

# 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.