

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AH29

#### Prevailing Rate Systems; Abolishment of Franklin, OH, Nonappropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

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

**SUMMARY:** The Office of Personnel Management is issuing an interim rule to abolish the Franklin, OH, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine the five counties having continuing FWS employment as areas of application to the Greene-Montgomery, OH, NAF wage area for pay-setting purposes. Those five counties include three Ohio counties (Franklin, Licking, and Ross) and two West Virginia counties (Raleigh and Wayne).

**DATES:** This interim rule becomes effective on January 31, 1996. Comments must be received by March 1, 1996. Employees currently paid rates from the Franklin, OH, NAF wage schedule will continue to be paid from that schedule until their conversion to the Greene-Montgomery, OH, NAF wage schedule 1 day prior to the effective date of the next Greene-Montgomery, OH, wage schedule.

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

**FOR FURTHER INFORMATION CONTACT:** Paul Shields, (202) 606-2848.

**SUPPLEMENTARY INFORMATION:** The Department of Defense (DOD)

recommended to the Office of Personnel Management that the Franklin, OH, FWS NAF wage area be abolished and that the five counties having continuing FWS employment be added as areas of application to the Greene-Montgomery, OH, NAF wage area. Those five counties include three Ohio counties (Franklin, Licking, and Ross) and two West Virginia counties (Raleigh and Wayne). The remaining Franklin wage area county (Cabell County, WV) is being deleted because it has no FWS employment. This change is necessary because the pending closure of the wage area host activity, Newark Air Force Base, leaves the Franklin wage area without an activity having the capability to conduct a wage survey.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

- (1) Proximity of largest activity in each county;
- (2) Transportation facilities and commuting patterns; and
- (3) Similarities of the counties in:
  - (i) Overall population;
  - (ii) Private employment in major industry categories; and
  - (iii) Kinds and sizes of private industrial establishments.

For Franklin County, proximity and transportation facilities and commuting patterns strongly favor Greene-Montgomery. The third criterion, similarities of the counties, is not definitive. For each of the three factors in this criterion, Franklin falls between the more populous Allegheny, PA, and the two less populous areas, Greene-Montgomery and Hardin-Jefferson, KY.

For Ross County, all three criteria favor Greene-Montgomery.

For Licking County, proximity and similarities of the counties strongly favor Greene-Montgomery. Transportation facilities and commuting patterns slightly favor Allegheny (23 commuters to Allegheny versus 20 commuters to Greene-Montgomery).

Raleigh County is a little closer to Allegheny, 372 kilometers (231 miles), than it is to Greene-Montgomery, 433 kilometers (269 miles). With no commuters to the survey areas under consideration, the second criterion does not distinguish between them. The third criterion, similarities of the counties, strongly favors Greene-Montgomery.

For Wayne County, both proximity and similarities of the counties favor

Greene-Montgomery. The transportation facilities and commuting patterns criterion does not distinguish among the options because there are no commuters to the counties in question.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because preparations for the 1996 Franklin, OH, NAF wage area survey must otherwise begin immediately.

#### Regulatory Flexibility Act

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

Appendix B to Subpart B of Part 532—  
[Amended]

2. In Appendix B to subpart B, the listing for the State of Ohio is amended by removing the entry for Franklin.

3. Appendix D to subpart B is amended by removing the wage area list for Franklin, Ohio, and by revising the list for Greene-Montgomery, Ohio, to read as follows:

Appendix D to Subpart B of Part 532—  
Nonappropriated Fund Wage and  
Survey Areas

\* \* \* \* \*

Ohio

\* \* \* \* \*

*Greene-Montgomery*

Survey Area

Ohio:

Greene  
Montgomery

Area of application. Survey area plus:

Ohio:

Clinton  
Franklin (Effective date March 8, 1996)  
Hamilton  
Licking (Effective date March 8, 1996)  
Ross (Effective date March 8, 1996)

West Virginia:

Raleigh (Effective date March 8, 1996)  
Wayne (Effective date March 8, 1996)

\* \* \* \* \*

[FR Doc. 96-1836 Filed 1-30-96; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection  
Service**

**7 CFR Part 301**

[Docket No. 92-139-9]

**Pine Shoot Beetle**

**AGENCY:** Animal and Plant Health  
Inspection Service, USDA.

**ACTION:** Affirmation of interim rules as  
final rule.

**SUMMARY:** We are affirming, without  
change, the pine shoot beetle  
regulations, as established and amended  
by a series of interim rules published in  
the Federal Register between November  
1992 and January 1995. The regulations  
quarantine portions of several States  
and restrict the interstate movement of  
regulated articles from those areas to  
prevent the artificial spread of the pine  
shoot beetle into noninfested areas of  
the United States. The pine shoot beetle  
is a highly destructive pest of pine trees.

**EFFECTIVE DATE:** March 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr.  
Steve Knight, Senior Operations Officer,  
Domestic and Emergency Operations,  
PPQ, APHIS, 4700 River Road Unit 134,  
Riverdale, MD 20737-1236, (301) 734-  
7935.

