

Rules and Regulations

Federal Register

Vol. 62, No. 81

Monday, April 28, 1997

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

RIN 3206-AH66

Administration and General Provisions—Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations concerning the adjudication of claims arising under the Civil Service Retirement System (CSRS). The regulation provides that OPM may initially issue decisions that provide the opportunity to appeal directly to the Merit Systems Protection Board (MSPB) without having to request OPM to review its initial decision. The regulation streamlines processing of claims under the CSRS and brings OPM's CSRS regulations into conformity with its Federal Employees Retirement System (FERS) regulations.

EFFECTIVE DATE: May 28, 1997.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Brown, (202) 606-0299.

SUPPLEMENTARY INFORMATION: On December 19, 1996, we published (at 61 FR 66948) proposed regulations to facilitate and streamline our processing of disputed cases under CSRS and bring CSRS regulations into conformity with FERS regulations. We received no comments on the proposed regulations and we are now publishing them as final regulations.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired Government

employees, spouses, and former spouses.

List of Subjects in 5 CFR Part 831

Administrative practice and procedure, Alimony, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management

James B. King,

Director.

Accordingly, OPM is amending Title 5, Code of Federal Regulations, as follows:

PART 831—RETIREMENT

1. The authority citation for part 831 continues to read as follows:

Authority: 5 U.S.C. 8347; § 831.102 also issued under 5 U.S.C. 8334; § 831.106 also issued under 5 U.S.C. 552a; § 831.108 also issued under 5 U.S.C. 8336(d)(2); § 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2); § 831.204 also issued under section 7202(m)(2) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 105-508, 104 Stat. 1388-339; § 831.303 also issued under 5 U.S.C. 8334(d)(2); § 831.502 also issued under 5 U.S.C. 8337; § 831.502 also issued under section 1(3), E.O. 11228, 3 CFR 1964-1965 Comp.; § 831.621 also issued under section 201(d) of the Federal Employees Benefits Improvement Act of 1986, Pub. L. 99-251, 100 Stat. 23; subpart S also issued under 5 U.S.C. 8345(k); subpart V also issued under 5 U.S.C. 8343a and section 6001 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203, 101 Stat. 1330-275; § 831.2203 also issued under section 7001(a)(4) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508; 104 Stat. 1388-328.

Subpart A—Administration and General Provisions

2. In § 831.109, the last sentence in paragraph (c) is removed, the text in paragraph (f) after the heading “*Final decision.*” is redesignated as paragraph (f)(1) and paragraph (f)(2) is added to read as follows:

§ 831.109 Initial decision and reconsideration.

* * * * *

(f) * * *

(2) OPM may issue a final decision providing the opportunity to appeal under § 831.110 rather than an

opportunity to request reconsideration under paragraph (c) of this section. Such a decision must be in writing and state the right to appeal under § 831.110.

* * * * *

[FR Doc. 97-10899 Filed 4-25-97; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

RIN 0563-AB05

General Administrative Regulations; Nonstandard Underwriting Classification System

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: Federal Crop Insurance Corporation (FCIC) finalizes amendments to subpart O of the General Administrative Regulations, effective with the 1998 (1999 for Texas and Arizona/California Production Citrus) and succeeding crop years. This amendment is intended to clarify the effect of the nonstandard underwriting classification system (NCS) and to ensure that NCS is applied to all producers in a fair and consistent manner.

EFFECTIVE DATE: May 28, 1997.

FOR FURTHER INFORMATION CONTACT: Bill Smith, Supervisory Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7743.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined this rule to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed OMB.

Paperwork Reduction Act of 1995

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The policies and procedures contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of Government.

Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. New provisions in the rule will not impact small entities to a greater extent than larger entities. NCS program determinations are applied to all producers on a county basis and affect only a small number of producers (approximately 1 percent of all insureds). Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be

exhausted before judicial action may be brought.

Environmental Evaluation

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

National Performance Review

The regulatory action is being taken as part of the National Performance Review Program to eliminate unnecessary regulations and improve those that remain in force.

Background

On Thursday, November 7, 1996, FCIC published a proposed rule in the **Federal Register** at 61 FR 57595-57597 to amend the General Administrative Regulations (7 CFR part 400, subpart O) to be effective for the 1998 (1999 for Texas and Arizona/California Production Citrus) and succeeding crop years. Following publication of that proposed rule, the public was afforded 60 days to submit written comments and opinions. A total of 22 comments were received from the crop insurance industry and FCIC. The comments received and FCIC responses are as follows:

Comment: One comment received from FCIC recommended that the Summary, Background, and List of Subjects statements be clarified by changing references to "Texas and Arizona/California Citrus" to "Texas and Arizona/California Production Citrus" and adding "sugarcane" to the list of crops for which this subpart applies for the 1999 crop year. These changes would correspond with the usage of "production" and "sugarcane" in the definition of "NCS base period."

