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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AM59

### Prevailing Rate Systems; Abolishment of the Washington, DC, Special Wage Schedule for Printing Positions

**AGENCY:** U.S. Office of Personnel Management.

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

**SUMMARY:** The U.S. Office of Personnel Management is issuing an interim rule to abolish the Washington, DC, Federal Wage System (FWS) special wage schedule for printing and lithographic positions. Printing and lithographic employees in the Washington, DC, wage area will now be paid from the regular Washington, DC, appropriated fund FWS wage schedule. This change is necessary because Federal employment in printing and lithographic occupations in the Washington, DC, wage area has declined sharply in recent years, and a separate wage schedule is no longer viable or beneficial to employees.

**DATES:** *Effective date:* This regulation is effective on July 13, 2012. We must receive comments on or before August 13, 2012. *Applicability date:* Agencies will place employees who are paid from the Washington, DC, special wage schedule on the Washington, DC, regular wage schedule on the first day of the first applicable pay period beginning on or after October 21, 2012.

**ADDRESSES:** Send or deliver comments to Jerome D. Mikowicz, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415-8200; email [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov); or Fax: (202) 606-4264.

### FOR FURTHER INFORMATION CONTACT:

Madeline Gonzalez, (202) 606-2838; email [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov); or Fax: (202) 606-4264.

**SUPPLEMENTARY INFORMATION:** The U.S. Office of Personnel Management (OPM) is issuing an interim rule to abolish the Washington, DC, Federal Wage System (FWS) special wage schedule for printing and lithographic positions. The Department of Defense (DOD) recommended that we abolish this special wage schedule because Federal employment in printing and lithographic occupations in the Washington, DC, wage area has declined sharply in recent years, from 235 employees in 2004 to 24 today. Of the 24 remaining employees, there are 20 nonsupervisory (XP), 2 leaders (XL), and 2 supervisors (XS) employed by 10 agencies, and DOD expects the decline to continue.

None of the 24 employees benefit from being paid from the special printing schedule compared to what they would be paid under the regular wage schedule for the Washington, DC, wage area. OPM regulations provide that special printing schedules must have three step rates. Section 532.279(g) of title 5, Code of Federal Regulations, provides that no step 3 rate on a special printing schedule may be less than the maximum rate of the corresponding grade on the regular wage schedule for the wage area. This means that each step 3 printing survey rate is compared to the step 5 regular schedule rate, and the higher rate for each grade is selected for the special printing schedule. The step 3 rates for the first 10 XP and XL grades and all XS grades in the special printing schedule are equal to the step 5 rates in the Washington, DC, regular wage schedule. Although the remaining grades in the XP and XL schedules are higher than the Washington, DC, regular wage schedule step 5 rates, there are no employees in these remaining grades.

Printing and lithographic employees will convert to the Washington, DC, FWS regular wage schedule on a grade-by-grade basis. Each employee's new rate of pay will be set at the step-rate for the applicable grade of the regular wage schedule that equals the employee's existing rate of pay. If an employee's existing rate of pay falls between two steps on the regular schedule, the new rate will be set at the higher of the two steps. If an employee's existing rate of

pay is higher than the highest rate for his or her grade on the regular schedule, the employee will, if otherwise eligible, be entitled to pay retention.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee that advises OPM on FWS pay matters, reviewed and concurred by consensus with this change.

Since the special wage schedule for printing and lithographic occupations in the Washington, DC, wage area was the sole special printing schedule remaining, this interim rule removes section 532.279 from title 5, Code of Federal Regulations.

### Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists to waive the general notice of proposed rulemaking. Also pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. The notice of proposed rulemaking is being waived and the regulation is being made effective in less than 30 days because notice and comment on this matter is unnecessary. Federal employment in printing and lithographic occupations in the Washington, DC, wage area has declined sharply in recent years and is expected to continue to decline until there are no printing and lithographic employees left in the wage area; no affected employees will lose pay as result of converting to the FWS regular wage schedule; and, requiring DOD to conduct a full-scale wage survey for the diminishing number of employees in printing and lithographic positions in the Washington, DC, wage area in August 7, 2012, would be an unnecessary expenditure of resources.

### 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.

U.S. Office of Personnel Management.

**John Berry,**

*Director.*

Accordingly, the U.S. Office of Personnel Management amends 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.

#### **§ 532.279 [Removed]**

■ 2. Remove § 532.279.

