

# 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.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. 99-037-1]

#### Environmental Impact Statement for the Importation of Unmanufactured Solid Wood Packing Material

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

**ACTION:** Identification of regulatory alternatives and request for comments.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service intends to prepare an environmental impact statement in connection with regulations we are considering proposing regarding the importation of unmanufactured solid wood packing material. This notice identifies potential regulatory alternatives and issues that we plan to analyze in the environmental impact statement and requests public comment to further delineate the scope of the alternatives and issues.

**DATES:** We invite you to comment on this docket. We will consider all comments that we receive by September 7, 1999.

**ADDRESSES:** Please send your comment and three copies to: Docket No. 99-037-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 99-037-1.

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 rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nancy Sweeney, Environmental Protection Officer, Environmental Analysis and Documentation, PPD, APHIS, 4700 River Road Unit 149, Riverdale, MD 20737-1237; (301) 734-7681; or e-mail: [Nancy.E.Sweeney@usda.gov](mailto:Nancy.E.Sweeney@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Animal and Plant Health Inspection Service (APHIS) is considering amending the regulations on the importation of logs, lumber, and other unmanufactured wood articles to decrease the risk of solid wood packing material (e.g., crates, dunnage, wooden spools, pallets, packing blocks) introducing exotic plant pests into the United States. Under the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331, *et seq.*), we are required to consider the potential environmental effects from the regulations under consideration. The purpose of this notice is to inform the public of our intent to prepare an environmental impact statement (EIS) and to solicit public comments on the scope of the environmental issues to be analyzed in the EIS.

The regulations in 7 CFR 319.40-1 through 319.40-11 (referred to below as the regulations) are intended to mitigate the plant pest risk presented by the importation of logs, lumber, and other unmanufactured wood articles, including solid wood packing material (SWPM). Introductions into the United States of exotic plant pests such as the pine shoot beetle and the Asian longhorned beetle have been linked to the importation of SWPM. These and other plant pests that could be carried by imported SWPM pose a serious threat to U.S. agriculture and to natural, cultivated, and urban forests.

On September 18, 1998, we published an interim rule in the **Federal Register** (63 FR 50100-50111, Docket No. 98-087-1) to require that SWPM from China be heat treated, fumigated, or treated with preservatives prior to arrival in the United States. We took this action because a number of recent

incidents, including the introduction of the Asian longhorned beetle, demonstrate that China is the largest source of exotic plant pests in SWPM imported into the United States. The interim rule became effective on December 17, 1998. We amended the interim rule in a second interim rule effective and published in the **Federal Register** on December 17, 1998 (63 FR 69539-69543, Docket No. 98-087-4). The second interim rule made minor revisions regarding three documents in order to better coordinate the requirements of the rule with the United States Customs Service's electronic Automated Broker Interface system and entry operations procedures.

On January 20, 1999, we published an advance notice of proposed rulemaking in the **Federal Register** (64 FR 3049-3052, Docket No. 98-057-1) to seek information and develop regulatory options on the general problem of plant pests in SWPM imported from any country. In the notice, we requested public comment on what actions would be most effective and appropriate to further reduce the risk of SWPM introducing exotic plant pests into the United States. We received 102 comments in response to the advance notice of proposed rulemaking.

We are now considering proposing regulations to address the problem of SWPM introducing exotic plant pests into the United States. We intend to prepare an EIS to inform the public and APHIS decisionmakers of the potential environmental effects from various regulatory alternatives. We are requesting public comments to help us identify potential regulatory alternatives and significant environmental issues that should be analyzed in the EIS.

