

Rules and Regulations

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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1203

Procedures for Review of Rules and Regulations of the Office of Personnel Management

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules of practice and procedure in this part to reflect a change in a statutory citation.

EFFECTIVE DATE: September 27, 2000.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

SUPPLEMENTARY INFORMATION: The Merit Systems Protection Board is amending its rules of practice and procedure for review of rules and regulations of the Office of Personnel Management to reflect a change in a statutory citation. Section 6(a)(2) of the Veterans Employment Opportunities Act of 1998 (Pub. L. 105-339) redesignated 5 U.S.C. 2302(b)(11), which makes it a prohibited personnel practice to take or fail to take a personnel action that would violate any law, rule, or regulation implementing or directly concerning the merit system principles, as 5 U.S.C. 2302(b)(12). That statutory provision is cited in the Board's regulations at 5 CFR 1203.11(b)(2), which describes the additional information that must be submitted with a request for review of an OPM regulation where that prohibited personnel practice is at issue. Therefore, the Board is amending its regulations at 5 CFR 1203.11(b)(2) to conform to the redesignated statutory provision.

The Board is publishing this rule as a final rule pursuant to 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1203

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1203 as follows:

PART 1203—PROCEDURES FOR REVIEW OF RULES AND REGULATIONS OF THE OFFICE OF PERSONNEL MANAGEMENT

1. The authority citation for part 1203 continues to read as follows:

Authority: 5 U.S.C. 1204(a), 1204(f), and 1204(h).

§ 1203.11 [Amended]

2. Amend § 1203.11 in paragraph (b)(2) by removing "5 U.S.C. 2302(b)(11)" and adding, in its place, "5 U.S.C. 2302(b)(12)".

Dated: September 21, 2000.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 00-24737 Filed 9-26-00; 8:45 am]

BILLING CODE 7400-01-U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 56 and 70

[Docket No. PY-00-002]

RIN 0581-AB89

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: October 1, 2000.

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, 1999, revealed that anticipated revenue would not adequately cover increasing program costs. Without a fee increase, FY 2001 revenues for grading services are projected at \$23.7 million, costs are projected at \$24.9 million, and trust fund balances would be \$11.3 million. With a fee increase, FY 2001 revenues are projected at \$24.3 million, costs are projected at \$24.9 million, and trust fund balances would be \$11.9 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 4.76 to 5.31 percent, depending on locality, became effective in January 2000 and has materially affected program costs. Another general and locality salary increase estimated at 3.7 percent is expected in January 2001. Also, from October 1999 through September 2001, salaries and fringe benefits of federally licensed State employees will have increased by about 6.7 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 4 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. The hourly rate for an appeal grading or review of a grader's decision covers the