

# 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-AJ60

#### Prevailing Rate Systems; Change in the Survey Cycle for the Portland, Oregon, Appropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule to change the timing of local wage surveys in the Portland, Oregon, appropriated fund Federal Wage System wage area. This change will help the Department of Defense (DOD) balance its wage survey workload. DOD will conduct full-scale wage surveys in the Portland wage area in August of each even-numbered fiscal year, beginning in August 2002.

**EFFECTIVE DATE:** This regulation is effective on September 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Chenty I. Carpenter at (202) 606-2838; by FAX at (202) 606-4264; or by e-mail at [cicarpen@opm.gov](mailto:cicarpen@opm.gov).

**SUPPLEMENTARY INFORMATION:** On April 24, 2002, the Office of Personnel Management (OPM) published an interim rule (67 FR 20009) to change the timing of local wage surveys in the Portland, Oregon, appropriated fund Federal Wage System (FWS) wage area. The interim rule had a 30-day public comment period, during which we received no comments. Full-scale wage surveys currently begin in August of each odd-numbered fiscal year. Full-scale wage surveys will begin in the future in August of each even-numbered fiscal year. Under 5 CFR 532.207, the scheduling of wage surveys takes into consideration the best timing in relation to wage adjustments in the principal local private enterprise establishments,

a reasonable distribution of the workload of the lead agency, the timing of surveys for nearby wage areas, and scheduling relationships with other pay surveys.

The Department of Defense (DOD) asked OPM to change the starting time for local wage surveys in the Portland, Oregon, wage area to August of even-numbered fiscal years to balance the overall workload of its survey office. DOD conducted a full-scale survey in Portland in August of 2001 and will conduct another full-scale wage survey in Portland in August 2002.

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 Portland wage area from August of each odd-numbered fiscal year to August of each even-numbered fiscal year.

#### 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.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (67 FR 20009) amending 5 CFR part 532 published on April 24, 2002, is adopted as final with no changes.

[FR Doc. 02-19459 Filed 7-31-02; 8:45 am]

**BILLING CODE 6325-39-P**

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AJ35

#### Prevailing Rate Systems; Definition of San Joaquin County, California, as a Nonappropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule that establishes San Joaquin County, California, as a new nonappropriated fund Federal Wage System (FWS) wage area. This change is necessary because the Army and Air Force Exchange Service built a new distribution facility in the county, which now employs many FWS workers.

**EFFECTIVE DATE:** This regulation is effective on September 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Chenty I. Carpenter, (202) 606-2848, FAX: (202) 606-4264, or e-mail [cicarpen@opm.gov](mailto:cicarpen@opm.gov).

**SUPPLEMENTARY INFORMATION:** On January 23, 2002, the Office of Personnel Management (OPM) published an interim rule (67 FR 3035) that defined San Joaquin County, California, as a new nonappropriated fund (NAF) Federal Wage System (FWS) wage area. The interim rule had a 30-day public comment period, during which OPM did not receive any comments. San Joaquin County was defined as an area of application to the Sacramento, CA, NAF FWS wage area. San Joaquin County will be defined as a separate wage area because the Army and Air Force Exchange Service built a new distribution facility, with about 450 NAF FWS employees, in the county. Under 5 U.S.C 5343(a), NAF FWS wage area boundaries may not extend beyond the immediate locality where NAF employees work. OPM may establish a NAF wage area under 5 CFR 532.219 when there is a minimum of 26 NAF wage employees in a survey area and there is sufficient private employment within the survey area to provide adequate data for establishing an NAF wage schedule.

San Joaquin County meets the regulatory criteria to be a separate NAF wage area. Under 5 CFR 532.219, there

must be a minimum of 1,800 private enterprise employees in establishments within the scope of a NAF survey for a separate wage area to be established. San Joaquin County has more than 139,000 private enterprise employees in surveyable establishments.

