

**§ 430.312 Using performance results.**

(a) Agencies must use performance appraisals as a basis for adjusting pay, granting awards, retaining senior executives, and making other personnel decisions. Performance appraisals also will be a factor in assessing a senior executive's continuing development needs.

(b) Agencies are required to provide appropriate incentives and recognition (including pay adjustments and performance awards under part 534, subpart D) for excellence in performance.

(c) A career executive may be removed from the SES for performance reasons, subject to the provisions of part 359, subpart E, as follows:

(1) An executive who receives an unsatisfactory annual summary rating must be reassigned or transferred within the SES, or removed from the SES;

(2) An executive who receives two unsatisfactory annual summary ratings in any 5-year period must be removed from the SES; and

(3) An executive who receives less than a fully successful annual summary rating twice in any 3-year period must be removed from the SES.

**§ 430.313 Training and evaluation.**

(a) To assure effective implementation of agency performance management systems, agencies must provide appropriate information and training to agency leadership, supervisors, and senior executives on performance management, including planning and appraising performance.

(b) Agencies must periodically evaluate the effectiveness of their performance management system(s) and implement improvements as needed. Evaluations must provide for both assessment of effectiveness and compliance with relevant laws, OPM regulations, and OPM performance management policy.

(c) Agencies must maintain all performance-related records for no fewer than 5 years from the date the annual summary rating is issued, as required in 5 CFR 293.404(b)(1).

**§ 430.314 OPM review of agency systems.**

(a) Agencies must submit proposed SES performance management systems to OPM for approval. Agency systems must address the system standards and requirements specified in this subpart.

(b) OPM will review agency systems for compliance with the requirements of law, OPM regulations, and OPM performance management policy, including the system standards specified at § 430.305.

(c) If OPM finds that an agency system does not meet the requirements and

intent of subchapter II of chapter 43 of title 5, United States Code, or of this subpart, OPM will identify the requirements that were not met and direct the agency to take corrective action, and the agency must comply.

**PART 534—PAY UNDER OTHER SYSTEMS**

■ 3. The authority citation for part 534 continues to read as follows:

**Authority:** 5 U.S.C. 1104, 3161(d), 5307, 5351, 5352, 5353, 5376, 5382, 5383, 5384, 5385, 5541, 5550a, sec. 1125 of the National Defense Authorization Act for FY 2004, Pub. L. 108–136, 117 Stat. 1638 (5 U.S.C. 5304, 5382, 5383, 7302; 18 U.S.C. 207); and sec. 2 of Pub. L. 110–372, 122 Stat. 4043 (5 U.S.C. 5304, 5307, 5376).

■ 4. In § 534.505, revise paragraph (c)(1) to read as follows:

**§ 534.505 Written Procedures.**

\* \* \* \* \*

(c) \* \* \*

(1) Any pay-setting action under § 534.506 or any pay increase under § 534.507 that results in a rate of basic pay that is within the highest 10 percent of the applicable rate range under § 534.504. A rate of basic pay equal to or above the amount derived using the following rules is considered to be within the highest 10 percent of the applicable pay range (in 2015, \$177,166 or above if the applicable system is certified, or \$164,026 or above if the applicable system is not certified or performance appraisal does not apply):

(i) Subtract the minimum rate of basic pay from the maximum rate of basic pay for the applicable rate range under § 534.504 (in 2015, \$183,300 – \$121,956 = \$61,344 if the applicable system is certified, or \$168,700 – \$121,956 = \$46,744 if the applicable system is not certified or performance appraisal does not apply);

(ii) Multiply the amount derived in paragraph (c)(1)(i) of this section by 0.10 (in 2015, \$61,344 × 0.10 = \$6,134 if the applicable system is certified, or \$46,744 × 0.10 = \$4,674 if the applicable system is not certified or performance appraisal does not apply); and

(iii) Subtract the amount derived in paragraph (c)(1)(ii) of this section from the maximum rate of basic pay applicable under § 534.504 (in 2015, \$183,300 – \$6,134 = \$177,166 if the applicable system is certified, or \$168,700 – \$4,674 = \$164,026 if the applicable system is not certified or performance appraisal does not apply);

\* \* \* \* \*

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**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 1221**

[AMS–LPS–15–0055]

**Sorghum Promotion, Research, and Information Program**

**AGENCY:** Agricultural Marketing Service; USDA.

**ACTION:** Announcement of the continuation of the sorghum promotion.

**SUMMARY:** The Agricultural Marketing Service (AMS) is announcing that sorghum producers voting in a national referendum from March 23, 2015, through April 21, 2015, have approved the continuation of the Sorghum Promotion, Research, and Information Order (Order).

