

Rules and Regulations

Federal Register

Vol. 59, No. 247

Tuesday, December 27, 1994

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 300

RIN 3206-AF80

Employment (General)

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is amending its regulations to reflect that agency heads must ensure that employees and applicants for employment at their agencies are notified of the provisions in the Hatch Act Reform Amendments of 1993, which prohibit individuals from requesting, making, transmitting, accepting, or considering political recommendations in effecting personnel actions.

EFFECTIVE DATE: January 26, 1995.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Chabot, (202) 606-1700.

SUPPLEMENTARY INFORMATION: Section 8 of the Hatch Act Reform Amendments of 1993, Pub. L. 103-94, amended section 3303 of title 5, United States Code, to expand and strengthen the prohibition against political recommendations in examinations and appointments. Although section 3303 was limited to prohibiting political recommendations in connection with examinations for, or appointments to, positions in the competitive service, the amended section 3303 includes other personnel actions as well. It defines "personnel action" as any action described in 5 U.S.C. 2302(a)(2)(A)(i)-(ix), including appointments, promotions, disciplinary or corrective actions, details, transfers, reassignments, reinstatements, restorations, reemployments, performance evaluations, and decisions concerning pay, benefits, or awards.

The amended section 3303 provides for OPM to issue regulations requiring agency heads to ensure that employees and applicants are notified of its provisions. On February 22, 1994, OPM issued its proposal to amend 5 CFR part 300 by adding a new subpart H which would require agency heads to ensure that applicants and employees are notified of the provisions of 5 U.S.C. 3303, as amended. OPM's proposal also listed strategies for issuing notifications, but noted that the list is not exclusive and gives agency officials the discretion to consider and implement other means of notification.

OPM received comments from three Federal agencies and one Federal employee organization about the proposed regulations. One Federal agency commented that placing additional administrative requirements on Federal agencies appears to be inconsistent with the intent of the National Performance Review recommendations to streamline the Federal government and reduce funding, spending, and reporting requirements. The agency suggested that OPM explore other alternatives for complying with the Reform Amendments, such as issuing instructions to agencies to disregard political recommendations received incident to personnel actions and to notify the alleged offenders accordingly.

The amended 5 U.S.C. 3303 provides that "[u]nder regulations prescribed by the Office of Personnel Management, the head of each agency shall ensure that employees and applicants are given notice of the provisions of this section." Section 3303, as amended, clearly contemplates that OPM shall issue the specified regulations; it does not give OPM any discretion to select an alternate method of requiring agency heads to notify employees and applicants of the prohibition against soliciting, making, receiving, or accepting political recommendations. Therefore, OPM cannot adopt the suggestion to explore other alternatives for complying with the regulatory mandate in 5 U.S.C. 3303, as amended. Moreover, OPM's regulations are consistent with the spirit and intent of the National Performance Review recommendations. In recognition of these recommendations, OPM has left to each agency head the discretion to select the methods of notification which

most suit the needs of his or her own agency.

Subsection (h) of the amended section 3303 specifically provides that the prohibition recommendations does not affect the right of an employee under 5 U.S.C. 7211 to petition Congress. A second Federal agency suggested that OPM provide examples in its regulations to show what would be included or excluded under the statutory right to petition Congress. OPM has already provided agencies with written guidance on the amended section 3303, and will provide further guidance should the need arise. Therefore, OPM believes it is not necessary to include such examples in its regulations.

The third Federal agency suggested that OPM note in its regulations that subsection (f)(2) of the amended section 3303 permits recommendations which are based solely on the character of an employee or applicant. OPM does not believe that it is necessary to include this provision in its regulations because the provision already is stated in the controlling statute. The agency further suggested that, in section 300.801 of the regulation, OPM replace the word "effecting" with "affecting." OPM intended that § 300.801 would relate to "effecting" or bringing about personnel actions, rather than to "affecting" or influencing such actions. Therefore, OPM does not intend to revise the proposed § 300.801 in the manner suggested.

Finally, one Federal employee organization commented that OPM's regulatory proposal is fully supported by the applicable provisions of law.

Section 3303, as amended, specifically authorizes OPM to promulgate regulations requiring agency heads to ensure that employees and applicants receive notice of its provisions. Therefore, OPM is amending Part 300 by adding a new Subpart H—Notification Requirements Relating to the Statutory Prohibitions on Political Recommendations in Personnel Actions. Section 300.801 of the new Subpart H states that agency heads must ensure that applicants and employees are notified of the provisions of 5 U.S.C. 3303, as amended. Section 300.802 lists strategies for issuing notifications, but also specifies that the list is not exclusive and gives agency officials the

discretion to consider and implement other means of notification.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they relate to internal personnel matters within the Federal Government.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

List of Subjects in 5 CFR Part 300

Freedom of information, Government employees, Reporting and recordkeeping requirements, Selective Service System.

Office of Personnel Management.

James B. King,
Director.

Accordingly, the Office of Personnel Management is amending 5 CFR Part 300 as follows:

PART 300—[AMENDED]

1. The authority citation is revised to read as follows:

Authority: 5 U.S.C. 552, 3301, and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, and 7701; E.O. 11478, 3 CFR 1966–1970 Comp., page 803.

Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302(c), 2301, and 2302.

Secs. 300.501 through 300.507 also issued under 5 U.S.C. 1103(a)(5).

Sec. 300.603 also issued under 5 U.S.C. 1104.

Secs. 300.801 through 300.802 issued under 5 U.S.C. 3303(e).