Response: The referenced statements specify the crop year this subpart is to be effective based on the crop year and contract change date contained in the applicable crop provisions. Since citrus trees and citrus production have different crop year definitions and contract change dates, FCIC will add "production" to eliminate any possible confusion regarding the crops affected by these statements. Under the policy provisions for sugarcane, this rule is applicable to the 1998 crop year which is consistent with the applicable effective dates specified in this rule as currently written. The exceptions made for crops such as sugarcane in the definition of the "NCS base period" are necessary due to the availability of insurance experience data and are not

related to the effective date of this subpart. Therefore, no change will be made regarding the addition of "sugarcane" to these statements.

Comment: One comment received from FCIC questioned if insurance experience under the Group Risk Protection plan of coverage should be specifically excluded in this subpart from insurance experience based on the individual producer.

Response: FCIC agrees with the comment and will amend § 400.301 to limit this subpart's effect to producers whose insurance coverage or indemnities are based on determinations applicable to the individual insured rather than determinations made on a county or area basis.

Comment: One comment received from the crop insurance industry inquired how FCIC considered certain types of indemnities in making NCS determinations.

Response: FCIC provided language in its definition of "insurance experience" that permits adjustment for certain types of indemnities and for the exclusion of replant payments for purposes of NCS selection, as applicable. Limiting the effect of certain losses, which do not clearly establish nonstandard risks, produce more accurate NCS determinations consistent with the purpose for which NCS was developed.

Comment: One comment received from the crop insurance industry recommended that the reference to "a significant contribution" in the definition of "actively engaged in farming" was too broad and subjective.

Response: FCIC agrees and will change the definition from "a significant contribution" to "a contribution," reflecting the current definition before the term "significant" was added.

Comment: One comment received from the crop insurance industry recommended "applicable adjustments" contained in the definition of "insurance experience" be specified.

Response: FCIC believes it is better to reference experience adjustments in broad terms as stated in the proposed definition to maintain flexibility in managing the effects of different loss conditions on insurance experience. Adjustments are made to limit the effect of losses caused by wide-spread crop failures caused by one or more perils affecting a large number of producers or other similar situations determined by FCIC to not reflect nonstandard risks. The impact of such adjustments is to improve identification of persons who represent nonstandard risks. Therefore, no change will be made.

Comment: One comment received from FCIC recommended the definition of "insurance experience" be revised to remove the language which excludes replant payments from consideration in determining insurance experience.

Response: FCIC believes that replant payments should not be considered in determining insurance experience for NCS selection purposes. FCIC provides replant payments to defray costs incurred by insureds replanting an insured crop damaged by insured causes, necessary to keep insurance in force or to reduce any future indemnities. Considering such payments when identifying insureds with nonstandard risks would be inequitable when FCIC requires or encourages replanting as a means to promote a sounder insurance program. Therefore, no change will be made.

Comment: One comment received from FCIC recommended that the definition of "NCS base period" be changed to establish the base period for raisins as the 10 crop year period ending immediately preceding the crop year the NCS classification becomes effective.

Response: The NCS base period ends 2 or 3 crop years (depending on the crop) prior to the effective NCS crop year to assure that all insurance experience records are available to meet NCS determination and notification requirements prior to the contract change date for each crop. The NCS base period, as defined, meets this requirement. Therefore, no change will be made.

Comment: One comment received from the crop insurance industry recommended the definition of "NCS base period" not specify individual crops by base period. Changes in the crops listed would cause the definition to be inaccurate.

Response: FCIC agrees with this comment and will revise the definition to provide crop exceptions on the Special Provisions.

Comment: One comment received from FCIC suggested that the definition of "NCS base period" did not agree with the example contained in the definition.

Response: FCIC agrees and has amended the provisions accordingly.

Comment: One comment received from FCIC suggested that section 400.303(a) (1) and (4) were mathematically redundant.

Response: The selection criteria contained in § 400.303(a) (1) and (4) would provide the same effect if, for example, the number of indemnified losses in the NCS base period equals three and the loss frequency is set at 30 percent. However, other frequency percentages are permitted under this

subpart. FCIC currently uses 60 percent. The number of indemnified losses will also vary. In either case, each criteria impacts the NCS selection process differently. Therefore, no change will be made.

