

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AH28

Prevailing Rate Systems; Changes in Survey Responsibilities for Certain Appropriated Fund Federal Wage System Wage Areas

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule to change survey responsibilities for several appropriated fund Federal Wage System (FWS) wage areas in recognition of shifting employment patterns among agencies and the need for lead agencies to balance their wage survey workloads throughout the 2-year survey cycle. The proposed changes are designed to improve administration of the Federal Wage System and would effect the following local wage areas: Eastern South Dakota; Ft. Wayne-Marion, Indiana; Madison, Wisconsin; Buffalo, New York; Pittsburgh, Pennsylvania; Augusta, Maine; Southeastern Michigan; and Southwestern Oregon.

DATES: Comments must be received on or before March 11, 1996.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or Fax: (202) 606-0824.

FOR FURTHER INFORMATION CONTACT: Angela Graham Humes, (202) 606-2848.

SUPPLEMENTARY INFORMATION: OPM has received several requests for changes in the lead agency responsibility for FWS

surveys and in the timing of such surveys. The Department of Veterans Affairs (VA) requested that the Department of Defense (DOD) assume responsibility for the following wage areas: Eastern South Dakota; Ft. Wayne-Marion, Indiana; Madison, Wisconsin; and Buffalo, New York. VA's request was based on several factors. First, in each of the wage areas, DOD has the largest number of FWS employees. Additionally, VA host activities are experiencing difficulty in providing personnel and logistical support for the FWS surveys because of continuing employment reductions, the delegation of certain human resources responsibilities to VA field activities, and additional requirements at the local level associated with the VA Nurse Locality Pay System.

DOD has indicated its willingness to assume this responsibility. However, in order to balance the increased survey workload, DOD has requested a change in the timing of the Buffalo, New York, full-scale survey from even years to odd years and of the Eastern South Dakota full-scale survey from odd years to even years. Accomplishing the changes would require consecutive full-scale surveys.

As lead agency for the Pittsburgh, Pennsylvania; Augusta, Maine; and Southwestern Michigan wage areas, VA also requested changes in the survey order month and full-scale survey year for these wage areas in order to improve the balance of its remaining survey workload. VA requested to advance the survey order month for the Pittsburgh, Pennsylvania, wage area from August to July and to change the timing of the Augusta, Maine, full-scale survey from odd years to even years and of the Southwestern Michigan full-scale from even years to odd years. The odd/even changes would require consecutive full-scale surveys.

Finally, VA requested, and OPM approved by letter in 1989 and 1990, changes in the survey order months for 1990 full-scale surveys in the Ft. Wayne-Marion, Indiana, and Southwestern Oregon wage areas. However, the new survey order months of October and June, respectively, were

not incorporated into OPM regulations at that time. The proposed rule belatedly reflects the *de facto* change of the survey order months for the Ft. Wayne-Marion, Indiana, wage area from November to October and for the Southwestern Oregon wage area from May to June.

On behalf of the affected agencies, OPM presented the proposals described above for discussion by the Federal Prevailing Rate Advisory Committee, which has reviewed and concurred with the proposed changes.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix A to subpart B of part 532 is amended by revising the entries for Fort Wayne-Marion, Indiana; Augusta, Maine; Southwestern Michigan, Michigan; Buffalo, New York; Southwestern Oregon, Oregon; Pittsburgh, Pennsylvania; Eastern South Dakota, South Dakota; and Madison, Wisconsin and by adding a footnote to read as follows:

Appendix A to Subpart B of Part 532—
Nationwide Schedule of Appropriated
Fund Regular Wage Surveys

* * * * *

State	Wage area	Lead agency	Beginning month of survey	Fiscal year of full scale survey odd or even
Indiana * * *	Fort Wayne-Marion	DoD	October	Odd.
Maine	Augusta ¹	VA	May	Even.
Michigan * * *	Southwestern Michigan ¹	VA	October	Odd.
New York * * *	Buffalo ¹	DoD	September	Odd.
Oregon * * *	Southwestern Oregon	VA	June	Even.
Pennsylvania * * *	Pittsburgh	VA	July	Odd.
South Dakota	Eastern South Dakota ¹	DoD	October	Even.
Wisconsin	Madison	DoD	July	Even.

¹ The revised fiscal year entries are scheduled to begin for Augusta, Maine, in fiscal year 1996; for Buffalo, New York and Southwestern Michigan in fiscal year 1997; and for Eastern South Dakota in fiscal year 1998.

[FR Doc. 96-2285 Filed 2-8-96; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 980

[FV95-980-1PR]

Vegetables; Import Regulations; Modification of Regulatory Time Periods for Imported Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule would modify the time periods when imported onions are regulated based on the grade, size, quality, and maturity requirements of the South Texas onion and Idaho-Eastern Oregon onion marketing orders. The proposed change is needed to make the onion import requirements consistent with regulatory time period changes made under the South Texas onion marketing order. This action is required by section 8e of the Agricultural Marketing Agreement Act of 1937.

DATES: Comments must be received by March 11, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; Fax number (202) 720-5698. All comments should reference the docket

number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Robert F. Matthews, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 690-0464; Fax number (202) 720-5698.

SUPPLEMENTARY INFORMATION: This proposal is issued under section 8e of 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 rule in conformance with Executive Order 12866. This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this proposed rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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. There are approximately 148 importers of onions who would be affected by this proposal. Small agricultural service firms, which include onion importers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000. The majority of onion importers may be classified as small entities.

Import regulations issued under the Act are based on regulations established under Federal marketing orders which regulate the handling of domestically produced products. Thus, this proposed rule should have small entity orientation, and impact on both small and large business entities in a manner comparable to rules issued under marketing orders. This rule proposes to modify the dates when imported onions are regulated, based on requirements of the South Texas onion and Idaho-Eastern Oregon onion marketing orders.

Section 8e of the Act provides that whenever certain specified commodities, including onions, are regulated under a Federal marketing order, imports of that commodity into the United States are prohibited unless they meet the same or comparable grade, size, quality, and maturity requirements. Section 8e also provides that whenever two or more marketing orders regulate the same commodity produced in different areas of the United States, the Secretary shall determine with which area the imported commodity is in most direct competition and apply regulations based on that area to the imported commodity.

Marketing Order No. 958 regulates onions grown in certain counties of