

designated as areas of application. Jefferson County meets the minimum requirements to be the survey area. Fort Drum, located in Jefferson County, has 181 NAF Federal Wage System employees and has the capability to conduct the survey. Jefferson County also meets the other regulatory requirement of a minimum of 1,800 private enterprise employees in establishments within survey specifications (with approximately 16,970 such employees). Clinton, Saratoga, and Seneca, which have no FWS employees, will be deleted.

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.

The criteria strongly favor redefinition to the proposed Jefferson survey area for the closest two counties to be redefined, Oneida and Onondaga. For the four more distant counties to the southwest (Ontario and Steuben) and to the southeast (Schenectady and Albany), the regulatory criteria are mixed, with Jefferson first-ranked on either the transportation and commuting patterns criterion or the similarities in population and private industry criterion. Although consideration was given to the possible redefinition of these four counties to the closer Niagara, New York, or Hampden, Massachusetts, areas, the mixed nature of these findings supports this redefinition. Other relevant factors weighed include the continuity of the historical composition of the old wage area and a natural affinity of these New York counties having continuing NAF employment. The willingness of DOD and its wage committee to establish a new wage area and conduct a new survey furthers the concepts of wage rates based on prevailing local rates and of effective partnership in this period of wage area realignments as base closures shrink the NAF workforce.

The full-scale surveys will continue to be ordered in March of even numbered fiscal years—e.g., in March 1996. 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 Jefferson, NY, NAF wage area survey must 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 New York is amended by removing the entry for Oneida and adding in alphabetical order a new entry of Jefferson with a beginning month of survey of "March" and a fiscal year of full-scale survey of "Even."

3. Appendix D to subpart B is amended by removing the wage area list for Oneida, New York, and by adding in alphabetical order a new list for Jefferson, New York, to read as follows:

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

\* \* \* \* \*

New York

\* \* \* \* \*

Jefferson Survey Area

New York  
Jefferson

Area of Application. Survey Area Plus

New York  
Albany

Oneida  
Onondaga  
Ontario  
Schenectady  
Steuben

\* \* \* \* \*

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**5 CFR Part 532**

**RIN 3206-AH29**

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

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a final 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). The remaining Franklin wage area county (Cabell) has no FWS employment and is being deleted.

**EFFECTIVE DATE:** July 5, 1996.

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

**SUPPLEMENTARY INFORMATION:** On January 31, 1996, OPM published an interim rule to abolish the Franklin, OH, nonappropriated fund (NAF) Federal Wage System wage area and redefine the five counties having continuing FWS employment as areas of application to the Green-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). The remaining Franklin wage area county (Cabell) has no FWS employment and is being deleted. The interim rule provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the interim rule is being adopted as a final rule.

**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.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on January 31, 1996 (61 FR 3175), is adopted as final without any changes.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96-13839 Filed 6-3-96; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 29**

[Docket No. TB-95-18]

**Tobacco Inspection; Growers' Referendum Results**

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

**ACTION:** Final rule.

**SUMMARY:** This document contains the determination with respect to the referendum on the merger of Sanford and Carthage-Aberdeen, North Carolina, to become the consolidated market of Sanford-Carthage-Aberdeen. A mail referendum was conducted during the period of April 15-19, 1996, among tobacco growers who sold tobacco on these markets in 1995 to determine producer approval/disapproval of the designation of these markets as one consolidated market. Growers approved the merger. Therefore, for the 1996 and succeeding flue-cured marketing seasons, the Sanford and Carthage-Aberdeen, North Carolina, tobacco markets shall be designated as and called Sanford-Carthage-Aberdeen. The regulations are amended to reflect this new designated market.

**EFFECTIVE DATE:** July 5, 1995.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Fial, Assistant to the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456; telephone number (202) 260-0151.

**SUPPLEMENTARY INFORMATION:** A notice was published in the March 18, 1996, issue of the Federal Register (61 FR, 10903) announcing that a referendum would be conducted among active flue-cured producers who sold tobacco on either Sanford or Carthage-Aberdeen, during the 1995 season to ascertain if such producers favored the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Sanford-Carthage-Aberdeen, North Carolina, would be designated as a flue-cured tobacco auction market and receive mandatory Federal grading of tobacco sold at auction for the 1996 and succeeding seasons, subject to the results of the referendum. The determination was based on the evidence and arguments presented at a public hearing held in Sanford, North Carolina, on November 7, 1995, pursuant to applicable provisions of the regulations issued under the Tobacco Inspection Act, as amended. The referendum was held in accordance with the provisions of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations set forth in 7 CFR 29.74.

Ballots for the April 15-19 referendum were mailed to 622 producers. Approval required votes in favor of the proposal by two-thirds of the eligible voters who cast valid ballots. The Department received a total of 156 responses: 127 eligible producers voted in favor of the consolidation; 27 eligible producers voted against the consolidation; and 2 ballots were determined to be invalid.

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12788, Civil Justice Reform. This action is not intended to have retroactive effect. The final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), full consideration has been given to the potential economic impact upon small business. Most tobacco producers and many tobacco warehouses are small businesses as defined in the Regulatory Flexibility Act. This action will not substantially affect the normal movement of the commodity in the marketplace. It has been determined that this action will not have a significant impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 29

Administrative Practices and Procedures, Advisory Committees, Government Publications, Imports, Pesticides and Pests, Reporting and Recordkeeping Procedures, Tobacco.

For the reasons set forth in the preamble, 7 CFR Part 29, Subpart D, is amended as follows:

**Subpart D—Order of Designation of Tobacco Markets**

1. The authority citation for 7 CFR Part 29, Subpart D, continues to read as follows:

Authority: Sec. 5, 49 Stat. 732, as amended by Sec. 157(a)(1), 95 Stat. 374 (7 U.S.C. 511d).

2. In Section 29.8001, the table is amended by adding a new entry (hhh) to read as follows:

Territory	Types of tobacco	Auction markets	Order of designation	Citation
*	*	*	*	*
(hhh) North Carolina	flue-cured		Sanford-Carthage-Aberdeen.	July 5, 1996.