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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 591

RIN 3206-AJ26

#### Cost-of-Living Allowances (Nonforeign Areas); Hawaii County, Kauai County, Guam (Commissary/Exchange), Maui County, Puerto Rico, and the U.S. Virgin Islands

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Office of Personnel Management is publishing an interim regulation to increase the cost-of-living allowance (COLA) rates paid to certain Federal employees in Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. This regulation increases the COLA rate for Hawaii County, HI, from 15 percent to 16.5 percent; Kauai County, HI, from 22.5 percent to 23.25 percent; Maui County, HI, from 22.5 percent to 23.75 percent; Guam (Commissary/Exchange) from 20 percent to 22.5 percent; Puerto Rico from 10 percent to 11.5 percent; and the U.S. Virgin Islands from 20 percent to 22.5 percent. All other COLA rates remain unchanged. The new rates are the result of the settlement of *Caraballo et al. v. United States*, Civil No. 1997/27 (D.V.I.).

**DATES:** *Effective Date:* October 1, 2000. *Implementation date:* First day of the first pay period beginning on or after October 1, 2000. *Comment date:* Submit comments by December 4, 2000.

**ADDRESSES:** Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415-8200; FAX: (202) 606-4264; or email: COLA@opm.gov.

**FOR FURTHER INFORMATION CONTACT:** Donald L. Paquin, (202) 606-2838; FAX: (202) 606-4264; or email at COLA@opm.gov.

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management (OPM) is increasing the cost-of-living allowance (COLA) rates paid to certain Federal employees in Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. The table below shows the new allowance rates and the places where they apply. The COLA rates in all other allowance areas remain the same.

Allowance area	Old COLA rate <sup>1</sup>	New COLA rate <sup>1</sup>
Hawaii County .....	15.00	16.50
Kauai County .....	22.50	23.25
Maui County .....	22.50	23.75
Guam (Commissary/ Exchange) .....	20.00	22.50
Puerto Rico .....	10.00	11.50
U.S. Virgin Islands .....	20.00	22.50

<sup>1</sup> In percent.

OPM is making these changes pursuant to section 9 and Exhibit C of the stipulation for settlement of *Caraballo et al. v. United States*, Civil No. 1997/27 (D.V.I.). The court approved the settlement on August 17, 2000. The settlement prescribes the new COLA rates and requires that they be made effective on the first day of the first applicable pay period beginning on or after October 1, 2000. OPM is using an interim rule to implement these increases so that agencies can apply the new rates in a timely fashion.

#### Rulemaking waivers

Under 5 U.S.C. 553(b)(3)(B) and (d)(3), OPM finds that good cause exists to waive the publication of proposed rulemaking and the 30-day delay in the effective date of this regulation. Consistent with the terms of the court-approved settlement agreement, we believe it is in the public interest to implement the interim COLA rate increases immediately. In the future, as we have done in the past, we plan to announce COLA rate adjustments in a proposed rule for public notice and comment.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities

because the regulation will affect only Federal agencies and employees.

#### Executive Order 12866, Regulatory Review

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

#### List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

**Janice R. Lachance,**  
*Director.*

Accordingly, the Office of Personnel Management amends 5 CFR part 591 as follows:

#### PART 591—ALLOWANCES AND DIFFERENTIALS

##### Subpart B—Cost-of-living Allowance and Post Differential—Nonforeign Areas

1. The authority citation for subpart B of part 591 continues to read as follows:

**Authority:** 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943-1948 Comp., p. 792; and E.O. 12510, 3 CFR, 1985 Comp., p. 338.

2. Appendix A of subpart B is amended by revising the table to read as follows:

##### Appendix A of Subpart B—Places and Rates at Which Allowances Shall Be Paid

Geographic coverage/ allowance category	Authorized allowance rate (percent)
<b>State of Alaska</b>	
City of Anchorage and 80-kilometer (50-mile) radius by road:	
All employees .....	25.00
City of Fairbanks and 80-kilometer (50-mile) radius by road:	
All employees .....	25.00
City of Juneau and 80-kilometer (50-mile) radius by road:	
All employees .....	25.00
Rest of the state:	
All employees .....	25.00
<b>State of Hawaii</b>	
City and County of Honolulu:	
All employees .....	25.00
County of Hawaii:	
All employees .....	16.50
County of Kauai:	

Geographic coverage/ allowance category	Authorized al- lowance rate (percent)
All employees .....	23.25
County of Maui and County of Kalawao: All employees .....	23.75
<b>Territory of Guam and Commonwealth of the Northern Mariana Is- lands</b>	
Local Retail .....	25.00
Commissary/Exchange .....	22.50
<b>Commonwealth of Puerto Rico</b>	
All Employees .....	11.50
<b>U.S. Virgin Islands</b>	
All Employees .....	22.50

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**MERIT SYSTEMS PROTECTION BOARD**

**5 CFR Part 1201**

**Practices and Procedures**

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule.