**DATES:** Effective September 25, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth R. Payne, Director, Research and Promotion Division; Livestock, Poultry, and Seed Program, AMS, USDA, Room 2608–S; 1400 Independence Avenue SW., Washington, DC 20250–0251; Telephone 202/720–5705; Fax 202/720–1125; or email to [Kenneth.Payne@ams.usda.gov](mailto:Kenneth.Payne@ams.usda.gov), or Craig Shackelford, Marketing Specialist; Research and Promotion Division; Livestock, Poultry, and Seed Program, AMS, USDA; 22 Jamesport Lane; White, GA 30184; Telephone: (470) 315–4246; or email to [craig.shackelford@ams.usda.gov](mailto:craig.shackelford@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Commodity Promotion, Research, and Information Act of 1996 (Act)(7 U.S.C. 7411–7425), the Department of Agriculture conducted a referendum from March 23, 2015, through April 21, 2015, among eligible sorghum producers and importers to determine if the Order would continue to be effective. A final rule was published in the November 18, 2010, **Federal Register** (75 FR 70573) outlining the procedures for conducting the referendum.

Of the 1,202 valid ballots cast, 1,160 or 96.5 percent favored the program and 42 or 3.5 percent opposed continuing the program. For the program to continue, it must have been approved by at least a majority of those eligible persons voting for approval who were engaged in the production or importation of sorghum during the period January 1, 2011, through December 31, 2014.

Therefore, based on the referendum results, the Secretary of Agriculture has determined that the required majority of eligible voters who voted in the

nationwide referendum from March 23, 2015, through April 21, 2015, voted to continue the Order. As a result, the Sorghum Checkoff Program will continue to be funded by a mandatory assessment on producers and importers at the rate of 0.6 percent of net market value of grain sorghum and 0.35 percent of net market value for sorghum forage, sorghum hay, sorghum haylage, sorghum billets, and sorghum silage. Imports of such products will also be assessed, although, very limited imports exist at this time.

In accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35), the information collection requirements have been approved under OMB number 0581-0093.

### STATE REFERENDUM RESULTS

[March 23, 2015, through April 21, 2015]

State	Yes votes	No votes	Total eligible votes
Alabama .....	0	0	0
Alaska .....	0	0	0
Arizona .....	0	0	0
Arkansas .....	41	0	41
California .....	0	0	0
Colorado .....	49	2	51
Connecticut .....	0	0	0
Delaware .....	0	0	0
Florida .....	0	0	0
Georgia .....	0	0	0
Hawaii .....	0	0	0
Idaho .....	0	0	0
Illinois .....	11	2	13
Indiana .....	0	0	0
Iowa .....	2	0	2
Kansas .....	281	14	295
Kentucky .....	2	0	2
Louisiana .....	34	0	34
Maine .....	0	0	0
Maryland .....	3	0	3
Massachusetts .....	0	0	0
Michigan .....	0	0	0
Minnesota .....	0	0	0
Mississippi .....	1	0	1
Missouri .....	4	0	4
Montana .....	0	0	0
Nebraska .....	27	0	27
Nevada .....	0	0	0
New Hampshire .....	0	0	0
New Jersey .....	0	0	0
New Mexico .....	27	1	28
New York .....	0	0	0
North Carolina .....	4	0	4
North Dakota .....	0	0	0
Ohio .....	0	0	0
Oklahoma .....	57	1	58
Oregon .....	0	0	0
Pennsylvania .....	0	0	0
Rhode Island .....	0	0	0
South Carolina .....	1	0	1
South Dakota .....	34	0	34
Tennessee .....	0	0	0
Texas .....	580	22	602
Utah .....	0	0	0
Vermont .....	0	0	0
Virginia .....	2	0	2
Washington .....	0	0	0

### STATE REFERENDUM RESULTS— Continued

[March 23, 2015, through April 21, 2015]

State	Yes votes	No votes	Total eligible votes
West Virginia .....	0	0	0
Wisconsin .....	0	0	0
Wyoming .....	0	0	0
Total .....	1,160	42	1,202

**Authority:** 7 U.S.C. 7411–7425.

Dated: September 18, 2015.

**Rex A. Barnes,**

*Associated Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410-02-P**

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

**[Docket No. FAA-2015-3057; Airspace Docket No. 15-ASO-9]**

#### Amendment of Class E Airspace; Mackall AAF, NC

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This action amends Class E Airspace at Mackall Army Airfield (AAF), NC, bringing current the regulatory text under the airspace designation for Mackall AAF, NC, by replacing the acronym “NCB” with “NDB”. This is an administrative change to coincide with the FAA’s aeronautical database.

**DATES:** Effective 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at <http://www.faa.gov/airtraffic/publications/>. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783.

The Order is also available for inspection at the National Archives and

Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>.

FAA Order 7400.9, Airspace

Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Mackall AAF, NC.

##### History

In a review of the airspace, the FAA found the airspace description for Mackall AAF, NC, as published in FAA Order 7400.9Z, Airspace Designations and Reporting Points, does not match the FAA’s charting information. This administrative change coincides with the FAA’s aeronautical database for Class E Airspace Designated as an Extension to a Class D Surface Area.

Class E airspace designations are published in paragraphs 6004 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

##### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists