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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 213, 250, 293, 294, 300, 315, 316, 332, 339, 351, 352, 534, 550, 720, 732, 831, 837, 841, 930, and 960

RIN 3206-AJ54

Miscellaneous Changes in Office of Personnel Management's Regulations

AGENCY: Office of Personnel Management.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Personnel Management is issuing a final rule to remove all references to the Federal Personnel Manual (FPM). With the abolishment of the FPM, these references are no longer in effect. This action does not make any substantive changes to the affected rules.

DATES: This rule is effective December 27, 2001.

FOR FURTHER INFORMATION CONTACT: Richard B. Lowe, (202) 606-1000.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3), good cause exists for publishing this amendment without a notice of proposed rulemaking and a 30-day delay in effectiveness. This amendment is non-substantive and will not affect current compliance.

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 affect only Federal agencies and employees.

List of Subjects in 5 CFR Parts 213, 250, 293, 294, 300, 315, 316, 332, 339, 351, 352, 534, 550, 720, 732, 831, 837, 841, 930, and 960

Administrative practice and procedure, Air traffic controllers, Alimony, Archives and records,

Authority delegations (Government agencies), Claims, Computer technology, Disability benefits, Equal employment opportunity, Firefighters, Freedom of information, Government employees, Health records, Hospitals, Income taxes, Individuals with disabilities, Intergovernmental relations, Law enforcement officers, Motor vehicles, National defense, Organization and functions (Government agencies), Pensions, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Kay Coles James,
Director.

Accordingly, OPM is amending parts 213, 250, 293, 294, 300, 315, 316, 332, 339, 351, 352, 534, 550, 720, 732, 831, 837, 841, 930, and 960 of title 5 of the Code of Federal Regulations as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 continues to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; Sec. 213.101 also issued under 5 U.S.C. 2103; Sec. 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h) and 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p. 185; 38 U.S.C. 4301 *et seq.*; Pub. L. 105-339, 112 STAT. 3182-83; and E.O. 13162.

§ 213.3102 [Amended]

2. In § 213.3102, paragraph (t) is amended by removing “in accordance with the guidance in Federal Personnel Manual Chapter 306” and by adding the verbatim language from the Federal Personnel Manual “who have been certified by state vocational rehabilitation agencies as likely to succeed” in its place, paragraph (ii) is amended by removing “published in the Federal Personnel Manual” and by adding “prescribed in OPM issuances” in its place.

PART 250—PERSONNEL MANAGEMENT IN AGENCIES

3. The authority citation for part 250 continues to read as follows:

Authority: 5 U.S.C. 1101 note, 1104, 1302, 3301, 3302; E.O. 10577, 12 FR 1259, 3 CFR, 1954-1958 Comp., p. 218.

§ 250.101 [Amended]

4. Section 250.101 is amended by removing “Federal Personnel Manual” and by adding “Guide to Processing

Personnel Actions” in its place and by removing “Federal Personnel Manual Chapter 296” and adding “the Guide to Processing Personnel Actions” in its place.

§ 250.103 [Amended]

5. Section 250.103 is amended by removing “in the Federal Personnel Manual”.

PART 293—PERSONNEL RECORDS

6. The authority citation for part 293 continues to read as follows:

Authority: 5 U.S.C. 1104; 5 U.S.C. Chap 7; 5 U.S.C. 7135; 5 U.S.C. 7301; and E. O. 11491.

§ 293.103 [Amended]

7. In § 293.103, paragraph (b) is amended by removing both occurrences of “Federal Personnel Manual” and by adding “Guide to Personnel Recordkeeping” in their place.

§ 293.302 [Amended]

8. Section 293.302 is amended by removing “Federal Personnel Manual” and by adding “Guide to Personnel Recordkeeping” in its place.

§ 293.306 [Amended]

9. In § 293.306, paragraph (b)(3) is amended by removing “FPM Supplement 293-31” and by adding “the Guide to Personnel Recordkeeping” in its place.

§ 293.309 [Amended]

10. Section 293.309 is amended by removing “Federal Personnel Manual” and by adding “Guide to Personnel Recordkeeping” in its place.

§ 293.405 [Amended]

11. In § 293.405, paragraph (a) is amended by removing “FPM Supplement 293-31” and by adding “the Guide to Personnel Recordkeeping” in its place.

