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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AK26

Prevailing Rate Systems; Redefinition of the San Francisco, CA, 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 regulation to abolish the San Francisco, CA, Nonappropriated Fund (NAF) Federal Wage System (FWS) wage area. This regulation redefines San Francisco County to the Santa Clara, CA, NAF wage area as an area of application. Because of downsizing associated with closures of Federal installations in San Francisco, the San Francisco wage area no longer has an installation with sufficient local personnel or financial resources to conduct local NAF wage surveys.

DATES: This interim rule is effective on November 30, 2003. OPM must receive comments by December 15, 2003.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Deputy Associate Director for Pay and Performance Policy, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200, e-mail *payleave@OPM.gov,* or FAX: (202) 606–4264.

FOR FURTHER INFORMATION CONTACT: Mark Allen, (202) 606–2838; e-mail *maallen@opm.gov,* or FAX: (202) 606–4264.

SUPPLEMENTARY INFORMATION: San Francisco, CA, is presently defined as a separate wage area for pay-setting purposes for Federal blue-collar workers who are paid from nonappropriated funds. The Department of Defense (DOD) notified the Office of Personnel Management (OPM) earlier this year that the Federal activity that hosts local wage surveys in the San Francisco wage area, Fort Mason Officers' Club, has closed, and there is no other NAF employer in the wage area capable of hosting local wage surveys. San Francisco County no longer meets OPM's regulatory criteria to be established as a separate wage area. Under 5 CFR 532.219, there must be at least 26 NAF FWS employees in a county for it to be established as an FWS wage area. The only remaining NAF employer in San Francisco County, the Department of Veterans Affairs Canteen Service, has fewer than the required 26 NAF FWS employees. Therefore, San Francisco County must be defined as an area of application to an existing NAF wage area for pay-setting purposes.

OPM considers the following criteria when it combines two or more counties to constitute a single wage area:

(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.

In selecting a wage area to which San Francisco County should be redefined, proximity favors the Santa Clara, CA, NAF wage area. The transportation facilities criterion does not favor one wage area more than another. The commuting patterns criterion favors the Santa Clara wage area. A review of the population, employment, and industry criteria shows that San Francisco County is more similar to the Santa Clara than other nearby wage areas. Based on these findings, OPM is defining San Francisco County to the Santa Clara wage area as an area of application.

OPM is abolishing the San Francisco wage area and defining San Francisco County to the Santa Clara wage area effective November 30, 2003, the date that the next wage schedule for the San Francisco wage area would have become effective if the wage area continued as a separate wage area. Remaining NAF FWS employees in San Francisco County will continue to be paid from the current San Francisco wage schedule until November 30. After that date, the employees will be assigned to the wage schedule for the Santa Clara wage area. The Federal Prevailing Rate Advisory Committee, the national labor-management committee that advises OPM on matters affecting the pay of FWS employees, reviewed and recommended this wage area redefinition by majority vote.

Waiver of Notice of Proposed Rulemaking and Delayed Effective Date

Pursuant to section 553(b)(3)(B) and (d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking to accommodate changes necessitated by downsizing of the Federal workforce. The notice is being waived because it is necessary to abolish the present San Francisco wage area and redefine San Francisco County to the Santa Clara wage area as soon as possible because no Federal activity has the capability to conduct a local wage survey in the San Francisco wage area.

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, 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 B to Subpart B of Part 532—Nationwide Schedule of Nonappropriated Fund Regular Wage Surveys—[Amended]

■ 2. Appendix B to subpart B is amended by removing, under the State of California, ''San Francisco.''

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

■ 3. Appendix D to subpart B is amended for the State of California by removing the wage area listing for San Francisco, California, and revising the wage area listing for Santa Clara, California, to read as follows:

* * * * *

CALIFORNIA

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SANTA CLARA

Survey Area

California:
Santa Clara

Area of application. Survey area plus:
California:
Alameda
Contra Costa
San Franciso
San Mateo

* * * * *

[FR Doc. 03–28466 Filed 11–13–03; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV03–905–3 FIR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule limiting the volume of small red seedless grapefruit entering the fresh market under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida (order). The Citrus Administrative Committee (Committee) administers the order locally and recommended this action. This rule limits the volume of sizes 48 and 56 red seedless grapefruit shipped during the first 22 weeks of the 2003–04 season by continuing in effect the weekly percentages for each of the 22 weeks, beginning September 15, 2003. This action supplies enough small red seedless grapefruit, without saturating all markets with these small sizes. This rule should help stabilize the market and improve grower returns.

EFFECTIVE DATE: December 15, 2003.

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 799 Overlook Drive, Suite A, Winter Haven, Florida 33884–1671; *telephone:* (863) 324–3375, *Fax:* (863) 325–8793; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; *telephone:* (202) 720–2491, *Fax:* (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; *telephone:* (202) 720–2491, *Fax:* (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule limits the volume of small red seedless grapefruit entering the fresh market. This rule restricts the volume of sizes 48 and 56 fresh red seedless grapefruit shipped during the first 22 weeks of the 2003–04 season by establishing a weekly percentage for each of the 22 weeks, beginning September 15, 2003. This rule supplies enough small red seedless grapefruit, without saturating all markets with these small sizes. This action should help stabilize the market and improve grower returns.

Section 905.52 of the order provides authority to limit shipments of any grade or size, or both, of any variety of Florida citrus. Such limitations may restrict the shipment of a portion of a specified grade or size of a variety. Under such a limitation, the quantity of such grade or size a handler may ship during a particular week is established as a percentage of the total shipments of such variety shipped by that handler during a prior period, established by the Committee and approved by USDA.

Section 905.153 of the regulations provides procedures for limiting the volume of small red seedless grapefruit entering the fresh market. The procedures specify that the Committee may recommend that only a certain percentage of sizes 48 and 56 red seedless grapefruit be made available for shipment into fresh market channels for any week or weeks during the regulatory period. The regulation period is 22 weeks long and begins the third Monday in September. Under such a limitation, the quantity of sizes 48 and 56 red seedless grapefruit that may be shipped by a handler during a regulated week is calculated using the recommended percentage. By taking the recommended weekly percentage times the average weekly volume of red seedless grapefruit handled by such handler in the previous five seasons, handlers can calculate the total volume of sizes 48 and 56 they may ship in a regulated week.

This rule continues to limit the volume of sizes 48 (3$^{9}/_{16}$ inches minimum diameter) and 56 (3$^{5}/_{16}$ inches minimum diameter) red seedless