

# Rules and Regulations

Federal Register

Vol. 64, No. 84

Monday, May 3, 1999

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 351

RIN 3206-A109

#### Reduction in Force Service Credit

**AGENCY:** Office of Personnel Management.

**ACTION:** Correction to final regulations.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a correction to the final regulations that were published on Wednesday, April 7, 1999. This correction covers service credit for reduction in force purposes.

**DATES:** These regulations are effective May 7, 1999.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Glennon or Jacqui R. Yeatman at (202) 606-0960, FAX (202) 606-2329.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 7, 1999, OPM published final regulations (64 FR 16797) that cover the crediting of civilian and uniformed service for purposes of reduction in force competition under part 351 of this title. These regulations are effective on May 7, 1999.

The final regulations contained a typographical error that resulted in the inadvertent omission of a cross-reference to § 351.504(e) in final § 351.503(c)(3), and in final § 351.503(e). These corrections do not make a substantive change in the procedures that agencies use in determining employees' retention standing.

##### Reason for Correction

1. Final § 351.503(c)(1) provides that the agency is responsible for determining an employee's retention service computation date. Final § 351.503(c)(2) provides that an employee's retention service

computation date includes all actual creditable civilian and uniformed service, as authorized under final §§ 351.503 (a) and (b). Final § 351.503(c)(3) provides that an employee's adjusted retention service computation date includes both the employee's actual service creditable service, and additional retention service credit for performance. As published, final § 351.503(c)(3) contains a reference to § 351.504(d), which covers the amount of additional retention service credit awarded to competing employees covered by a single rating pattern. However, final § 351.503(c)(3) inadvertently omitted a reference to § 351.504(e), which covers additional retention reference credit awarded to competing employees covered by multiple rating patterns. This document corrects that omission.

2. Final § 351.503(e) covers how the agency calculates the adjusted retention service date. As published, final § 351.503(e) contains a reference to § 351.504(d), which covers the amount of additional retention service credit awarded to competing employees covered by a single rating pattern, but inadvertently omits a reference to § 351.504(e), which covers additional retention reference credit awarded to competing employees covered by multiple rating patterns. This document corrects that omission.

##### Correction

In rule document 99-8587 beginning on page 16797 in the issue of Wednesday, April 7, 1999, make the following corrections:

On page 16800, in the third column, correct § 351.503(c)(3) and § 351.503(e) to read as follows:

##### § 351.503 Length of service.

\* \* \* \* \*

(c) \* \* \*

(3) The adjusted service computation date includes all actual creditable service under paragraph (a) and paragraph (b) of this section, and additional retention service credit for performance authorized by §§ 351.504 (d) and (e).

\* \* \* \* \*

(e) The adjusted service computation date is calculated by subtracting from the date in paragraph (d)(1) or (d)(2) of this section the additional service credit for retention authorized by §§ 351.504 (d) and (e).

Office of Personnel Management.

**Janice R. Lachance,**

*Director.*

[FR Doc. 99-10960 Filed 4-30-99; 8:45 am]

BILLING CODE 6325-01-P

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-A168

#### Prevailing Rate Systems; Change in Survey Cycle for the Southwestern Michigan Appropriated 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 change the full-scale survey cycle of the Southwestern Michigan appropriated fund Federal Wage System wage area from odd to even-numbered fiscal years. This change is being made to help even out the local wage survey workload of the Department of Defense (DOD), which recently assumed responsibility for conducting all Federal Wage System surveys.

**DATES:** This interim rule is effective on June 2, 1999. Comments must be received on or before June 2, 1999.

**ADDRESSES:** Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415, FAX: (202) 606-0824, or email to [payleave@opm.gov](mailto:payleave@opm.gov).

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

**SUPPLEMENTARY INFORMATION:** The Department of Defense has requested that the Office of Personnel Management change the survey cycle for full-scale wage surveys in the Southwestern Michigan wage area from odd to even-numbered fiscal years. Under § 532.207 of title 5, Code of Federal Regulations, the scheduling of wage surveys takes into consideration the best timing in relation to wage

adjustments in the principal local private enterprise establishments, reasonable distribution of workload of the lead agency, timing of surveys for nearby or selected wage areas, and scheduling relationships with other pay surveys.

