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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 530, 531, 534, 550, 575, 581, 582, and 630

RIN 3206-AH09

Pay Under the General Schedule; Termination of Interim Geographic Adjustments

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations to implement the termination of interim geographic adjustments (IGA's) payable to certain Federal employees. The IGA's were terminated because the locality-based comparability payments the President authorized for January 1996 exceeded 8 percent in both of the two remaining IGA areas (New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, and Los Angeles-Riverside-Orange County, CA).

EFFECTIVE DATE: August 2, 1996.

FOR FURTHER INFORMATION CONTACT: Jeanne D. Jacobson, (202) 606-2858 or FAX: (202) 606-0824.

SUPPLEMENTARY INFORMATION: On February 1, 1996, the Office of Personnel Management (OPM) published interim regulations (61 FR 3539) to implement the termination of IGA's. IGA's were terminated because the locality-based comparability payments the President authorized for January 1996 exceeded 8 percent in both of the two remaining IGA areas (New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, and Los Angeles-Riverside-Orange County, CA).

The President's alternative pay plan of August 31, 1995, provided an 8.05-percent comparability payment for the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, locality pay area

and an 8.15-percent comparability payment for the Los Angeles-Riverside-Orange County, CA, locality pay area for 1996. Since the comparability payments exceeded the 8-percent IGA previously established for these areas, the President's Executive Order 12984 of December 28, 1995, included no IGA pay schedules. This had the effect of terminating the IGA's for the New York and Los Angeles IGA areas. (Executive Order 12944 of December 29, 1994, previously terminated IGA's for the San Francisco-Oakland-San Jose, CA IGA area because the comparability payment for that area exceeded 8 percent in January 1995.)

As a result of the termination of IGA's, the interim rule removed 5 CFR part 531, subpart A, "Interim Geographic Adjustments." However, because some employees in the former IGA areas will continue to receive "continued rates of pay" (a form of saved pay established in January 1994 for employees who previously received an IGA on top of a worldwide or nationwide special rate), the provisions previously found in subpart A concerning the administration of continued rates of pay were retained in a new subpart G of part 531. The interim regulations also made conforming changes in other parts of the regulations to reflect the termination of IGA's.

The 60-day comment period for the interim regulations ended on April 1, 1996. OPM received comments by telephone from one agency asking for clarification of 5 CFR 531.703(i). Section 531.703(i) provides that an employee's entitlement to a continued rate of pay is not affected by a temporary promotion or temporary reassignment. The agency felt this provision could be interpreted incorrectly to provide entitlement to continued pay during temporary promotions or reassignments when such assignments involve one of the actions that ordinarily terminate continued pay, such as when an employee's official duty station is no longer located in one of the IGA areas. OPM agrees.

We have revised 5 CFR 531.703(i) in the final regulations to provide that an employee's entitlement to a continued rate of pay is not affected by a temporary promotion or temporary reassignment, unless such assignments cause one of the conditions in 5 CFR 531.703(g) to be satisfied. In such situations, the continued rate is

suspended during the temporary promotion or reassignment. The employee's entitlement to the continued rate resumes as if never interrupted upon return to his or her permanent position, as long as the employee is otherwise eligible to receive that rate. A continued rate that is resumed must include any pay adjustments authorized for the permanent position during the period of the temporary promotion or reassignment, as provided in 5 CFR 531.703(e).

This revision is the only change being made in the interim regulations. All other provisions of the interim regulations are adopted as final.

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 only to Federal agencies and employees.

List of Subjects in 5 CFR Parts 530, 531, 534, 550, 575, 581, 582, and 630

Administrative practice and procedure, Alimony, Child support, Claims, Government employees, Hospitals, Law enforcement officers, Reporting and recordkeeping requirements, Students, and Wages.

Office of Personnel Management.

James B. King,

Director.

Accordingly, the interim rule amending parts 530, 531, 534, 550, 575, 581, 582, and 630 of title 5, Code of Federal Regulations, which was published at 61 FR 3539 on February 1, 1996, is adopted as final with the following change:

PART 531—PAY UNDER THE GENERAL SCHEDULE

1. The authority citation for part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Pub. L. 103-89, 107 Stat. 981 and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316;

Subpart B also issued under 5 U.S.C. 5303(g), 5333, 5334(a), and 7701(b)(2);

Subpart C also issued under 5 U.S.C. 5304, 5305, and 5553; sections 302 and 404 of FEPCA, Pub. L. 101-509, 104 Stat. 1462 and 1466; and section 3(7) of Pub. L. 102-378, 106 Stat. 1356;

Subpart D also issued under 5 U.S.C. 5335(g) and 7701(b)(2);

Subpart E also issued under 5 U.S.C. 5336;

Subpart F also issued under 5 U.S.C. 5304, 5305(g)(1), and 5553; and E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682;

Subpart G also issued under 5 U.S.C. 5304, 5305, and 5553; section 302 of the Federal Employees Pay Comparability Act of 1990 (FEPCA), Pub. L. 101-509, 104 Stat. 1462; and E.O. 12786, 56 FR 67453, 3 CFR, 1991 Comp., p. 376.

