

# Rules and Regulations

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## MERIT SYSTEMS PROTECTION BOARD

### 5 CFR Part 1206

#### Practices and Procedures, Board Meetings

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule.

**SUMMARY:** The Merit Systems Protection Board (MSPB or the Board) is amending its open meeting regulations to ensure consistency with the Government in the Sunshine Act.

**DATES:** The effective date of this final rule is February 28, 2011.

**FOR FURTHER INFORMATION CONTACT:** William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419; (202) 653-7200, fax: (202) 653-7130, or e-mail: [mspb@mspb.gov](mailto:mspb@mspb.gov).

**SUPPLEMENTARY INFORMATION:** On November 18, 2010, the Board published a proposed rule in which several proposed amendments to 5 CFR 1206.7 were set forth (75 FR 70617). Interested parties were invited to submit comments. No comments were received. This final rule implements the changes to 5 CFR 1206.7 offered in the Proposed Rule without alteration.

#### The Final Rule

This final rule makes several amendments to 5 CFR 1206.7. The heading for § 1206.7 is revised to more fully advise the reader of matters addressed therein. Paragraph (a)(1) is added to make clear that the Board may, instead of maintaining a transcript or electronic recording, maintain a set of minutes of a meeting closed pursuant to section (10) of 5 U.S.C. 552b(c). This revised section also sets forth the information that must be included in a set of minutes. Paragraph (a)(2) states the Board's responsibility to promptly

make available to the public copies of transcripts, recordings, or minutes of closed meetings, except where the Board determines that such information may be withheld pursuant to 5 U.S.C. 552b(c). Paragraph (a)(3) addresses the Board's responsibility to retain copies of transcripts, recordings, or minutes of closed meetings. Paragraph (b) of 5 CFR 1206.7 is unchanged by this final rule.

#### List of Subjects in 5 CFR Part 1206

Administrative practice and procedure, Board meetings.

Accordingly, the Board amends 5 CFR part 1206 as follows:

#### PART 1206—[AMENDED]

■ 1. The authority citation for 5 CFR part 1206 continues to read:

**Authority:** 5 U.S.C. 552b.

■ 2. Revise § 1206.7 to read as follows:

#### § 1206.7 Transcripts, recordings, or minutes of open and closed meetings; public availability; retention.

(a) *Closed Meetings.* (1) For every meeting, or portion thereof, closed pursuant to this part the presiding officer shall prepare a statement setting forth the time and place of the meeting and the persons present, which statement shall be retained by the Board. For each such meeting, or portion thereof, the Board shall maintain a copy of the General Counsel's certification under § 1206.6(b) of this part, a statement from the presiding official specifying the time and place of the meeting and naming the persons present, a record (which may be part of the transcript) of all votes and all documents considered at the meeting, and a complete transcript or electronic recording of the proceedings, except that for meetings or portions of meetings closed pursuant to section (10) of 5 U.S.C. 552b(c), the Board may maintain either a transcript, electronic recording, or a set of minutes. In lieu of a transcript or electronic recording, a set of minutes shall fully and accurately summarize any action taken, the reasons therefore and views thereon, documents considered and the members' vote on each roll call vote, if any.

(2) The Board shall make promptly available to the public copies of transcripts, recordings, or minutes maintained as provided in accordance with this paragraph (a), except to the

extent the items therein contain information which the Board determines may be withheld pursuant to the provisions of 5 U.S.C. 552b(c). Copies of transcripts or minutes, or transcripts of electronic recordings including the identification of speakers, shall to the extent determined to be publicly available, be furnished to any person, subject to the payment of duplication costs or the actual cost of transcription.

(3) The Board shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two (2) years after such meeting or until one (1) year after the conclusion of any Board proceeding with respect to which the meeting or portion was held whichever occurs later.

(b) *Open Meetings.* Transcripts or other records will be made of all open meetings of the Board. Those records will be made available upon request at a fee representing the Board's actual cost of making them available.

**William D. Spencer,**  
Clerk of the Board.

[FR Doc. 2011-4317 Filed 2-25-11; 8:45 am]

**BILLING CODE 7400-01-P**

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 2

#### Establishment of Office of the Chief Scientist; Revision of Delegations of Authority

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends the delegations of authority within the Department of Agriculture (USDA) to reflect the establishment of the Office of the Chief Scientist within the Research, Education, and Economics (REE) mission area of USDA, and to identify the authorities of the Under Secretary for REE (Chief Scientist of the Department) and the Director of the Office of the Chief Scientist with respect to scientific integrity within USDA and the coordination of agricultural

research, education, and extension programs and activities.

**DATES:** This rule is effective February 28, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Chavonda Jacobs-Young, Director, Office of the Chief Scientist, United States Department of Agriculture, 1400 Independence Ave., SW., Washington, DC 20250, or *telephone:* (202) 720-3444.

