

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities for the following reasons:

1. OPM is not regulating entities (including businesses) of any size, or imposing record keeping, reporting, or other compliance requirements on them. OPM is regulating the conduct of Federal agencies if they choose to use temporary help firms.

2. The requirements an entity must observe are generated through an agency-initiated contracting process featuring competitive bidding under the already-established, statutory Federal procurement system. That system applies to all contractors providing goods and services to the Government. The entities affected by that system are those who seek a contract. Those who win a contract receive a beneficial economic impact.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 300

Freedom of information, Government employees, Reporting and recordkeeping requirements, Selective Service System.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend part 300 of title 5, Code of Federal Regulations, as follows:

PART 300—EMPLOYMENT (GENERAL)

1. The authority citation for part 300 is revised to read as follows:

Authority: 5 U.S.C. 552, 3301, 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. secs. 7201, 7204, 7701; E.O. 11478, 3 CFR, 1966–1970 Comp., page 803.

Secs. 300.301 also issues under 5 U.S.C. 1104 and 3341.

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

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

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

Secs. 300.801 through 300.802 issued under 5 U.S.C. 3328.

1. Section 300.502 is revised to read as follows:

§ 300.502 Coverage

(a) The regulations in this subpart apply to the competitive service and to

Schedules A and B in the excepted service.

(b) Agencies may not use temporary help services for Senior Executive Service or for the work of managerial or supervisory positions.

2. In § 300.503 paragraph (c)(3) is added to read as follows:

§ 300.503 Conditions for using private sector temporaries.

* * * * *

(c) * * *

(3) To circumvent controls on employment levels.

3. In § 300.504, paragraphs (a) and (b) are revised to read as follows:

§ 300.504 Prohibition on employer-employee relationship.

* * * * *

(a) In accordance with the regulations in this subpart, an agency may use private sector temporaries in a particular situation for no more than 120 workdays. If the situation justifies use of temporary help services beyond the initial 120 workdays, the agency may request OPM authorization for an additional period not to exceed 120 workdays, up to a total of 240 workdays.

(b) An individual employee of a temporary help firm may work at a major organizational element (headquarters or field) of an agency for no more than 120 workdays in a 12 month period. An agency may request OPM authorization to keep the individual for an additional period not to exceed 120 workdays up to a total of 240 workdays:

(1) In conjunction with an extension of the overall time limit for a particular situation, or

(2) For a different situation if the using of the same individual would be in the interest of good administration.

* * * * *

4. Section 300.505 is revised to read as follows:

§ 300.505 Relationship of civil service procedures.

Agencies continue to have full authority to meet their temporary needs by various means, for example, redistributing work, authorizing overtime, using in-house pools, and making details or time-limited promotions of current employees. In addition, agencies may appoint individuals as civil service employees on various work schedules appropriate for the work to be performed.

5. Section 300.507 is revised to read as follows:

§ 300.507 Documentation and oversight.

Agencies are required to maintain records and provide oversight to

establish that their use of temporary help service firms is consistent with the regulations in this subpart. As needed, OPM may request agencies to provide information on the extent of their use of temporary help service firms.

[FR Doc. 95–22317 Filed 9–7–95; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 1260**

[No. LS–95–007]

Beef Promotion and Research; Reapportionment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would adjust representation on the Cattlemen's Beef Promotion and Research Board (Board), established under the Beef Promotion and Research Act (Act) of 1985, to reflect changes in cattle inventories and cattle and beef imports that have occurred since the Board was reapportioned in 1993. These adjustments are required by the Beef Promotion and Research Order (Order) and would result in an increase in Board membership from 107 to 111, effective with the Secretary's 1996 appointments.

DATES: Comments must be received by October 10, 1995.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief, Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, Room 2606–S; P.O. Box 96456; Washington, D.C. 20090–6456. Comments will be available for public inspection during regular business hours at the above office in Room 2606–South Building, 14th and Independence Avenue, Southwest, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, on 202/720–1115.

SUPPLEMENTARY INFORMATION:**Executive Orders 12866 and 12778 and the Regulatory Flexibility Act**

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

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. Section 11 of the

Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to beef promotion organized and operated under the laws of the United States or any State. There are no administrative proceedings that must be exhausted prior to any judicial challenge to the provisions of this rule.

This action was also reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.). The Administrator of AMS has determined that this proposed action will not have a significant impact on a substantial number of small entities as defined by RFA since it only adjusts representation on the Board to reflect changes in domestic cattle inventory and imports.

