

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AL77

#### Prevailing Rate Systems; Redefinition of Certain Appropriated Fund Federal Wage System Wage Areas

**AGENCY:** U.S. Office of Personnel Management.

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

**SUMMARY:** The U.S. Office of Personnel Management (OPM) is issuing a proposed rule that would redefine the geographic boundaries of several appropriated fund Federal Wage System wage areas for pay-setting purposes. Based on recent reviews of Metropolitan Statistical Area boundaries in a number of wage areas, OPM proposes redefinitions affecting the following wage areas: Birmingham, AL; Denver, CO; Wilmington, DE; Washington, DC; Atlanta, GA; Columbus, GA; Macon, GA; Chicago, IL; Bloomington-Bedford-Washington, IN; Indianapolis, IN; Louisville, KY; Baltimore, MD; Hagerstown-Martinsburg-Chambersburg, MD; St. Louis, MO; Southern Missouri; Omaha, NE; New York, NY; Philadelphia, PA; Scranton-Wilkes-Barre, PA; Eastern South Dakota; Richmond, VA; and Milwaukee, WI.

**DATES:** We must receive comments on or before February 13, 2009.

**ADDRESSES:** Send or deliver comments to Charles D. Grimes III, Deputy Associate Director for Performance and Pay Systems, Strategic Human Resources Policy Division, U.S. Office of Personnel Management, Room 7H31, 1900 E Street, NW., Washington, DC 20415-8200; e-mail [pay-performance-policy@opm.gov](mailto:pay-performance-policy@opm.gov); or FAX: (202) 606-4264.

**FOR FURTHER INFORMATION CONTACT:** Madeline Gonzalez, (202) 606-2838; e-mail [pay-performance-policy@opm.gov](mailto:pay-performance-policy@opm.gov); or FAX: (202) 606-4264.

**SUPPLEMENTARY INFORMATION:** The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to redefine the geographic boundaries of several appropriated fund Federal Wage System (FWS) wage areas. These changes are based on recommendations of the Federal Prevailing Rate Advisory Committee (FPRAC), the statutory national labor-management committee responsible for advising OPM on matters affecting the pay of FWS employees. From time to time, FPRAC reviews the boundaries of wage areas and provides OPM with recommendations for changes if the Committee finds that changes are warranted.

There are currently 132 FWS wage areas in the United States and the Commonwealth of Puerto Rico for blue-collar employees who are paid from appropriated funds. Each wage area is comprised of a survey area where a lead agency, the Department of Defense, measures local prevailing wage levels in a local labor market. Because it is not feasible to include every part of the United States in a survey area, those parts that are not in a survey area are combined with a nearby survey area to form a wage area's area of application.

*OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:*

1. Distance, transportation facilities, and geographic features;
2. Commuting patterns; and
3. Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

In addition, OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances (e.g., organizational relationships among closely located Federal activities).

The Office of Management and Budget defines MSAs and maintains and updates the definitions of MSA boundaries following each decennial census. MSAs are composed of counties and are defined on the basis of a central urbanized area—a contiguous area of relatively high population density. Additional surrounding counties are included in MSAs if they have strong social and economic ties to central counties.

When the boundaries of wage areas were first established in the 1960s, there

were fewer MSAs than there are today and the boundaries of the then existing MSAs were much smaller. Most MSAs were contained within the boundaries of a wage area. MSAs have expanded each decade and in some cases now extend beyond the boundaries of the wage area.

FPRAC recently reviewed several wage areas where boundaries subdivide certain MSAs and concurred by consensus with the changes described in this proposed rule. These changes would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations. FPRAC recommended no other changes in the geographic definitions of the wage areas.

*Birmingham-Hoover, AL MSA:* Bibb, Blount, Chilton, Jefferson, St. Clair, Shelby, and Walker Counties, AL, comprise the Birmingham-Hoover, AL MSA. Jefferson, St. Clair, Shelby, and Walker Counties are part of the Birmingham survey area, Bibb and Blount Counties are part of the Birmingham area of application, and Chilton County is part of the Columbus area of application. OPM proposes to redefine Chilton County to the Birmingham area of application so that the entire Birmingham-Hoover, AL MSA is in one wage area. There are currently no FWS employees working in Chilton County.