**SUPPLEMENTARY INFORMATION:**

**Establishment of the Office of the Chief Scientist**

On March 16, 2010, the Secretary of Agriculture (Secretary) established the Office of the Chief Scientist (OCS) within the Research, Education, and Economics (REE) mission area of USDA. For further information, see Secretary's Memorandum 1066-001, "Establishment of the Office of the Chief Scientist." OCS exists to provide leadership and coordination to ensure that research supported by and scientific advice provided to USDA and external stakeholders are held to the highest standards of intellectual rigor and scientific integrity. OCS also assists the Under Secretary for REE in coordinating the agricultural research, education, and extension activities of the Department through a series of divisions focused on renewable energy, natural resources, and environment; food safety, nutrition, and health; plant health and production and plant products; animal health and production and animal products; agricultural systems and technology; and agricultural economics and rural communities.

OCS is headed by a Director that reports to the Under Secretary for REE. Pursuant to section 251(c) of the Department of Agriculture Reorganization Act of 1994 (Reorganization Act) (7 U.S.C. 6971(c)), as amended by section 7511 of the Food, Conservation, and Energy Act of 2008, Public Law 110-246, the Under Secretary for REE also holds the title of Chief Scientist of the Department (Chief Scientist).

This rule amends the delegations of authority in 7 CFR 2.21 to reflect that the Under Secretary for REE, as the Chief Scientist, is delegated primary responsibility for ensuring that research and scientific advice are held to the highest standards of intellectual rigor and scientific integrity. The Under Secretary for REE, as the Chief Scientist, is also responsible for coordinating the agricultural research, education, and extension activities of the Department pursuant to sections 251(c)(2) and 251(d)(2) of the Reorganization Act (7

U.S.C. 6971(c)(2), (d)(2)). This rule also adds a new 7 CFR 2.69 to reflect the establishment of OCS and to delegate to the Director of OCS the authority to assist the Chief Scientist in carrying out its responsibilities.

**Classification**

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Orders 12866 and 12988. This action is not a rule as defined by the Regulatory Flexibility Act, Public Law 96-354, and the Small Business Regulatory Fairness Enforcement Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 7 CFR Part 2**

Authority delegations (Government agencies).

Accordingly, Subtitle A of Title 7 of the Code of Federal Regulations is amended as set forth below:

**PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT**

■ 1. The authority citation for Part 2 continues to read as follows:

**Authority:** 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949-1953 Comp., p. 1024.

**Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries, and Assistant Secretaries for Congressional Relations and Administration**

■ 2. Amend § 2.21 as follows:

■ a. Revise paragraph (a) introductory text and the heading of paragraph (a)(1); and

■ b. Add new paragraphs (a)(11) and (a)(12), to read as follows:

**§ 2.21 Under Secretary for Research, Education, and Economics.**

(a) The following delegations of authority are made by the Secretary of Agriculture to the Under Secretary for Research, Education, and Economics (who holds the title of Chief Scientist of the Department).

(1) *Related to research, extension, and education.* \* \* \*

\* \* \* \* \*

(11) *Related to scientific integrity.*

(i) Provide to the Secretary information on topics that can benefit from scientific input to ensure informed decision-making at the highest levels of Government.

(ii) Facilitate the coordination and collaboration within the Department on high priority science issues that will benefit from intra-Departmental collaboration, including coordinating the assessment of the relevance, quality, performance, and impact of the Department's efforts in science.

(iii) Build partnerships within the scientific community by serving as a point of contact for interactions with other agencies of science, universities, and other external members of the scientific community for the purpose of leveraging and promoting relationships to explore common scientific interests and shared goals.

(iv) Develop mechanisms to address scientific integrity within the Department.

(v) Serve as Chair of the USDA Science Council.

(12) *Related to coordination of agricultural research, education, and extension programs and activities.* Coordinate the agricultural research, education, and extension activities of the Department pursuant to sections 251(c)(2) and 251(d)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(c)(2), (d)(2)).

\* \* \* \* \*

**Subpart K—Delegations of Authority by the Under Secretary for Research, Education, and Economics**

■ 3. Add a new § 2.69 to subpart K, to read as follows:

**§ 2.69 Director, Office of the Chief Scientist.**

(a) *Delegations.* Pursuant to § 2.21(a)(11) and (a)(12), the following delegations of authority are made by the Under Secretary for Research, Education, and Economics to the Director, Office of the Chief Scientist.

(1) Provide to the Under Secretary (Chief Scientist of the Department) information on topics that can benefit from scientific input to ensure informed decision-making at the highest levels of Government.

(2) Assist the Chief Scientist with facilitating the coordination and collaboration within the Department on high priority science issues that will benefit from intra-Departmental

collaboration, including coordinating the assessment of the relevance, quality, performance, and impact of the Department's efforts in science.

(3) Assist the Chief Scientist with building partnerships within the scientific community and with the Chief Scientist's role as point of contact for interactions with other agencies of science, universities, and other external members of the scientific community for the purpose of leveraging and promoting relationships to explore common scientific interests and shared goals.

(4) Assist the Chief Scientist with developing mechanisms to address scientific integrity within the Department.