Subpart G—Continued Rates of Pay

2. In § 531.703, paragraph (i) is revised to read as follows:

§ 531.703 Administration of continued rates of pay.

* * * * *

(i) An employee's entitlement to a continued rate of pay is not affected by a temporary promotion or temporary reassignment, except that a continued rate shall be suspended when a temporary promotion or reassignment causes one of the conditions in paragraph (g) of this section to be satisfied. In such situations, an employee's entitlement to continued pay will resume as if never interrupted upon return to the permanent position, subject to the requirements of this subpart. A continued rate that is resumed shall include any pay adjustments that were authorized for the permanent position under paragraph (e) of this section during the period of the temporary promotion or reassignment.

[FR Doc. 96-16942 Filed 7-2-96; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 868

RIN 0580-AA47

Fees for Rice Inspection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA) is increasing the fees for Federal Rice Inspection Services, as performed under the Agricultural Marketing Act (AMA) of 1946. This fee increase is intended to cover, as nearly as practicable, the projected operating costs, including related supervisory and administrative costs, for Federal Rice Inspection Services rendered and to generate sufficient revenues to cover costs and maintain an appropriate operating reserve.

EFFECTIVE DATE: August 2, 1996.

FOR FURTHER INFORMATION CONTACT: George Wollam, USDA-GIPSA, Room 0623—South Building, 1400 Independence Avenue, SW, Washington, D.C., 20090-6454, telephone (202) 720-0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget. This increase in the service fees is necessary to recover operating losses in the Federal Rice Inspection Services. These fees were last increased on January 1, 1995 56 FR 15483, but revenue is still not covering operating costs. The overall cost of operating the Federal Rice Inspection Service program increased between fiscal years (FY) 1994 and 1995 by more than 6 percent. In FY 1955, the program generated revenue of \$3,982,744 with operating costs of \$4,274,733, resulting in a 1-year operating loss of \$291,990.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to provisions of this rule.

Effect on Small Entities

James R. Baker, Administrator, GIPSA, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the rice inspection services do not meet the requirements for small entities. In addition, GIPSA is required by statute to recover the costs of providing rice inspection services.

Information Collection and Record Keeping Requirements

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements concerning applications for official inspection services, including rice inspections, have been approved by the Office of Management and Budget under control number 0580-0013.

Background

On January 11, 1996, FGIS proposed in the Federal Register (61 FR 1013) to increase fees charged for Federal Rice Inspection Services. The rice inspection fees were last amended on January 1, 1995 (56 FR 15483). They presently appear in § 868.91 in Tables 1 and 2 of the regulations (7 CFR 868.91 (Tables 1 and 2)). Since publication of the proposed rule, FY 96 cost and revenue information has become available and has been included in the discussion herein.

FGIS continually monitors its cost, revenue, and operating reserve levels to ensure that there are sufficient resources for operations. During FYs 1993, 1994, and 1995, respectively, FGIS implemented cost-saving measures in an effort to provide more cost effective services. However, while the quantity of rice inspections may fluctuate, certain FGIS costs remain constant. Consequently, revenues (\$3,758,893; \$3,500,597; \$3,982,744) did not cover operating costs (\$3,847,762; \$4,022,194; and \$4,274,733) for FYs 1993, 1994, and 1995, respectively. This reflects a reduction in operating reserves for all three fiscal years.

At the time of the publication of the proposed rule, FY 94 offered the most current 1-year figures available to compare FGIS' rice inspection operating costs with revenue. The figures for this year were used to project the budgeted FY 95 rice inspection operating costs and establish revenue levels necessary to cover projected operating costs. During the period of October 1, 1994, to July 31, 1995, the actual operating cost was \$3,760,305 and revenue was \$3,438,683, resulting in a reduction in operating reserves of \$321,667.

Since the publication of the proposed rule, FY 95 offers the most current 1-year figures available to compare FGIS' rice inspection operating costs with revenue. The figures for FY 95 used to project the budgeted FY 96 rice inspection operating costs and establish revenue levels necessary to cover those projected costs confirms the trend toward reducing operating reserves. From October 1, 1994, to September 30, 1995, the actual operating cost was \$4,274,733 and revenue was \$3,982,744, resulting in a reduction in operating reserves of \$291,990.

The trend, as reflected in FY 94 to FY 95 data, is expected to continue. This overall trend necessitates an increase in fees and an increase to the per-hundred-weight volume charge for services performed at export port locations on lots at rest in order to recover the projected operating costs and maintain