

Subpart F also issued under 5 U.S.C. 5304, 5305(g)(1), and 5553; and E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682;

Subpart G also issued under 5 U.S.C. 5304, 5305, and 5553; section 302 of the Federal Employees Pay Comparability Act of 1990 (FEPCA), Pub. L. 101-509, 104 Stat. 1462; and E.O. 12786, 56 FR 67453, 3 CFR, 1991 Comp., p. 376.

### Subpart G—Continued Rates of Pay

2. In § 531.703, paragraph (i) is revised to read as follows:

#### § 531.703 Administration of continued rates of pay.

\* \* \* \* \*

(i) An employee's entitlement to a continued rate of pay is not affected by a temporary promotion or temporary reassignment, except that a continued rate shall be suspended when a temporary promotion or reassignment causes one of the conditions in paragraph (g) of this section to be satisfied. In such situations, an employee's entitlement to continued pay will resume as if never interrupted upon return to the permanent position, subject to the requirements of this subpart. A continued rate that is resumed shall include any pay adjustments that were authorized for the permanent position under paragraph (e) of this section during the period of the temporary promotion or reassignment.

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BILLING CODE 6325-01-M

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 7 CFR Part 868

RIN 0580-AA47

#### Fees for Rice Inspection

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA) is increasing the fees for Federal Rice Inspection Services, as performed under the Agricultural Marketing Act (AMA) of 1946. This fee increase is intended to cover, as nearly as practicable, the projected operating costs, including related supervisory and administrative costs, for Federal Rice Inspection Services rendered and to generate sufficient revenues to cover costs and maintain an appropriate operating reserve.

**EFFECTIVE DATE:** August 2, 1996.

**FOR FURTHER INFORMATION CONTACT:** George Wollam, USDA-GIPSA, Room 0623—South Building, 1400 Independence Avenue, SW, Washington, D.C., 20090-6454, telephone (202) 720-0292.

#### SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget. This increase in the service fees is necessary to recover operating losses in the Federal Rice Inspection Services. These fees were last increased on January 1, 1995 56 FR 15483, but revenue is still not covering operating costs. The overall cost of operating the Federal Rice Inspection Service program increased between fiscal years (FY) 1994 and 1995 by more than 6 percent. In FY 1995, the program generated revenue of \$3,982,744 with operating costs of \$4,274,733, resulting in a 1-year operating loss of \$291,990.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to provisions of this rule.

Effect on Small Entities

James R. Baker, Administrator, GIPSA, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the rice inspection services do not meet the requirements for small entities. In addition, GIPSA is required by statute to recover the costs of providing rice inspection services.

Information Collection and Record Keeping Requirements

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements concerning applications for official inspection services, including rice inspections, have been approved by the Office of Management and Budget under control number 0580-0013.

#### Background

On January 11, 1996, FGIS proposed in the Federal Register (61 FR 1013) to increase fees charged for Federal Rice Inspection Services. The rice inspection fees were last amended on January 1, 1995 (56 FR 15483). They presently appear in § 868.91 in Tables 1 and 2 of the regulations (7 CFR 868.91 (Tables 1 and 2)). Since publication of the proposed rule, FY 96 cost and revenue information has become available and has been included in the discussion herein.

FGIS continually monitors its cost, revenue, and operating reserve levels to ensure that there are sufficient resources for operations. During FYs 1993, 1994, and 1995, respectively, FGIS implemented cost-saving measures in an effort to provide more cost effective services. However, while the quantity of rice inspections may fluctuate, certain FGIS costs remain constant. Consequently, revenues (\$3,758,893; \$3,500,597; \$3,982,744) did not cover operating costs (\$3,847,762; \$4,022,194; and \$4,274,733) for FYs 1993, 1994, and 1995, respectively. This reflects a reduction in operating reserves for all three fiscal years.

At the time of the publication of the proposed rule, FY 94 offered the most current 1-year figures available to compare FGIS' rice inspection operating costs with revenue. The figures for this year were used to project the budgeted FY 95 rice inspection operating costs and establish revenue levels necessary to cover projected operating costs. During the period of October 1, 1994, to July 31, 1995, the actual operating cost was \$3,760,305 and revenue was \$3,438,683, resulting in a reduction in operating reserves of \$321,667.

Since the publication of the proposed rule, FY 95 offers the most current 1-year figures available to compare FGIS' rice inspection operating costs with revenue. The figures for FY 95 used to project the budgeted FY 96 rice inspection operating costs and establish revenue levels necessary to cover those projected costs confirms the trend toward reducing operating reserves. From October 1, 1994, to September 30, 1995, the actual operating cost was \$4,274,733 and revenue was \$3,982,744, resulting in a reduction in operating reserves of \$291,990.