(5) [Reserved]

(6) Assist the Chief Scientist in carrying out sections 251(c)(2) and 251(d)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(c)(2), (d)(2)) by exercising the duties set forth in section 251(e)(3)(E) of that Act (7 U.S.C. 6971(e)(3)(E)) through a series of divisions organized by the following focus areas:

- (i) Renewable energy, natural resources, and environment;
- (ii) Food safety, nutrition, and health;
- (iii) Plant health and production and plant products;
- (iv) Animal health and production and animal products;
- (v) Agricultural systems and technology; and
- (vi) Agricultural economics and rural communities.

(b) The divisions will be headed by Division Chiefs/Senior Advisors (or a similar title), and will be known collectively as the Research, Education, and Extension Office.

**Thomas J. Vilsack,**  
*Secretary of Agriculture.*

[FR Doc. 2011-4128 Filed 2-25-11; 8:45 am]

**BILLING CODE 3410-90-M**

## POSTAL SERVICE

### 39 CFR Parts 111 and 121

#### Combined Mailings of Standard Mail and Periodicals Flats

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is revising *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 705.14 and 708.1.1 to provide a new option for mailers to combine Standard Mail® flats and Periodicals flats within the same bundle, when placed on pallets, and to combine

bundles of Standard Mail flats and bundles of Periodicals flats on the same pallet. The Postal Service is also amending the *Code of Federal Regulations* to reflect that the Standard Mail service standards apply to all Periodicals flats pieces entered in such combined mailings.

**DATES:** *Effective Date:* June 6, 2011.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Leon at 202-268-7443, or Kevin Gunther at 202-268-7208.

**SUPPLEMENTARY INFORMATION:** The Postal Service is providing a new option for mailers to combine Standard Mail flats and Periodicals flats, when bundled and placed on pallets. Mailers using this option may combine different-class mailpieces within the same bundle (comail), or combine separate same-class bundles (of different classes) on the same pallet (copalletize) to maximize presorting or to qualify for deeper destination entry discounts. All mailpieces prepared under this option are required to be bundled and placed on pallets. Combining mailings enhances operational efficiencies within postal processing by allowing mailers to place mailpieces in bundles on pallets that might have been placed in sacks if prepared separately.

This new option does not change current DMM content and eligibility standards applicable to Periodicals and Standard Mail. Mailers using this option must continue to be required to meet the minimum volume standards for Standard Mail of 200 pieces or 50 pounds. Periodicals publications must be authorized or have a pending authorization to mail at Periodicals prices. The current processes that identify and isolate Periodicals origin mixed area distribution center (OMX) mailpieces, for integration into the First-Class Mail® mailstream, will not be available when combining Standard Mail flats and Periodicals flats on pallets. All mailpieces included in a combined mailing of Standard Mail and Periodicals flats on pallets must be machinable in accordance with DMM 301.3.0.

Mailers wishing to combine Standard Mail and Periodicals flats under this option are required to submit a request for authorization, in writing, to the Manager, Business Mailer Support (see DMM 608.8.1 for contact information).

All mailpieces included in a combined mailing of Periodicals flats and Standard Mail flats are required to meet the standards for full-service automation mailings. Intelligent Mail® barcodes placed on mailpieces prepared under this program are required to include Service Type Identifiers

appropriate for the class of mail of the individual mailpiece.

Participating mailers are required to present standardized electronic mailing documentation for each combined mailing, and at the time of mailing, the following additional documentation:

- An edition or version summary for all pieces in the mailing.
- A consolidated postage statement register and postage statement for each Periodicals publication in the combined mailing.
- A consolidated postage statement register and postage statement for each Standard Mail mailing in the combined mailing. Mailers may provide a single consolidated postage statement and postage statement register of all Standard Mail mailings if they are itemized.
- A register of Forms 8125, *Plant Verified Drop Shipment (PVDS) Verification and Clearance*, (PS 8125C) that consolidates all of the mailings to the destinations where the mail is entered.

When using this option, postage on all Standard Mail pieces must be paid through a permit imprint using a special postage payment system at the Post Office™ serving the mailer.

Postage for Periodicals may be paid through an advance deposit account or through a Centralized Account Payment System (CAPS) account. Participating mailers will be required to apportion the Periodicals bundle charge based on the number of Periodicals copies in the bundles and container charge based on the weight of the Periodicals portion of the container.

Mailers combining Standard Mail flats and Periodicals flats will not have the option to form ADC pallets or to dropship to ADCs. As a result, Periodicals publications included in combined mailings will not have access to DADC prices. Other specific prices for Periodicals flats in a combined mailing will be assessed as follows:

- The bundle prices applicable to the ADC container level will be applied to the ASF/NDC container level.
- The container prices applicable to the ADC pallet level will apply to the ASF/NDC pallet level.
- The bundle price applicable to the ADC bundle placed on the ADC container level will apply to mixed ADC bundles placed on mixed NDC pallets.
- The container price applicable to the ADC pallet level will also apply to the mixed NDC pallet level.

Standard Mail flats and Periodicals flats combined on pallets will be processed as Standard Mail; and the Periodicals mailpieces included within these combined mailings may receive