

## Merit Systems Protection Board

## § 1203.2

Grand Junction, Colorado  
Lakewood, Colorado  
Pueblo, Colorado  
Wichita, Kansas  
Billings, Montana  
Great Falls, Montana  
Missoula, Montana  
Omaha, Nebraska  
Albuquerque, New Mexico  
Bismarck, North Dakota  
Fargo, North Dakota  
Rapid City, South Dakota  
Sioux Falls, South Dakota  
Salt Lake City, Utah  
Casper, Wyoming

[69 FR 11503, Mar. 11, 2004, as amended at 69 FR 61991, Oct. 22, 2004]

### APPENDIX IV TO PART 1201—SAMPLE DECLARATION UNDER 28 U.S.C.1746

#### Declaration

I, \_\_\_\_\_, do hereby declare:  
I declare under penalty of perjury under  
the laws of the United States of America  
that the foregoing is true and correct.  
Executed on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

### PART 1202—STATUTORY REVIEW BOARD

AUTHORITY: 5 U.S.C. 1204.

#### § 1202.1 Designating Chairman of Statutory Review Board.

At the written request of the Department of Transportation, the Chairman of the Board will designate a presiding official of the Board to serve as the Chairman of any Board of Review established by the Secretary of Transportation under 5 U.S.C. 3383(b) to review certain actions to remove air traffic controllers.

[54 FR 28658, July 6, 1989]

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

#### GENERAL

Sec.

1203.1 Scope; application of part 1201, subpart B.

1203.2 Definitions.

#### PROCEDURES FOR REVIEW

- 1203.11 Request for regulation review.
- 1203.12 Granting or denying the request for regulation review.
- 1203.13 Filing pleadings.
- 1203.14 Serving documents.
- 1203.15 Review of regulations on the Board's own motion.
- 1203.16 Proceedings.

#### ORDER OF THE BOARD

- 1203.21 Final order of the Board.
- 1203.22 Enforcement of order.

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

SOURCE: 54 FR 23632, June 2, 1989, unless otherwise noted.

#### GENERAL

#### § 1203.1 Scope; application of part 1201, subpart B.

(a) *General.* This part applies to the Board's review, under 5 U.S.C. 1204(a)(4) and 1204(f), of any rules or regulations ("regulations") issued by the Office of Personnel Management (OPM). It applies to the Board's review of the way in which an agency implements regulations, as well as to its review of the validity of the regulations on their face.

(b) *Application of 5 CFR part 1201, subparts B and C.* (1) Where appropriate, and unless the Board's regulations provide otherwise, the Board may apply the provisions of 5 CFR part 1201, subpart B to proceedings conducted under this part. It may do so on its own motion or on the motion of a party to these proceedings.

(2) The following provisions of 5 CFR part 1201, subparts B and C do not apply to proceedings conducted under this part:

(i) Sections 1201.21 through 1201.27 which concern petitions for appeal of agency actions, and the pleadings that are filed in connection with those petitions; and

(ii) Sections 1201.111 through 1201.119 which concern final decisions of presiding officials, and petitions for Board review of those decisions.

[54 FR 23632, June 2, 1989, as amended at 54 FR 28658, July 6, 1989]

#### § 1203.2 Definitions.

(a) *Invalid regulation* means a regulation that has been issued by OPM, and