

GS-334-7 position are otherwise essentially identical using the competitive level test found in 5 CFR 351.403.

**Reduction in Force Notices**

5 U.S.C. 3502(d)(1) provides that an agency must give each employee a minimum of 60 days specific written notice before effecting a reduction in force action. Pub. L. 102-484 provided that each employee of the Department of Defense is entitled to a minimum of 120 days specific written notice when a significant number of employees will be separated during the period from January 20, 1993, through January 31, 1998.

Section 911(a) of Pub. L. 103-337 extended the window period for the 120 days specific written notice applicable to the Department of Defense to cover the period from January 20, 1993, through January 31, 2000. 5 CFR 351.801(a)(2) is revised to include this statutory change.

5 U.S.C. 3502(d)(2)(A) provides that an agency must cover in a specific reduction in force notice the personnel action that is being taken. 5 CFR 351.802(a)(1) is revised to provide that a specific reduction in force notice must cover the action to be taken, the effective date of the action, and the reasons for the action.

**Certification of Expected Separation**

5 CFR 351.807 provides that an agency may issue a Certification of Expected Separation to employees likely to be separated by reduction in force within 6 months. 5 CFR 351.807(b) covers the conditions under which an agency may issue a Certification. In final regulations published on January 11, 1995, at 60 FR 2677, the word "or" inadvertently followed 5 CFR 351.807(b)(3) rather than the word "and," which was used in interim regulations published on June 27, 1994, at 59 FR 32873. 5 CFR 351.807 is revised to provide that "and" again follows 5 CFR 351.807(b)(3), consistent with the interim regulations.

**Waiver of Notice of Proposed Rulemaking and Delay in Effective Date**

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking because it would be contrary to the public interest to delay access to benefits. Also, pursuant to 5 U.S.C. 553(d)(3), I find that food cause exists to make this amendment effective in less than 30 days. The delay in the effective date is being waived to clarify OPM's retention regulations as agencies undertake potential downsizing actions

and to give effect to the benefits extended by the amended provisions at the earliest practicable date.

**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 certain Federal employees.

**List of Subjects in 5 CFR Part 351**

Administrative practice and procedure, Government employees. U.S. Office of Personnel Management.

**James B. King,**  
*Director.*

Accordingly, OPM is amending 5 CFR part 351 as follows:

**PART 351—REDUCTION IN FORCE**

1. The authority citation for part 351 continues to read as follows:

**Authority:** 5 U.S.C. 1302, 3502, 3503, Section 351.801 also issued under E.O. 12828, 58 FR 2965.

2. In § 351.701, paragraph (c)(3) is revised to read as follows:

**§ 351.701 Assignment involving displacement.**

\* \* \* \* \*

(c) \* \* \*

(3) Is the same position, or an essentially identical position, held by the released employee on a permanent basis in a Federal agency. (In determining whether a position is essentially identical, the determination is based on the competitive level criteria found in 5 CFR 351.403, but not necessarily in regard to the respective grade, classification series, type of work schedule, or type of service, of the two positions.)

\* \* \* \* \*

3. In § 351.801, paragraph (a)(2) is revised to read as follows:

**§ 351.801 Notice period.**

(a) \* \* \*

(2) Under authority of section 4433 of Pub. L. 102-484, as amended by section 911(a) of Pub. L. 103-337, each competing employee of the Department of Defense is entitled, under implementing regulations issued by that agency to a specific written notice at least 120 full days before the effective date of release when a significant number of employees will be separated by reduction in force. The 120 days notice requirement is applicable during the period from January 20, 1993, through January 31, 2000. The basic requirement for 60 full days specific written notice set forth in paragraph (a)

of this section is still applicable when less than a significant number of employees will be separated by reduction in force.

\* \* \* \* \*

4. In § 351.802, paragraph (a)(1) is revised to read as follows:

**§ 351.802 Content of notice.**

(a)(1) The action to be taken, the reasons for the action, and its effective date;

\* \* \* \* \*

5. In § 351.807, paragraph (b)(3) is revised to read as follows:

**§ 351.807 Certification of expected separation.**

\* \* \* \* \*

(b) \* \* \*

(3) Placement opportunities within the employee's own or other Federal agencies in the local commuting area are limited or nonexistent; and

\* \* \* \* \*

[FR Doc. 95-21019 Filed 8-24-95; 8:45 am]  
BILLING CODE 6325-01-M

**MERIT SYSTEMS PROTECTION BOARD**

**5 CFR Part 1201**

**Notice of Practice and Procedure; Realignment of Regional Offices**

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule; Correction.

**SUMMARY:** The document on Practice and Procedure; Realignment of Regional Offices which was published on August 10, 1995 (60 FR 40744), contained an error in the address for the Atlanta Regional Office. This document contains the correct address and facsimile number for the Atlanta Regional Office and amends the Approved Hearing Locations by Regional Appeals for the Atlanta Regional Office.

