

The Office of Personnel Management (OPM) published proposed rules at 60 FR 13354 on March 20, 1997, concerning four regulatory changes in the COLA program. One change would remove obsolete references to hiring authorities no longer in use. A second change would clarify the application of COLA regulations to two pay systems linked to or equivalent to the Senior Executive Service. A third change would clarify the application of COLA regulations to employees under other pay systems. The fourth change would extend nonforeign area post differentials to employees on long-term temporary assignments in the same manner as is provided by the Department of State for employees in foreign areas.

OPM received three comments in response to the publication of the proposed regulations. One commenter endorsed the proposed changes in their entirety. The second commenter recommended including in section 591.201 (Definitions) the minimum length of time required for employees on temporary assignment to receive a differential. The third commenter recommended deleting the 25 percent limitation on allowances plus post differentials combined because there is no equivalent limitation under the Department of State program, and the purpose of OPM's proposed change was to parallel that program.

OPM is not adopting the second commenter's recommendation because the minimum period is not a term used throughout the regulations, but rather a criterion that is used only once in section 591.210(b). Therefore, it is not appropriate to include it in the definitions section. OPM is not adopting the third commenter's recommendation because by law nonforeign area COLA and post differentials combined cannot exceed 25 percent.

OPM notes that it published an interim rule at 60 FR 25423 on May 9, 1997, in response to changes made by the Federal Employee Travel Reform Act of 1996. The Act affects the status of employees who are assigned to work in another location for an extended period. The interim regulations clarify that the temporary duty station during such an extended assignment must be treated as the official duty station of the employee for purposes of determining the employee's location-based pay entitlements. The interim regulations added a definition of "official duty station" to 5 CFR 591.201 for purposes of paying allowances and differentials and changed the term "permanent duty station" to "official duty station" in 5 CFR 591.210(a) to make these terms consistent with those used in the

regulations on locality-based comparability payments. The regulations also make conforming changes in § 591.201 and in paragraphs (b)(1) (redesignated paragraph (c)(1)), and (c) (redesignated paragraph (d)) of § 591.210. OPM has incorporated these changes in this final rule.

### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only Federal agencies and employees.

### List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

**Janice R. Lachance,**

*Director.*

Accordingly, OPM amends 5 CFR part 591 as follows:

### PART 591—ALLOWANCES AND DIFFERENTIALS

#### Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

1. The authority citation for subpart B of part 591 continues to read as follows:

**Authority:** 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; E.O. 12510, 3 CFR, 1985 Comp., p. 338.

2. In § 591.203, paragraphs (a)(1), (a)(3), (a)(6), and (b) are revised to read as follows:

#### § 591.203 Agencies and employees covered.

(a) \* \* \*

(1) General Schedule.

\* \* \* \* \*

(3) Foreign Service (including the Senior Foreign Service).

\* \* \* \* \*

(6) Senior Executive Service (including the Federal Bureau of Investigation—Drug Enforcement Administration Senior Executive Service).

\* \* \* \* \*

(b) This subpart may be applied, at the sole discretion of the employing agency, to civilian employees in other positions authorized by specific law applicable to such positions, consistent with the intent of 5 U.S.C. 5941.

3. In § 591.210, paragraph (f) is removed, paragraphs (b) through (e) are redesignated as (c) through (f), respectively, and a new paragraph (b) is added to read as follows:

#### § 591.210 Payment of allowances and differentials.

\* \* \* \* \*

(b) Payment of an allowance or differential will begin on the effective date of the change in the employee's official duty station to a duty station within the allowance or differential area or on the effective date of the appointment in the case of local recruitment. An employee who is detailed for temporary duty in a nonforeign area (i.e., the employee's official duty station is outside the nonforeign area) is eligible for a differential, but not an allowance, except that payment of a differential shall not begin until after 42 consecutive calendar days of temporary duty in the differential area. Payment of an allowance or differential will cease—

(1) On separation;

(2) On the effective date of assignment or transfer to a new official duty station outside the allowance or differential area; or

(3) On the ending date of a detail, in the case of an employee on detail to temporary duty in a differential area.

\* \* \* \* \*

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### DEPARTMENT OF AGRICULTURE

#### Federal Crop Insurance Corporation

#### 7 CFR Parts 401, 454, and 457

#### General Crop Insurance Regulations, Various Endorsements; Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations; and Common Crop Insurance Regulations, Various Crop Insurance Provisions

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) amends the General Crop Insurance Regulations; Canning and Processing Tomato and Rice Endorsements; Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations; and the Common Crop Insurance Regulations, Cotton, Coarse Grains (Corn, Grain Sorghum, and Soybeans), Dry Bean, ELS Cotton, Sugar Beet, and Sunflower Seed Crop Insurance Provisions, effective for the 1998 crop year only, for counties and states with a November 30 contract change date. FCIC is extending the contract change date to December 17, 1997.