Comment: Two comments received from FCIC recommended the reference to "cumulative indemnities" and "cumulative loss ratio" contained in §§ 400.303 (a)(2) and (b)(5) be changed to "cumulative adjusted indemnities" and "cumulative adjusted loss ratio" to reflect adjustments to indemnities FCIC may make under certain circumstances.

Response: Section 400.303(a) states that nonstandard classification procedures apply when all of the insurance experience criteria, including any adjustments to insurance experience which may be made under § 400.300(c), have been met. However, since the insurance experience for individual producers or individual crop years may not qualify for insurance experience adjustment, it would be incorrect to add the term "adjusted" as recommended by the respondent. Therefore, no change will be made.

Comment: One comment received from FCIC recommended deleting § 400.303(a)(3) due to its inconsistency with § 400.307, Discontinuance of participation which, other than as excepted, requires continued insurance experience to be eligible for removal from NCS.

Response: FCIC agrees and will delete paragraph (a)(3) and redesignate paragraphs (a)(4) and (5) as (a)(3) and (4) and correct other section references accordingly.

Comment: Two comments received from FCIC concerning § 400.303(a)(5)(ii) questioned the necessity and advisability of providing notification in the Special Provisions of changes increasing the minimum standards for certain selection criteria contained in this section.

Response: § 400.303 establishes minimum NCS selection criteria which the public is notified through the rule making process. Certain criteria are allowed to increase above the minimum standards, reducing the probability of selection for NCS adjustments. However, such increases can only be applicable if the criteria stated in § 400.303(a) are met and such decisions will be made on a county by county basis. The Special Provisions, which are part of the insurance contract and contain those terms and conditions specific to the county, are the appropriate documents to contain such increases which reduce the probability of selection for NCS. All increases will apply to all producers in the county. For

any change in the selection criteria contained in this section that may result in an increased probability of selection for NCS, FCIC will make such changes through the rulemaking process. Therefore, no change will be made.

Comment: One comment received from FCIC recommended § 400.303(c) describe how indemnities are adjusted and reference the procedures and methods used by FCIC in its determinations and their availability to the public.

Response: FCIC believes § 400.303(c) adequately describes indemnity adjustments. Complete details are contained in procedures FCIC develops and publishes. This information is available for public inspection on request. FCIC will amend the rule to determine where such procedures will be available.

Comment: One comment received from FCIC recommended the last sentence of § 400.303(c) be changed to use a means other than the Special Provisions to provide for alternate methodologies of establishing crop disaster adjustments to insurance experience.

Response: FCIC believes the Special Provisions, which are part of the insurance contract and contain those terms and conditions specific to the county, are the appropriate documents to provide for such alternatives. Therefore, no change will be made.

Comment: Two comments received from the crop insurance industry regarding § 400.305 suggested that FCIC implement measures using social security (SSN) or employer identification numbers (EIN) to correctly identify persons affected by NCS and to assure applicable coverage or rate classifications were used to establish liability and premium. Limiting the availability of optional units was also suggested as another way to improve insurance experience.

Response: FCIC currently identifies persons listed on NCS through the use of SSN and EIN's. Changing the availability of optional units would represent a significant change and require an additional comment period to allow interested parties to consider the effects of this change. Therefore, no change will be made to the present rule. However, consideration will be given to this recommendation in any future change to this subpart.

Comment: One comment received from the crop insurance industry recommended NCS classifications under § 400.305(c) should not be assigned to identified insurable acreage or to specific crop practices, types, varieties, options, or amendments.

Response: FCIC believes that assigning NCS classifications to identified insurable acreage or by practice, type, variety, option, or amendment rather than to a person only or to all crop production alternatives for the crop is fair and equitable. Where adverse insurance experience can be attributed to a specific land location or crop production choice, appropriate coverage or rating actions should be targeted at those conditions. Therefore, no change will be made.

Comment: One comment received from FCIC recommended § 400.307 be changed to eliminate the reinstatement requirement for persons who are removed from the NCS listing after stopping all farm operations and then begin farming again at some later time. Such determinations would be difficult to make and there was uncertainty about when the reinstatement would be effective.

Response: FCIC agrees that reinstatements may be difficult to administer timely. FCIC will amend § 400.307 to state that the person will continue to be listed on the NCS list in the county until the producer has ceased participation in the crop insurance program as a policyholder or person with a substantial beneficial interest in a policyholder for as least 10 consecutive crop years. NCS adjustments applicable to such persons will remain in effect in accordance with § 400.307.

Comment: One comment received from FCIC recommended language be added to § 400.309 referencing applicable appeals regulations issued or being developed by the National Appeals Division or FCIC.