**SUPPLEMENTARY INFORMATION:**

**Background**

The pine shoot beetle is a highly  
destructive pest of pine trees. The pine  
shoot beetle can cause damage in weak

and dying trees, where reproduction  
and immature stages of pine shoot  
beetle occur, and in the new growth of  
healthy trees. During "maturation  
feeding," young beetles bore up the  
center of pine shoots (usually of the  
current year's growth), causing stunted  
and distorted growth in the host trees.  
The pine shoot beetle is also a vector of  
several diseases of pine trees. Adults  
can fly at least 1 kilometer, and infested  
trees and pine products are often  
transported long distances. This pest  
damages urban trees and can cause  
economic losses to the timber,  
Christmas tree, and nursery industries.

Pine shoot beetle hosts include all  
pine species. The beetle has been found  
in a variety of pine species (*Pinus spp.*)  
in the United States. Scotch pine (*P.  
sylvestris*) is the preferred host of the  
pine shoot beetle.

The Animal and Plant Health  
Inspection Service (APHIS) established  
regulations at 7 CFR 301.50 through  
301.50-10 (referred to below as the  
regulations) to prevent the artificial  
spread of the pine shoot beetle into  
noninfested areas of the United States.

The regulations were established and  
refined by a series of interim rules,  
beginning with Docket 92-139-1, which  
was effective on November 13, 1992,  
and published in the Federal Register  
on November 19, 1992 (57 FR 54492-  
54499). Docket 92-139-1 quarantined  
42 counties in Illinois, Indiana,  
Michigan, New York, Ohio, and  
Pennsylvania, and established  
restrictions on the interstate movement  
of various articles, including pine trees,  
from the quarantined areas. We solicited  
comments on the interim rule for 60  
days ending January 19, 1993. We  
received 96 comments by that date from  
nurseries, Christmas tree producers,  
State governments, and others. Nearly  
all asked us to ease restrictions by  
establishing a mechanism for allowing  
all pine nursery stock to be certified for  
interstate movement by visual  
inspection.

Docket 92-139-2, effective January  
19, 1993, and published in the Federal  
Register on January 28, 1993 (58 FR  
6346-6348), established the requested  
visual inspection protocol for pine  
nursery stock and provided an  
alternative treatment for pine Christmas  
trees. It also quarantined one additional  
county in Illinois. We solicited  
comments on the interim rule for 60  
days ending March 29, 1993. We  
received six comments by that date from  
a nursery association, State  
governments, and others. One simply  
expressed support; the others  
encouraged APHIS to continue to

examine treatment and inspection  
processes.

In response to these comments APHIS  
continued to examine its treatment and  
inspection processes. As a result,  
Dockets 92-139-3 through 92-139-8  
further amended the regulations by  
removing fir, larch, and spruce from the  
list of regulated articles, relieving  
certain restrictions on logs and lumber  
of pine, allowing visual certification of  
certain pine transplants, providing a  
new and less harsh methyl bromide  
treatment schedule for cut pine  
Christmas trees, and adding pine  
stumps and pine bark nuggets  
(including bark chips) to the list of  
regulated articles. In addition, these  
dockets added 8 counties in Illinois, 13  
counties in Indiana, 33 counties in  
Michigan, 10 counties in New York, 4  
counties in Ohio, and 7 counties in  
Pennsylvania to the list of quarantined  
areas.

These interim rules were effective and  
published as follows: Docket 92-139-3,  
effective May 13, 1993, and published  
May 13, 1993 (58 FR 28333-28335);  
Docket 92-139-4, effective June 23,  
1993, and published June 29, 1993 (58  
FR 34681-34683); Docket 92-139-5,  
effective November 23, 1993, and  
published November 30, 1993 (58 FR  
63024-63027); Docket 92-139-6,  
effective August 1, 1994, and published  
August 5, 1994 (59 FR 39937-39941);  
Docket 92-139-7, effective October 14,  
1994, and published October 20, 1994  
(59 FR 52891-52894); and Docket 92-  
139-8, effective December 29, 1994, and  
published January 9, 1995 (60 FR 2321-  
2323). We solicited comments on each  
interim rule for 60 days, and received a  
total of four comments, three in support  
and one expressing concern about  
enforcement of the regulations. The  
enforcement concerns involve the  
availability of money and persons to  
enforce the regulations, and not the  
need for changes in the regulations.

This document affirms, without  
change, the pine shoot beetle  
regulations, as established and amended  
by the interim rules listed above.

This action also affirms the  
information contained in the interim  
rules concerning Executive Orders  
12291 and 12866 and the Regulatory  
Flexibility Act, Executive Orders 12372  
and 12778, and the Paperwork  
Reduction Act.

For this action, the Office of  
Management and Budget has waived the  
review process required by Executive  
Order 12866.

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant  
diseases and pests, Quarantine,