The intended effect of this rule is to extend the contract change date, which

is the date by which all contract changes must be on file in the service office, in order to provide sufficient time for FCIC to publish a final rule amending the policy for insuring the above crops.

**DATES:** This interim rule is effective November 26, 1997.

Submit comments on or before December 29, 1997.

**ADDRESSES:** Written comments on this interim rule should be sent to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131.

**FOR FURTHER INFORMATION CONTACT:** Louise Narber, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, at the Kansas City, MO address listed above, telephone (816) 926-7730.

#### **SUPPLEMENTARY INFORMATION:**

##### **Executive Order No. 12866**

The Office of Management and Budget (OMB) has determined this rule to be not significant for the purposes of Executive Order No. 12866, and, therefore, this rule has not been reviewed by OMB.

##### **Paperwork Reduction Act of 1995**

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), there are no information collection requirements contained in this rule.

##### **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 No. 12612**

It has been determined under section 6(a) of Executive Order No. 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions 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. The extended contract change date included in this rule will not impact small entities to a greater extent than large entities. Under the current regulations, FCIC is required to have changes in policy provisions at the agent's office by November 30. If this date is not met, then the changes will not be applicable until the next crop year. This regulation merely extends that date so that companies will have more time to get the program changes to the insured. The amount of work required of the insurance companies delivering and servicing these policies will not increase significantly from the amount of work currently required. This rule does not have any greater or lesser impact on the producer. 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 No. 12372**

This program is not subject to the provisions of Executive Order No. 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 No. 12988**

This rule has been reviewed in accordance with Executive Order No. 12988 on Civil Justice Reform. The provisions of this rule will not have a retroactive effect. 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 any action against FCIC for judicial review may be brought.

#### **Environmental Evaluation**

This action is not expected to have a 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**

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate

unnecessary or duplicative regulations and improve those that remain in force.

#### **Background**

FCIC herewith amends the General Crop Insurance Regulations; Canning and Processing Tomato and Rice Endorsements; Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations; and the Common Crop Insurance Regulations, Cotton, Coarse Grains (Corn, Grain Sorghum, and Soybeans), Dry Bean, ELS Cotton, Sugar Beet, and Sunflower Seed Crop Insurance Provisions to extend the contract change date to December 17, 1997. This action is taken in order to provide sufficient time for FCIC to make timely filing on changes in policy provisions.

The contract change date, included in the crop insurance policy, is the date by which all contract changes must be on file in the service office.

Kenneth D. Ackerman, Manager, FCIC has determined that the extension of the contract change date is necessary to provide sufficient time for FCIC to publish a final rule amending the above crop insurance policies for the 1998 crop year.

It is further determined that such extension will not be detrimental to any program recipient, and that publication of the extended contract change date as a proposed rule for notice and comment is impracticable, unnecessary, and contrary to the public interest. Therefore, good cause is shown for making this rule effective upon filing for public inspection at the Office of the Federal Register.

#### **Lists of Subjects**

##### *7 CFR Part 401*

Crop insurance, Canning and processing tomato, Rice.

##### *7 CFR Part 454*

Crop insurance, Fresh market tomato (guaranteed production plan).

##### *7 CFR Part 457*

Crop insurance, Cotton, Coarse grains (corn, grain sorghum, and soybeans), Dry bean, ELS cotton, Sugar beet, Sunflower seed.

#### **Interim Rule**

Accordingly, for the reasons set forth in the preamble, the Federal Crop Insurance Corporation hereby amends 7 CFR parts 401, 454 and 457, to read as follows:

**PART 401—GENERAL CROP  
INSURANCE REGULATIONS—  
REGULATIONS FOR THE 1988 AND  
SUBSEQUENT CONTRACT YEARS**

1. The authority citation for 7 CFR part 401 is revised to read as follows:

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

2. Section 401.114 is amended by revising 10. Contract Changes to read as follows:

**§ 401.114 Canning and processing tomato endorsement.**

\* \* \* \* \*

**10. Contract Changes**

The date by which contract changes will be available in your service office is November 30 (December 17 for the 1998 crop year only) preceding the cancellation date for counties with a February 15 cancellation date and December 31 preceding the cancellation date for all other counties.

\* \* \* \* \*

3. Section 401.120 is amended by revising 9. Contract Changes to read as follows:

**§ 401.120 Rice endorsement.**

\* \* \* \* \*

**9. Contract Changes**

The date by which contract changes will be available in your service office is December 31 preceding the cancellation date for counties with an April 15 cancellation date and November 30 (December 17 for the 1998 crop year only) preceding the cancellation date for all other counties.