2. Subpart H is added to part 300 to read as follows:

Subpart H—Notification Requirements Relating to the Statutory Prohibitions on Political Recommendations

Sec.

300.801 Notification of employees and applicants.

300.802 Methods of notification.

Subpart H—Notification Requirements Relating to the Statutory Prohibitions on Political Recommendations

§ 300.801 Notification of employees and applicants.

The head of an agency, as defined in 5 U.S.C. 3303(a)(1), shall ensure that employees of, and applicants for, employment with the agency are notified of the provisions of 5 U.S.C. 3303 concerning political recommendations in effecting personnel actions.

§ 300.802 Methods of notification.

Methods of notifying employees and applicants of these provisions include, but are not limited to:

(a) Posters displayed in prominent places throughout the agency;

(b) Pamphlets for distribution to employees and applicants;

(c) Notices printed on vacancy announcements or posted on computer bulletin boards; or

(d) Notices printed on application forms, examinations, or each employment form used in connection with appointment actions.

[FR Doc. 94–31642 Filed 12–23–94; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Parts 870, 871, 872, 873, 874, and 890

[RIN 3206–AF94]

Federal Employees' Group Life Insurance and Federal Employees Health Benefits Programs; Reconsideration of Employing Office Enrollment Decisions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to improve the administrative process used by the Federal Employees' Group Life Insurance (FEGLI) and Federal Employees Health Benefits (FEHB) Programs in resolving disputes between Federal employees and agencies over coverage and enrollment issues. The purpose of these regulations is to improve the performance of the Government by delegating to Federal agencies the authority to reconsider disputes over coverage and enrollment issues in these two programs and to make retroactive as well as prospective corrections of errors.

EFFECTIVE DATE: February 27, 1995.

FOR FURTHER INFORMATION CONTACT: Margaret Sears (202) 606–0191.

SUPPLEMENTARY INFORMATION: On June 17, 1994, OPM published proposed regulations (59 FR 31171) that would delegate to agencies the authority to make final reconsideration decisions on enrollment issues under the FEGLI and FEHB Programs and to make retroactive as well as prospective corrections where appropriate.

OPM received comments from nine agency headquarters or installations, one employee organization, and one health insurance carrier. Three

commenters expressed their approval of the proposed regulations without further comment. The other eight commenters expressed various concerns about the changes made by the proposed regulations and about the procedures they would have to develop in order to comply with them. Generally, the comments reflected considerable confusion on the part of agencies as to exactly what they would be required to do under these proposed regulations.

Four commenters expressed the belief that the statistics provided in the supplementary information do not support the delegation of the reconsideration decision to agencies because they represent errors on the part of agencies. These statistics showed that about one-third of the cases OPM received involved decisions about retroactive changes, which agencies cannot make under current regulations. Therefore, these do not represent errors on the part of agencies. An additional 23 percent of the requests OPM received were returned to the agencies because the employees had not followed administrative procedures—in most cases employees had not asked their agencies for an initial decision. These, also, do not represent agency errors. Because some cases involved both an enrollment issue and a retroactive coverage issue, the percentages do not show the exact number of cases where agency error may have been involved. However, in more than half the cases, agency error was not involved. Considering the tremendous volume of enrollment decisions that employing offices make each year, the fact that so few decisions are disputed by employees reflects a remarkable achievement by employing offices.

Three commenters were uncertain about what "administrative error" means. Generally, an administrative error occurs when an employing office misapplies the law or regulations, misinforms employees, or fails to inform employees when required to do so. It could include any mistake on the part of the employing office that directly results in the loss of a benefit or opportunity to an employee. We have not incorporated a definition into the regulations because doing so would tend to narrow the application of the term. One of the commenters asked that we clarify the difference between "administrative error" in §§ 870.102(a) and 890.103(a) and "error" in §§ 870.102(b) and 890.103(b). There is no difference; therefore, we are changing the regulations to read "administrative error" in each case.

Three commenters questioned OPM's "equity and good conscience" authority and asked if they must give an appeal right to OPM when they issue a reconsideration decision. OPM's "equity and good conscience authority," which allows us to order the correction of an administrative error, is not a part of the administrative review process. The administrative review process ends with the agency's reconsideration decision. However, without the authority to order a correction, OPM could not overrule an agency reconsideration decision that is obviously in disregard of law and regulations and is unfair to the employee. While these situations are rare, OPM must retain the authority to correct them. OPM will issue guidance to agencies to help them in developing procedures for making reconsideration decisions.

One commenter believes that, although delegation will reduce costs to OPM, it will increase them for the agencies. Based on the relatively small number of reconsideration decisions that OPM issues each year for the entire Government, it is unlikely that any agency will have a large enough volume of reconsideration requests to affect costs. However, if an agency should find that it is getting an unusually large number of reconsideration requests, it may find that the procedures or training it is giving to personnel staff in its installations need to be reviewed and strengthened.

One commenter requested that OPM issue procedures regarding the review of agency actions when heirs contest the life insurance coverage of a deceased employee. This kind of dispute is a claims issue rather than an enrollment issue. Life insurance claims are handled by the Office of Federal Employees' Group Life Insurance (OFEGLI). If it appears that enrollment issues are involved OFEGLI normally contacts OPM for help in resolving the matter. Since this kind of dispute must be resolved on a case-by-case basis, detailed procedures for agencies are inappropriate.

One commenter suggested that OPM give agencies more flexibility in the enrollment and change in enrollment rules. OPM is currently developing regulations that would bring much greater flexibility to the rules for enrolling in FEHB plans and for changing FEHB enrollments. We expect to issue these as proposed regulations within the next few months.