This request was made to even out DOD's wage survey workload and stems from DOD's recent acquisition of lead agency responsibility for 23 Federal Wage System (FWS) wage areas from the Department of Veterans Affairs. In October 2000 (FY 2001), DOD's Central Regional Office will conduct full-scale wage surveys in the Ft. Wayne-Marion, IN, Indianapolis, IN, and St. Louis, MO, wage areas. In the St. Louis wage area, the same office will also conduct a special printing and lithographic survey. In October 1999 (FY 2000), that office will conduct full-scale wage surveys in the Davenport and Dubuque, IA, wage areas. DOD requested that a full-scale wage survey for the Southwestern Michigan wage area be conducted in October 1999. A wage change survey would be conducted in October 2000. This change will help balance the number of full-scale wage surveys conducted each year. The timing of the Southwestern Michigan wage survey relative to private sector wage adjustments would remain unchanged.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended by consensus that we change the full-scale survey cycle for the Southwestern Michigan wage area from odd to even-numbered fiscal years.

#### **Waiver of Notice of Proposed Rulemaking and Delayed Effective Date**

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of the urgent need for administrative procedures and planning to be completed by DOD and the local wage survey committee for the Southwestern Michigan wage area before a full-scale wage survey begins in October 1999 in the Southwestern Michigan wage area. Planning for the full-scale wage survey in the Southwestern Michigan wage area must begin by June 1999.

#### **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 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 A to Subpart B of Part 532—[Amended]**

2. Appendix A to Subpart B is amended by revising under the State of Michigan the listing of fiscal year of full-scale survey from "odd" to "even" for the Southwestern Michigan wage area.

[FR Doc. 99-10959 Filed 4-30-99; 8:45 am]

BILLING CODE 6325-01-P

#### **NORTHEAST DAIRY COMPACT COMMISSION**

#### **7 CFR Parts 1307 and 1308**

#### **Over-Order Price Regulation**

**AGENCY:** Northeast Dairy Compact Commission.

**ACTION:** Final rule.

**SUMMARY:** The Northeast Dairy Compact Commission amends the method for determining the amount of the administrative assessment charged to milk handlers. The amended rule gives the Commission discretion, in any given month, to waive the administrative assessment entirely, or to set the rate at the current rate of 3.2 cents, or less, per hundredweight of fluid milk. The Commission also promulgates a new rule that requires handlers to make payment to the Compact Commission by electronic funds transfer, if the total amount due is greater than \$25,000.

**EFFECTIVE DATES:** The amendments to part 1308 are effective July 1, 1999. The amendments to part 1307 are effective May 13, 1999.

**ADDRESSES:** Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, Vermont 05602.

**FOR FURTHER INFORMATION CONTACT:** Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission at

the above address or by telephone at (802) 229-1941, or by facsimile at (802) 229-2028.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Background**

The Northeast Dairy Compact Commission ("Commission") was established under authority of the Northeast Interstate Dairy Compact ("Compact"). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93-320; Maine—Pub. L. 89-437, as amended, Pub. L. 93-274; Massachusetts—Pub. L. 93-370; New Hampshire—Pub. L. 93-336; Rhode Island—Pub. L. 93-106; Vermont—Pub. L. 93-57. In accordance with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104-127 (FAIR Act), Section 147, codified at 7 U.S.C. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. 7256(1), authorized implementation of the Compact.

Pursuant to its rulemaking authority under Article V, Section 11 of the Compact, the Commission concluded an informal rulemaking process and voted to adopt a compact over-order price regulation on May 30, 1997.<sup>1</sup> The Commission subsequently amended and extended the compact over-order price regulation.<sup>2</sup> In 1998, the Commission further amended specific provisions of the over-order price regulation.<sup>3</sup> The current compact over-order price regulation is codified at 7 CFR Chapter XIII.

On November 27, 1998, the Commission issued a notice of proposed rulemaking proceedings on several subjects and issues, including whether the amount of, or method for determining, the administrative assessment should be amended.<sup>4</sup> The Commission held a public hearing to receive testimony on December 11, 1998 in Boxborough, Massachusetts and comments were received until 5:00 p.m. on December 31, 1998.

On January 13, 1999, the Commission held its deliberative meeting, pursuant to 7 CFR 1361.8, to consider all oral and written comments received at the public hearing and the additional comments received by the Commission's published comment deadline of December 31, 1998, and to deliberate and act on the proposed subjects and issues rulemaking regarding whether the

<sup>1</sup> 62 FR 29626 (May 30, 1997).

<sup>2</sup> 62 FR 62810 (Nov. 25, 1997).

<sup>3</sup> 63 FR 10104 (Feb. 27, 1998); 63 FR 46385 (Sept. 1, 1998); and 63 FR 65517 (Nov. 27, 1998).

<sup>4</sup> 63 FR 65563 (Nov. 27, 1998).