§ 293.504 [Amended]

12. In § 293.504, paragraph (a) is amended by removing “FPM” and by adding “OPM” in its place.

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

13. The authority citation for part 294 continues to read as follows:

Authority: 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92–502, as amended by the Freedom of Information Reform Act of 1936, Pub. L. 99–570, and E.O. 12600, 52 FR 23781 (June 25, 1987).

§ 294.106 [Amended]

14. In § 294.106, the heading is amended by removing “FPM” and adding “OPM” in its place, and by removing “and addendum”, and paragraphs (a)(1) and (d) are amended by removing “FPM”.

§ 294.301 [Amended]

15. In § 294.301, paragraph (a) is amended by removing “Federal Personnel Manual or the”.

PART 300—EMPLOYMENT (GENERAL)

16. The authority citation for part 300 continues to read as follows:

Authority: 5 U.S.C. 552, 3301, and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, and 7701; E.O. 11478, 3 CFR 1966–1970 Comp., page 803.

Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302 (c), 2301, and 2302.

Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103 (a)(5).

Secs. 300.603 also issued under 5 U.S.C. 1104.

§ 300.501 [Amended]

17. In § 300.501, paragraph (c) is amended by removing “chapter 630 of the Federal Personnel Manual” and by adding “OPM issuances” in its place.

§ 300.503 [Amended]

18. In § 300.503, paragraph (b) is amended by removing “in chapter 316 of the Federal Personnel Manual” and by adding “found in 5 CFR part 316” in its place.

§ 300.603 [Amended]

19. In § 300.603, paragraph (b)(6) is amended by removing “chapter 338 of the Federal Personnel Manual” and by adding “OPM’s operating manuals” in its place.

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

20. The authority citation for part 315 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp. P. 218, unless otherwise noted; and E.O. 13162. Secs. 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652. Secs. 315.602 and 315.604 also issued under 5 U.S.C. 1104. Sec. 315.603 also issued under 5 U.S.C. 8151. Sec. 315.605 also issued under E.O. 120034, 3 CFR, 1978 Comp. p. 11. Sec. 315.606 also issued under E.O. 11219, 3 CFR, 1964–1965

Comp. p. 303. Sec 315.607 also issued under 22 U.S.C. 2506. Sec. 315.608 also issued under E.O. 12721, 3 CFR, 1990 Comp. p. 293. Sec 315.610 also issued under 5 U.S.C. 3304(d). Sec. 315.611 also issued under Section 511, Pub. L. 106–117, 113 STAT, 1575–76. Sec 315.710 also issued under E.O. 12108, 3 CFR, 1978 Comp., p. 264.

§ 315.603 [Amended]

21. In § 315.603, paragraphs (a)(1)(iv), (a)(2)(ii), (a)(3)(iv) are amended by removing “by a provision of the Federal Personnel Manual”.

§ 315.606 [Amended]

22. Section 315.606 is amended by removing “in the Federal Personnel Manual”.

§ 315.701 [Amended]

23. In § 315.701, paragraph (a)(2) is amended by removing “by a provision of the Federal Personnel Manual”.

§ 315.704 [Amended]

24. In § 315.704, paragraph (b)(2) is amended by removing “the Federal Personnel Manual” and by adding “its operating manuals” in its place.

§ 315.707 [Amended]

25. In § 315.707, paragraph (a)(1) is amended by removing “in the Federal Personnel Manual”.

§ 315.710 [Amended]

26. In § 315.710, paragraph (a) is amended by removing “in the Federal Personnel Manual”.

PART 316—TEMPORARY AND TERM EMPLOYMENT

27. The authority citation for part 316 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

§ 316.403 [Amended]

28. In § 316.403, paragraph (a)(3) is amended by removing “in the Federal Personnel Manual”.

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

29. The authority citation for part 332 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

§ 332.301 [Amended]

30. In § 332.301, paragraph (b) is amended by removing “in the Federal Personnel Manual”.

§ 332.312 [Amended]

31. Section 332.312, introductory paragraph, is amended by removing

“the Federal Personnel Manual” and by adding “its operating manuals” in its place.

§ 332.406 [Amended]

32. In § 332.406, paragraph (e) is amended by removing “the Federal Personnel Manual” and by adding “its operating manuals” in its place.

PART 339—MEDICAL QUALIFICATION DETERMINATIONS

33. The authority citation for part 339 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302, 5112, E.O. 9830, February 24, 1947.

§ 339.202 [Amended]

34. In § 339.202, paragraph (b) is amended by removing the comma and “and” and adding a period after “position” and by removing paragraph (c).

PART 351—REDUCTION IN FORCE

35. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 1302, 3502, 3503; sec. 351.801 also issued under E.O. 12828, 58 FR 2965.

§ 351.205 [Amended]

36. Section 351.205 is amended by removing “through the Federal Personnel Manual system”.

PART 352—REEMPLOYMENT RIGHTS

Subpart C—Details and Transfer of Federal Employees to International Organizations

37. The authority citation for subpart C continues to read as follows:

Authority: 5 U.S.C. 3584, E.O. 11552, 3 CFR 1966–1970 Comp., p. 954; Section 352.313 also issued under 5 U.S.C. 7701, *et seq.*

§ 352.304 [Amended]

38. Section 352.304 is amended by removing both occurrences of “in the Federal Personnel Manual”.

§ 352.310 [Amended]

39. In § 352.310, paragraph (c) is amended by removing “the Federal Personnel Manual” and by adding “OPM issuances” in its place.

PART 534—PAY UNDER OTHER SYSTEMS

40. The authority citation for part 534 continues to read as follows:

Authority: 5 U.S.C. 1104, 5307, 5351, 5352, 5353, 5376, 5383, 5384, 5385, 5541, and 5550a.

§ 534.503 [Amended]

41. In § 534.503, paragraph (a) is amended by removing “and the Federal Personnel Manual”, by removing the comma and adding “and” after “law”, and by removing the comma after “regulations”.

PART 550—PAY ADMINISTRATION (GENERAL)**Subpart E—Pay From More Than One Position**

42. The authority citation for part 550 subpart E continues to read as follows:

Authority: 5 U.S.C. 5533.

§ 550.504 [Amended]

43. In § 550.504, paragraph (b) is amended by removing “in the Federal Personnel Manual”.

PART 720—AFFIRMATIVE EMPLOYMENT PROGRAMS**Subpart C—Disabled Veterans Affirmative Action Program**

44. The authority citation for part 720, subpart C continues to read as follows:

Authority: 5 U.S.C. 7201; 42 U.S.C. 2000e; 38 U.S.C. 101(2), 2001(3), 2014; 5 U.S.C. 3112; 29 U.S.C. 791(b).

§ 720.306 [Amended]

45. In § 720.306, paragraph (b) is amended by removing “through the Federal Personnel Manual (FPM)” and the comma after “veterans”.

PART 732—NATIONAL SECURITY POSITIONS

46. The authority citation for part 732 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302, 7312; 50 U.S.C. 403; E.O. 10450, 3 CFR, 1949–1953 Comp., p. 936.

§ 732.102 [Amended]

47. In § 732.102, paragraph (a) is amended by removing “FPM chapter 732 and related” and adding “OPM” in its place.

§ 732.201 [Amended]

48. In § 732.201, paragraph (b) is amended by removing “FPM chapter 732” and adding “OPM issuances” in its place.

§ 732.301 [Amended]

49. In § 732.301, paragraph (e) is amended by removing “the Federal Personnel Manual and related” and adding “its” in its place.

PART 831—RETIREMENT

50. The authority citation for part 831 continues to read as follows:

Authority: 5 U.S.C. 8347; Sec. 831.102 also issued under 5 U.S.C. 8334; Sec. 831.106 also issued under 5 U.S.C. 552a; Sec. 831.108 also issued under 5 U.S.C. 8336(d)(2); Sec. 831.114 also issued under 5 U.S.C. 8336(d)(2) and section 7001 of Pub. L. 105–174, 112 Stat. 58; Sec. 831.201(b)(1) also issued under 5 U.S.C. 8347(g); Sec. 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2); Sec. 831.201(g) also issued under sections 11202(f), 11232(e), and 11246(b) of Pub. L. 105–33, 111 Stat. 251; Sec. 831.201(g) also issued under sections 7(b) and 7(e) of Pub. L. 105–274, 112 Stat. 2419; Sec. 831.201(i) also issued under sections 3 and 7(c) of Pub. L. 105–274, 112 Stat. 2419; Sec. 831.204 also issued under section 102(e) of Pub. L. 104–8, 109 Stat. 102, as amended by section 153 of Pub. L. 104–134, 110 Stat. 1321; Sec. 831.205 also issued under section 2207 of Pub. L. 106–265, 114 Stat. 784; Sec. 831.301 also issued under section 2203 of Pub. L. 106–265, 114 Stat. 780; Sec. 831.303 also issued under 5 U.S.C. 8334(d)(2) and section 2203 of Pub. L. 106–235, 114 Stat. 780; Sec. 831.502 also issued under 5 U.S.C. 8337; Sec. 831.502 also issued under section 1(3), E.O. 11228, 3 CFR 1964–1965 Comp. p. 317; Sec. 831.663 also issued under 5 U.S.C. 8339(j) and (k)(2); Secs. 831.663 and 831.664 also issued under section 11004(c)(2) of Pub. L. 103–66, 107 Stat. 412; Sec. 831.682 also issued under section 201(d) of Pub. L. 99–251, 100 Stat. 23; Sec. 831.912 also issued under section 636 of H.R. 5658, incorporated by reference in Pub. L. 106–554, 114 Stat. 2763, and published as Appendix C to Pub. L. 106–554 at 114 Stat. 2763A–125; subpart V also issued under 5 U.S.C. 8343a and section 6001 of Pub. L. 100–203, 101 Stat. 1330–275; Sec. 831.2203 also issued under section 7001(a)(4) of Pub. L. 101–508, 104 Stat. 1388–328.

Subpart A—Administration and General Provisions**§ 831.102 [Amended]**

51. Section 831.102 is amended by removing “in Federal Personnel Manual Supplement 831–1” and adding in its place “by OPM issuances.”

§ 831.111 [Amended]

52. In section 831.111 paragraph (a) and (b)(2) are amended by removing “in the Federal Personnel Manual”.

Subpart F—Survivor Annuities**§ 831.613 [Amended]**

53. In § 831.613, paragraph (d) is amended by removing “through the Federal Personnel Manual system or other issuances”.

Subpart S—State Income Tax Withholding**§ 831.1907 [Amended]**

54. Remove § 831.1907.

Subpart U—Deposits for Military Service**§ 831.2103 [Amended]**

55. In § 831.2103, amend the definition for *Sufficient evidence*, by removing “Federal Personnel Manual”.

§ 831.2106 [Amended]

56. In § 831.2106, paragraph (c) is amended by removing “in the Federal Personnel Manual”.

§ 831.2107 [Amended]

57. In § 831.2107 paragraph (a)(5) is amended by removing “in the Federal Personnel Manual” and by adding in its place “by OPM issuances.”

PART 837—REEMPLOYMENT OF ANNUITANTS

58. The authority citation for part 837 continues to read as follows:

Authority: 5 U.S.C. 8337, 8344, 8347, 8455, 8456, 8461, and 8468; and sec. 302, Pub. L. 99–335, 100 Stat. 514, as amended by Title I, sec. 134(a), Pub. L. 100–238, 101 Stat. 1762; Title V, sec. 529 [Title I, sec. 108(c)], Pub. L. 101–509, 104 Stat. 1427, 1450; Div. A, Title XII, sec. 1206(j)(3), Pub. L. 101–510, 104 Stat. 1664; Div. A., Title VI, sec. 655(c), Pub. L. 102–190, 105 Stat. 1392; sec. 8(a), Pub. L. 102–378, 106 Stat. 1359.

§ 837.304 [Amended]

59. Section 837.304, paragraphs (a), (b), and (c) are amended by removing “in the Federal Personnel Manual”.

PART 841—FEDERAL EMPLOYEES' RETIREMENT SYSTEM—GENERAL ADMINISTRATION

60. The authority citation for part 841 continues to read as follows:

Authority: 5 U.S.C. 8461; Sec. 841.108 also issued under 5 U.S.C. 552a; subpart D also issued under 5 U.S.C. 8423; Sec. 841.504 also issued under 5 U.S.C. 8422; Sec. 841.507 also issued under section 505 of Pub. L. 99–335; subpart J also issued under 5 U.S.C. 8469; Sec. 841.506 also issued under 5 U.S.C. 7701(b)(2); Sec. 841.508 also issued under section 505 of Pub. L. 99–335; Sec. 841.604 also issued under Title II, Pub. L. 106–265, 114 Stat. 780.

