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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 531

RIN 3206-AH65

Pay Under the General Schedule; Locality Pay Areas for 1998

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations to remove two metropolitan areas from the "Rest of U.S." locality pay area and establish two new locality pay areas in January 1998 corresponding to these metropolitan areas. The two metropolitan areas affected by this regulation are Hartford, CT, and Orlando, FL. The President's Pay Agent made the final determination on the boundaries of the new locality pay areas after considering the recommendations of the Federal Salary Council and public comments.

EFFECTIVE DATE: The regulations are effective on January 1, 1998, and are applicable on the first day of the first pay period beginning on or after January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Jeanne D. Jacobson, (202) 606-2858, FAX: (202) 606-0824, or email: payleave@opm.gov.

SUPPLEMENTARY INFORMATION: On October 25, 1996, the Office of Personnel Management (OPM) published proposed regulations to remove two metropolitan areas from the "Rest of U.S." locality pay area and establish two new locality pay areas in January 1998 corresponding to these metropolitan areas based on the recommendations of the Federal Salary Council. (See 61 FR 55227.) OPM received no public comments on the proposed regulations. Therefore, after

considering the views of the Federal Salary Council, the President's Pay Agent (consisting of the Secretary of Labor, the Director of the Office of Management and Budget (OMB), and the Director of OPM) decided to adopt the Federal Salary Council's recommendations on the two new locality pay areas. This determination was reflected in the Pay Agent's November 27, 1996, report to the President. These final regulations list the locality pay areas for 1998, including the two new locality pay areas corresponding to the following Metropolitan Statistical Areas (MSA's) as defined by OMB—Hartford, CT, including that portion of New London County, CT, outside the Hartford, CT MSA, and Orlando, FL.

The definitions of the MSA's and Consolidated Metropolitan Statistical Areas (CMSA's) that comprise the locality pay areas are found in OMB Bulletin No. 96-08, June 28, 1996. Based on these definitions, the two new locality pay areas for 1998 will be composed of the following geographic areas:

Hartford, CT, Locality Pay Area

Hartford County (part):

- Avon town
- Berlin town
- Bloomfield town
- Bristol city
- Burlington town
- Canton town
- East Granby town
- East Hartford town
- East Windsor town
- Enfield town
- Farmington town
- Glastonbury town
- Granby town
- Hartford city
- Manchester town
- Marlborough town
- New Britain city
- Newington town
- Plainville town
- Rocky Hill town
- Simsbury town
- Southington town
- South Windsor town
- Suffield town
- West Hartford town
- Wethersfield town
- Windsor town
- Windsor Locks town

Litchfield County (part):

- Barkhamsted town

- Harwinton town
- New Hartford town
- Plymouth town
- Winchester town

Middlesex County (part):

- Cromwell town
- Durham town
- East Haddam town
- East Hampton town
- Haddam town
- Middlefield town
- Middletown city
- Portland town

New London County (all)

Tolland County (part):

- Andover town
- Bolton town
- Columbia town
- Coventry town
- Ellington town
- Hebron town
- Mansfield town
- Somers town
- Stafford town
- Tolland town
- Vernon town
- Willington town

Windham County (part):

- Ashford town
- Chaplin town
- Windham town

Orlando, FL, Locality Pay Area

- Lake County
- Orange County
- Osceola County
- Seminole County

Hartford, CT, Locality Pay Area

In its November, 27, 1996, report to the President, the President's Pay Agent accepted the Federal Salary Council's recommendation that Hartford, CT, be established as a separate locality pay area for General Schedule (GS) workers in 1998, including the Hartford, CT MSA, plus that portion of New London County, CT, outside the Hartford, CT MSA. The Pay Agent also adopted the following criteria recommended by the Federal Salary Council for consideration of partial counties as "areas of application" in New England. These criteria are needed because OMB uses cities and townships, instead of full counties, to define metropolitan areas in New England.

Criteria for partial-county areas of application in New England:

1. The partial-county area must be contiguous to the pay locality (exclusive

of any other areas of application) and must currently be included in the "Rest of U.S." locality pay area.

2. The partial-county area must contain at least 2,000 GS employees.

3. The entire county must have a population density of more than 200 per square mile or at least 90 percent of the population in urbanized areas.

4. The entire county must demonstrate some economic linkage with the pay locality, defined as commuting at a level of 5 percent or more into or from the areas in question. (The areas in question are the entire county under consideration and the central core of the MSA as defined by the Census Bureau for use in establishing metropolitan areas.)

Because New London County, CT, met all of the above-stated criteria, the Pay Agent accepted the Federal Salary Council's recommendation that that portion of New London County, CT, outside the Hartford, CT MSA be included in the Hartford, CT, locality pay area as an "area of application" for 1998.