The trend, as reflected in FY 94 to FY 95 data, is expected to continue. This overall trend necessitates an increase in fees and an increase to the per-hundred-weight volume charge for services performed at export port locations on lots at rest in order to recover the projected operating costs and maintain

a 3-month operating reserve. As of September 30, 1995, the reserve was at a level of negative \$1,089,741.

In fiscal year 1995, FGIS reduced costs to the rice program by closing and/or reducing field offices to suboffices. Two field offices were reduced to suboffices and one field office was closed entirely. The estimated savings from these measures is \$220,000 over two years. FGIS believes that actions taken to this point represent an appropriate balance between running an efficient operation and providing a high level of service to our customers. However, we will continue to seek out further cost savings that do not compromise our service. In addition, numerous talks were held with rice industry trade groups outlining FGIS' intention of increasing fees. Industry realized the need for the increase.

#### *Alternatives Considered*

FGIS considered several options to the final fees. It considered: (1) a straight 14 percent increase in fees and (2) reforming the current system of fees to gather revenue in a manner less dependent upon seasonal shifts, and (3) incremental increases of fees. The third alternative was selected. It was decided to propose three incremental six percent fee increases, the first increase to be implemented May 1, 1996, second on January 1, 1997, and third on January 1, 1998. This alternative was selected for several reasons: the negative balance in retained earnings requires the increases be implemented in a more timely manner; the trade is familiar with incremental increases and incremental

increases allows the rice industry time to adjust their operations to the increased fees. We will propose the second option at a later date when we have had a chance to evaluate the operation of a current proposal to reform the Grain Inspection and Weighing. That proposal, under the United States Grain Standards Act will change the methodology in fee collection from the current system, an hourly rate basis, to a combination of reduced hourly rates, more contract options, and per metric ton administrative charge to recover obligations.

#### *Comment Review*

FGIS received no comments during the 30-day comment period.

#### *Final Action*

Section 203 of the AMA (7 U.S.C. 1622) provides for the establishment and collection of fees that are reasonable and, as nearly as practicable, cover the costs of the services rendered. These fees cover the FGIS administrative and supervisory costs for the performance of official services, including personnel compensation, personnel benefits, travel, rent, communications, utilities, contractual services, supplies, and equipment.

Section 868.91, Tables 1 and 2 (as currently shown in section 868.91, Tables 1 and 2 of the regulations), are revised to provide for the increase in rice inspection fees. A 3-stage increase plan to raise hourly rates and unit fees by approximately 6 percent per year for calendar years 1996, 1997, and 1998 is

implemented. These incremental increases will lessen the impact of the amount of increase required to replenish retained earnings to appropriate levels.

FGIS will review its costs, revenue, and operating reserve levels to ensure that the fee increases scheduled for calendar years 1997 and 1998 are required at the levels specified. FGIS, as the fee increases are implemented, will review the level of the operational reserve and if available funds exceed what is needed to maintain a reasonable reserve, we will consider proposing a reduction in fees. In the event that a change in the fees appears necessary, FGIS will engage in rulemaking before making any changes.

#### *List of Subjects in 7 CFR Part 868*

Administrative practice and procedure, Agricultural commodities.

For reasons set out in the preamble, 7 CFR Part 868 is amended as follows:

### **PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES**

1. The authority citation for Part 868 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 et. seq.)

2. Section 868.91 is revised to read as follows:

#### **§ 868.91 Fees for Certain Federal Rice Inspection Services.**

The fees shown in Tables 1 and 2 apply to Federal Rice Inspection Services.

TABLE 1.—HOURLY RATES/UNIT RATE PER CWT  
[Fees for Federal Rice Inspection Services]

Service <sup>1</sup>	Regular Workday (Monday–Saturday)	Nonregular Workday (Sunday–Holiday)
Effective August 2, 1996		
Contract (per hour per Service representative) .....	\$35.80 .....	\$49.80
Noncontract (per hour per Service representative) .....	43.50 .....	60.50
Export Port Services <sup>2</sup> .....	.042/CWT .....	.042/CWT
Effective January 1, 1997		
Contract (per hour per Service representative) .....	37.90 .....	52.80
Noncontract (per hour per Service representative) .....	46.10 .....	64.10
Export Port Services <sup>2</sup> .....	.045/CWT .....	.045/CWT
Effective January 1, 1998		
Contract (per hour per Service representative) .....	40.20 .....	56.00
Noncontract (per hour per Service representative) .....	48.90 .....	67.90
Export Port Services <sup>2</sup> .....	.048/CWT .....	.048/CWT

<sup>1</sup> Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.

<sup>2</sup> Services performed at export port locations on lots at rest.

