The Office of Personnel Management (OPM) is issuing a technical amendment to update outdated language in its regulations pertaining to the appeal rights of probationers. The new regulations would expand one of the factors upon which an employee may base an appeal. Accordingly, OPM is amending part 315 of title 5, Code of Federal Regulations, as follows:

PART 315—CAREER AND CAREER CONDITIONAL EMPLOYMENT

1. The authority citation for part 315 is revised to read as follows:


2. Section 315.806(d) is revised to read as follows:

§ 315.806 Appeal rights to the Merit Systems Protection Board.

(d) An employee may appeal to the Board under this section a termination which the employee alleges was based on discrimination because of race, color, religion, sex, or national origin; or age (provided that at the time of the alleged discriminatory action the employee was at least 40 years of age); or handicapping condition if the individual meets the definition of "handicapped person" as set forth in regulations of the Equal Employment Opportunity Commission at 29 CFR 1613.702(a). An appeal alleging a discriminatory termination may be filed under this subsection only if such discrimination is raised in addition to one of the issues stated in paragraph (b) or (c) of this section.

[FR Doc. 90-16890 Filed 7-18-90; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 831

RIN 3206-AB75

Civil Service Retirement System; Civil Service Retirement Spouse Equity Act; Implementation

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is amending its interim rules implementing the Civil Service Retirement Spouse Equity Act of 1984, as amended (CSRSEA). The interim rules regulate survivor elections, survivor annuities based on those elections, special survivor annuities for former spouses under CSRSEA, survivor annuities payable to widows and children, lump sum death benefits, court orders affecting retirement benefits, and refunds of civil service retirement contributions. These amendments to the interim rules retroactively eliminate the requirement that the former employee execute an application for a refund of retirement deductions before a notary public. This change is necessary to prevent placing an unreasonable burden on our former employees and to avoid delays in payment of refunds to these former employees.

DATES: Interim rules effective April 11, 1990; comments must be received by September 17, 1990.

ADDRESSES: Send comments to Andrea Minniear Farran, Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; or deliver to OPM, Room 4351, 1900 E Street NW., Washington, DC.
FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 606-0777, extension 207.

SUPPLEMENTARY INFORMATION: On May 13, 1986, we published (at 50 FR 9093) amendments to those interim regulations. Item 23 of those amendments imposed a new requirement that a former employee applying for a refund of retirement deductions execute the application for the refund before a notary public or other official authorized to administer oaths, with the intent of preventing fraudulent statements.

We have reexamined the effects of the notification requirement. We need to prevent false certification to the extent possible, but the notification requirement appears not to be a reasonable solution. OPM processes 150,000 refund applications per year. The notification requirement would require each applicant to endure the inconvenience and expense of going to a notary to execute the application. In addition, we expect that we would receive thousands of applications that have not been notarized. We would have to return those applications to be completed properly, thus delaying the payment of refunds.

To deter false certifications, the refund application contains a warning that any false statement is a violation of Federal law punishable by fine or imprisonment. In addition, we will revise the certification statement on the refund application to emphasize that the applicant is certifying that the information given pertaining to current and former spouses is true.

Under sections 553(b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. The regulations are effective on April 11, 1990, to prevent the notification requirement from ever becoming effective. This is necessary to prevent an unreasonable burden on refund applicants and an unnecessary processing burden on OPM. Delaying rulemaking would be contrary to the public interest.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired and former Government employees and their survivors and former spouses.

List of Subjects in 5 CFR Part 831


Constance Berry Newman,
Director.

Accordingly, OPM is amending 5 CFR part 831 as follows:

PART 831—RETIREMENT

Subpart T—Payment of Lump Sums

1. The authority citation for subpart T of part 831 continues to read as follows:

Authority: 5 U.S.C. 8347.

2. In §831.2007, paragraph (b)(2) is revised to read as follows:

§831.2007 Notification of current and/or former spouse before payment of lump sum.

* * * * *

(b) * * *

2. Applicants for payment of the lump-sum credit must certify on a form prescribed by OPM whether the applicant has a current or former spouse subject to the notification requirement.

* * * * *

[FR Doc. 90-18601 Filed 7-18-90; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[No. LS-90-106]

Pork Promotion, Research, and Consumer Information

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Interim final rule.

SUMMARY: This interim final rule amends regulations issued under the Pork Promotion, Research, and Consumer Information Order (Order) by revising the table which lists the Harmonized Tariff System (HTS) numbers for imported pork and pork products, to conform to changes in the HTS for imported pork and pork products implemented by U.S. Customs Service (USCS). This change will facilitate the collection of assessments due on imported pork and pork products by USCS.


ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, room 2024-S, P.O. Box 96456, Washington, DC 20090-6456. Comments will be available for public inspection during regular business hours at the above office in room 2624 South Building, 14th and Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch—202/252-1115.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation 1512-1, and is hereby classified as a non-major rule under the criteria contained therein.

This action was also reviewed under the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 et seq.] Many importers may be classified as small entities. This interim final rule merely (1) revises the numbers identifying imported pork and pork products listed in the table in §1230.110 (55 FR 21848) in the regulations to conform to recent USCS changes in the HTS numbering system for imported pork and pork products. In addition, the action will not impose any requirements on importers beyond those previously discussed in the September 5, 1988, issue of the Federal Register (53 FR 31898), when it was determined that the Order would not have a significant effect upon a substantial number of small entities. The changes in the HTS numbers for imported pork and pork products is merely a technical change and will impose no new requirements on the industry. Accordingly, the Administrator of the Agricultural Marketing Service has determined that this action will not have significant
The other 19 HTS numbers and the per pound and per kilogram assessments listed in the table in § 1230.110 remain unchanged. These changes in the HTS numbers for imported pork and pork products do not affect the assessments on imported swine. As a result of these changes the 28 HTS numbers listed in the table in § 1230.110 of the regulations (55 FR 21848) are increased to 33 HTS numbers for imported pork and pork products.