One commenter asked how these regulations would apply to decisions on FEGLI and FEHB issues previously handled solely by the agency or the retirement system (for example, whether

an employee meets the requirements for continuing coverage into retirement, whether a spouse meets the eligibility requirements for present or future benefits from the retirement system, or whether an individual meets the requirements for FEHB coverage as a hostage under Public Law 101-513). These regulations affect only reconsideration decisions that were previously made by OPM under § 870.205 and § 890.104, which will now be made by the employing agencies (or retirement system, if appropriate) rather than OPM. Agency and retirement system decisions made under other provisions are unaffected by these regulations.

One commenter asserted that, since OPM has the statutory authority to administer both of these programs and to enter into contracts with carriers, these regulations constitute an abrogation of OPM's authority as plan sponsor. OPM disagrees. Both the FEGLI and the FEHB laws are structured so that agencies perform the day-to-day functions necessary to handle their employees' enrollments and enrollment changes. Although OPM has performed the reconsideration function in the past, the law does not prohibit the delegation of this function to agencies.

Two commenters express the concern that employees would not have their cases reviewed outside the agency. One of these felt that, since FEGLI and FEHB decisions are not appealable to the Merit System Protection Board (MSPB), OPM should review these cases because it is responsible for the policies on which they are based. The other felt that OPM has the expertise necessary to resolve enrollment disputes that agencies lack, and that no change should be made unless chapter 71 of title 5, U.S. Code, is amended to allow employees to grieve agency decisions on FEGLI and FEHB enrollment issues. It is true that FEGLI and FEHB decisions are not subject to review by the Merit Systems Protection Board nor may they be grieved under chapter 71 of title 5, U.S. Code. We believe that, for the most part, agencies already have the expertise necessary to make these decisions and that a level of administrative review that is independent of the agency is unnecessary. OPM will provide guidance and other assistance to agencies in setting up procedures for making reconsideration decisions.

One commenter suggested that we set a time limit on the length of the retroactive period that agencies may authorize. We do not believe that setting an arbitrary time limit would be appropriate. A retroactive correction must be based on an administrative

error and the employee must request a retroactive correction. The agency must consider each case on its own merits. Most requests for retroactive correction are for FEHB enrollment issues. Generally, these are self-limiting in terms of the length of the retroactive period because carriers generally require that claims be made no later than December 31 of the calendar year following the one in which the medical service was provided. However, we recognize that agencies do not have experience in granting retroactive corrections; therefore, we are modifying the FEHB regulations so that they apply only to retroactive corrections of administrative errors that occur after December 31, 1994.

One commenter requested that OPM provide guidance to help them develop procedures and allow sufficient lead time for them to do this. OPM will provide guidance to help agencies set up procedures; however, agencies will find that the reconsideration function is not difficult. They have been making the initial decisions on prospective corrections for many years, and reconsideration decisions are similar. We do not believe that a lengthy delay is necessary with regard to prospective corrections. The modification we are making in the regulation to limit retroactive corrections of administrative errors occurring after December 31, 1994, will have a delaying effect on decisions regarding retroactive corrections.

One commenter suggested that we change the proposed regulations at 5 CFR 870.102 to read "The employing office may make *prospective and retroactive* corrections * * *" to conform to the language in 5 CFR 890.103. The difference in language is intentional. Under current regulations, an agency's failure to withhold Basic Life insurance premiums is always corrected retroactively because coverage is automatic unless the employee submits a waiver. Similarly, an agency's failure to process a waiver on a timely basis is retroactive to the effective date of the waiver. Since agencies are not free to make a judgment as to whether the change should be retroactive in these cases, it is not appropriate for the regulations to imply that they do. However, the language of the FEGLI regulations does not preclude either prospective or retroactive changes that do not conflict with the law or regulations. In the case of FEHB enrollments, the agency is generally free to make a judgment as to whether a prospective or retroactive change is appropriate.

One commenter suggested that we clarify whether OPM's decision to order a retroactive correction is subject to retroactive payment of premiums under §§ 870.102 and 890.103. Since retroactive payment of premiums is required under the law, it has been OPM's practice to include the requirement for payment of retroactive premiums in its letters to the agencies ordering the retroactive correction. However, we are modifying the regulations to make it clear that the requirement for payment of retroactive premiums applies regardless of who authorizes the retroactive correction.

One commenter suggested that we change the requirements for the information that must be included in an employee's request for reconsideration to include a copy of the initial decision. We have intentionally not included a copy of the initial decision as a regulatory requirement. This information should be given in the initial decision itself; however, we do not agree that the copy of the initial decision need be included for the request to be considered timely under the regulations. If the request includes sufficient information to identify the individual, it can be accepted as a timely request and the initial decision can be requested if it is not included.

One commenter suggested that §§ 870.103(c)(2) and 890.104(c)(2) be changed to specify that the reconsideration review is an independent level of review. We are making this modification in the interest of clarity.

One commenter asked how these regulations apply to agencies that have previously delegated initial decisions to another agency through a Memorandum of Understanding (MOU). Such agencies may need to amend the MOU's to show which agency is to make the reconsideration decision. Currently the initial decision letters have been directing employees to ask OPM to reconsider the initial decision. Under the revised regulations the initial decision must tell the employee how to seek reconsideration.

One commenter expressed the concern that the term "agency" used in § 890.104 could restrict the agency's options about the role of the National Finance Center (NFC) in the reconsideration process for those agencies that have a MOU with NFC to administer their payroll or FEHB accounts for enrollees who make direct premium payments. Since NFC acts as an agent for the agency, these regulations in no way restrict NFC's role. However, agencies and NFC will need to decide which will perform the

reconsideration function and then modify the MOU accordingly.

