

# Rules and Regulations

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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 Part 532

RIN 3206-AI95

#### Prevailing Rate Systems; Redefinition of the Southern and Western Colorado Appropriated Fund Wage Area

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule to remove Eagle, Garfield, Lake, Pitkin, Rio Blanco, and Routt Counties, Colorado, from the Southern and Western Colorado appropriated fund Federal Wage System (FWS) wage area. These counties will now be in the Denver wage area. We are also removing Mesa County, CO, from the Southern and Western Colorado FWS wage area and adding it to the Utah FWS wage area. These changes more accurately reflect the regulatory criteria we use to define FWS wage areas. Finally, we are changing the name of the Southern and Western Colorado FWS wage area to the Southern Colorado FWS wage area to more accurately describe the geographic coverage of the redefined wage area.

**DATES:** *Effective Date:* This regulation is effective on June 5, 2000. *Applicability Date:* This regulation applies on the first day of the first applicable pay period beginning on or after June 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hopkins by phone at (202) 606-2848, by FAX at (202) 606-0824, or by email at jdhopkin@opm.gov.

**SUPPLEMENTARY INFORMATION:** On December 27, 1999, the Office of Personnel Management (OPM) published a proposed rule (64 FR 72292) to remove Eagle, Garfield, Lake, Pitkin, Rio Blanco, and Routt Counties, Colorado, from the Southern and

Western Colorado appropriated fund FWS wage area and add them to the Denver FWS wage area as areas of application. We do not conduct wage surveys in areas of application. Instead, we apply the results that we obtain from surveys in the other counties in the applicable wage area. We also proposed to remove Mesa County, CO, from the Southern and Western Colorado FWS wage area and add it to the Utah FWS wage area as an area of application. Finally, we proposed to change the name of the Southern and Western Colorado FWS wage area to Southern Colorado.

Under section 5343 of title 5, United States Code, OPM is responsible for defining FWS wage areas. For this purpose, we follow the regulatory criteria in section 532.211 of title 5, Code of Federal Regulations. The Southern and Western Colorado wage area meets all of the regulatory requirements to remain a separate wage area. About 1,800 FWS employees currently work in this wage area. The wage area's host activity, the United States Air Force Academy, has the capability to host annual local wage surveys. In addition, we find more than sufficient local private industry wage data in local wage surveys of the Southern and Western Colorado wage area to satisfy our regulatory requirements.

We are moving Eagle, Garfield, Lake, Pitkin, Rio Blanco, and Routt Counties to the Denver wage area based on our analysis of the regulatory criteria. The distance criterion for these counties favors the Denver wage area more than the Southern and Western Colorado wage area. The transportation facilities and geographic features criteria for these counties strongly favor the Denver wage area because the most favorable route by road from these counties goes through the present Denver wage area before reaching the Southern and Western Colorado survey area. All the other criteria we studied did not favor one wage area more than another.

For Mesa County, CO, the distance to the closest city criterion favors the Utah wage area, while the distance to the closest host installation criterion favors the Denver wage area. The transportation facilities and geographic features criteria favor the Utah wage area. The kinds and sizes of industry and population criteria also favor the

Utah wage area. All of the other criteria we studied had indeterminate findings. Colorado National Monument, located in Mesa County, is administratively in the same National Park Service region as most of the National Parks in Utah. Arches National Park is in the Utah wage area and is just across the State line from Colorado National Monument. We are placing Colorado National Monument in the same wage area as Arches National Park because of the organizational relationships and geographic proximity of National Park Service facilities in this region.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and recommended these changes by consensus. The proposed rule had a 30-day public comment period, during which OPM did not receive any comments.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will 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.

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

Accordingly, the 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.

2. Appendix A to subpart B of part 532 is amended for the State of Colorado by revising the wage area "Southern & Western Colorado" to read "Southern Colorado".