*Denver-Aurora, CO MSA:* Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, and Park Counties, CO, comprise the Denver-Aurora, CO MSA. Adams, Arapahoe, Denver, Douglas, Gilpin, and Jefferson Counties are part of the Denver, CO, survey area and Clear Creek, Elbert, and Park are part of the Denver area of application. Broomfield County is currently undefined.

The municipality of Broomfield was incorporated in 1961 in the southeastern corner of Boulder County, CO. On November 15, 2001, Broomfield County officially separated from Boulder County and became the 64th county of Colorado. The boundaries of the City of Broomfield and the County of Broomfield are identical.

OPM proposes to define Broomfield County as part of the Denver survey area. There are three FWS employees working in Broomfield County.

*Washington-Arlington-Alexandria, DC-MD-VA-WV MSA:* Washington, DC; Calvert, Charles, Frederick,

Montgomery, and Prince George's Counties, MD; Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, and Warren Counties, VA; Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park Cities, VA; and Jefferson County, WV, comprise the Washington-Arlington-Alexandria, DC-MD-VA-WV MSA. Washington, DC; Charles, Frederick, Montgomery, and Prince George's Counties, MD; Arlington, Fairfax, Loudoun, and Prince William Counties, VA; and Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park Cities, VA; are part of the Washington survey area. Calvert and St. Mary's Counties, MD, and Fauquier, King George, and Stafford Counties, VA, are part of the Washington area of application. Spotsylvania County and Fredericksburg City, VA, are part of the Richmond area of application. Clarke and Warren Counties, VA, and Jefferson County, WV, are part of the Hagerstown-Martinsburg-Chambersburg area of application. OPM proposes to redefine Clarke, Spotsylvania, and Warren Counties, VA, Fredericksburg City, VA, and Jefferson County, WV, to the Washington area of application so that the entire Washington-Arlington-Alexandria, DC-MD-VA-WV MSA is in one wage area. There are no FWS employees working in Clarke and Spotsylvania Counties, but there are 31 FWS employees working in Warren County, 9 FWS employees working in Fredericksburg City, and 50 FWS employees working in Jefferson County.

*Atlanta-Sandy Springs-Marietta, GA MSA:* Barlow, Barrow, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Haralson, Heard, Henry, Jasper, Lamar, Meriwether, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, and Walton Counties, GA, comprise the Atlanta-Sandy Springs-Marietta, GA MSA. Butts, Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, and Walton Counties are part of the Atlanta survey area; Bartow, Barrow, Carroll, Coweta, Dawson, Haralson, Heard, Pickens, Pike, and Spalding Counties are part of the Atlanta area of application; Jasper and Lamar Counties are part of the Macon area of application; and Meriwether County is part of the Columbus area of application. OPM proposes to redefine Jasper, Lamar, and Meriwether Counties to the Atlanta area of application so that the entire Atlanta-Sandy Springs-Marietta, GA MSA is in one wage area.

There are no FWS employees working in Jasper and Lamar Counties, but there is one FWS employee working in Meriwether County.

*Chicago-Naperville-Joliet, IL-IN-WI MSA:* Cook, DeKalb, DuPage, Grundy, Kane, Kendall, McHenry, and Will Counties, IL; Jasper, Lake, Newton, and Porter Counties, IN; and Lake and Kenosha Counties, WI, comprise the Chicago-Naperville-Joliet, IL-IN-WI MSA. Cook, DuPage, Kane, McHenry, and Will Counties, IL, and Lake County, WI, are part of the Chicago survey area; DeKalb, Grundy, and Kendall, IL, and Jasper, Lake, Newton, and Porter Counties, IN, are part of the Chicago area of application; and Kenosha County, WI, is part of the Milwaukee area of application. OPM proposes to redefine Kenosha County to the Chicago area of application so that the entire Chicago-Naperville-Joliet, IL-IN-WI MSA is in one wage area. There are six FWS employees working in Kenosha County.

