

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-A110

### Prevailing Rate Systems; Removal of Umatilla County, OR, From Spokane, WA, Nonappropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

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

**SUMMARY:** The Office of Personnel Management (OPM) is issuing an interim rule to remove Umatilla County, OR, from the area of application of the Spokane, WA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area.

**DATES:** This interim rule becomes effective on January 1, 1998. Comments must be received by January 22, 1998.

**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, or FAX: (202) 606-4264.

**FOR FURTHER INFORMATION CONTACT:** Mark Allen at (202) 606-2848, or send an e-mail message to maallen@opm.gov.

**SUPPLEMENTARY INFORMATION:** The Spokane wage area is presently composed of one survey area county (Spokane, WA) and three area of application counties (Adams County, WA; Walla Walla County, WA; and Umatilla County, OR). The removal of Umatilla County from the area of application of the Spokane wage area is appropriate because there are no NAF FWS employees stationed in Umatilla County and no Federal agency anticipates future employment in the county. 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."

The Federal Prevailing Rate Advisory Committee, the statutory national-level labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with this change.

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 5 U.S.C. 553(d)(3), 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 it is not in the public interest for Umatilla County to remain in the Spokane wage area after December 31, 1997. Under section 532.205 of title 5, Code of Federal Regulations, the highest minimum wage applicable within a wage area must be applied to the entire wage area. The current Federal minimum wage is \$5.15 an hour, and the minimum wage in the State of Oregon will increase to \$6.00 an hour on January 1, 1998. If Umatilla County is not removed from the Spokane wage area by January 1, 1998, the pending increase in the minimum wage for the State of Oregon would require that pay rates for NAF FWS employees who are stationed in Adams, Spokane, and Walla Walla Counties, WA, be increased to account for the higher minimum wage in the State of Oregon even though none of the NAF FWS employees who are stationed in the Spokane wage area work in Oregon.

### 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.

**Janice R. Lachance,**  
*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.

2. Appendix D to subpart B of part 532 is amended by revising the wage area listing for the Spokane, Washington, nonappropriated fund Federal Wage System wage area to read as follows:

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

\* \* \* \* \*

Washington

\* \* \* \* \*

Spokane

*Survey Area*

Washington:  
Spokane

*Area of Application. Survey Area Plus*

Washington:

Adams  
Walla Walla

\* \* \* \* \*

[FR Doc. 97-33435 Filed 12-22-97; 8:45 am]

BILLING CODE 6325-01-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 1209

[FV-97-705IFR]

### Mushroom Promotion, Research, and Consumer Information Order; Referendum Procedures

**AGENCY:** Agricultural Marketing Service, USDA.

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

**SUMMARY:** This rule provides procedures which the Department of Agriculture (Department) will use in conducting the referendum to determine whether