We have identified five alternatives that we plan to consider in the EIS, as follows:

- Take no additional regulatory action (i.e., maintain the current requirements for importing SWPM, including finalizing the requirements established by the September 18 and December 17 interim rules concerning importing SWPM from China);

- Apply the same requirements concerning SWPM from China to SWPM from the rest of the world (i.e., require SWPM imported from any part of the world to be heat treated, fumigated, or treated with preservatives prior to arrival in the United States);

- Impose restrictions—either treatment or ban—on a country-by-country basis based on pest risk assessments;

- Prohibit the importation of SWPM in any form from any country;
- Prohibit the importation of SWPM except for types of SWPM that are intended for extended, multiple shipment use and are: 100 percent free of bark, either kiln dried to an industrial standard or heat treated to a minimum of 71.1 °C for 75 minutes, and marked so as to be easily identifiable.

We specifically requested comments on some of these alternatives in the advance notice of proposed rulemaking. All of the alternatives were addressed or identified in comments submitted in response to the advance notice of proposed rulemaking. We would like comments on these alternatives and on other alternatives that should be analyzed in the EIS.

We will analyze the potential effects of each regulatory alternative on the human environment, including possible risks to human health, and the potential effects on forests, biodiversity, and nontarget species in the United States. We are also interested in comments that identify other issues that should be analyzed in the EIS. Potential issues include identification of treatment methods other than those currently approved in the regulations (currently approved treatments are heat treatment, heat treatment with moisture reduction, surface pesticide treatment, methyl bromide fumigation, and preservative treatment) and the ability to effectively monitor compliance with potential alternatives.

Comments regarding the proposed scope of the EIS are welcome and will be fully considered. When the draft EIS is completed, a notice announcing its availability and an invitation to comment on it will be published in the **Federal Register**.

Done in Washington, DC, this 30th day of June 1999.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99-17155 Filed 7-6-99; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1710

#### RIN 0572-AB05

#### Load Forecasts

AGENCY: Rural Utilities Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Rural Utilities Service (RUS) is proposing to amend its regulations to revise requirements for borrower load forecasts and load forecast work plans (historically referred to as power requirements studies and power requirements study work plans). The proposed changes would reduce the level of detail required in load forecasts filed by small power supply borrowers and their members and by distribution borrowers unaffiliated with a large power supply borrower. The proposed changes also would give borrowers greater flexibility in preparation of load forecasts required to be submitted to RUS.

**DATES:** Written comments must be received by RUS or carry a postmark or equivalent by September 7, 1999.

**ADDRESSES:** Written comments should be addressed to Georg A. Shultz, Chief, Energy Forecasting Branch, Electric Staff Division, Rural Utilities Service, U. S. Department of Agriculture, 1400 Independence Ave., SW., Room 1246-SBldg., STOP 1569, Washington, DC 20250-1569. RUS requests a signed original and three copies of all comments (7 CFR 1700.4). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Georg A. Shultz, Chief, Energy Forecasting Branch, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 1246-SBldg., STOP 1569, Washington, DC 20250-1569, telephone number: (202) 720-1920, fax: (202) 720-7491, E-mail: gshultz@rus.usda.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### *Executive Order 12866*

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

##### *Executive Order 12988*

This proposed rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in Section 3 of the Executive Order. In accordance with the Executive Order and the rule: (1) all state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule and (3) in accordance with § 212(e)

of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. § 6912(e)) administrative appeal procedures, if any are required must be exhausted prior to initiating litigation against the Department or its agencies.

#### *Regulatory Flexibility Act Certification*

The Administrator of RUS has determined that a rule relating to RUS' electric loan program is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and, therefore, the Regulatory Flexibility Act does not apply to this rule. RUS borrowers, as a result of obtaining Federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

#### *Information Collection and Recordkeeping Requirements*

The reporting and recordkeeping requirements contained in the proposed rule were approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) under control number 0572-0032.

Send questions or comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden to F. Lamont Heppe, Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave., SW, Room 4034-SBldg., STOP 1522, Washington, DC 20250-1522.

#### *Unfunded Mandates*

This proposed rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments, or the private sector. Thus, this proposed rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act.

#### *National Environmental Policy Act Certification*

The Administrator of RUS has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

#### *Catalog of Federal Domestic Assistance*

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850, Rural