

# Rules and Regulations

Federal Register

Vol. 63, No. 206

Monday, October 26, 1998

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 Parts 213 AND 315

RIN 3206-AH82

### Student Educational Employment Program

AGENCY: Office of Personnel Management.

ACTION: Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final regulations governing the Student Educational Employment Program. The regulations recodify the two components of the Program; implement Executive Order 13024, which permits noncompetitive conversion of certain employees of the Student Educational Employment Program to term appointments; clarify certain definitions; and make related editorial changes to part 315.

**DATES:** Effective date: November 25, 1998.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Mahoney, 202-606-0830, FAX 202-606-0390, or TDD 202-606-0023.

**SUPPLEMENTARY INFORMATION:** OPM issued interim regulations with a request for comments on December 2, 1997 (62 FR 63627). Comments were received from two agencies. One agency concurred with our clarifications regarding the definition of "student" and "break in program." Another agency suggested that we broaden the definition of "student" to include individuals in non-traditional curriculums which do not require them to be in actual physical attendance at an accredited school. We have adopted this suggestion on the basis that actual physical attendance excludes students at accredited schools and institutions who are taking curriculums which do

not require them to be present in a traditional classroom setting (e.g., courses whose participation is through correspondence, video-taped lecture/instruction, the internet, or telecon and video-telecon media). We have been operating with the current definition of a student since 1977. At that time, accessible technology had not become so advanced that students regularly took educational courses outside the traditional classroom. We believe this is no longer the case as there is a growing popularity of "nontraditional" curricula offered by accredited academic institutions. Removing the requirement for actual physical attendance will benefit agencies by providing them with a wider pool of potential appointees from which to recruit. Likewise, this change will mean career opportunities for a wider population of students.

We are also changing the references to "Training Expenses" and "Tuition Assistance." These terms are misleading in that they imply that agencies may use their training authority in 5 U.S.C. chapter 41 and 5 CFR part 410 to pay for any educational or training expense and/or academic degrees. We are clarifying these references to let agencies know they may use their training authority to pay all or part of training expenses directly related to students' official duties.

### Documentation on SF-50, Notification of Personnel Action

For noncompetitive conversions from the Student Educational Employment Program to term, career, and career-conditional appointments, agencies should cite Legal Authority Code ZJM on the SF-50, Notification of Personnel Action. The legal authority is Executive Order 12015.

### Regulatory Flexibility Act

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

### List of Subjects in 5 CFR Parts 213 and 315

Government employees, reporting and recordkeeping requirements.

Office of Personnel Management.

**Janice R. Lachance**

Director.

Accordingly, OPM is amending part 213 and part 315 of title 5, Code of Federal Regulations, as follows:

### PART 213—EXCEPTED SERVICE

1. The authority for part 213 continues to read as follows:

**Authority:** 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h), and 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p. 185; and 38 U.S.C. 4301 *et seq.*

2. In § 213.3202, paragraphs (a)(2), (a)(9), (b)(2), (b)(9), (b)(11)(i), and (b)(17) are revised to read as follows:

### § 213.3202 Entire executive civil service.

(a) \* \* \*  
(2) *Definition of student:* A student is an individual who has been accepted for enrollment, or who is enrolled, as a degree (diploma, certificate, etc.) seeking student in an accredited high school, technical or vocational school, 2-year or 4-year college or university, graduate or professional school. If the student is enrolled, the student must be taking at least a half-time academic/vocational/ or technical course load. The definition of *half-time* is the definition provided by the school in which the student is enrolled. Students need not be in actual physical attendance, so long as all the other requirements are met. An individual who needs to complete less than the equivalent of half an academic/vocational or technical courseload in the class enrollment period immediately prior to graduating is still considered a student for purposes of this program.  
\* \* \* \* \*

(9) *Training expenses:* Observing the prohibitions in 5 U.S.C. 4107, agencies may use their training authority in 5 U.S.C. chapter 41 and 5 CFR part 410 to pay all or part of training expenses directly related to students' official duties.  
\* \* \* \* \*

(b) \* \* \*  
(2) *Definition of student:* A student is an individual who has been accepted for enrollment, or who is enrolled, as a degree (diploma, certificate, etc.) seeking student in an accredited high

school, technical or vocational school, 2-year or 4-year college or university, graduate or professional school. If the student is enrolled, the student must be taking at least a half-time academic/ vocational/ or technical course load. The definition of *half-time* is the definition provided by the school in which the student is enrolled. Students need not be in actual physical attendance, so long as all the other requirements are met. An individual who needs to complete less than the equivalent of half an academic/ vocational or technical courseload in the class enrollment period immediately prior to graduating is still considered a student for purposes of this program.

(9) *Training expenses:* Observing the prohibitions in 5 U.S.C. 4107, agencies may use their training authority in 5 U.S.C. chapter 41 and 5 CFR part 410 to pay all or part of training expenses directly related to students' official duties.