*Indianapolis, IN MSA:* Boone, Brown, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Putnam, and Shelby Counties, IN, comprise the Indianapolis, IN MSA. Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby Counties are part of the Indianapolis survey area; Putnam County is part of the Indianapolis area of application; and Brown County is part of the Bloomington-Bedford-Washington area of application. OPM proposes to redefine Brown County to the Indianapolis area of application so that the entire Indianapolis, IN MSA is in one wage area. There are no FWS employees working in Brown County.

*Sioux City, IA-NE-SD MSA:* Woodbury County, IA, Dakota and Dixon Counties, NE, and Union County, SD, comprise the Sioux City, IA-NE-SD MSA. Woodbury County, IA, and Dakota and Dixon Counties, NE, are part of the Omaha area of application and Union County, SD, is part of the Eastern South Dakota area of application. OPM proposes to redefine Union County to the Omaha area of application so that the entire Sioux City, IA-NE-SD MSA is in one wage area. There are no FWS employees working in Union County.

*Louisville, KY-IN MSA:* Clark, Floyd, Harrison, and Washington County, IN, and Bullitt, Henry, Jefferson, Meade, Nelson, Oldham, Shelby, Spencer, and Trimble Counties, KY, comprise the Louisville, KY-IN MSA. Clark, and Floyd Counties, IN, and Bullitt, Jefferson, and Oldham Counties, KY, are part of the Louisville survey area; Harrison County, IN, and Henry, Meade, Nelson, Shelby, Spencer, and Trimble Counties, KY, are part of the Louisville

area of application; and Washington County, IN, is part of the Bloomington-Bedford-Washington area of application. OPM proposes to redefine Washington County to the Louisville area of application so that the entire Louisville, KY-IN MSA is in one wage area. There are no FWS employees working in Washington County.

*Baltimore-Towson, MD MSA:* Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's Counties, MD, and Baltimore City, MD, comprise the Baltimore-Towson, MD MSA. Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties and Baltimore City are part of the Baltimore survey area and Queen Anne's County is part of the Wilmington area of application. OPM proposes to redefine Queen Anne's County to the Baltimore area of application so that the entire Baltimore-Towson, MD MSA is in one wage area. There are no FWS employees working in Queen Anne's County.

*Jefferson City, MO MSA:* Callaway, Cole, Moniteau, and Osage Counties, MO, comprise the Jefferson City, MO MSA. Callaway, Cole, and Osage Counties are part of the St. Louis area of application and Moniteau County is part of the Southern Missouri area of application. OPM proposes to redefine Moniteau County to the St. Louis area of application so that the entire Jefferson City, MO MSA is in one wage area. There are no FWS employees working in Moniteau County.

*New York-Newark-Edison, NY-NJ-PA MSA:* Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties, NJ; Bronx, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties, NY; and Pike County, PA, comprise the New York-Newark-Edison, NY-NJ-PA MSA. Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, NJ, and Bronx, Kings, Nassau, New York, Queens, Suffolk, and Westchester Counties, NY, are part of the New York survey area. Monmouth, Ocean (excluding the Fort Dix Military Reservation), and Sussex Counties, NJ, and Putnam, Richmond, and Rockland Counties, NY, are part of the New York area of application. Hunterdon County, NJ, is part of the Philadelphia area of application and Pike County, PA, is part of the Scranton-Wilkes-Barre area of application. OPM proposes to redefine Hunterdon County, NJ, and Pike County, PA, to the New York area of application so that the entire New York-Newark-Edison, NY-NJ-PA MSA is in one wage area. There are no FWS employees working in Hunterdon

County, but there are five FWS employees working in Pike County.

Allentown-Bethlehem-Easton, PA-NJ MSA: Warren County, NJ, and Carbon, Lehigh, and Northampton Counties, PA, comprise the Allentown-Bethlehem-Easton, PA-NJ MSA. Warren County, NJ, and Lehigh and Northampton Counties, PA are part of the Philadelphia area of application and Carbon County, PA, is part of the Scranton-Wilkes-Barre area of application. OPM proposes to redefine Carbon County to the Philadelphia area of application so that the entire Allentown-Bethlehem-Easton, PA-NJ MSA is in one wage area. There are three FWS employees working in Carbon County.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would 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.

U.S. Office of Personnel Management.

Michael W. Hager,

Acting Director.

Accordingly, the U.S. Office of Personnel Management is proposing to amend 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 C to subpart B is amended by revising the wage area listings for Birmingham, AL; Denver, CO; Wilmington, DE; Washington, DC; Atlanta, GA; Columbus, GA; Macon, GA; Chicago, IL; Bloomington-Bedford-Washington, IN; Indianapolis, IN; Louisville, KY; Baltimore, MD; Hagerstown-Martinsburg-Chambersburg, MD; St. Louis, MO; Southern Missouri; Omaha, NE; New York, NY; Philadelphia, PA; Scranton-Wilkes-Barre, PA; Eastern South Dakota; Richmond, VA; and Milwaukee, WI, to read as follows:

APPENDIX C TO SUBPART B OF PART 532—APPROPRIATED FUND WAGE AND SURVEY AREAS

\* \* \* \* \*

ALABAMA

\* \* \* \* \*

Birmingham

Survey Area

Alabama:

- Jefferson
St. Clair
Shelby
Tuscaloosa
Walker

Area of Application. Survey Area Plus

Alabama:

- Bibb
Blount
Chilton
Cullman
Fayette
Greene
Hale
Lamar
Marengo
Perry
Pickens

\* \* \* \* \*

COLORADO

Denver

Survey Area

Colorado:

- Adams
Arapahoe
Boulder
Broomfield
Denver
Douglas
Gilpin
Jefferson

Area of Application. Survey Area Plus

Colorado:

- Clear Creek
Eagle
Elbert
Garfield
Grand
Jackson
Lake
Larimer
Logan
Morgan
Park
Phillips
Pitkin
Rio Blanco
Routt
Sedgwick
Summit
Washington
Weld
Yuma

\* \* \* \* \*

DELAWARE

Wilmington

Survey Area

Delaware:

- Kent
New Castle
Maryland:
Cecil
New Jersey:
Salem

Area of Application. Survey Area Plus

Delaware:

Sussex

Maryland:

- Caroline
Dorchester
Kent
Somerset
Talbot
Wicomico
Worcester (Does not include the Assateague Island portion.)

\* \* \* \* \*

DISTRICT OF COLUMBIA

Washington, DC

Survey Area

District of Columbia:

Washington, DC

Maryland:

- Charles
Frederick
Montgomery
Prince George's

Virginia (cities):

- Alexandria
Fairfax
Falls Church
Manassas
Manassas Park

Virginia (counties):

- Arlington
Fairfax
Loudoun
Prince William

Area of Application. Survey Area Plus

Maryland:

- Calvert
St. Mary's
Virginia (city):
Fredericksburg
Virginia (counties):
Clarke
Fauquier
King George
Spotsylvania
Stafford
Warren

West Virginia:

Jefferson

\* \* \* \* \*

GEORGIA

\* \* \* \* \*

Atlanta

Survey Area

Georgia:

- Butts
Cherokee
Clayton
Cobb
De Kalb
Douglas
Fayette
Forsyth
Fulton
Gwinnett
Henry
Newton
Paulding
Rockdale
Walton

Area of Application. Survey Area Plus

Georgia:

Banks  
 Barrow  
 Bartow  
 Carroll  
 Chattooga  
 Clarke  
 Coweta  
 Dawson  
 Fannin  
 Floyd  
 Franklin  
 Gilmer  
 Gordon  
 Greene  
 Habersham  
 Hall  
 Haralson  
 Heard  
 Jackson  
 Jasper  
 Lamar  
 Lumpkin  
 Madison  
 Meriwether  
 Morgan  
 Murray  
 Oconee  
 Oglethorpe  
 Pickens  
 Pike  
 Polk  
 Rabun  
 Spalding  
 Stephens  
 Towns  
 Union  
 White  
 Whitfield  
 \* \* \* \* \*