Response: Producers are notified of their selection for NCS adjustments and of their rights to reconsideration under § 400.309 (a) through (d). Once FCIC has completed its appeals procedures, producers will be provided with a right to appeal under such regulations. Until such time, FCIC will amend § 400.309 to add paragraph (e) stating that the producer's rights to appeal will be provided under 7 CFR part 11.

In addition to the changes described above, FCIC has made the following changes to this subpart:

1. Clarified the definition of "indemnified loss" by changing "total adjusted indemnity" to "total indemnity". Any applicable adjustments to indemnities for purposes of this definition are provided in the definition of insurance experience.

2. Clarified the definition of "insurance experience" by rearranging "(applicable adjustments)" and "(but not including replant payments)." This

change will clarify that adjustments may be made in premiums, indemnities, and other data but that replant payments are not included in indemnities used for NCS selection purposes.

3. Corrected § 400.305(b) to replace the reference to subpart J with 7 CFR part 11.

List of Subjects in 7 CFR Part 400

Crop insurance, Nonstandard Underwriting Classification System.

Final Rule

Accordingly, for the reasons set forth in the preamble, the Federal Crop Insurance Corporation hereby amends 7 CFR part 400, subpart O, as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart O—Nonstandard Underwriting Classification System Regulations for the 1991 and Succeeding Crop Years

1. The authority citation for 7 CFR part 400, subpart O, is revised to read as follows:

Authority: 7 U.S.C. 1506(1), 1506(p).

2. Section 400.301 is revised to read as follows:

§ 400.301 Basis, purpose, and applicability.

The regulations contained in this subpart are issued pursuant to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), to prescribe the procedures for nonstandard determinations and the assignment of assigned yields or premium rates in conformance with the intent of section 508 of the Act (7 U.S.C. 1508). These regulations are applicable to all policies of insurance insured or reinsured by the Corporation under the Act and on those policies where the insurance coverage or indemnities are based on determinations applicable to the individual insured. These regulations will not be applicable to any policy where the amount of coverage or indemnities are based on the experience of the area.

3. Section 400.302 is amended to remove all paragraph designations and the definition of "base period;" definitions of "actively engaged in farming" and "insurance experience" are revised; and definitions of "earned premium," "indemnified loss," "NCS," and "NCS base period" are added to read as follows:

§ 400.302 Definitions.

* * * * *

Actively engaged in farming means a person who, in return for a share of

profits and losses, makes a contribution to the production of an insurable crop in the form of capital, equipment, land, personal labor, or personal management.

* * * * *

Earned premium means premium earned (both the amount subsidized and the amount paid by the producer, but excluding any amount of the subsidy attributed to the operating and administrative expenses of the insurance provider) for a crop under a policy insured or reinsured by the Corporation.

* * * * *

Indemnified loss means a loss applicable for the policy for any year during the NCS base period for which the total indemnity exceeds the total earned premium. If the person has insurance for the crop in more than one county for any crop year, indemnities and premiums will be accumulated for all counties for each crop year to determine an indemnified loss.

Insurance experience means earned premiums, indemnities paid (but not including replant payments), and other data for the crop (after applicable adjustments), resulting from all of the insured's crop insurance policies insured or reinsured by the Corporation for one or more crop years and will include all information from all counties in which the person was insured.

* * * * *

NCS means nonstandard classification system.

NCS base period means the 10 consecutive crop years (as defined in the crop policy) ending 2 crop years prior to the crop year in which the NCS classification becomes effective for all crops, except those specified on the Special Provisions. For these excepted crops, the NCS base period means the 10 consecutive crop years ending 3 crop years prior to the crop year in which the NCS classification becomes effective. For example: An NCS classification effective for the 1996 crop year against a producer of citrus production in Arizona, California, and Texas, or sugarcane would have a NCS base period that includes the 1984 through 1993 crop years. An NCS classification effective for the 1996 crop year against a producer of all other crops would have a NCS base period that includes the 1985 through 1994 crop years.

* * * * *

4. Section 400.303 is amended by revising paragraph (a), redesignating paragraph (b) as (c) and adding paragraphs (b), (d), and (e) to read as follows:

§ 400.303 Initial selection criteria.

(a) Nonstandard classification procedures in this subpart initially apply when all of the following insurance experience criteria (including any applicable adjustment in § 400.303(d)) for the crop have been met:

(1) Three (3) or more indemnified losses during the NCS base period;

(2) Cumulative indemnities in the NCS base period that exceed cumulative premiums during the same period by at least \$500;

(3) The result of dividing the number of indemnified losses during the NCS base period by the number of years premium is earned for that period equals .30 or greater; and

(4) Either of the following apply:

(i) The natural logarithm of the cumulative earned premium rate multiplied by the square root of the cumulative loss ratio equals 2.00 or greater; or

(ii) Five (5) or more indemnified losses have occurred during the NCS base period and the cumulative loss ratio equals or exceeds 1.50.

