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## MERIT SYSTEMS PROTECTION BOARD

### 5 CFR Part 1200

#### Board Organization

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule.

**SUMMARY:** The Merit Systems Protection Board is amending its organization and functions statement to reflect changes in the Board's headquarters organization and assignment of functions. These changes have been made to further streamline the Board's headquarters operations, enabling the agency to continue performing its functions effectively at the reduced budget and staffing levels expected through fiscal year 2000.

**EFFECTIVE DATE:** September 23, 1997.

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

**SUPPLEMENTARY INFORMATION:** In response to the second phase of the Administration's Reinventing Government initiative (REGO II), the Chairman of the Merit Systems Protection Board appointed a REGO II Task Force to review all Board operations and to make recommendations for changes in organization, functions, and procedures that would enable the agency to continue performing its functions effectively at the reduced budget and staffing levels expected through fiscal year 2000. In response to the recommendations of the Task Force, certain organizational and functional changes have been effected. This amendment to 5 CFR part 1200 reflects the following changes:

The Office of the Administrative Law Judge and Regional Operations has been separated into two offices, the Office of

the Administrative Law Judge and the Office of Regional Operations.

The Administrative Law Judge will continue to hear all Special Counsel complaints for disciplinary action, including Hatch Act cases, and proposed actions against administrative law judges. The Administrative Law Judge will also hear other assigned cases.

The Office of Regional Operations will manage the adjudicatory and administrative functions of the MSPB regional and field offices. References to the number of such offices have been removed.

The responsibility for preparing proposed decisions for the Board in original jurisdiction cases has been reassigned from the Office of the General Counsel to the Office of Appeals Counsel. As a result, most processing of cases that are decided by the 3-member Board is now centralized in the Office of Appeals Counsel. The Office of the General Counsel remains responsible for preparing proposed decisions for the Board in cases that the Board assigns.

Most of the Board's information services have been consolidated in the Office of the Clerk of the Board. Requests for non-case related information from the White House, Congress, and the media will continue to be handled by the Office of the General Counsel, and requests for information concerning the Board's studies will continue to be handled by the Office of Policy and Evaluation.

The Office of Planning and Resource Management Services has been abolished, and its three divisions now report to the Chairman through the Chief of Staff.

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 1200

Organization and functions (Government agencies).

Accordingly, the Board amends 5 CFR part 1200 as follows:

#### PART 1200—[AMENDED]

Subpart B—Offices of the Board, consisting of § 1200.10, is revised to read as follows:

#### Subpart B—Offices of the Board

**Authority:** 5 U.S.C. 1204 (h) and (j).

#### § 1200.10 Staff organization and functions.

(a) The Board's headquarters staff is organized into the following offices and divisions:

- (1) Office of Regional Operations.
- (2) Office of the Administrative Law Judge.
- (3) Office of Appeals Counsel.
- (4) Office of the Clerk of the Board.
- (5) Office of the General Counsel.
- (6) Office of Policy and Evaluation.
- (7) Office of Equal Employment Opportunity.

(8) Financial and Administrative Management Division.

(9) Human Resources Management Division.

(10) Information Resources Management Division.

(b) The principal functions of the Board's headquarters offices are as follows:

(1) *Office of Regional Operations.* The Director, Office of Regional Operations, manages the adjudicatory and administrative functions of the MSPB regional and field offices.

(2) *Office of the Administrative Law Judge.* The Administrative Law Judge hears Hatch Act cases, disciplinary action complaints brought by the Special Counsel, actions against administrative law judges, appeals of actions taken against MSPB employees, and other cases that the Board assigns.

(3) *Office of Appeals Counsel.* The Director, Office of Appeals Counsel, prepares proposed decisions that recommend appropriate action by the Board in petition for review cases, original jurisdiction cases, and other cases assigned by the Board.

(4) *Office of the Clerk of the Board.* The Clerk of the Board enters petitions for review and other headquarters cases onto the Board's docket and monitors their processing. The Clerk of the Board also does the following:

(i) Serves as the Board's public information center, including providing information on the status of cases, distributing copies of Board decisions and publications, and operating the Board's Library and on-line information services;

(ii) Manages the Board's records, reports, legal research, and correspondence control programs; and

(iii) Answers requests under the Freedom of Information and Privacy Acts at the Board's headquarters, and answers other requests for information

except those for which the Office of the General Counsel or the Office of Policy and Evaluation is responsible.