The Department of Defense conducted the first full-scale wage survey in the San Joaquin wage area in February 2002. NAF FWS employees in San Joaquin County were placed on the new San Joaquin wage schedule on the first day of the first applicable pay period beginning on or after April 13, 2002, the effective date of the first new wage schedule for the wage area. The Federal Prevailing Rate Advisory Committee, the national labor-management committee that advises OPM on FWS pay matters, recommended these changes by consensus.

#### 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 (67 FR 3035) amending 5 CFR part 532 published on January 23, 2002, is adopted as final with no changes.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 02-19462 Filed 7-31-02; 8:45 am]

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## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2634

RIN 3209-AA00

#### Technical Amendments to Regulations Governing Filing Extensions and Late Filing Fee Waivers

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Final rule; technical amendments.

**SUMMARY:** The Office of Government Ethics is issuing a final rule to amend the executive branchwide regulations that describe procedures for granting filing extensions and late filing fee waivers under the public financial disclosure system to delegate certain

authority to employing departments and agencies. These amendments will expedite both processes and free up OGE resources.

**EFFECTIVE DATE:** September 3, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Donald A. Williams, Senior Desk Officer, Program Services Division, Office of Government Ethics; Telephone: 202-208-8000, extension 1151; TDD: 202-208-8025; FAX: 202-208-8039.

**SUPPLEMENTARY INFORMATION:** In this rulemaking, OGE is making technical amendments to subparts B and G of its executive branchwide financial disclosure regulation codified at 5 CFR part 2634. Section 2634.201(f) of subpart B sets forth procedures for granting public financial disclosure report filers extensions of time for filing which shall not exceed a total of 90 days, including the existing maximum 45 days that can be granted by the agency reviewing official and the additional not-to-exceed 45 days that can be granted by the Director of the Office of Government Ethics. The Office of Government Ethics is revising this provision to provide the agency reviewing official the authority to grant public filers the additional extensions of time currently granted by the OGE Director, which shall not exceed 45 days.

Section 2634.704 of subpart G sets forth procedures governing requests for, and the granting of, late filing fee waivers for public filers who submit their reports more than 30 days after the due date. Under section 2634.704(b), the OGE Director may waive the late filing fee if she determines that the delay in filing was caused by extraordinary circumstances that made the delay reasonably necessary. The Office of Government Ethics is revising this provision to provide the designated agency ethics official the authority to waive the late filing fee. The revision expands the definition of extraordinary circumstances to include administrative oversight culminating in the failure to notify a new entrant, first-time annual, or termination public filer of the filing requirement.

The Office of Government Ethics believes that the delegations of authority and other changes embodied in these technical amendments are consistent with its oversight responsibilities pursuant to the Ethics in Government Act of 1978, 5 U.S.C appendix, as well as the applicable provisions (sections 101(g) and 104(d) dealing with filing extensions and late filing fee waivers, respectively) of the Act. Furthermore, these changes will expedite both processes, grant agencies additional

authority to make determinations affecting their employees, and free up OGE resources to pursue other important Government ethics responsibilities.

#### Matters of Regulatory Procedure

##### *Administrative Procedure Act*

Pursuant to 5 U.S.C. 553(b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking and the opportunity for public comment as to these revisions. The notice and comment are being waived because these technical amendments concern matters of agency organization, practice and procedure. Moreover, it is in the public interest that these technical revisions which grant additional authority to the agencies take effect promptly.

##### *Executive Order 12866*

In promulgating these technical amendments, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These amendments have not been reviewed by the Office of Management and Budget under the Executive order since they are not deemed "significant" thereunder.

##### *Executive Order 12988*

As Director of the Office of Government Ethics, I have reviewed this final amendatory regulation in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

##### *Regulatory Flexibility Act*

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities because it only affects executive branch public financial disclosure report filers and the administration of the reporting system within executive branch agencies.

##### *Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because these final rule technical amendments do not contain information collection requirements that require the approval of the Office of Management and Budget.