(b) The minimum standards provided in paragraphs (a) (2), (3), and (4) of this section may be increased in a specific county if that county's overall insurance experience for the crop is substantially different from the insurance experience for which the criteria was determined. The increased standard will apply until the conditions requiring the increase no longer apply. Any change in the standards will be contained in the Special Provisions for the crop.

* * * * *

(d) Insurance experience for the crop will be adjusted, by county and crop year, to discount the effect of indemnities caused by widespread adverse growing conditions. Adjustments are determined as follows:

(1) Determine the average yield for the county using the annual county crop yields for the previous 20 crop years, unless such data is not available;

(2) Determine the normal variability in the average yield for the county, expressed as the standard deviation;

(3) Subtract the result of § 400.303(d)(2) from § 400.303(d)(1);

(4) Divide the annual crop yield for the county for each crop year in the NCS base period by the result of § 400.303(d)(3), the result of which may not exceed 1.0;

(5) Subtract the result of § 400.303(d)(4) for each crop year from 1.0;

(6) Multiply the result of § 400.303(d)(5) by the liability for the crop year; and

(7) Subtract the result of § 400.303(d)(6) from any indemnity for that crop year.

(e) FCIC may substitute the crop yields of a comparable crop in determining § 400.303(d) (1) and (2), or may adjust the average yield or the measurement of normal variability for the county crop, or any combination thereof, to account for trends or unusual variations in production of the county crop or if the availability of yield and loss data for the county crop is limited. Information about how these determinations are made is available by submitting a request to the FCIC Regional Service Office for the producer's area. Alternate methods of determining the effects of adverse growing conditions on insurance experience may be implemented by FCIC if allowed in the Special Provisions.

5. Section 400.305 is amended by revising paragraph (b) and the introductory text of paragraph (c) to read as follows:

§ 400.305 Assignment of Nonstandard Classification.

* * * * *

(b) Nonstandard classification assignment will be made each year, for the year identified on the assignment forms, and are not subject to change under the provisions of this subpart by the Corporation for that year when included in the actuarial tables for the county, except as a result of a request for reconsideration as provided in section 400.309, or as the result of appeals under 7 CFR part 11.

(c) A nonstandard classification may be assigned to identified insurable acreage; a person; or to a combination of person and identified acreage for a crop or crop practice, type, variety, or crop option or amendment whereby:

* * * * *

6. Section 400.307 is revised to read as follows:

§ 400.307 Discontinuance of participation.

If the person has discontinued participation in the crop insurance program, the person will still be included on the NCS list in the county until the person has discontinued participation as a policyholder or a person with a substantial beneficial interest in a policyholder for at least 10 consecutive crop years. The most recent nonstandard classification assigned will be continued from year to year until participation has been renewed for at least one crop year and at least three years of insurance experience have occurred in the current base period. A nonstandard classification will no

longer be applicable to the person or the person on identified acreage if the Corporation determines the person is deceased.

7. Section 400.309 is amended by revising paragraph (a), removing paragraph (e), and redesignating paragraph (f) as (e) and revising newly redesignated paragraph (e) to read as follows:

§ 400.309 Requests for reconsideration.

(a) Any person to be assigned a nonstandard classification under this subpart will be notified of and allowed not less than 30 days from the date notice is received to request reconsideration before the nonstandard classification becomes effective. The request will be considered to have been made when received, in writing, by the Corporation.

* * * * *

(e) Any person not satisfied by a determination of the Corporation upon reconsideration may further appeal under the provisions of 7 CFR part 11.

Signed in Washington, DC, on April 23, 1997.

Suzette M. Dittrich,

Deputy Manager, Federal Crop Insurance Corporation.

[FR Doc. 97-10890 Filed 4-25-97; 8:45 am]

BILLING CODE 3410-FA-P

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 1205**

[CN-96-007]

Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is amending the regulations regarding import assessment exemptions by adjusting the provisions for automatic assessment exemptions on certain imports of textile and apparel products. The purpose of this automatic exemption is to avoid multiple assessment of U.S. produced cotton that has been exported and then imported back into the U.S. in the form of textile and apparel products. Also, this final rule will lengthen the amount of time a person has to request an import reimbursement from 90 days from the date the assessment was paid to 180 days from the date the assessment was paid. This rule is consistent with the