**SUMMARY:** The Merit Systems Protection Board (MSPB or the Board) is amending its rules of practice and procedure in this part to reflect the relocation of its Washington Regional Office. On September 11, 2000, the Board relocated its Washington Regional Office from 5203 Leesburg Pike, Falls Church, Virginia, to 1800 Diagonal Road, Alexandria, Virginia. Appendix II of this part is amended to show the new address. The facsimile number and the geographical areas served by the Washington Regional Office are unchanged.

**EFFECTIVE DATE:** October 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Robert E. Taylor, Clerk of the Board, (202) 653-7200.

The Board is publishing this rule as a final rule pursuant to 5 U.S.C. 1204(h).

**List of Subjects in 5 CFR Part 1201.**

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1201 as follows:

**PART 1201—PRACTICES AND PROCEDURES**

1. The authority citation for part 1201 continues to read as follows:

**Authority:** 5 U.S.C. 1204 and 7701, unless otherwise noted.

2. Amend Appendix II to 5 CFR part 1201 in item 4. by removing “5203 Leesburg Pike, Suite 1109, Falls Church, Virginia 22041-3473” and adding, in its place “1800 Diagonal Road, Alexandria, Virginia 22314”.

Dated: September 27, 2000.

**Robert E. Taylor,**

*Clerk of the Board.*

[FR Doc. 00-25282 Filed 10-2-00; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Immigration and Naturalization Service**

**8 CFR Part 234**

[INS No. 2045-00]

RIN 1115-AF72

**Landing Requirements for Passengers Arriving From Cuba**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Immigration and Naturalization Service (Service) regulations by providing that aircraft and passengers arriving in the United States from Cuba must enter the United States at either the John F. Kennedy International Airport, Jamaica, New York, Los Angeles International Airport, Los Angeles, California or the Miami International Airport, Miami, Florida unless advance permission to land elsewhere has been obtained from the Office of Field Operations at Headquarters.

This rule is necessary to facilitate licensed travel to and from Cuba, including family reunification for Cuban resident aliens and United States citizens of Cuban heritage living in U.S. cities other than in South Florida.

**DATES:** This rule is effective October 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth A. Tisdale, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Room 4064, Washington, DC 20536, telephone number (202) 514-0912.

**SUPPLEMENTARY INFORMATION:**

**What Are the Present Requirements Regarding the Location and Inspection of Flights From Cuba?**

Section 234.2(a) provides that:

- Aircraft carrying passengers or crew who are required to be inspected under

section 235 of the Immigration and Nationality Act (Act) on flights originating in Cuba shall land only at Fort Lauderdale-Hollywood Airport, Fort Lauderdale, Florida, unless

- Advance permission to land elsewhere has been obtained from the District Director of the Immigration and Naturalization Service at Miami, Florida.

**Why Are Flights From Cuba Being Allowed To Land at Other Airports?**

In a statement issued on January 5, 1999, the President announced a series of humanitarian measures designed to reach out to and ease the plight of the Cuban people and to help them prepare for a democratic future. As one of these measures, the President authorized the restoration of flights between Cuba and some cities in the United States in addition to South Florida. The purpose of this measure is to facilitate licensed travel to and from Cuba, including family reunification for Cuban resident aliens and U.S. citizens of Cuban heritage living in the United States cities other than in the Miami/Fort Lauderdale area.

**What Airports Are Being Designated Under This Rule?**

Section 235.2(a) is being amended to allow direct flights from Cuba to land at:

- John F. Kennedy International Airport, Jamaica, New York,
- Los Angeles International Airport, Los Angeles California, or
- Miami International Airport, Miami, Florida.

**Will Flights From Cuba Be Allowed To Land at Any Other Airports in the United States, Particularly Fort Lauderdale?**

No, direct flights will not be allowed to land at any other airport in the United States, including Fort Lauderdale, unless advance permission to land elsewhere has been obtained from the Office of Field Operations at Headquarters.

**Have Other Agencies Acted on the President's Announcement?**

The Department of State and the National Security Council have specifically directed that direct charter passenger flights by persons who possess a valid Office of Foreign Assets Control Carrier Service Provider authorization may operate between Cuba and John F. Kennedy International Airport, Jamaica, New York, Los Angeles International Airport, Los Angeles, California, or Miami International Airport, Miami, Florida.