In general, the comments we received indicated that agencies are uncertain about what reconsideration actually is. Therefore, we are adding a definition of the term "reconsideration" to clarify that it is the final part of the administrative review process and consists of a determination of whether the law and regulations were correctly applied when the initial decision was made.

In addition, there were several suggestions to correct real or perceived technical or typographical errors in the proposed regulations. We have made changes where appropriate.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it merely amends administrative procedures currently performed by OPM and Federal agencies.

List of Subjects

5 CFR Part 870

Administrative practice and procedure, Government employees, Hostages, Iraq, Kuwait, Lebanon, Life insurance, Retirement.

5 CFR Parts 871, 872, and 873

Administrative practice and procedure, Government employees, Life insurance, Retirement.

5 CFR 874

Government employees, Life insurance, Retirement.

5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

James B. King,
Director.

Accordingly, OPM is amending 5 CFR parts 870, 871, 872, 873, 874, and 890 as follows:

PART 870—FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

1. The authority citation for part 870 continues to read as follows:

Authority: 5 U.S.C. 8716; § 870.202(c) also issued under 5 U.S.C. 7701(b)(2); subpart J is also issued under section 599C of Pub. L. 101-513, 104 Stat. 2064, as amended.

2. In subpart A, § 870.102 is revised, § 870.103 is redesignated as § 870.104, a new § 870.103 is added, and newly redesignated § 870.104 is amended by revising the introductory text of the definition of *Employing office*, adding paragraph (d) to the definition of *Employing office* and by adding a definition of *Reconsideration* to read as follows:

§ 870.102 Correction of errors.

(a) The employing office may make corrections of administrative errors as to coverage or changes in coverage at any time.

(b) OPM may order correction of an administrative error upon a showing satisfactory to OPM that it would be against equity and good conscience not to do so.

(b) Retroactive corrections of coverage are subject to the provisions of § 870.401(h).

§ 870.103 Initial decision and reconsideration.

(a) *Who may file.* (1) An employee may request his or her agency to reconsider an employing office's initial decision denying insurance coverage or the opportunity to change coverage.

(2) An annuitant may request his or her retirement system to reconsider its initial decision affecting insurance coverage.

(3) A judge may request his or her agency, or retirement system if applicable, to reconsider an employing office's initial decision that denies an entitlement related to assignments under 5 U.S.C. 8706(e) of this chapter.

(b) *Initial employing office decision.* An employing office's decision is considered an initial decision as used in paragraph (a) of this section when rendered by the employing office in writing and stating the right to an independent level of review (reconsideration) by the appropriate agency or retirement system. However, an initial decision rendered at the highest level of review available within OPM is not subject to reconsideration.

(c) *Reconsideration.* (1) A request for reconsideration must be made in writing, must include the claimant's name, address, date of birth, Social Security number, reason(s) for the request, and, if applicable, retirement claim number.

(2) The reconsideration review must be an independent level of review made at or above the level at which the initial decision was rendered.

(d) *Time limit.* A request for reconsideration of an initial decision must be filed within 30 calendar days from the date of the written decision

stating the right to a reconsideration. The time limit on filing may be extended when the individual shows that he or she was not notified of the time limit and was not otherwise aware of it, or that he or she was prevented by circumstances beyond his or her control from making the request within the time limit. An agency or retirement system decision in response to a request for reconsideration of an employing office's decision is a final decision as described in paragraph (e) of this section.

(e) *Final decision.* After reconsideration, the agency or retirement system must issue a final decision, which must be in writing and must fully set forth the findings and conclusions.

§ 870.104 Definitions.

* * * * *

Employing office means the office of the agency or retirement system to which jurisdiction and responsibility for life insurance actions have been delegated.

* * * * *

(d) For judges of the United States Court of Veterans Appeals, the employing office is the United States Court of Veterans Appeals.

* * * * *

Reconsideration means the final level of administrative review of an employing office's initial decision to determine if the employing office correctly applied the law and regulations.

* * * * *

3. In subpart B, § 870.205 is removed.

PART 871—STANDARD OPTIONAL LIFE INSURANCE

1. The authority citation for part 871 continues to read as follows:

Authority: 5 U.S.C. 8716.

2. In subpart A, § 871.103 is revised to read as follows:

§ 871.103 Correction of errors; initial decision and reconsideration.

The rules and procedures under §§ 870.102 and 870.103 are applicable in this part, subject to the provisions of § 871.401(g).

§ 871.104 [Amended]

3. In § 871.104 the reference to "§ 870.103" is removed and "§ 870.104" is added in its place.

§ 871.206 [Removed]

4. In subpart B, § 871.206 is removed.

PART 872—ADDITIONAL OPTIONAL LIFE INSURANCE

1. The authority citation for part 872 continues to read as follows:

Authority: 5 U.S.C. 8716.

2. In subpart A, § 872.103 is revised to read as follows:

§ 872.103 Correction of errors; initial decision and reconsideration.

The rules and procedures under §§ 870.102 and 870.103 are applicable in this part, subject to the provisions of § 872.401(g).

§ 872.104 [Amended]

3. In § 872.104 the reference to "§ 870.103" is removed and "§ 870.104" is added in its place.

§ 872.206 [Removed]

4. In subpart B, § 872.206 is removed.

PART 873—FAMILY OPTIONAL LIFE INSURANCE

1. The authority citation for part 873 continues to read as follows:

Authority: 5 U.S.C. 8716.