After the Pay Agent issued its November 1996 report to the President reflecting its determination to establish Hartford, CT, as a new locality pay area for 1998, OPM received a letter from a Member of Congress expressing interest in including the city of Springfield, MA, in the Hartford, CT, locality pay area. The Federal Salary Council determined that Hampden County, MA, which includes the city of Springfield, does not meet the Federal Salary Council's criteria for consideration as an "area of application."

Prior to the implementation of locality pay in 1994, the President's Pay Agent adopted the Federal Salary Council's recommendation that the boundaries of locality pay areas follow the boundaries of MSA's and CMSA's as defined by OMB. The Federal Salary Council also recommended that certain areas outside the boundaries of an MSA or CMSA (i.e., "areas of application") be included in the locality pay area if they meet certain criteria.

In order for the Federal Salary Council to recommend an area as a county-wide area of application, the affected county must—

1. Be contiguous to a pay locality;

2. Contain at least 2,000 GS-GM employees;

3. Have a significant level of urbanization, based on 1990 Census data. A "significant level of urbanization" is defined as a population density of more than 200 per square mile or at least 90 percent of the population in urbanized areas; and

4. Demonstrate some economic linkage with the pay locality, defined as commuting at a level of 5 percent or more into or from the areas in question. (The areas in question are the contiguous county under consideration and the central counties (or in the case of New England, the central cores) identified by the Census Bureau for the process of defining the CMSA's and MSA's involved.)

The Federal Salary Council considered Hampden County, MA, under these criteria as a potential area of application before making its October 1996 recommendation to the Pay Agent regarding the new Hartford, CT, locality pay area. However, because Hampden County did not pass the Federal Salary Council's criterion for GS employment (having only 908 GS employees as of March 1996), the Federal Salary Council did not recommend it as an "area of application" to the Hartford, CT, locality pay area.

Orlando, FL, Locality Pay Area

The President's Pay Agent accepted the Federal Salary Council's recommendation that Orlando, FL, be established as a separate locality pay area. Although Bureau of Labor Statistics (BLS) surveys showed the pay disparity in Orlando was slightly below the pay disparity for the "Rest of U.S." locality pay area, the Federal Salary Council's established policy provides that any surveyed area with a pay disparity of less than 2/10ths of a percentage point below the "Rest of U.S." pay disparity may qualify to be established or continued as a locality pay area.

The Pay Agent also accepted the Federal Salary Council's recommendation that the Orlando, FL, locality pay percentage be set equal to the "Rest of U.S." locality pay percentage in 1998 and that the Orlando, FL, pay gap be averaged with the "Rest of U.S." pay gap to determine the combined pay gap for the two areas. This is consistent with past practices for dealing with locality pay areas in which the pay disparity is below the "Rest of U.S." pay disparity. BLS will continue to conduct surveys in Orlando, and the Pay Agent and the Federal Salary Council will reconsider these issues in the future.

Waiver of Delay in Effective Date

Pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to make these regulations effective in less than 30 days. The regulations are being made effective on January 1, 1998, in order for the locality payments for each locality pay area authorized for 1998 to be

applicable on the first day of the first pay period beginning on or after January 1, 1998.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 531

Government employees, Law enforcement officers, Wages.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending part 531 of title 5, Code of Federal Regulations, as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

1. The authority citation for part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Pub. L. 103-89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316;

Subpart B also issued under 5 U.S.C. 5303(g), 5333, 5334(a), and 7701(b)(2);

Subpart C also issued under 5 U.S.C. 5304, 5305, and 5553; sections 302 and 404 of FEPCA, Pub. L. 101-509, 104 Stat. 1462 and 1466; and section 3(7) of Pub. L. 102-378, 106 Stat. 1356;

Subpart D also issued under 5 U.S.C. 5335(g) and 7701(b)(2);

Subpart E also issued under 5 U.S.C. 5336; 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 F—Locality-Based Comparability Payments

2. In § 531.603, paragraph (b) is revised to read as follows:

§ 531.603 Locality pay areas.