**EFFECTIVE DATE:** August 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Darrell L. Netherton, Senior Executive for Regional Administration, (202) 653-7980.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 95-19729, on page 40744, Column 3, in Appendix II to part 1201, item 1 is corrected to read as follows:

Atlanta Regional Office, 401 West Peachtree Street NW., 10th floor, Atlanta, Georgia 30308-3519, Facsimile No.: (404) 730-2767 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee)

In FR Doc. 95-19729, on page 40745, Column 1 in Appendix III to part 1201, item *Atlanta Regional Office* is amended to read as follows:

*Atlanta Regional Office*

Atlanta, Georgia  
 Augusta, Georgia  
 Macon, Georgia  
 Savannah, Georgia  
 Birmingham, Alabama  
 Huntsville, Alabama  
 Mobile, Alabama  
 Montgomery, Alabama  
 Jacksonville, Florida  
 Miami, Florida  
 Orlando, Florida  
 Pensacola, Florida  
 Tallahassee, Florida  
 Tampa/St. Petersburg, Florida  
 Jackson, Mississippi  
 Columbia, South Carolina  
 Charleston, South Carolina  
 Chattanooga, Tennessee  
 Knoxville, Tennessee  
 Nashville, Tennessee

Dated: August 21, 1995.

**Robert E. Taylor,**

*Clerk of the Board.*

[FR Doc. 95-21135 Filed 8-24-95; 8:45 am]

BILLING CODE 7400-01-M

## DEPARTMENT OF AGRICULTURE

### Consolidated Farm Service Agency

#### 7 CFR Part 718

#### Commodity Credit Corporation

#### 7 CFR Parts 1413, 1414, 1415, and 1416

RIN 0560-AE29

### 1995 Wheat, Feed Grains, Upland and Extra Long Staple Cotton, and Rice Price Support Programs

**AGENCIES:** Consolidated Farm Service Agency and Commodity Credit Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule sets forth amendments to: delete references to obsolete provisions; add references relating to current policy; set forth revisions for the Compliance Program, Acreage Reduction Program, (ARP), Options Pilot Program (OPP), and Voluntary Production Limitation Program (VPLP); and improve the operations of these programs for the 1995 through 1997 crop years.

**DATES:** Interim rule effective August 25, 1995. Comments must be received on or before September 25, 1995 in order to be assured of consideration.

**ADDRESSES:** Submit comments to: Director, Compliance and Production

Adjustment Division, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA), PO Box 2415, Washington, DC 20013-2415. Comments may be inspected at USDA, CFSA, 14th and Independence Avenue, South Agriculture Building, room 3640, Washington, DC 20013-2415 between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Jack Welch, Chief, Production Adjustment Branch, Cotton, Grain, and Rice Division, CFSA, USDA, PO Box 2415, Washington, DC 20013-2415, telephone 202-720-9884.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

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

##### Federal Assistance Programs

The titles and numbers of the Federal Assistance Programs, as found in the Catalog of Federal Domestic Assistance, to which this interim rule applies are Cotton Production Stabilization—10.052; Feed Grain Production Stabilization—10.055; Wheat Production Stabilization—10.058; and Rice Production Stabilization—10.065.

##### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since neither CFSA nor the Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

##### Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

##### Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. The provisions of this rule are not retroactive. Before any judicial action may be brought concerning the provisions of this rule,

the administrative remedies at 7 CFR part 780 must be exhausted.

##### Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires 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).

##### Paperwork Reduction Act

This interim rule amends the existing information collections as approved by OMB pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), under OMB control numbers 0560-0004 and 0560-0092. These revised collections have been submitted to OMB for clearance.

##### Background

This interim rule:

- (1) Sets forth policy changes for acreage measurement and tolerance;
- (2) Revises the eligibility provisions in the regulations for enrolling in an ARP to include the requirement for purchasing catastrophic crop insurance;
- (3) Revises the number of States and counties eligible to participate in the OPP; and
- (4) Makes minor editorial changes.

##### Discussion of Changes

###### A. 7 CFR part 718, Determination of Acreage and Compliance

###### Section 718.3 Definitions

This section has been amended to delete the reference to administrative variance (AV) applying only to marketing quota crops.

###### Section 718.21 Measurement Services

This section has been amended to provide that when a measurement service reveals acreage in excess of the permitted acreage plus available flex acreage with respect to other program crops enrolled in that crop's production adjustment program for that year, in order to keep the measurement service guarantee, the producer must: (1) Destroy the excess acreage and pay for an authorized employee of CFSA to verify destruction; or (2) pay for measurement service for an authorized employee of CFSA to verify destruction of an acreage of another crop on the farm that is enrolled in a production adjustment program equal to the excess acreage.

###### Section 718.22 Acreage Reports

This section has been amended to delete the reference that provided