The Board was initially appointed August 4, 1986, pursuant to the provisions of the Act (7 U.S.C. 2901 et seq.) and the Order issued thereunder (7 CFR 1260.101 et seq.). Domestic representation on the Board is based on cattle inventory numbers, and importer representation is based on the conversion of the volume of imported cattle, beef, or beef products into live animal equivalencies.

Section 1260.141(b) of the Order provides that the Board shall be composed of cattle producers and importers appointed by the Secretary from nominations submitted by certified producer organizations. A producer may only be nominated to represent the unit in which that producer is a resident.

Section 1260.141(c) of the Order provides that at least every 3 years and not more than every 2 years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef, and beef products and, if warranted, shall reapportion units and/or modify the number of Board members from units in order to reflect the geographic distribution of cattle production volume in the United States and the volume of cattle, beef, or beef products imported into the United States.

Section 1260.141(d) of the Order authorizes the Board to recommend to the Secretary modifications in the number of cattle per unit necessary for representation on the Board.

Section 1260.141(e)(1) provides that each geographic unit or State that includes a total cattle inventory equal to or greater than 500,000 head of cattle shall be entitled to one representative on the Board. Section 1260.141(e)(2) provides that States that do not have total cattle inventories equal to or greater than 500,000 head shall be grouped, to the extent practicable, into geographically-contiguous units, each of

which have a combined total inventory of not less than 500,000 head. Such grouped units are entitled to at least one representative on the Board. Each unit that has an additional one million head of cattle within a unit qualifies for additional representation on the Board as provided in § 1260.141(e)(4). As provided in § 1260.141(e)(3), importers are represented by a single unit, with the number of Board members based on a conversion of the total volume of imported cattle, beef, or beef products into live animal equivalencies.

The initial Board appointed in 1986 was composed of 113 members. Reapportionment based on a 3-year average of cattle inventory numbers and import data, reduced the Board to 111 members in 1990 and 107 members in 1993.

The current Board representation by States or units has been based on an average of the January 1, 1990, 1991, and 1992 inventory of cattle in the various States as reported by the National Agricultural Statistics Service of the Department of Agriculture (USDA). Importer representation has been based on a combined total average of the 1989, 1990, and 1991 live cattle imports as published by the Foreign Agricultural Service (FAS) of USDA and the average of the 1989, 1990, and 1991 live animal equivalents for imported beef products.

Recommendations concerning Board reapportionment were approved by the Board at its July 24, 1995, meeting. In considering reapportionment, the Board reviewed cattle inventories as well as cattle, beef, and beef product import data for the period January 1, 1993, to January 1, 1995. The Board recommended that a 3-year average of cattle inventories and import numbers should be continued. The Board determined that an average of the January 1, 1993, 1994, and 1995 USDA cattle inventory numbers would best reflect the number of cattle in each State or unit since the 1993 reapportionment.

The Board reviewed the March 1995 FAS circular, "U.S. Trade and Prospects, Dairy, Livestock, and Poultry," to determine proper importer representation. The Board recommended the use of a combined total of the average of the 1992, 1993, and 1994 cattle import data and the average of the 1992, 1993, and 1994 live animal equivalents for imported beef products. The method used to calculate the total number of live cattle equivalents was the same as that used in the previous reapportionment of the Board. The recommendation for importer representation is based on the most recent 3-year average of data

available to the Board at its July 24, 1995, meeting to be consistent with the procedures used for domestic representation.

The Board's recommended reapportionment plan would increase the number of representatives on the Board from 107 to 111. Two States—Iowa and Ohio—lose one member each; three States—Missouri, Montana, and South Dakota—gain one member each; Texas, gains two members; and the importer unit gains one member. Nevada would lose its only member. Because Nevada does not have sufficient cattle inventory to qualify for a position on the Board, the Board proposes that Nevada be merged with Oregon, a contiguous State that has only one member, to form a Western unit. The combined cattle inventory of Nevada and Oregon would entitle that Western unit to two seats on the Board, thus enabling both States to be jointly represented. The States and units affected by the reapportionment plan and the current and proposed member representation per unit are as follows: (Units are listed with the State makeup recommended by the Board.)

States	Current representation	Proposed representation
1. Iowa	5	4
2. Missouri	4	5
3. Montana	2	3
4. Ohio	2	1
5. South Dakota	3	4
6. Texas	13	15
7. Western	0	2
Nevada	1
Oregon	1

The 1995 nomination and appointment process was in progress while the Board was developing its recommendations. Thus, the Board reapportionment as proposed by this rulemaking would be effective, if adopted, with 1996 nominations and appointments.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreement, Meat and meat products, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, it is proposed that 7 CFR part 1260 be amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for 7 CFR part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 et seq.

