



U.S. MERIT SYSTEMS PROTECTION BOARD

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Chairman

October 19, 2011

Mr. James V. Blair
Deputy Associate Solicitor for Administrative Legal Services (Acting)
U.S. Department of Labor
200 Constitution Avenue, NW, Room N2424
Washington, D.C. 20210

Dear Mr. Blair:

The U.S. Merit Systems Protection Board (MSPB) is planning a major revision to its regulations in 5 C.F.R. Parts 1201, 1208, and 1209. An internal working group has done an in-depth review of those regulations and identified a number of proposed revisions, which are contained in the attached table. Ultimately, this will take the form of notice-and-comment rulemaking via the Federal Register, as required by the Administrative Procedure Act, 5 U.S.C. § 553. Before undertaking formal rulemaking, however, we are seeking input from our stakeholders in accordance with the public participation requirement in Executive Order 13563 "Improving Regulation and Regulatory Review." As someone who is interested in MSPB, this is your opportunity to comment on our regulatory effort before drafting a formal notice of proposed rulemaking.

We note at the outset that we would welcome any comments or suggestions individual stakeholders may have as to MSPB's adjudicatory regulations, regardless of whether your comments and suggestions relate to the specific matters addressed in the table created by our internal working group. We want you to be aware of the specific suggestions made by that group, and the rationale for making the suggested changes, so that we can get any comments you might have regarding those particular recommended changes. We emphasize that the suggestions in the attached table should be considered as preliminary and tentative in nature. No decisions have yet been made as to which suggestions will become part of the notice of proposed rulemaking, or the precise language of any proposed revisions to our regulations.

Written comments must be received no later than November 30, 2011. In addition, those who have provided written comments may be invited to an in-person meeting where Board staff will receive oral comments from individual stakeholders. In accordance with the "open exchange" requirement set forth in Executive Order 13563, all written comments received from stakeholders will be published on the Board's website. In addition, a recording and/or transcript of any stakeholder meetings that may be held will also be made available to the public on the Board's website.

Our strong preference is that you submit your written comments in electronic form as an attachment to an email message addressed to mspb@mspb.gov, (subject line "Regulation Revision Comments"). Any common electronic format such as a word-processing application, PDF, or HTML is acceptable. You may, however, submit your comments in written form addressed to the Clerk of the Board, 1615 M Street, NW, Washington, D.C. 20419. If you would like a copy of the attached table in electronic form (the electronic version of the table contains hyperlinks to many of the cited legal authorities), please advise by email to the address listed above.

Thank you in advance for your assistance and participation in this comprehensive review of the Board's regulations. We look forward to receiving your comments and suggestions.

Sincerely,



Susan Tsui Grundmann

Enclosure: MSPB Regulation Review Table

cc:

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