

Rules and Regulations

Federal Register

Vol. 61, No. 182

Wednesday, September 18, 1996

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Board is amending its rules of practice and procedure to make an inflation adjustment in the amount of the civil monetary penalty it may assess against a Federal employee in a disciplinary action brought by the Special Counsel. This adjustment is required by the "Federal Civil Penalties Inflation Adjustment Act of 1990" (Pub.L. 101-410), as amended by the "Debt Collection Improvement Act of 1996" (Pub.L. 104-134).

EFFECTIVE DATE: September 18, 1996.

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

SUPPLEMENTARY INFORMATION: Section 4 of the "Federal Civil Penalties Inflation Adjustment Act of 1990" (Pub. L. 101-410), as amended by the "Debt Collection Improvement Act of 1996" (Pub. L. 104-134), requires each Federal agency with statutory authority to assess a civil monetary penalty (CMP) to adjust each CMP by the inflation adjustment described in section 5 of the Act. Such adjustment is to be made by regulation published in the Federal Register. The first inflation adjustment is required by October 23, 1996—180 days after the enactment of the "Debt Collection Improvement Act of 1996." Thereafter, agencies are to make inflation adjustments by regulation at least once every four years. Any increase in a CMP made pursuant to the Act applies only to violations that occur after the date the increase takes effect.

The Merit Systems Protection Board's only statutory authority to assess a CMP

is found at 5 U.S.C. 1215(a)(3), which describes the penalties the Board may impose when it orders disciplinary action against a Federal employee in a complaint brought by the Special Counsel (other than a disciplinary action complaint for violation of the Hatch Act). One of the penalties authorized is assessment of a civil penalty not to exceed \$1,000.

Because the Act limits the initial inflation adjustment in a CMP to 10 percent of the penalty specified by statute, the Board is amending its rules at 5 CFR 1201.126(c) to increase the maximum civil penalty it may assess in a Special Counsel disciplinary action to \$1,100.

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 1201

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1201 as follows:

PART 1201—[AMENDED]

1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, and 7701 unless otherwise noted.

§ 1201.126 [Amended]

2. Section 1201.126 is amended at paragraph (c) by removing "\$1,000" and by adding in its place "\$1,100."

Dated: September 6, 1996.

Robert E. Taylor,
Clerk of the Board.

[FR Doc. 96-23209 Filed 9-17-96; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 718

Commodity Credit Corporation

7 CFR Part 1412

RIN 0560-AE81

Implementation of the Farm Program Provisions of the 1996 Farm Bill; Correction

AGENCY: Farm Service Agency and Commodity Credit Corporation, Department of Agriculture.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published on Thursday, July 18, 1996, (61 FR 37544).

EFFECTIVE DATE: September 17, 1996.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections were published on July 18, 1996, at 61 FR 37544, and provide the rules for a variety of programs administered by the United States Department of Agriculture under the authority of the Federal Agriculture Improvement and Reform Act of 1996 (7 USC 7201 *et seq.*).

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on July 18, 1996, 61 FR 37544 *et seq.*, of the final regulations are corrected as follows:

§ 718.206 [Corrected]

On page 37561, in the third column, in § 718.206, line ten, the reference to "§ 718.204(a)(3)." is corrected to read "§ 718.204."

§ 1412.206(d) [Corrected]

On page 37578, in the second column, under the reference to Mississippi in § 1412.206(d), line one, "Covington, Holmes, Jefferson Davis," is corrected to read "Covington, Jefferson Davis,".

On page 37578, in the third column, under the reference to Oklahoma in § 1412.206(d), line six, "Jackson, Kay," is corrected to read "Jackson, Jefferson, Kay,".

On page 37578, in the third column, under the reference to Texas in § 1412.206(d), line four, "Dallam," is corrected to read "Dallam, Dawson,".

On page 37579, in the first column, under the reference to Texas in § 1412.206(d), line three, "Lubbock," is corrected to read "Lubbock, Lynn,".

On page 37579, in the first column, under the reference to Texas in § 1412.206(d), line five, "Oldam," is corrected to read "Oldham,".

§ 1412.206(f) [Corrected]

On page 37579, in the second column in § 1412.206(f), line twenty-eight, the reference to "kale, kamut, kenya," is corrected to read "kale, kenya,".

§ 1412.207(b) [Corrected]

On page 37579, in the third column, in § 1412.207(b), line five, the reference to "§ 1412.303," is corrected to read "§ 1412.304,".

§ 1412.207(d)(1) [Corrected]

On page 37579, in the third column, in § 1412.207(d)(1), line one, "August 31" is corrected to read "September 30".

§ 1412.207(d)(2) [Corrected]

On page 37579, in the third column, in § 1412.207(d)(2), line two, "August 31" is corrected to read "September 30".

§ 1412.401 [Corrected]

On page 37580, in the second column, in § 1412.401(a), line five, the reference to "§§ 1412.201(6)(c)," is corrected to read "§§ 1412.206(c),".

On page 37580, in the third column, in § 1412.401(b)(2)(iii), line one, "(iii) Producers" is corrected to read "(c) Producers".

§ 1412.403 [Corrected]

On page 37580, in the third column, in § 1412.403, line one, the reference to "§ 718.12" is corrected to read "§ 718.11".

§ 1412.407 [Corrected]

On page 37581, in the first column, in § 1412.407, line ten, the reference to "§ 1412.40(b)(1) and (2)" is corrected to read "§ 1412.401(b)(1) and (2)".

Signed at Washington, D.C., on September 10, 1996.

Grant Buntrock,

Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 96-23834 Filed 9-17-96; 8:45 am]

BILLING CODE 3410-05-P

Agricultural Marketing Service**7 CFR Parts 911 and 915**

[Docket No. FV96-911-4FIR]

Limes and Avocados Grown in Florida; Relaxation of Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule

relaxing the container marking requirements prescribed under the Federal marketing orders for limes and avocados grown in Florida. The marketing orders regulate the handling of limes and avocados grown in Florida and are administered locally by the Lime and Avocado Administrative Committees (committees). This relaxation reduces the number of lime and avocado containers required to be marked with a lot stamp number. This rule reduces handling costs and provides more flexibility in lime and avocado packing operations.

EFFECTIVE DATE: October 18, 1996.

FOR FURTHER INFORMATION CONTACT:

Aleck Jonas, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299-4770; Fax # (941) 299-5169; or Caroline C. Thorpe, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-8139; Fax # (202) 720-5689. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; telephone (202) 720-2491; Fax # (202) 720-5698.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order Nos. 911 and 915 (7 CFR parts 911 and 915), as amended, regulating the handling of limes and avocados grown in Florida, hereinafter referred to as the "orders." These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with

the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 10 handlers of limes and 65 handlers of avocados who are subject to regulation under the respective marketing order and approximately 115 lime and 165 avocado producers in the regulated areas. Small agricultural service firms, which includes handlers, are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of these handlers and producers may be classified as small entities.

This rule relaxes the lot stamping requirements on containers of limes and avocados that have been palletized prior to block inspection. Smaller handling facilities are the primary users of block inspection and will benefit from the cost savings of this relaxation. Therefore, the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Under the terms of the marketing orders, fresh market shipments of Florida limes and avocados are required to be inspected and are subject to grade, size, maturity, pack and container requirements. Prior to the effective date of the interim final rule, container requirements included specifications that all authorized containers of limes and avocados be plainly marked with a