

(c) * * *

(2) The amounts of contributions and earnings in the C Fund, the F Fund, and the G Fund, by source of contribution;

(d) All transactions made in accordance with § 1640.4 and affecting the individual account which occurred during the period covered by the statement;

(e) Any other information that the Executive Director determines should be in the statement.

5. Section 1640.4 is revised to read as follows:

§ 1640.4 Account transactions.

(a) Where relevant, the following transactions will be reported in each individual account statement:

- (1) Contributions;
- (2) Earnings posted;
- (3) Withdrawals;
- (4) Forfeitures;
- (5) Loan Activity;
- (6) Transfers among investment funds;
- (7) Adjustments to prior transactions;

and

(8) Any other transaction that the Executive Director deems will affect the status of the individual account.

(b) Where relevant, the statement will contain the following information concerning each transaction identified in paragraph (a) of this section:

- (1) Type of transaction;
- (2) Pay date of the pay period in which the transaction was reflected in the participant's salary payment;
- (3) Investment funds affected;
- (4) Date the transaction was processed;
- (5) Source of the contribution;
- (6) Amount of the transaction; and
- (7) Any other information the Executive Director deems relevant.

6. Section 1640.5 is revised to read as follows:

§ 1640.5 Investment fund information.

For each open season, the Executive Director will furnish each participant with a statement concerning each of the investment funds. This statement will contain the following information concerning each investment fund:

(a) A summary description of the type of investments to be made by the fund, written in a manner that will allow the participant to make an informed decision; and

(b) The performance history of the type of investments to be made by the fund, covering the five-year period preceding the date of the evaluation.

7. Section 1640.6 is revised to read as follows:

§ 1640.6 Method of providing information.

(a) *Individual account statement.* The information concerning each

participant's individual account described in §§ 1640.3 and 1640.4 will be sent to the participant at the participant's last known address, by first class mail. It is the participant's responsibility to provide his or her current address to his or her agency or, in the case of a separated employee, to the record keeper.

(b) *Investment information.* The investment information described in § 1640.5 will be furnished to each participant either:

(1) By mailing the information to the participant by the method described in paragraph (a) of this section; or

(2) By including that information in material published by the Board and distributed in a manner reasonably designed to reach the participant. This includes distributing the material through the participant's agency or, in the case of a separated employee, through the record keeper.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 97-011-1]

Importation of Coffee

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to revise the regulations for importing coffee by removing unnecessary text, updating references to officials of the Animal and Plant Health Inspection Service, and clarifying the requirements for moving samples of unroasted coffee through Hawaii and Puerto Rico to other destinations and the prohibitions on importing coffee berries or fruits. These nonsubstantive changes would make the regulations easier to read and understand, thereby facilitating compliance.

DATES: Consideration will be given only to comments received on or before July 8, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-011-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-011-1. Comments received may be inspected at USDA,

room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. James Petit de Mange, Staff Officer, Import-Export Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1236; phone (301) 734-6799; fax (301) 734-5786; or e-mail: jpdmanage@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations contained in 7 CFR 319.73 through 319.73-4, "Subpart—Coffee" (referred to below as the coffee regulations), restrict the importation of coffee from foreign countries and localities. The coffee regulations are intended to prevent the introduction of coffee berry borers *Hypothenemus hampei* (Ferrari) and a rust disease caused by the fungus *Hemileia vastatrix* (Berkeley and Broome) into Hawaii and Puerto Rico, where coffee is commercially grown.

Section 319.73-2 of the coffee regulations prohibits the importation into Hawaii and Puerto Rico of unroasted coffee, coffee berries or fruits, coffee plants and leaves, and empty sacks previously used for unroasted coffee. Section 319.73-3 of the coffee regulations allows samples of unroasted coffee to transit Hawaii or Puerto Rico in the mail or as cargo, provided the samples are packaged so as to prevent the escape of any plant pests that may be present in the samples.