\* \* \* \* \*

(11) *Program requirements for noncompetitive conversion.* (i) *Students,* who are U.S. citizens, may be noncompetitively converted from the Student Career Experience Program to a term, career or career-conditional appointment under Executive Order 12015 (as amended by Executive Order 13024) when students have:

\* \* \* \* \*

(17) *Tuition assistance.* Observing the prohibitions in 5 U.S.C. 4107, agencies may use their training authority in 5 U.S.C. chapter 41 and 5 CFR part 410 to pay all or part of training expenses directly related to students' official duties.

\* \* \* \* \*

**PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT**

4. The authority citation for part 315 continues to read:

**Authority:** 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., page 218, unless otherwise noted.

Secs. 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652.

Secs. 315.602 and 315.604 also issued under 5 U.S.C. 1104.

Sec. 315.603 also issued under 5 U.S.C. 8151.

Sec. 315.605 also issued under E.O. 12034, 3 CFR, 1978 Comp., p. 111.

Sec. 315.606 also issued under E.O. 11219, 3 CFR, 1964–1965 Comp., p. 303.

Sec. 315.607 also issued under 22 U.S.C. 2506.

Sec. 315.608 also issued under E.O. 12721, 3 CFR, 1990 Comp., p. 293.

Sec. 315.610 also issued under 5 U.S.C. 3304(d).

Sec. 315.710 also issued under E.O. 12596, 3 CFR, 1987 Comp., p. 229.

Subpart I also issued under 5 U.S.C. 3321, E.O. 12107, 3 CFR, 1978 Comp., p. 264.

5. In § 315.201, paragraph (b)(1)(ix) is revised to read as follows:

**§ 315.201 Service requirement for career tenure.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(ix) The date of nontemporary excepted appointment under § 213.3202(b) of this chapter, provided the student's appointment is converted to career or career-conditional appointment under Executive Order 12015, with or without an intervening term appointment, and without a break in service of one day.

\* \* \* \* \*

[FR Doc. 98-28473 Filed 10-23-98; 8:45 am]

BILLING CODE 6325-01-P

**DEPARTMENT OF AGRICULTURE**

**7 CFR Part 457**

RIN 0563-AB65

**Common Crop Insurance Regulations, Nursery Crop Insurance Provisions; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the final rule that was published in the **Federal Register** on Thursday, September 24, 1998 (63 FR 50965-50979). The rule pertains to the insurance of nursery crops.

**EFFECTIVE DATE:** October 23, 1998.

**FOR FURTHER INFORMATION CONTACT:** Vondie O'Conner, Director, Research and Evaluation Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-6343.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final rule that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured.

**Need For Correction**

As published, the final regulation contains errors which may prove misleading.

Section 6(h) indicates that an insured electing catastrophic insurance coverage may obtain a written agreement, but

such agreements are prohibited by section 11 of the Catastrophic Risk Protection Endorsement. Even though the Catastrophic Risk Protection Endorsement would govern the crop provisions, FCIC does not want to mislead growers into believing such an agreement would be obtainable. Instead, FCIC may provide a waiver on a case-by-case basis if the insured presents acceptable records to prove actual inventory value if the section 6(h) restrictions cause the insured to undervalue inventory.

Section 7(a) of the Nursery Crop Provisions concerning premium calculation states that it is in lieu of section 7(a) of the Basic Provisions when the correct citation is section 7(c).

In section 15, the single unit example had the wrong mathematical symbol in two locations. In step one the multiplication symbol should have been the symbol for division. In step two, the multiplication symbol should have been the symbol for subtraction. In the multiple unit multiple loss example, the numbers in the second step one are incorrect. \$66,400 should be divided by \$83,000 to equal .80.

Section 5(a) of the Nursery Peak Inventory Endorsement contained in § 457.163 refers to the "coverage term." This is a clerical error that should refer to "premium rate." Section 5(a) also refers to a "proration factor" but should refer to "a premium adjustment factor."

**Correction of Publication**

Accordingly, the publication on September 24, 1998, of the final regulation at 63 FR 50965-50979 is corrected as follows:

**PART 457—[CORRECTED]**

**§ 457.162 [Corrected]**

On page 50977, in the first column, in § 457.162, section 6(h) of the crop provisions is corrected to read as follows:

For catastrophic insurance coverage only:

- (1) Your plant inventory value report for container grown nursery plants cannot exceed the lesser of the actual value from section 6(e) or 150 percent of your previous year's sales of container grown nursery plants;
- (2) Your plant inventory value report for field grown nursery plants cannot exceed the lesser of the actual value from section 6(e) or 250 percent of your previous years' sale of field grown nursery plants, and if the above restrictions cause you to under report the value of your inventory, you must present records acceptable to us to prove your actual inventory value to receive a waiver of these restrictions.

On page 50977, in the first column, in § 457.162, section 7(a) is corrected to read as follows: