

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending part 591 of title 5, Code of Federal Regulations, as follows:

**PART 591—ALLOWANCES AND DIFFERENTIALS**

**Subpart D—Separate Maintenance Allowance for Duty at Johnston Island**

1. The authority citation for subpart D of part 591 is revised to read as follows:

Authority: 5 U.S.C. 5942a(b); E.O. 12822, 3 CFR, 1992 Comp., p. 325

2. In § 591.401, paragraph (a) is revised to read as follows:

**§ 591.401 Purpose and applicability.**

(a) *Purpose.* This subpart prescribes the regulations required by section 5942a of title 5, United States Code, to authorize payment of a separate maintenance allowance to assist an employee assigned to Johnston Island to meet the additional expenses of maintaining family members elsewhere who would normally reside with him or her because they cannot accompany the employee to Johnston Island. This subpart provides rules for determining which employees are eligible to receive the separate maintenance allowance, who qualifies as family members under the program, the method of payment, and payment amounts.

\* \* \* \* \*

3. Section 591.402 is revised to read as follows:

**§ 591.402 Definitions.**

*Adult*, a term used in the Department of State *Standardized Regulations (Government Civilians, Foreign Areas)*, means a family member who is 21 years of age or older.

*Family member* means one or more of the following relatives of an employee who would normally reside with the employee except for circumstances warranting the granting of a separate maintenance allowance, but who does not receive from the Government an allowance similar to that granted to the employee and who is not deemed to be a family member of another employee for the purpose of determining the amount of a separate maintenance allowance or similar allowance:

(1) Children who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support, including natural children, step and

adopted children, and those under legal guardianship or custody of the employee or the spouse when they are expected to be under such legal guardianship or custody at least until they reach 21 years of age and when dependent upon and normally residing with the guardian;

(2) Parents (including step and legally adoptive parents) of the employee or of the spouse when such parents are at least 51 percent dependent on the employee for support;

(3) Sisters and brothers (including step or adoptive sisters and brothers) of the employee or of the spouse, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support; or

(4) Spouse, excluding a spouse independently entitled to and receiving a similar allowance.

*Johnston Island*, also called Johnston Atoll, is a possession of the United States located 717 nautical miles southwest of Honolulu, Hawaii.

*Separate maintenance allowance* means an allowance to assist an employee assigned to Johnston Island who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at Johnston Island, or for the convenience of the Government, to meet the additional expense of maintaining family members at a location other than Johnston Island.

4. Section 591.403 is revised to read as follows:

**§ 591.403 Amount of payment.**

(a) The annual rate of the separate maintenance allowance paid to an employee shall be determined by the number of individuals, including a spouse and/or one or more other family members, that are maintained at a location other than Johnston Island.

(b) The annual rates for the separate maintenance allowance paid to employees assigned to Johnston Island shall be the same as the annual rates for the separate maintenance allowance established by the Department of State in its *Standardized Regulations (Government Civilians, Foreign Areas)*. The annual rates shall not vary by location of the separate household.

(c) The annual rates of the separate maintenance allowance shall be adjusted on the first day of the first pay period beginning on or after July 1, 1996 and, subsequently, on the first day of the first pay period beginning on or after the effective date established for adjustment of annual rates for the separate maintenance allowance in the

*Standardized Regulations (Government Civilians, Foreign Areas)*.

5. Section 591.405 is revised to read as follows:

**§ 591.405 Responsibilities of agencies.**

Agencies with employees stationed at Johnston Island may require reasonable verification of relationship and dependency.

[FR Doc. 96-13682 Filed 5-30-96; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Federal Crop Insurance Corporation**

**7 CFR Part 457**

**RIN 0563-AB24**

**Common Crop Insurance Regulations; Malting Barley Price and Quality Endorsement Crop Insurance Provisions; Correction**

**AGENCY:** Federal Crop Insurance Corporation, Department of Agriculture.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains technical corrections to the final regulations, published Wednesday, March 6, 1996 (61 FR 8851), concerning the insurance contract requirements under the Malting Barley Price and Quality Endorsement crop provisions of the Common Crop Insurance Policy.