We propose to amend the coffee regulations to remove unnecessary text, update references to officials of the Animal and Plant Health Inspection Service (APHIS), and make other nonsubstantive changes to clarify the transit provisions. In addition, we propose to amend the import provisions to make it clear that coffee fruits or berries are prohibited importation into all parts of the United States because they present a significant risk of introducing the Mediterranean fruit fly, which attacks a wide range of host material grown throughout the United States. The regulations at 7 CFR 319.37-2(a), "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products," prohibit the importation into the United States of seeds of all kinds when in pulp from all countries of the world except Canada. This prohibition covers coffee fruits or berries. However, the coffee regulations only prohibit

importations into Hawaii and Puerto Rico. The prohibition on importing coffee fruits or berries into other parts of the United States may not be clear to the public because it is not stated in the coffee regulations. Therefore, we propose to state in § 319.73-2 that coffee fruits or berries are prohibited importation into all parts of the United States in accordance with 7 CFR 319.37-2(a). These changes would clarify the regulations and make them easier to understand, thereby facilitating compliance.

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.

This proposed rule would update and clarify the regulations for importing coffee into the United States and for moving samples of unroasted coffee through Hawaii and Puerto Rico in transit to other destinations. This proposed rule would make no substantive changes in import or transit requirements. Therefore, it should have no economic impact on any United States entities, whether large or small.

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 regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly 7 CFR part 319 would be revised to read as follows:

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Coffee

Sec.

319.73-1 Definitions.

319.73-2 Products prohibited importation.

319.73-3 Conditions for transit movement of certain products through Puerto Rico or Hawaii.

319.73-4 Costs.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

§ 319.73-1 Definitions.

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture delegated to act in his or her stead.

Inspector. Any individual authorized by the Administrator to enforce this subpart.

Sample. Unroasted coffee not for commercial resale. Intended use includes, but is not limited to, evaluation, testing, or market analysis.

United States. The States, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

Unroasted coffee. The raw or unroasted seeds or beans of coffee.

§ 319.73-2 Products prohibited importation.

(a) To prevent the spread of the coffee berry borer *Hypothenemus hampei* (Ferrari) and the fungus *Hemileia vastatrix* (Berkely and Broome), which causes an injurious rust disease, the following articles are prohibited importation into Hawaii and Puerto Rico, except as provided in § 319.73-3 of this subpart:

(1) Unroasted coffee;

(2) Coffee plants and leaves; and

(3) Empty sacks previously used for unroasted coffee.

(b) Due to the risk of Mediterranean fruit fly, coffee berries or fruits with pulp are prohibited importation into all parts of the United States by § 319.37-2(a) of this part.

§ 319.73-3 Conditions for transit movement of certain products through Puerto Rico or Hawaii.

(a) *Mail.* Samples of unroasted coffee that are transiting Hawaii or Puerto Rico en route to other destinations and that are packaged to prevent the escape of any plant pests may proceed without action by an inspector. Packaging that would prevent the escape of plant pests includes, but is not limited to, sealed cartons, air tight containers, or vacuum packaging. Samples of unroasted coffee received by mail but not packaged in this manner are subject to inspection and safeguard by an inspector. These samples must be returned to origin or forwarded to a destination outside Hawaii or Puerto Rico in a time specified by an inspector and in packaging that will prevent the escape of any plant pests. If this action is not possible, the samples must be destroyed.

(b) *Cargo.* Samples of unroasted coffee that are transiting Hawaii or Puerto Rico as cargo and that remain on the carrier may proceed to a destination outside Hawaii or Puerto Rico without action by an inspector. Samples may be transshipped in Puerto Rico or Hawaii only after an inspector determines that they are packaged to prevent the escape of any plant pests. Samples that are not packaged in this manner must be rewrapped or packaged in a manner prescribed by an inspector to prevent the escape of plant pests before the transshipment will be allowed.

(c) Other mail, cargo, and baggage shipments of articles covered by § 319.73-2 arriving in Puerto Rico or Hawaii may not be unloaded or transshipped in Puerto Rico or Hawaii and are subject to inspection and other applicable requirements of the Plant Safeguard Regulations (part 352 of this chapter).

§ 319.73-4 Costs.

All costs of inspection, packing materials, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart will be borne by the owner or a responsible representative of the commodity. The services of an inspector during regularly assigned hours of duty and at the usual places of duty will be furnished without cost to the importer.

Done in Washington, DC, this 5th day of May 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

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