2. In subpart A, § 873.103 is revised to read as follows:

§ 873.103 Correction of errors; initial decision and reconsideration.

The rules and procedures under §§ 870.102 and 870.103 are applicable in this part, subject to the provisions of § 873.401(e).

§ 873.104 [Amended]

3. In § 873.104 the reference to "§ 870.103" is removed and "§ 870.104" is added in its place.

§ 873.206 [Removed]

4. In subpart B, § 873.206 is removed.

PART 874—ASSIGNMENT OF LIFE INSURANCE

1. The authority citation for part 874 continues to read as follows:

Authority: 5 U.S.C. 8716.

§ 874.101 [Amended]

2. In subpart A, § 874.101, the reference to "§ 870.103" is removed and "§ 870.104" is added in its place.

3. In subpart C, § 874.305 is revised to read as follows:

§ 874.305 Correction of errors; initial decision and reconsideration.

The rules and procedures under §§ 870.102 and 870.103 are applicable in this part, subject to the provisions of § 874.502.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c-1; subpart L also issued under sec. 599C of Pub. L. 101-513, 104 Stat. 2064, as amended.

2. Section 890.101 is amended by adding the definition Reconsideration to read as follows:

§ 890.101 Definitions; time computations.

* * * * *

Reconsideration means the final level of administrative review of an employing office's initial decision to determine if the employing office correctly applied the law and regulations.

* * * * *

3. In § 890.103, paragraphs (a) and (b) are revised and paragraph (d) is added to read as follows:

§ 890.103 Correction of errors.

(a) The employing office may make prospective corrections of administrative errors as to enrollment at any time. The employing office may make retroactive corrections of administrative errors that occur after December 31, 1994.

(b) OPM may order correction of an administrative error upon a showing satisfactory to OPM that it would be against equity and good conscience not to do so.

* * * * *

(d) Retroactive corrections are subject to withholdings and contributions under the provisions of § 890.502.

4. Section 890.104 is revised to read as follows:

§ 890.104 Initial decision and reconsideration on enrollment.

(a) *Who may file.* Except as provided under § 890.1112, an individual may request an agency or retirement system to reconsider an initial decision of its employing office denying coverage or change of enrollment.

(b) *Initial employing office decision.* An employing office's decision is considered an initial decision as used in paragraph (a) of this section when rendered by the employing office in writing and stating the right to an independent level of review (reconsideration) by the agency or retirement system. However, an initial decision rendered at the highest level of review available within OPM is not subject to reconsideration.

(c) *Reconsideration.* (1) A request for reconsideration must be made in

writing, must include the claimant's name, address, date of birth, Social Security number, name of carrier, reason(s) for the request, and, if applicable, retirement claim number.

(2) The reconsideration review must be an independent review designated at or above the level at which the initial decision was rendered.

(d) *Time limit.* A request for reconsideration of an initial decision must be filed within 30 calendar days from the date of the written decision stating the right to a reconsideration. The time limit on filing may be extended when the individual shows that he or she was not notified of the time limit and was not otherwise aware of it, or that he or she was prevented by circumstances beyond his or her control from making the request within the time limit. An agency or retirement system decision in response to a request for reconsideration of an employing office's decision is a final decision as described in paragraph (e) of this section.

(e) *Final decision.* After reconsideration, the agency or retirement system must issue a final decision, which must be in writing and must fully set forth the findings and conclusions.

[FR Doc. 94-31643 Filed 12-23-94; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Consolidated Farm Service Agency

7 CFR Chapter VII

Agency Name Change

AGENCY: Consolidated Farm Service Agency, USDA.

ACTION: Correction to Final Rule.

SUMMARY: This document contains corrections to the final regulations published Wednesday, November 23, 1994 (59 FR 60297), which abolished the Agricultural Stabilization and Conservation Service and established the Farm Service Agency.

EFFECTIVE DATE: November 23, 1994.

FOR FURTHER INFORMATION CONTACT: Tom Witzig, CFSA, USDA, P.O. Box 2415, Washington, D.C. 20013-2415; telephone 202-205-5851.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of Agriculture announced that the agency previously referred to as the Farm Service Agency (FSA) is to be named the Consolidated Farm Service Agency (CFSA).

Correction of Final Rule

Accordingly, the final rule published on November 23, 1994, at 59 FR 60297 is corrected as follows:

Paragraph 1. On page 60299, in the second column, following amendatory instruction 1., the heading of 7 CFR chapter VII is corrected to read as follows:

CHAPTER VII—CONSOLIDATED FARM SERVICE AGENCY, DEPARTMENT OF AGRICULTURE

Para. 2. In amendatory instruction 2., "Farm Service Agency" is corrected to read "Consolidated Farm Service Agency", and "FSA" is corrected to read "CFSA".

Para. 3. All other references in the document (including the amendments to Part 703) to "Farm Service Agency" or "FSA" are corrected to read "Consolidated Farm Service Agency" or "CFSA", respectively.

Signed at Washington, DC on December 19, 1994.

Grant Buntrock,

Acting Administrator, Consolidated Farm Service Agency.