**EFFECTIVE DATE:** May 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Rob Coultis, Program Analyst, Research and Development Division, Product Development Branch, FCIC, at 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7730 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulation that is the subject of these technical corrections was intended to make available a new insurance coverage for producers of malting barley. As published, the final regulations contained an error in the calculation used to reduce the amount of production to count when damaged production is accepted by a buyer for malting purposes. As published, the quality adjustment factor used to reduce the amount of damaged production is calculated by dividing an established value of undamaged production (the maximum additional value price election) by the price per bushel received for damaged production. The application of this calculation will increase the production to count, not

reduce it. To establish the appropriate factor for reducing the production to count to take into consideration an amount of damaged production, the regulation should have stated that the price per bushel received for damaged production would be divided by the established value of undamaged production.

#### Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

#### List of Subjects in 7 CFR Part 457

Malting Barley Crop Insurance.

### **PART 457—COMMON CROP INSURANCE REGULATIONS; REGULATIONS FOR THE 1991 AND SUBSEQUENT CONTRACT YEARS**

Accordingly, 7 CFR Part 457 is corrected by making the following correcting amendments:

1. On page 8856 in the second column, section 4(b)(2) of Option A is corrected to read "Dividing the price per bushel received for the damaged production by the result of paragraph (1); and"

2. On page 8857 in the second column, section 4(b)(2) of Option B is corrected to read "Dividing the price per bushel received for the damaged production by the result of paragraph (1); and"

Signed in Washington, D.C., on May 23, 1996.

Kenneth D. Ackerman,  
Manager, Federal Crop Insurance Corporation.

[FR Doc. 96-13591 Filed 5-30-96; 8:45 am]

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## **Agricultural Marketing Service**

### **7 CFR Part 925**

[Docket No. FV95-925-1FIR]

### **Grapes Grown in a Designated Area of Southeastern California; Revision of Container Requirements**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting as a final rule, the provisions of an interim final rule with correction which added two new containers to the list of containers authorized for use by table grape handlers regulated under the marketing order. This rule also reduces

the minimum net weight of containers of California table grapes from 22 pounds to 20 pounds and for grapes packed in poly bags from 20 pounds to 18 pounds. The marketing order regulates the handling of table grapes grown in a designated area of Southeastern California. The marketing order is locally administered by the California Desert Grape Administrative Committee (CDGAC). This rule allows for more efficient use of containers and helps handlers meet industry needs.

**EFFECTIVE DATE:** July 1, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

Charles L. Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2526-S, Washington, DC 20090-6456, telephone (202) 690-3670; or Rose M. Aguayo, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487-5901.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order No. 925 [7 CFR Part 925], as amended, regulating the handling of table grapes grown in a designated area of Southeastern California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this final rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal

place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of California table grapes subject to regulation under the order and approximately 80 table grape producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than \$5,000,000, and small agricultural producers have been defined as those having annual receipts of less than \$500,000. A minority of handlers and producers are classified as small entities.

This rule finalizes changes in the container requirements under the marketing order for grapes grown in designated areas of Southeastern California. This rule also finalizes a reduction in the minimum net weight of containers of California table grapes from 22 pounds to 20 pounds and for grapes packed in poly bags from 20 pounds to 18 pounds. These changes were unanimously recommended by the CDGAC.

An interim final rule was issued on March 11, 1996, and published in the Federal Register (61 FR 11127, March 19, 1996), with an effective date of March 19, 1996. That rule amended § 925.304 of the rules and regulations in effect under the order. That rule provided a 30-day comment period which ended April 18, 1996. No comments were received. A correction document was issued on March 25, 1996, and published in the Federal Register (61 FR 14013, March 29, 1996). The document corrected amendatory language number 2 of the interim final rule.

This action is in accordance with § 925.52(a)(4) of the order. This section authorizes the Secretary to fix the size, capacity, weight, dimensions, markings,