may require. Specific information collection activities, if determined necessary, will vary based on the information required to adequately assess a region's animal health status.

#### Executive Order 12866 and Regulatory Flexibility Act

This proposed 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.

We are proposing to amend the regulations that set out our procedures for recognizing the animal health status of regions. Specifically, we propose to require regions that have been granted status under the regulations to provide information, or allow us to access information, to confirm and/or assess the regions' animal health status when we request to do so. We believe this action is necessary to help prevent the introduction of foreign animal health diseases into the United States. We do not expect that this action will result in any economic effects, positive or negative.

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

#### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and