[FR Doc. 94-31605 Filed 12-23-94; 8:45 am]

BILLING CODE 3410-05-P-M

Rural Telephone Bank

Rural Utilities Service

7 CFR Parts 1600 and 1610 and Chapter XVII

Nomenclature Changes of Chapter and Part Headings and in Internal References

AGENCY: Rural Telephone Bank and Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Telephone Bank (RTB) and the Rural Utilities Service (RUS) hereby amend the regulations originally published by the Rural Electrification Administration (REA) and by the RTB. These amendments revise nomenclature in order to implement recent legislation directing the Secretary of Agriculture to establish the Rural Utilities Service (RUS), with responsibility for the electric and telephone loan programs formerly administered by REA, including loan programs of the RTB. Nomenclature changes to regulations affecting other programs administered by RUS, including water and waste facility loan and grant programs and certain other programs previously administered by the former Rural Development Administration and the former Farmers Home Administration will be published

separately. The amendments published in this document consist solely of nomenclature changes required by law and of amendments necessary to conform to these nomenclature changes. The substance of the regulations is not affected by these amendments.

EFFECTIVE DATE: December 27, 1994.

FOR FURTHER INFORMATION CONTACT: Sue Arnold, Financial Analyst, Program Support Staff, Rural Utilities Service, room 2234, South Building, U.S. Department of Agriculture, Washington, DC 20250-1500, telephone number 202-720-0736; FAX 202-720-4120.

SUPPLEMENTARY INFORMATION:

Background

The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354, 108 Stat. 3178) (Reorganization Act) signed by President Clinton on October 13, 1994, provides for a streamlining and reorganizing of the Department of Agriculture (Department). The Reorganization Act requires the Secretary of Agriculture (Secretary) to establish the Rural Utilities Service (RUS) within the Department. On October 20, 1994, the Secretary of Agriculture (Secretary), in Secretary's Memorandum 1010-1, abolished the Rural Electrification Administration (REA) and established RUS, as required by the Reorganization Act.

The functions of RUS include, among other things, administration of the electric and telephone loan programs authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) (RE Act) and of the water and waste facility loan and grant programs authorized by various laws. The rights, interests, obligations, duties, and assets of REA have been vested in and transferred to RUS.

In order to enhance the delivery of customer services, provide continuity of service, and minimize public confusion about the administration and functions of the newly established agency, RUS is amending regulations originally published by REA and by the Rural Telephone Bank (RTB) to replace references to REA and its officials with references to RUS and to officials of the newly established agency. A few definitions are being revised to conform with the new nomenclature. Additional regulations implementing other aspects of the reorganization of the Department of Agriculture will be published at a later date.

Since this action relates solely to agency organization, procedure, or practice, notice and comment is not

required prior to publication of this final rule. This final rule is published in accordance with the Reorganization Act.

In order to provide continuity of references, facilitate the orderly transfer of functions from REA to RUS, and ensure the timely execution of RUS functions, this rule is effective immediately.

Accordingly, under the authority of the Under Secretary for Rural Economic and Community Development, title 7 of the Code of Federal Regulations is amended as follows:

CHAPTER XVI—RURAL TELEPHONE BANK

PARTS 1600 AND 1610—[AMENDED]

1. Parts 1600 and 1610 are amended by revising the authority citation for each part to read as follows:

Authority: 7 U.S.C. 941 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1610—[AMENDED]

2. In part 1610, all references to "Rural Electrification Administration" and "REA" are revised to read "Rural Utilities Service" and "RUS," respectively.

3. Section 1610.2 is amended by revising the definition of "RUS" (formerly "REA"), and adding a new definition of "REA" in alphabetical order to read as follows:

§ 1610.2 Definitions.

* * * * *

REA means the Rural Electrification Administration, formerly an agency of the United States Department of Agriculture and predecessor agency to RUS with respect to administering certain electric and telephone loan programs.

RUS means the Rural Utilities Service, an agency of the United States Department of Agriculture established pursuant to Section 232 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354, 108 Stat. 3178), successor to REA with respect to administering certain electric and telephone programs. See 7 CFR 1700.1.

* * * * *

PART 1700—[AMENDED]

4. Part 1700 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*); 7 U.S.C. 1921 *et seq.*; 5 U.S.C. 301, 552; 7 CFR 1.1-1.16.

PART 1703—[AMENDED]

5. Part 1703 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.* and 950aaa *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1710—[AMENDED]

6. Part 1710 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901-950(b); Pub. L. 99-591, 100 Stat. 3341; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1712—[AMENDED]

7. Part 1712 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1714—[AMENDED]

8. Part 1714 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901-950(b); Pub. L. 99-591, 100 Stat. 3341; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1717—[AMENDED]

9. Part 1717 is amended by revising the authority citation for the part to read as follows:

Authority: 7 U.S.C. 901-950(b); Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*), unless otherwise noted.

10. Subpart N of part 1717 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901-950(b); Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*); Title I, Subtitle D, sec. 1402, Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203.

PART 1719—[AMENDED]

Part 1719 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PARTS 1721, 1724, 1726, 1728, 1735, 1737, 1739, 1744, 1746, 1751, 1753, 1755, 1767, 1770, 1773, 1788—[AMENDED]

12. Parts 1721, 1724, 1726, 1728, 1735, 1737, 1739, 1744, 1746, 1751, 1753, 1755, 1767, 1770, 1773, and 1788, are amended by revising the authority citation for each part to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1785—[AMENDED]

13. Part 1785 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; Title I, Subtitle D, sec. 1403, Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

PART 1786—[AMENDED]

14. Part 1786 is amended by revising the authority citation for the part to read as follows:

Authority: 7 U.S.C. 901-950(b); Title I, subtitle B, Pub. L. 99-509; Pub. L. 101-624, 104 Stat. 4051; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*), unless otherwise noted.