§ 841.1008 [Amended]

61. Remove § 841.1008.

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

62. The authority citation for part 930 continues to read as follows:

Authority: 5 U.S.C. 3301, 3320, 7301; 40 U.S.C. 491; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218 E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306. (Separate authority is listed under § 930.107)

§ 930.110 [Amended]

63. Section 930.110 is amended by removing “and the Federal Personnel Manual”.

§ 930.115 [Amended]

64. Section 930.115 is amended by removing “or the Federal Personnel Manual”.

PART 960—FEDERAL EXECUTIVE BOARDS

65. The authority citation for part 960 continues to read as follows:

Authority: Memorandum of the President for Heads of Departments and Agencies (November 10, 1961).

§ 960.108 [Amended]

66. In § 960.108, remove “through the Federal Personnel Manual System and other appropriate instruments”.

[FR Doc. 01–31353 Filed 12–26–01; 8:45 am]

BILLING CODE 6325–46–P

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Parts 56 and 70**

[Docket No. PY–01–005]

RIN 0581–AB99

Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is increasing the fees and charges for Federal voluntary egg, poultry, and rabbit grading. These fees and charges are increased to cover the increase in salaries of Federal employees, salary increases of State employees cooperatively utilized in administering the programs, and other increased Agency costs.

EFFECTIVE DATE: January 1, 2002.

FOR FURTHER INFORMATION CONTACT: David Bowden, Jr., Chief, Standardization Branch, (202) 720–3506.

SUPPLEMENTARY INFORMATION:**Background**

The Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621 *et seq.*) authorizes official voluntary grading and certification on a user-fee basis of eggs, poultry, and rabbits. The AMA provides that reasonable fees be collected from users of the program services to cover, as nearly as practicable, the costs of services rendered.

The AMS regularly reviews these programs to determine if fees are adequate and if costs are reasonable. This rule will amend the schedule for fees and charges for grading services rendered to the egg, poultry, and rabbit industries to reflect the costs currently associated with them.

A recent review of the current fee schedule, effective October 1, 2000, revealed that anticipated revenue would not adequately cover increasing program costs. Without a fee increase, FY 2002 revenues for grading services are projected at \$24.1 million, costs are projected at \$26.0 million, and trust fund balances would be \$14.8 million. With a fee increase, FY 2002 revenues are projected at \$25.3 million, costs are projected at \$26.0 million, and trust fund balances would be \$16.0 million.

Employee salaries and benefits account for approximately 81 percent of the total operating budget. A general and locality salary increase for Federal employees, ranging from 3.56 to 4.46 percent, depending on locality, became effective in January 2001 and has materially affected program costs. Another general and locality salary increase estimated at 3.6 percent is expected in January 2002. Also, from October 2000 through September 2001, salaries and fringe benefits of federally licensed State employees will have increased by about 6.0 percent.

The impact of these cost increases was determined for resident, nonresident, and fee services. To offset projected cost increases, the hourly resident and nonresident rate will be increased by approximately 5 percent and the fee rate will be increased by approximately 6 percent. The hourly rate for resident and nonresident service covers graders' salaries and benefits. The hourly rate for fee service covers graders' salaries and benefits, plus the cost of travel and supervision.

Administrative charges that cover the cost of supervision for resident poultry and shell egg grading will also be increased as shown in the table below. Administrative charges for resident rabbit grading and nonresident services will not be changed.

The following table compares current fees and charges with the revised fees and charges for egg, poultry, and rabbit grading as found in 7 CFR parts 56 and 70:

Service	Current	Proposed
Resident Service (egg, poultry, rabbit grading)		
Inauguration of service	310	310
Hourly charges:		
Regular hours	29.96	31.52
Administrative charges—Poultry grading:		
Per pound of poultry	.00035	.00036
Minimum per month	225	250
Maximum per month	2,625	2,650
Administrative charges—Shell egg grading:		
Per 30-dozen case of shell eggs	.044	.046
Minimum per month	225	250
Maximum per month	2,625	2,650
Administrative charges—Rabbit grading:		
Based on 25% of grader's salary		