\* \* \* \* \*

**PART 454—FRESH MARKET TOMATO  
(GUARANTEED PRODUCTION PLAN)  
CROP INSURANCE REGULATIONS**

4. The authority citation for 7 CFR part 454 is revised to read as follows:

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

5. In § 454.7(d), the insurance policy is amended by revising section 16. Contract Changes to read as follows:

**§ 454.7 Guaranteed Production Plan of  
Fresh Market Tomato Crop Insurance  
Policy.**

\* \* \* \* \*

**16. Contract Changes**

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by November 30 (December 17 for the 1998 crop year only) preceding the cancellation date for counties with a February 15 cancellation date, and by December 31 preceding the cancellation date for counties with an April 15 cancellation date. Acceptance of changes

will be conclusively presumed in the absence of notice from you to cancel the contract.

\* \* \* \* \*

**PART 457—COMMON CROP  
INSURANCE REGULATIONS;  
REGULATIONS FOR THE 1994 AND  
SUBSEQUENT CONTRACT YEARS**

6. The authority citation for 7 CFR part 457 is revised to read as follows:

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

7. Section 457.104 is amended by revising 4. Contract Changes to read as follows:

**§ 457.104 Cotton crop insurance  
provisions.**

\* \* \* \* \*

**4. Contract Changes**

The contract change date is November 30 (December 17 for the 1998 crop year only) preceding the cancellation date (see the provisions of Section 4 (Contract Changes) of the Common Crop Insurance Policy).

\* \* \* \* \*

8. Section 457.105 is amended by revising 4. Contract Changes to read as follows:

**§ 457.105 Extra long staple cotton crop  
insurance provisions.**

\* \* \* \* \*

**4. Contract Changes**

The contract change date is November 30 (December 17 for the 1998 crop year only) preceding the cancellation date (see the provisions of section 4 (Contract Changes) of the Common Crop Insurance Policy).

\* \* \* \* \*

9. Section 457.108 is amended by revising 4. Contract Changes to read as follows:

**§ 457.108 Sunflower seed crop insurance  
provisions.**

\* \* \* \* \*

**4. Contract Changes**

The contract change date is November 30 (December 17 for the 1998 crop year only) preceding the cancellation date (see the provisions of Section 4 (Contract Changes) of the Basic Provisions).

\* \* \* \* \*

10. Section 457.109 is amended by revising 4. Contract Changes to read as follows:

**§ 457.109 Sugar beet crop insurance  
provisions.**

\* \* \* \* \*

**4. Contract Changes**

In accordance with the provisions of section 4 (Contract Changes) of the Basic Provisions, the contract change date is April 30 preceding the cancellation date for counties with a July 15 or August 31 cancellation date and November 30 (December 17 for the 1998 crop year only)

preceding the cancellation date for all other counties.

\* \* \* \* \*

11. Section 457.113 is amended by revising 4. Contract Changes to read as follows:

**§ 457.113 Coarse grains crop insurance  
provisions.**

\* \* \* \* \*

**4. Contract Changes**

The contract change date is November 30 (December 17 for the 1998 crop year only) preceding the cancellation date (see the provisions of Section 4 (Contract Changes) of the Common Crop Insurance Policy).

\* \* \* \* \*

12. Section 457.150 is amended by revising 4. Contract Changes to read as follows:

**§ 457.150 Dry bean crop insurance  
provisions.**

\* \* \* \* \*

**4. Contract Changes**

In accordance with section 4 (Contract Changes) of the Basic Provisions, the contract change date is November 30 (December 17 for the 1998 crop year only) preceding the cancellation date.

\* \* \* \* \* 4

Signed in Washington, D.C., on November 26, 1997.

**Kenneth D. Ackerman,**

*Manager, Federal Crop Insurance  
Corporation.*

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**DEPARTMENT OF AGRICULTURE**

**Federal Crop Insurance Corporation**

**7 CFR Part 457**

**Common Crop Insurance Regulations,  
Fresh Market Tomato (Dollar Plan)  
Crop Insurance Provisions; Correction**

**AGENCY:** Federal Crop Insurance  
Corporation, USDA.

**ACTION:** Final rule, correction.

**SUMMARY:** The document contains a correction to the final rule that was published on Friday, March 28, 1997 (62 FR 14775-14780). The rule pertains to the insurance of fresh market tomatoes (dollar plan).

**EFFECTIVE DATE:** December 2, 1997.

**FOR FURTHER INFORMATION CONTACT:**  
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