15. Subpart B of part 1786 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901-950(b); Title I, Subtitle B, Pub. L. 99-509; Title I, Pub. L. 100-202; Pub. L. 100-203; Title VI, Pub. L. 100-460; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

16. Subpart C of part 1786 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901-950(b); Title I, Subtitle B, Pub. L. 99-509; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

17. Subpart D of part 1786 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901-950(b); Pub. L. 99-591, Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

18. Subpart F of part 1786 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

19. Subpart G of part 1786 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*); sec. 1201(b) of subtitle B of title 1 of Pub. L. 103-66, 107 Stat. 312.

PART 1792—[AMENDED]

20. Part 1792 is amended by revising the authority citation to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 42 U.S.C. 7701 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*); E.O. 12699 (3 CFR, 1990 Comp., p. 269).

PART 1794—[AMENDED]

21. Part 1794 is amended by revising the authority citation to read as follows:

Authority: National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*).

Pub. L. 103-354, 108 stat. 3178 (7 U.S.C. 6941 et seq.); Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508); Executive Order (EO) 11988, Floodplain Management; and EO 11990, Protection of Wetlands.

22. The heading of 7 CFR Chapter XVII is revised to read as follows:

CHAPTER XVII—RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE

23. In 7 CFR Chapter XVII all references to "Rural Electrification Administration," "REA," and "Small Community and Rural Development" are revised to read "Rural Utilities Service," "RUS," and "Rural Economic and Community Development," respectively.

PART 1700—[AMENDED]

24. Section 1700.1 is revised to read as follows:

§ 1700.1 General.

(a) The Rural Electrification Administration (REA) was established by Executive Order No. 7037, signed by the President on May 11, 1935. Statutory authority was provided by the Rural Electrification Act of 1936 (RE Act) (49 Stat. 1363; 7 U.S.C. 901). The RE Act established REA as a lending agency with responsibility for developing a program for rural electrification.

(b) On October 28, 1949, an amendment to the RE Act authorized REA to make loans to improve and extend telephone service in rural areas. The Rural Telephone Bank (RTB or the Bank), an Agency of the United States, was established by another amendment to the RE Act, approved May 7, 1971. The Administrator of RUS serves as the Bank's chief executive with the title of Governor. On May 11, 1973, the RE Act was further amended to establish a revolving fund and to provide authority for REA to guarantee loans made by other legally organized lenders. The RE Act was amended further on December 21, 1987, to establish a Rural Economic Development Subaccount, and to authorize funds from this subaccount to provide zero-interest loans and grants to REA borrowers to promote rural economic development and job creation. The RE Act was also amended on November 5, 1990, to add a new section 314, which authorized REA to guarantee 90 percent of the principal and interest of loans made for electric and telephone facilities by legally organized lenders. It was further amended on November 28, 1990, to establish an Assistant Administrator for Economic

Development and a rural development technical assistance unit; to expand the authorities and responsibilities of REA in rural economic development; and to establish a Rural Business Incubator Fund for making grants and reduced interest loans to electric and telephone borrowers to promote business incubator projects. At the same time, the Administrator was also granted authority for financial assistance for distance learning and medical link programs.

(c) The Secretary of Agriculture (Secretary) was required to establish the Rural Utilities Service (RUS) pursuant to section 232 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, (Pub. L. 103-354, 108 Stat. 3178) (Reorganization Act). The Reorganization Act established RUS as successor to REA. On October 20, 1994, the Secretary abolished REA and established RUS. RUS was assigned responsibility for administering electric and telephone loan programs previously administered by REA, water and waste facility loans and grants previously administered by the Rural Development Administration, along with other functions as the Secretary determines appropriate. The rights, interests, obligations, duties, and contracts previously vested in REA are transferred to and vested in RUS. The Secretary designated the Administrator of RUS to serve as the Governor of RTB.

(d) The offices of RUS are located in the South Building of the United States Department of Agriculture at 14th and Independence Avenue, SW., Washington, DC 20250-1500. The Electric and Telephone Programs are administered by regional offices located at this same address. There is a Northern and a Southern Regional Office, along with a Power Supply Division, for the electric program, and an Eastern and a Western Regional Office for the telephone program. (See § 1700.4(b) and § 1700.5(b).)

§ 1703.12, 1703.102, 1703.302, 1710.2, 1717.302, 1717.352, 1744.201, 1767.10, 1773.3, 1786.27, 1786.77, 1786.96, 1786.201, 1792.102 [Amended]

25. Sections 1703.12, 1703.102, 1703.302, 1710.2, 1717.302, 1717.352, 1744.201, 1767.10, 1773.3, 1786.27, 1786.77, 1786.96, 1786.201, and 1792.102 are amended by revising, in each section, the definition for "RUS" (formerly "REA"), placing all definitions in alphabetical order, and adding a new definition for "REA" in alphabetical order to read as follows:

* * * * *

REA means the Rural Electrification Administration formerly an agency of the United States Department of Agriculture and predecessor agency to RUS with respect to administering certain electric and telephone loan programs.

* * * * *

RUS means the Rural Utilities Service, an agency of the United States Department of Agriculture established pursuant to Section 232 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354, 108 Stat. 3178), successor to REA with respect to administering certain electric and telephone programs. See 7 CFR 1700.1.

* * * * *

26. Section 1710.3 is revised to read as follows:

§ 1710.3 Form and bulletin revisions.

References in this part to RUS or REA forms or line numbers in RUS or REA forms are based on RUS or REA Form 7 and Form 12 dated December 1992, unless otherwise indicated. These references will apply to corresponding information in future versions of the forms. The terms "RUS form", "RUS standard form", "RUS specification", and "RUS bulletin" have the same meanings as the terms "REA form", "REA standard form", "REA specification", and "REA bulletin", respectively, unless otherwise indicated.