* * * * *

(b) The following are locality pay areas for the purpose of this subpart:

(1) Atlanta, GA—consisting of the Atlanta, GA MSA;

(2) Boston-Worcester-Lawrence, MA-NH-ME-CT—consisting of the Boston-Worcester-Lawrence, MA-NH-ME-CT CMSA;

(3) Chicago-Gary-Kenosha, IL-IN-WI—consisting of the Chicago-Gary-Kenosha, IL-IN-WI CMSA;

(4) Cincinnati-Hamilton, OH-KY-IN—consisting of the Cincinnati-Hamilton, OH-KY-IN CMSA;

- (5) Cleveland-Akron, OH—consisting of the Cleveland-Akron, OH CMSA;
- (6) Columbus, OH—consisting of the Columbus, OH MSA;
- (7) Dallas-Fort Worth, TX—consisting of the Dallas-Fort Worth, TX CMSA;
- (8) Dayton-Springfield, OH—consisting of the Dayton-Springfield, OH MSA;
- (9) Denver-Boulder-Greeley, CO—consisting of the Denver-Boulder-Greeley, CO CMSA;
- (10) Detroit-Ann Arbor-Flint, MI—consisting of the Detroit-Ann Arbor-Flint, MI CMSA;
- (11) Hartford, CT—consisting of the Hartford, CT MSA, plus that portion of New London County, CT, not located within the Hartford, CT MSA;
- (12) Houston-Galveston-Brazoria, TX—consisting of the Houston-Galveston-Brazoria, TX CMSA;
- (13) Huntsville, AL—consisting of the Huntsville, AL MSA;
- (14) Indianapolis, IN—consisting of the Indianapolis, IN MSA;
- (15) Kansas City, MO-KS—consisting of the Kansas City, MO-KS MSA;
- (16) Los Angeles-Riverside-Orange County, CA—consisting of the Los Angeles-Riverside-Orange County, CA CMSA, plus Santa Barbara County, CA, and that portion of Edwards Air Force Base, CA, not located within the Los Angeles-Riverside-Orange County, CA CMSA;
- (17) Miami-Fort Lauderdale, FL—consisting of the Miami-Fort Lauderdale, FL CMSA;
- (18) Milwaukee-Racine, WI—consisting of the Milwaukee-Racine, WI CMSA;
- (19) Minneapolis-St. Paul, MN-WI—consisting of the Minneapolis-St. Paul, MN-WI MSA;
- (20) New York-Northern New Jersey-Long Island, NY-NJ-CT-PA—consisting of the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA;
- (21) Orlando, FL—consisting of the Orlando, FL MSA;
- (22) Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD—consisting of the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA;
- (23) Pittsburgh, PA—consisting of the Pittsburgh, PA MSA;
- (24) Portland-Salem, OR-WA—consisting of the Portland-Salem, OR-WA CMSA;
- (25) Richmond-Petersburg, VA—consisting of the Richmond-Petersburg, VA MSA;
- (26) Sacramento-Yolo, CA—consisting of the Sacramento-Yolo, CA CMSA;
- (27) St. Louis, MO-IL—consisting of the St. Louis, MO-IL MSA;

- (28) San Diego, CA—consisting of the San Diego, CA MSA;
- (29) San Francisco-Oakland-San Jose, CA—consisting of the San Francisco-Oakland-San Jose, CA CMSA;
- (30) Seattle-Tacoma-Bremerton, WA—consisting of the Seattle-Tacoma-Bremerton, WA CMSA;
- (31) Washington-Baltimore, DC-MD-VA-WV—consisting of the Washington-Baltimore, DC-MD-VA-WV CMSA, plus St. Mary's County, MD; and
- (32) Rest of U.S.—consisting of those portions of the 48 contiguous States not located in another locality pay area.

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 401 and 457

RIN 0563-AB03

General Crop Insurance Regulations; Hybrid Sorghum Seed Endorsement and Common Crop Insurance Regulations; Hybrid Sorghum Seed Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes specific crop provisions for the insurance of hybrid sorghum seed. The provisions will be used in conjunction with the Common Crop Insurance Policy, Basic Provisions, which contain standard terms and conditions common to most crops. The intended effect of this action is to provide policy changes to better meet the needs of the insured, include the current hybrid sorghum seed endorsement under the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current hybrid sorghum seed endorsement to the 1997 and prior crop years.

DATES: Effective December 12, 1997.

FOR FURTHER INFORMATION CONTACT: Ron Nesheim, 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) 926-7730.

SUPPLEMENTARY INFORMATION:

Executive Order No. 12866

The Office of Management and Budget (OMB) has determined this rule to be

exempt for the purposes of Executive Order No. 12866 and, therefore, this rule has not been reviewed by OMB.

Paperwork Reduction Act of 1995

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget (OMB) under control number 0563-0053.

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. Therefore, 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 economic impact on a substantial number of small entities. The effect of this regulation on small entities will be no greater than on larger entities. Under the current regulations, a producer is required to complete an application and an acreage report. If the crop is damaged or destroyed, the insured is required to give notice of loss and provide the necessary information to complete a claim for indemnity. This regulation does not alter those requirements.

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.