Pursuant to 5 U.S.C. 553, it is found and determined that, upon good cause, it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing theeffective date of this action until 30 days after publication in the Federal Register because: (1) In order to facilitate collection by USCS of the assessments on imported pork and pork products identified by the 14 new HTS numbers, which are subject to assessment under the Order (7 CFR part 1230), as authorized by the Pork Promotion, Research, Consumer Information Act of 1985 (7 U.S.C. 4801–4819), it is necessary that this interim final rule be effective upon publication in the Federal Register; (2) the changes contained in this interim final rule propose no new requirements on the industry; and (3) interested persons are afforded a 30-day comment period to submit written comments. Any comments which are received by August 20, 1990 will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Live porcine animal, Marketing agreement, Meat and meat products, Pork and pork products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:


2. Amend subpart B—Rules and Regulations, by revising § 1230.110 to read as follows:

§ 1230.110 Assessments on imported live porcine animals, pork, and pork products.

The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

<table>
<thead>
<tr>
<th>Product</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pork and pork products</td>
<td>0.25 percent cutama entered value.</td>
</tr>
<tr>
<td>Live Porcine animals</td>
<td>0.25 percent cutams entered value.</td>
</tr>
</tbody>
</table>

The following HTS categories of pork and pork products are subject to assessment at the rate specified.

<table>
<thead>
<tr>
<th>HTS article</th>
<th>HTS description</th>
<th>New HTS No.</th>
<th>Deleted HTS No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0203.12.1030</td>
<td>Shoulders and Cuts thereof (other).</td>
<td>0203.12.1030</td>
<td>0203.12.1030</td>
</tr>
<tr>
<td>0203.12.1050</td>
<td>Other.</td>
<td>0203.12.1050</td>
<td>0203.12.1050</td>
</tr>
<tr>
<td>0210.11.0000</td>
<td>Hams and Cuts thereof (boned).</td>
<td>0210.11.0000</td>
<td>0210.11.0000</td>
</tr>
<tr>
<td>0210.11.0010</td>
<td>Shoulders and Cuts thereof (boned).</td>
<td>0210.11.0010</td>
<td>0210.11.0010</td>
</tr>
<tr>
<td>0210.11.0011</td>
<td>Salted, in brine, dried, or smoked.</td>
<td>0210.11.0011</td>
<td>0210.11.0011</td>
</tr>
<tr>
<td>0210.11.0012</td>
<td>Canadian style bacon.</td>
<td>0210.11.0012</td>
<td>0210.11.0012</td>
</tr>
<tr>
<td>0210.11.0013</td>
<td>Pork, Canned.</td>
<td>0210.11.0013</td>
<td>0210.11.0013</td>
</tr>
<tr>
<td>0210.11.0014</td>
<td>Pork, Other.</td>
<td>0210.11.0014</td>
<td>0210.11.0014</td>
</tr>
<tr>
<td>0210.11.0015</td>
<td>Other.</td>
<td>0210.11.0015</td>
<td>0210.11.0015</td>
</tr>
<tr>
<td>1601.00.2000</td>
<td>Other.</td>
<td>1601.00.2000</td>
<td>1601.00.2000</td>
</tr>
<tr>
<td>1601.00.2001</td>
<td>Other.</td>
<td>1601.00.2001</td>
<td>1601.00.2001</td>
</tr>
</tbody>
</table>
December 22, 1989, were fully considered before preparing this final rule. The following is a summary addressing the substantive comments. Several commenters suggested that the interim rule published on November 22, 1989, was not sufficiently clear as to what classes of aliens need or do not need to pay the $35.00 fee to file the Form. Since page 3 of the form is so explicit regarding the class of aliens required to pay the fee, it was not necessary to list the class of aliens in the interim rule. Other commenters felt the fee was not warranted under any circumstances and perhaps was not based on cost. The decision to propose and subsequently impose a fee for Form I-765 was given long and careful consideration. It is based on a Service-wide policy that beneficiaries of special services of the type provided by this rule should bear the appropriate cost. Consistent with this policy, the INS attempted as fairly and accurately as possible to ascertain the cost of providing this special service and benefit and to set the pertinent fee accordingly. To do otherwise would violate the principles of 31 U.S.C. 9701 and OMB Circular A-25, which requires Federal agencies to establish a fee system in which the special service or benefit provided to or for any person be self-sustaining to the fullest extent possible. Arguments that we violated these principles are wholly without merit. The fee structure adheres to the cost principle.

Further, since the regulations provide for the waiver of a fee when it is shown that the recipient is unable to pay, the new fee does not prohibit or burden applicants on the basis of the inability to pay as comments suggested. Furthermore, several of our fees are at less than full cost recovery recognizing longstanding public policy and interest served by these processes.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This rule would not be a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12862.

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act under OMB Control number 1115-0163.

List of Subjects
8 CFR Part 103
Administrative practice and procedures, Archives and records, Authority delegation, Fees, Forms.
8 CFR Part 299
Forms, Reporting and recordkeeping requirements.

Accordingly, under the authority of 5 U.S.C. 552, 552a, 8 U.S.C. 1101, 1103, 1201, and 1304, the interim rule amending 8 CFR parts 103 and 299 which was published at 54 FR 48230 on November 22, 1989, is adopted as a final rule without change.

Dated: July 11, 1990.
Gene McNary,
Commissioner, Immigration and Naturalization Service.
[FR Doc. 90-16829 Filed 7-18-90; 8:45 am]
BILLING CODE 4410-10-M