TABLE 2.—UNIT RATES

Service <sup>1 3</sup>	Rough rice	Brown rice for process- ing	Milled rice
Effective August 2, 1996			
Inspection for quality (per lot, subplot, or sample inspection) .....	\$29.20	\$25.30	\$18.00
Factor analysis for any single factor (per factor):			
(a) Milling yield (per sample) .....	22.70	22.70	.....
(b) All other factors (per factor) .....	10.80	10.80	10.80
Total oil and free fatty acid .....		35.40	35.40
Interpretive line samples: <sup>2</sup>			
(a) Milling degree (per set) .....			75.80
(b) Parboiled light (per sample) .....			19.00
Extra copies of certificates (per copy) .....	3.00	3.00	3.00
Effective January 1, 1997			
Inspection for quality (per lot, subplot, or sample inspection) .....	31.00	26.80	19.10
Factor analysis for any single factor (per factor):			
(a) Milling yield (per sample) .....	24.10	24.10	.....
(b) All other factors (per factor) .....	17.40	11.40	11.40
Total oil and free fatty acid .....		37.50	37.50
Interpretive line samples: <sup>2</sup>			
(a) Milling degree (per set) .....			80.30
(b) Parboiled light (per sample) .....			20.10
Extra copies of certificates (per copy) .....	3.00	3.00	3.00
Effective January 1, 1998			
Inspection for quality (per lot, subplot, or sample inspection) .....	32.90	28.40	20.20
Factor analysis for any single factor (per factor):			
(a) Milling yield (per sample) .....	25.50	25.50	.....
(b) All other factors (per factor): .....	12.10	12.10	12.10
Total oil and free fatty acid .....		39.80	39.80
Interpretive line samples: <sup>2</sup>			
(a) Milling degree (per set) .....			85.10
(b) Parboiled light (per sample) .....			21.30
Extra copies of certificates (per copy) .....	3.00	3.00	3.00

<sup>1</sup> Fees apply to determinations (original or appeals) for kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether performed singly or in combination at other than at the applicant's facility.

<sup>2</sup> Interpretive line samples may be purchased from the U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration; Technical Services Division; Board of Appeals and Review; FGIS Technical Center, 10383 North Executive Hills Boulevard, Kansas City, MO 64153-1394. Interpretive line samples also are available for examination at selected FGIS field offices. A list of field offices may be obtained from the Deputy Director, Field Management Division, USDA, GIPSA, FGIS, P.O. Box 96454, Washington, DC 20090-6454. The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

<sup>3</sup> Fees for other services not referenced in Table 2 will be based on the noncontract hourly rate listed in Section 868.90, Table 1.

Dated: June 27, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and  
Regulatory Programs.

[FR Doc. 96-16993 Filed 7-2-96; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM-127; Special Conditions  
No. 25-ANM-117]

#### Special Conditions: Cessna Model 500, 550, and S550 Airplanes; High- Intensity Radiated Fields

AGENCY: Federal Aviation  
Administration, DOT.

ACTION: Final special conditions; request  
for comments.

SUMMARY: These special conditions are  
issued for the Cessna Model 500, 550,

and S550 airplanes. These airplanes, as  
modified by Columbia Avionics, Inc.,  
utilize new avionics/electronic systems,  
such as an electronic flight information  
system (EFIS), which perform critical  
functions. The applicable regulations do  
not contain adequate or appropriate  
safety standards for the protection of  
these systems from the effects of high-  
intensity radiated fields (HIRF). These  
special conditions contain the  
additional safety standards that the  
Administrator considers necessary to  
establish a level of safety equivalent to  
that established by the existing  
airworthiness standards.

DATES: The effective date of these  
special conditions is June 20, 1996.  
Comments must be received on or  
before August 2, 1996.

ADDRESSES: Comments on these special  
conditions may be mailed in duplicate  
to: Federal Aviation Administration,  
Office of the Assistant Chief Counsel,  
Attn: Rules Docket (ANM-7), Docket  
No. NM-127, 1601 Lind Avenue SW.,

Renton, Washington, 98055-4056; or  
delivered in duplicate to the Office of  
the Assistant Chief Counsel at the above  
address. Comments must be marked:  
Docket No. NM-127. Comments may be  
inspected in the Rules Docket  
weekdays, except Federal holidays,  
between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:  
Mark Quam, FAA, Standardization  
Branch, ANM-113, Transport Airplane  
Directorate, Aircraft Certification  
Service, 1601 Lind Avenue SW.,  
Renton, Washington, 98055-4056;  
telephone (206) 227-2145; facsimile  
(206) 227-1149.

#### SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good  
cause exists for making these special  
conditions effective upon issuance;  
however, interested persons are invited  
to submit such written data, views, or  
arguments as they may desire.  
Communications should identify the