[FR Doc. 2012-17123 Filed 7-12-12; 8:45 am]

**BILLING CODE 6325-39-P**

### **DEPARTMENT OF AGRICULTURE**

#### **Farm Service Agency**

#### **7 CFR Parts 759 and 762**

#### **Rural Utilities Service**

#### **Rural Housing Service**

#### **Rural Business-Cooperative Service**

#### **Farm Service Agency**

#### **7 CFR Part 1945**

**RIN 0560-AH17**

#### **Disaster Designation Process**

**AGENCY:** Farm Service Agency, Rural Business-Cooperative Service, Rural Housing Service, and Rural Utilities Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farm Service Agency (FSA) is revising its disaster designation regulations, with minor changes from the proposed rule. The rule simplifies procedures for Secretarial designations of disaster areas. This rule includes provisions for nearly automatic disaster designation in the case of severe drought. The rule also provides procedures FSA may use to delegate disaster designation authority to FSA State level officials. The rule removes the requirement that a State Governor or Indian Tribal Council must request a Secretarial disaster designation before a designation can be made. Also, this rule moves the disaster designation regulations to the same chapter of the Code of Federal Regulations (CFR) as the FSA Emergency Loan (EM) Program regulations. FSA expects that the simplified process will result in faster

designations of disaster areas, and result in more timely disaster assistance.

**DATES:** This rule is effective on July 12, 2012.

**FOR FURTHER INFORMATION CONTACT:** Steve Peterson; telephone: (202) 720-7641. Persons with disabilities who require alternative means for communications (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This final rule amends procedures for designating counties as disaster areas. Some USDA programs past and present, administered by FSA have eligibility criteria that include whether losses occurred within a disaster area. For example, the Secretary of Agriculture is authorized to make emergency loans available (7 U.S.C. 1961) to farmers whose operations have been substantially affected by a natural disaster in a designated disaster county. Disaster designations have been used to qualify producers in those counties for other programs, such as certain crop disaster payment programs under past legislation and it is possible that future legislation will also tie program eligibility to Secretarial designations. The authority to make those designations and administer the designation system has been delegated to FSA. Until now, FSA regulations regarding the disaster designation process were in 7 CFR part 1945.

On November 14, 2011, FSA published a proposed rule to amend the disaster designation regulations to provide for changes in the designation process (76 FR 70368-70374). In general, that rule proposed to simplify the disaster designation process and to delegate the authority for designation to the State level of FSA. It also proposed to move the disaster designation regulations from 7 CFR part 1945 to 7 CFR part 759. The latter (part 759) is in a part of the CFR where there are general regulations that apply to multiple programs administered by FSA. We received 18 comments during the 60-day comment period. Commenters included individuals, State agencies, universities, FSA employees, and producer associations. Almost all of the comments supported the rule. Some supporting comments asked for minor clarifications or changes. The comments opposing the rule included suggestions that are beyond FSA's authority, such as a suggestion requiring State agencies to participate in our disaster designation process. In response to comments, we

are removing a proposed definition because it is not actually used in the other parts of the regulations, and we are clarifying the Secretary's delegation authority in several respects with minor changes to those in the proposed rule. For example, some references to the eligibility of contiguous counties are amended to refer to the separate regulations that apply to the disaster assistance programs. The delegation authority change clarifies that the delegation authority for disaster declarations may be delegated to the State level of FSA but that such a delegation is not automatic, or assumed, but is discretionary and will require specific delegation action. That is a change from the proposed rule, which proposed a delegation to the FSA State level as the default procedure. There were also a few comments asking for clarification of internal FSA procedures. We will provide clarification on internal FSA procedures in the handbooks, because we believe that in this instance that is the appropriate location for the level of detail about internal procedures reflected in the comments. FSA handbooks are available to the public.

This document first discusses the disaster designation process as specified in this rule, and then discusses our responses to the comments received. Except for the changes in response to comments noted above (removing a definition not used, changing delegation of authority from a default process to an optional process, and clarifying contiguous county applicability), the disaster designation process specified in this rule is the same as in the proposed rule.

#### **Disaster Designation Process Background**

There are four types of disaster determinations that can affect the administration of benefits by FSA:

- (1) USDA Secretarial disaster designations,
- (2) Presidential major disaster and Presidential emergency declarations,
- (3) FSA Administrator's Physical Loss Notifications, and
- (4) Quarantine designations by the Secretary under the Plant Protection Act or animal quarantine laws as defined in section 2509 of the Food, Agriculture, Conservation and Trade Act of 1990 (referenced in 7 CFR part 761, which includes a definition of "quarantine" in accordance with 7 U.S.C. 1961).

FSA administers the making of USDA Secretarial disaster designations. Those declarations specify:

- (1) The specific disaster that resulted in the designation,