3. Appendix C to subpart B is amended by revising the wage area listings for the States of Colorado and Utah, to read as follows:

**Appendix C to Subpart B of Part 532—  
Appropriated Fund Wage and Survey  
Areas**

\* \* \* \* \*

**Colorado**

**Denver**

*Survey Area*

Colorado:

- Adams
- Arapahoe
- Boulder
- Denver
- Douglas
- Gilpin
- Jefferson

Area of Application. Survey area plus:

Colorado:

- Clear Creek
- Eagle
- Elbert
- Garfield
- Grand
- Jackson
- Lake
- Larimer
- Logan
- Morgan
- Park
- Phillips
- Pitkin
- Rio Blanco
- Routt
- Sedgwick
- Summit
- Washington
- Weld
- Yuma

**Southern Colorado**

*Survey Area*

Colorado:

- El Paso
- Pueblo
- Teller

Area of Application. Survey area plus:

Colorado:

- Alamosa
- Archuleta
- Baca
- Bent
- Chaffee
- Cheyenne
- Conejos
- Costilla
- Crowley
- Custer
- Delta
- Dolores
- Fremont
- Gunnison
- Hinsdale
- Huerfano
- Kiowa
- Kit Carson
- Las Animas
- Lincoln
- Mineral
- Montrose
- Otero
- Ouray
- Pitkin
- Prowers

- Rio Grande
- Saguache
- San Juan
- San Miguel

\* \* \* \* \*

**Utah**

*Survey Area*

Utah:

- Box Elder
- Davis
- Salt Lake
- Tooele
- Utah
- Weber

Area of Application. Survey area plus:

Utah:

- Beaver
  - Cache
  - Carbon
  - Daggett
  - Duchesne
  - Emery
  - Garfield
  - Grand
  - Iron
  - Juab
  - Millard
  - Morgan
  - Piute
  - Rich
  - San Juan (Only includes the Canyonlands National Park portion.)
  - Sanpete
  - Sevier
  - Summit
  - Uintah
  - Wasatch
  - Washington
  - Wayne
- Colorado:
- Mesa
  - Moffat

\* \* \* \* \*

[FR Doc. 00-11199 Filed 5-4-00; 8:45 am]

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**OFFICE OF PERSONNEL  
MANAGEMENT**

**5 CFR Part 532**

**RIN 3206-AI86**

**Prevailing Rate Systems; Definition of  
Napa County, CA, to a  
Nonappropriated Fund Wage Area**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule to add Napa County, California, as an area of application to the Solano, CA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. This change is necessary because NAF FWS employees will have work stations in Napa County, and Napa County was not previously an NAF wage area.

**DATES:** *Effective Date:* This regulation is effective on June 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hopkins, (202) 606-2848, FAX: (202) 606-0824, or email [jdhopkin@opm.gov](mailto:jdhopkin@opm.gov).

**SUPPLEMENTARY INFORMATION:** On November 15, 1999, the Office of Personnel Management (OPM) published an interim rule (64 FR 61769) to redefine the Solano, California, nonappropriated fund (NAF) Federal Wage System (FWS) wage area by adding Napa County, CA, as an area of application. Under section 5343 of title 5, United States Code, OPM is responsible for defining FWS wage areas. For this purpose, we follow the regulatory criteria in section 532.219(b) of title 5, Code of Federal Regulations.

The Solano wage area presently has one survey county, Solano County, and two area of application counties, Marin and Sonoma Counties, CA. The Army and Air Force Exchange Service acquired the Yountville Retail Facility located in Napa County and staffed the new activity with approximately eight employees, two of whom are FWS employees. Under 5 CFR 532.219, each NAF wage area "shall consist of one or more survey areas, along with nonsurvey areas, having nonappropriated fund employees."

Napa County does not meet the regulatory criteria under 5 CFR 532.219 to be a separate NAF wage area; however, OPM may combine nonsurvey counties with a survey area to form a wage area. Therefore, OPM defined Napa County as an area of application to an existing NAF wage area. The Solano wage survey consists of one survey county, Solano County, and three area of application counties, Marin, Napa, and Sonoma Counties, CA.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and concurred by consensus with this change. The interim rule had a 30-day public comment period, during which OPM did not receive any comments.

**Regulatory Flexibility Act**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only Federal agencies and employees.

**List of Subjects in 5 CFR Part 532**

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