*Columbus*  
 Survey Area  
 Georgia (counties):  
   Chattahoochee  
 Georgia (consolidated government):  
   Columbus  
 Alabama:  
   Autauga  
   Elmore  
   Lee  
   Macon  
   Montgomery  
   Russell  
 Area of Application. Survey Area Plus  
 Georgia:  
   Harris  
   Marion  
   Quitman  
   Schley  
   Stewart  
   Talbot  
   Taylor  
   Webster  
 Alabama:  
   Bullock  
   Butler  
   Chambers  
   Coosa  
   Crenshaw  
   Dallas  
   Lowndes  
   Pike  
   Tallapoosa  
   Wilcox

*Macon*  
 Survey Area  
 Georgia:  
   Bibb  
   Houston  
   Jones  
   Laurens  
   Twiggs  
   Wilkinson  
 Area of Application. Survey Area Plus  
 Georgia:  
   Baldwin  
   Bleckley  
   Crawford  
   Crisp  
   Dodge  
   Dooly  
   Hancock  
   Johnson  
   Macon  
   Monroe  
   Montgomery  
   Peach  
   Pulaski  
   Putnam  
   Telfair  
   Treutlen  
   Upton  
   Washington  
   Wheeler  
   Wilcox  
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**ILLINOIS**  
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*Chicago*  
 Survey Area  
 Illinois:  
   Cook  
   Du Page  
   Kane  
   Lake  
   McHenry  
   Will  
 Area of Application. Survey Area Plus  
 Illinois:  
   Boone  
   De Kalb  
   Grundy  
   Iroquois  
   Kankakee  
   Kendall  
   La Salle  
   Lee  
   Livingston  
   Ogle  
   Stephenson  
   Winnebago  
 Indiana:  
   Benton  
   Jasper  
   Lake  
   La Porte  
   Newton  
   Porter  
   Pulaski  
   Starke  
 Wisconsin:  
   Kenosha

**INDIANA**  
*Bloomington-Bedford-Washington*  
 Survey Area  
 Indiana:  
   Daviess  
   Greene  
   Knox  
   Lawrence  
   Martin  
   Monroe  
   Orange  
 Area of Application. Survey Area Plus  
 Indiana:  
   Crawford  
   Dubois  
   Gibson  
   Jackson  
   Owen  
   Perry  
   Pike  
   Posey  
   Spencer  
   Vanderburgh  
   Warrick  
 Illinois:  
   Edwards  
   Gallatin  
   Hardin  
   Lawrence  
   Richland  
   Wabash  
   White  
 Kentucky:  
   Crittenden  
   Daviess  
   Hancock  
   Henderson  
   Livingston  
   McLean  
   Ohio  
   Union  
   Webster  
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*Indianapolis*  
 Survey Area  
 Indiana:  
   Boone  
   Hamilton  
   Hancock  
   Hendricks  
   Johnson  
   Marion  
   Morgan  
   Shelby  
 Area of Application. Survey Area Plus  
 Indiana:  
   Bartholomew  
   Brown  
   Clay  
   Clinton  
   Decatur  
   Delaware  
   Fayette  
   Fountain  
   Henry  
   Madison  
   Montgomery  
   Parke  
   Putnam  
   Rush  
   Sullivan  
   Tippecanoe

Tipton  
Vermillion  
Vigo  
Warren  
\* \* \* \* \*

**KENTUCKY**  
\* \* \* \* \*

*Louisville*  
Survey Area  
Kentucky:  
Bullitt  
Hardin  
Jefferson  
Oldham  
Indiana:  
Clark  
Floyd  
Jefferson

Area of Application. Survey Area Plus

Kentucky:  
Breckinridge  
Grayson  
Hart  
Henry  
Larue  
Meade  
Nelson  
Shelby  
Spencer  
Trimble  
Indiana:  
Harrison  
Jennings  
Scott  
Washington  
\* \* \* \* \*

**MARYLAND**  
\* \* \* \* \*

*Baltimore*  
Survey Area  
Maryland:  
Baltimore City  
Anne Arundel  
Baltimore  
Carroll  
Harford  
Howard