(5) *Office of the General Counsel.* The General Counsel provides legal advice to the Board and its headquarters and regional offices; represents the Board in court proceedings; prepares proposed decisions for the Board in cases that the Board assigns; coordinates legislative policy and performs legislative liaison; responds to requests for non-case related information from the White House, Congress, and the media; and plans and directs audits and investigations.

(6) *Office of Policy and Evaluation.* The Director, Policy and Evaluation, carries out the Board's statutory responsibility to conduct special reviews and studies of the civil service and other merit systems in the Executive Branch, as well as oversight reviews of the significant actions of the Office of Personnel Management. The office prepares the Board's reports of these reviews and studies, submits them to the President and the Congress, and makes them available to other interested individuals and organizations. The office is responsible for distributing the Board's reports and for responding to requests for information or briefings concerning them.

(7) *Office of Equal Employment Opportunity.* The Director, Office of Equal Employment Opportunity, manages the Board's equal employment programs.

(8) *Financial and Administrative Management Division.* The Financial and Administrative Management Division administers the budget, accounting, procurement, property management, physical security, and general services functions of the Board. It also develops and coordinates internal management programs and projects, including review of internal controls agencywide.

(9) *Human Resources Management Division.* The Human Resources Management Division develops policies and manages the Board's human resources programs, including staffing, classification, employee relations, performance management, payroll, personnel security, and training and development functions.

(10) *Information Resources Management Division.* The Information Resources Management Division develops, implements, and maintains the Board's automated information systems.

(c) *Regional and Field Offices.* The Board has regional and field offices located throughout the country (See Appendix II to 5 CFR part 1201 for a list

of the regional and field offices). Judges in the regional and field offices hear and decide initial appeals and other assigned cases as provided for in the Board's regulations.

Dated: September 18, 1997.

**Robert E. Taylor,**

*Clerk of the Board.*

[FR Doc. 97-25301 Filed 9-22-97; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 50

[Docket No. 97-061-1]

#### Expenses Associated With Transporting and Disposing of Tuberculosis-Exposed Animals

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations concerning animals destroyed because of tuberculosis to allow the U.S. Department of Agriculture to pay herd owners some of their expenses for transporting tuberculosis-exposed cattle, bison, and cervids to slaughter or to the point of disposal, and for disposing of the animals. Prior to this interim rule, herd owners could only receive help with these costs for affected animals. Consequently, herd owners in some cases elected to keep exposed animals in a herd until testing revealed them to be either free of tuberculosis or affected with tuberculosis, or elected not to depopulate an affected herd, providing opportunity for further spread of the disease. This interim rule also makes minor changes to the provisions for paying some of the expenses for transporting tuberculosis-affected animals to the point of disposal and disposing of them. This interim rule is necessary to ensure continued progress toward eradicating tuberculosis in the U.S. livestock population.

**DATES:** Interim rule effective September 17, 1997. Consideration will be given only to comments received on or before November 24, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-061-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to

Docket No. 97-061-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mitchell A. Essey, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737-1231, (301) 734-7727.

#### SUPPLEMENTARY INFORMATION:

##### Background

Bovine tuberculosis (referred to below as tuberculosis) is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis*. Tuberculosis causes weight loss, general debilitation, and sometimes death. The regulations at 9 CFR part 50, "Animals Destroyed Because of Tuberculosis" (the regulations), administered by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (the Department), provide for payment of Federal indemnity to owners of certain cattle, bison, cervids, and swine destroyed because of tuberculosis.

As part of the program to control and eradicate tuberculosis in livestock, the payment of indemnity is intended to provide owners with an incentive for promptly destroying cattle, bison, and cervids that are affected with or exposed to tuberculosis and, in limited cases, swine that are exposed to tuberculosis. Because the continued presence of tuberculosis in a herd seriously threatens the health of other animals in that herd and possibly other herds, the prompt destruction of tuberculosis-affected and -exposed animals is critical if tuberculosis eradication efforts in the United States are to succeed.

As set forth in § 50.4 of the regulations, cattle, bison, and cervids are classified as affected with tuberculosis on the basis of an intradermal tuberculin test applied by a Federal, State, or an accredited veterinarian, or by other diagnostic procedure approved in advance by the Administrator of APHIS. Cattle, bison, and cervids are classified as exposed to tuberculosis when such cattle, bison, and cervids (1) are part of a known affected herd, or (2) are found to have moved from an affected herd before the time infection was disclosed in the herd and after the time the herd had