2. In § 1260.141, paragraph (a) and the table immediately following it, are revised to read as follows:

§ 1260.141 Membership of Board.

(a) For Board nominations and appointments beginning with those in 1996, the United States shall be divided into 39 geographical units and one unit representing importers, and the number of Board members from each unit shall be as follows:

CATTLE AND CALVES¹

State/Unit	(1,000 head)	Directors
1. Alabama	1,677	2
2. Arizona ..	863	1
3. Arkansas	1,837	2
4. California	4,617	5
5. Colorado	2,967	3
6. Florida ...	1,977	2
7. Georgia .	1,477	1
8. Idaho	1,720	2
9. Illinois ...	1,813	2
10. Indiana	1,163	1
11. Iowa	4,183	4
12. Kansas	6,067	6
13. Kentucky	2,617	3
14. Louisiana	943	1
15. Michigan	1,210	1
16. Minnesota ...	2,750	3
17. Mississippi ...	1,353	1
18. Missouri	4,600	5
19. Montana	2,583	3
20. Nebraska	6,017	6
21. New Mexico ...	1,437	1
22. New York	1,503	2
23. North Carolina .	1,063	1
24. North Dakota ...	1,857	2
25. Ohio	1,480	1
26. Oklahoma	5,333	5
27. Pennsylvania .	1,783	2
28. South Carolina .	513	1
29. South Dakota ...	3,833	4
30. Tennessee ...	2,450	2
31. Texas ..	14,667	15
32. Utah	867	1
33. Virginia	1,713	2
34. Wisconsin	3,883	4
35. Wyoming	1,383	1
36. Northwest		2
Alaska	9	
Hawaii	173	

CATTLE AND CALVES¹—Continued

State/Unit	(1,000 head)	Directors
Washington	1,353	
Total ...	1,535	
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37. Northeast		1
Connecticut	76	
Delaware	30	
Maine	116	
Massachusetts ...	69	
New Hampshire ...	49	
New Jersey	67	
Rhode Island ...	7	
Vermont .	292	
Total ...	706	
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38. Mid-Atlantic		1
District of Columbia	0	
Maryland	310	
West Virginia ...	477	
Total ...	787	
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39. Western		2
Nevada ..	497	
Oregon ..	1,420	
Total ...	1,917	
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40. Importer ² ...	7,016	7

¹ 1993, 1994, and 1995 average.
² 1992, 1993, and 1994 average.

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 Dated: September 1, 1995
Lon Hatamiya,
Administrator.
 [FR Doc. 95-22282 Filed 9-7-95; 8:45 am]
BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

9 CFR Parts 1 and 3

[Docket No. 93-076-7]

RIN 0579-AA59

Animal Welfare; Marine Mammals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The purpose of this notice is to announce the first meeting of the Marine Mammal Negotiated Rulemaking Advisory Committee.

DATES: September 25 and 26, 1995, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the Holiday Inn at College Park, 10000 Baltimore Boulevard, Route 1, College Park, MD 20740, (301) 345-6700.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care Staff, REAC, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737-1234, (301) 734-7833.

SUPPLEMENTARY INFORMATION: In a Federal Register notice published on May 22, 1995 (60 FR 27049-27051, Docket No. 93-076-3), we announced our intent to establish a Marine Mammal Negotiated Rulemaking Advisory Committee (Committee), chartered under the Federal Advisory Committee Act (Pub. L. 92-463). The Committee will advise the Department on the content of regulations to revise and update the standards for the handling, care, treatment, and transportation of marine mammals in captivity.

The purpose of the meeting is to bring together members of the Animal and Plant Health Inspection Service, representatives of the marine mammal industry, and representatives of other parties with a definable stake in marine mammal issues to frame a recommended rulemaking proposal as an alternative to the current standards for the care of captive marine mammals.

The proposed agenda for the meeting is as follows:

First Day

Morning Session—9 a.m.

- APHIS Opening Remarks
- Presentation of Agenda
- Self-Introductions and Statements of Perspective by Committee Members and Facilitator
- Development of Committee Procedures and Protocols

Afternoon Session—1:30 p.m.

- Development of Committee Procedures and Protocols
- Public Comments

Second Day

Morning Session—9 a.m.

- Presentation of Agenda
- Review of Substantive Marine Mammal Issues

Afternoon Session—1:30 p.m.

- Review of Substantive Marine Mammal Issues