

Rules and Regulations

Federal Register

Vol. 65, No. 94

Monday, May 15, 2000

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AI97

Prevailing Rate Systems; Abolishment of the Washington, MD, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to abolish the Washington, Maryland, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and establish a new Frederick, MD, NAF FWS wage area. This change is necessary because the Washington wage area's host installation, Fort Ritchie, is closing. This leaves the Department of Defense without an installation in the survey area capable of hosting annual local wage surveys.

DATES: The interim rule became effective on December 31, 1999. The interim rule is confirmed as final on May 15, 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 an interim rule (64 FR 72249) to abolish the Washington, Maryland, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and establish a new Frederick, MD, NAF FWS wage area. 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 Washington wage area is presently composed of one survey

county, Washington County, and two area of application counties, Frederick County, MD, and Berkeley County, WV. The closure of the Washington wage area's host activity, Fort Ritchie, left the Department of Defense (DOD) without an activity in the survey area capable of conducting annual local NAF wage surveys. Fort Ritchie ceased operations on October 1, 1998, and NAF FWS employees no longer work in Washington County. However, the area of application counties, Frederick and Berkeley, continue to have NAF FWS employment. Under section 5343(a)(1)(B)(i) of title 5, United States Code, NAF wage areas "shall not extend beyond the immediate locality in which the particular prevailing rate employees are employed." Therefore, Washington County cannot be defined as part of an NAF wage area.

Frederick County, MD, has approximately 36 NAF FWS employees and a local Federal installation, Fort Detrick, has the capability to host annual local NAF wage surveys. Furthermore, Frederick County has more than the required minimum number of private enterprise employees in establishments within survey specifications. Approximately 10 NAF FWS employees work in Berkeley County, WV, which does not meet the criteria to be a separate NAF wage area. Therefore, the county must be an area of application. The new Frederick, MD, NAF wage area will have one survey county, Frederick County, MD, and one area of application county, Berkeley County, WV. DOD will order annual wage surveys in January of each even fiscal year. DOD ordered the first full-scale wage survey for the Frederick wage area in January 2000.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has 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

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

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (64 FR 72249) amending 5 CFR part 532 published on December 27, 1999, is adopted as final with no changes.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00-12055 Filed 5-12-00; 8:45 am]

BILLING CODE 6325-01-P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AI90

Prevailing Rate Systems; Abolishment of the Dubuque, IA, 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 the requirement to conduct a full-scale wage survey in the Dubuque, Iowa, Federal Wage System (FWS) wage area. The final rule also abolishes the Dubuque, IA, FWS wage area and redefines the counties of Clinton, Dubuque, and Jackson, IA, and Carroll, Jo Daviess, and Whiteside, Illinois, to the area of application of the Davenport-Rock Island-Moline, IA, FWS wage area. This change is necessary because the Dubuque wage area's host installation, the Savannah Army Depot, is closing and will no longer be capable of hosting annual wage surveys.

DATES: The interim rule became effective on October 31, 1999. The interim rule is confirmed as final on May 15, 2000.

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

SUPPLEMENTARY INFORMATION: On November 4, 1999, the Office of Personnel Management (OPM) published an interim rule (64 FR 60087) to remove the requirement to conduct a

full-scale wage survey in the Dubuque, Iowa, appropriated fund Federal Wage System (FWS) wage area and to abolish the wage area. FWS employees in the Dubuque wage area moved to the Davenport, IA, wage schedule on the first day of the first applicable pay period beginning on or after December 19, 1999.

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 Dubuque wage area is presently composed of six survey counties, Clinton, Dubuque, and Jackson, IA, and Carroll, Jo Daviess, and Whiteside, IL. The Department of Defense (DOD) asked OPM to abolish the requirement to conduct a full-scale wage survey in the Dubuque wage area because of the planned closure of the wage area's host installation, the Savannah Army Depot. This closure leaves DOD without an installation in the survey area that is capable of hosting annual local wage surveys. DOD also asked OPM to abolish the Dubuque wage area and redefine its counties to the area of application of the Davenport, IA, FWS wage area.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed these recommendations and by consensus recommended approval of these changes. The interim 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.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (64 FR 60087) amending 5 CFR part 532 published on November 4, 1999, is adopted as final with no changes.

Office of Personnel Management.

Janice R. Lachance,
Director.

[FR Doc. 00-12056 Filed 5-12-00; 8:45 am]

BILLING CODE 6325-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1220

[No. LS-00-01]

Results of Soybean Request for Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of referendum results.

SUMMARY: The Agricultural Marketing Service's (AMS) Request for Referendum shows that too few soybean producers want a referendum on the Soybean Promotion and Research Order (Order) for one to be conducted. The Request for Referendum was held from October 20, 1999, through November 16, 1999, at the Department of Agriculture's (USDA) county Farm Service Agency (FSA) offices. To trigger a referendum 60,082 soybean producers must complete a Request for Referendum. The number of soybean producers requesting a referendum was 17,970.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch; Livestock and Seed Program, AMS, USDA; STOP-0251; 14th and Independence Avenue, SW.; Washington, D.C. 20250-0251. Telephone number 202/720-1115.

SUPPLEMENTARY INFORMATION: Pursuant to the Soybean Promotion, Research, and Consumer Information Act (Act)(7 U.S.C. 6301 *et seq.*), every 5 years the Secretary of Agriculture (Secretary) will give soybean producers the opportunity to request a referendum on the Order. If the Secretary determines that at least 10 percent of U.S. producers engaged in growing soybeans (not in excess of one-fifth of which may be producers in any one State) support the conduct of a referendum, the Secretary must conduct a referendum within 1 year of that determination. If these requirements are not met, a referendum would not be conducted.

A notice of opportunity to Request a Soybean Referendum was publicized in the **Federal Register** on September 13, 1999, at 64 FR 49349. Soybean producers who produced soybeans during the representative period between January 1, 1997, and November 16, 1999, were eligible to participate in the Request for Referendum.

According to USDA's soybean producer survey, there are 600,813 soybean producers in the United States (see 64 FR 45413).

A total of 17,970 valid Requests for Referendum were completed by eligible

soybean producers. This number does not meet the requisite number of 60,082. Therefore, based on the Request for Referendum results, a referendum will not be conducted. In accordance with the provisions of the Act, soybean producers would be provided another opportunity to request a referendum in 5 years.

The following is the State-by-State results of the Request for Referendum:

State	Number of valid requests for referendum
Alabama	9
Alaska	0
Arizona	2
Arkansas	90
California	0
Colorado	1
Connecticut	0
Delaware	0
Florida	13
Georgia	9
Hawaii	0
Idaho	0
Illinois	5,851
Indiana	1,926
Iowa	3,932
Kansas	438
Kentucky	177
Louisiana	44
Maine	0
Maryland	119
Massachusetts	0
Michigan	408
Minnesota	991
Mississippi	66
Missouri	1,019
Montana	0
Nebraska	500
Nevada	0
New Hampshire	0
New Jersey	11
New Mexico	0
New York	35
North Carolina	28
North Dakota	41
Ohio	1,449
Oklahoma	17
Oregon	1
Pennsylvania	61
Puerto Rico	0
Rhode Island	0
South Carolina	17
South Dakota	409
Tennessee	102
Texas	51
Utah	0
Vermont	1
Virginia	30
Washington	0
West Virginia	3
Wisconsin	119
Wyoming	0
Total	17,970.

Authority: 7 U.S.C. 6301-6311.