§§ 1726.300, 1755.93, 1755.97, 1755.98 [Amended]

27. Sections 1726.300, 1755.93, 1755.97, and 1755.98 are amended by adding a sentence at the end of the introductory paragraph of each to read as follows:

* * * The terms "RUS form", "RUS standard form", "RUS specification", and "RUS bulletin" have the same meanings as the terms "REA form", "REA standard form", "REA specification", and "REA bulletin", respectively, unless otherwise indicated.

* * * * *

§ 1728.97 [Amended]

28. Section 1728.97 is amended by adding a sentence at the end of paragraph (a) to read as follows:

§ 1728.97 Incorporation by reference of electric standards and specifications.

(a) * * * The terms "RUS form", "RUS standard form", "RUS specification", and "RUS bulletin" have the same meanings as the terms "REA form", "REA standard form", "REA

specification", and "REA bulletin", respectively unless otherwise indicated.

* * * * *

§§ 1735.3, 1737.3 [Amended]

29. Sections 1735.3, 1737.3 are amended by adding a sentence at the end of each to read as follows:

* * * The terms "RUS form", "RUS standard form", and "RUS specification" have the same meanings as the terms "REA form", "REA standard form", and "REA specification", respectively, unless otherwise indicated.

§ 1786.51 [Amended]

30. Section 1786.51 is amended by removing the paragraph designations, revising the definition "RUS" (formerly "REA") and adding a new definition of "REA" in alphabetical order to read as follows:

* * * * *

REA means the Rural Electrification Administration formerly an agency of the United States Department of Agriculture and predecessor agency to RUS with respect to administering certain electric and telephone loan programs.

RUS means the Rural Utilities Service, an agency of the United States Department of Agriculture, established pursuant to Section 232 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354, 108 Stat. 3178), successor to REA with respect to administering certain electric and telephone programs. See 7 CFR 1700.1.

* * * * *

Dated: December 18, 1994.

Bob J. Nash,

Under Secretary, Rural Economic and Community Development.

[FR Doc. 94-31520 Filed 12-23-94; 8:45 am]

BILLING CODE 3410-15-P

Rural Housing and Community Development Service

Rural Business and Cooperative Development Service

Rural Utilities Service

Consolidated Farm Service Agency

7 CFR Chapter XVIII and Part 1943

RIN 0575-AB74

Small Farmer Outreach Training and Technical Assistance Program

AGENCIES: Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, and

Consolidated Farm Service Agency, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Consolidated Farm Service Agency (CFSA) is the successor to the Farmers Home Administration pursuant to Section 226 of the Federal Crop Insurance Reform Act of 1994 (Pub. Law 103-354, 108 Stat. 3178, October 13, 1994). The CFSA is establishing a regulation whereby under the procedures of the Small Farmer Outreach Training and Technical Assistance Program and the Outreach and Assistance Grants for Socially Disadvantaged Farmers and Ranchers Program, an 1890 Land Grant Institution or other eligible educational institution or community-based organization could enter into a cooperative or other agreement with CFSA to provide outreach, training, and technical assistance to small-scale farmers, especially members of socially disadvantaged groups. This action is necessary to implement the provisions in the Food, Agriculture, Conservation, and Trade Act of 1990, title XXV, Section 2501 and the U.S. Department of Agriculture (USDA) appropriation acts which provide funding for this program. The intended effect of this action is to assist small farmers and socially disadvantaged farmers and ranchers by making them aware of programs available through the USDA. In addition, this rule amends 7 CFR chapter XVIII to reflect the abolishment of the Farmers Home Administration and the Rural Development Administration and the establishment of the Rural Housing and Community Development Service, the Rural Business and Cooperative Development Service, the Rural Utilities Service, and the Consolidated Farm Service Agency in the recent Department of Agriculture reorganization.

DATES: Interim rule effective December 27, 1994. Comments must be received by February 27, 1995.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Regulations Analysis and Control Branch, Rural Economic and Community Development (RECD), U.S. Department of Agriculture, Room 6348, South Agriculture Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT: John Just-Buddy, National Project Coordinator, Special Programs Unit, or

Geraldine Herring, Program Analyst, Farmer Programs, Consolidated Farm Service Agency, USDA, room 4929, South Agriculture Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, Telephone (202) 720-1636.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Intergovernmental Consultation

For reasons set forth in the final rule related to Notice 7 CFR, part 3015, subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940-J, this program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Paperwork Reduction Act

The information collection requirements contained in § 1943.111 have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 0575-0156, under the provisions of 44 U.S.C. Chapter 35. The remaining information collection and recordkeeping requirements contained in this regulation will not become effective until approved by OMB, in accordance with the Paperwork Reduction Act of 1980. Please send written comments to the Office of Information Regulatory Affairs, OMB, Attention: Desk Officer for USDA, Washington, D.C. 20503. Please send a copy of your comments to Jack Holston, Agency Clearance Officer, USDA, RECD, Ag Box 0743, Washington, D.C. 20250.

Civil Justice Reform

This document has been reviewed in accordance with Executive Order (E.O.) 12778. It is the determination of CFSA that this action does not unduly burden the Federal Court System in that it meets all applicable standards provided in section 2 of the Executive Order.

Programs Affected

This action affects the following programs as listed in the Catalog of Federal Domestic Assistance:

- 10.406—Farm Operating Loans
- 10.407—Farm Ownership Loans

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of CFSA that this action does not constitute a major