Area of Application. Survey Area Plus

Maryland:  
Queen Anne's

*Hagerstown-Martinsburg-Chambersburg*

Survey Area  
Maryland:  
Washington  
Pennsylvania:  
Franklin  
West Virginia:  
Berkeley

Area of Application. Survey Area Plus

Maryland:  
Allegany  
Garrett  
Pennsylvania:  
Fulton  
Virginia (cities):  
Harrisonburg  
Winchester  
Virginia (counties):

Culpeper  
Frederick  
Greene  
Madison  
Page  
Rappahannock  
Rockingham  
Shenandoah  
West Virginia:  
Hampshire  
Hardy  
Mineral  
Morgan  
\* \* \* \* \*

**MISSOURI**

*St. Louis*  
Survey Area  
Missouri:  
St. Louis City  
Franklin  
Jefferson  
St. Charles  
St. Louis  
Illinois:  
Clinton  
Madison  
Monroe  
St. Clair

Area of Application. Survey Area Plus

Missouri:  
Audrain  
Boone  
Callaway  
Clark  
Cole  
Crawford  
Gasconade  
Knox  
Lewis  
Lincoln  
Marion  
Moniteau  
Monroe  
Montgomery  
Osage  
Pike  
Ralls  
Randolph  
St. Francois  
Ste. Genevieve  
Scotland  
Shelby  
Warren  
Washington

Illinois:  
Alexander  
Bond  
Calhoun  
Clay  
Effingham  
Fayette  
Franklin  
Greene  
Hamilton  
Jackson  
Jefferson  
Jersey  
Johnson  
Macoupin  
Marion  
Massac  
Montgomery  
Morgan

Perry  
Pike  
Pope  
Pulaski  
Randolph  
Saline  
Scott  
Union  
Washington  
Wayne  
Williamson

*Southern Missouri*

Survey Area  
Missouri:  
Christian  
Greene  
Laclede  
Phelps  
Pulaski  
Webster  
Area of Application. Survey Area Plus

Missouri:  
Barry  
Barton  
Benton  
Bollinger  
Butler  
Camden  
Cape Girardeau  
Carter  
Cedar  
Dade  
Dallas  
Dent  
Douglas  
Hickory  
Howell  
Iron  
Jasper  
Lawrence  
McDonald  
Madison  
Maries  
Miller  
Mississippi  
Morgan  
New Madrid  
Newton  
Oregon  
Ozark  
Perry  
Polk  
Reynolds  
Ripley  
St. Clair  
Scott  
Shannon  
Stoddard  
Stone  
Taney  
Texas  
Vernon  
Wayne  
Wright  
Kansas:  
Cherokee  
Crawford  
\* \* \* \* \*

**NEBRASKA**

*Omaha*  
Survey Area  
Nebraska:

Douglas	Stanton	<b>PENNSYLVANIA</b>
Lancaster	Thayer	* * * * *
Sarpy	Thomas	
Iowa:	Thurston	<i>Philadelphia</i>
Pottawattamie	Valley	Survey Area
Area of Application. Survey Area Plus	Washington	Pennsylvania:
Nebraska:	Wayne	Bucks
Adams	Webster	Chester
Antelope	Wheeler	Delaware
Arthur	York	Montgomery
Blaine	Iowa:	Philadelphia
Boone	Adams	New Jersey:
Boyd	Audubon	Burlington
Brown	Buena Vista	Camden
Buffalo	Cass	Gloucester
Burt	Cherokee	Area of Application. Survey Area Plus
Butler	Clay	Pennsylvania:
Cass	Crawford	Carbon
Cedar	Fremont	Lehigh
Chase	Harrison	Northampton
Cherry	Ida	New Jersey:
Clay	Mills	Atlantic
Colfax	Monona	Cape May
Cuming	Montgomery	Cumberland
Custer	O'Brien	Mercer
Dakota	Page	Ocean (Fort Dix Military Reservation only)
Dawson	Palo Alto	Warren
Dixon	Plymouth	* * * * *
Dodge	Pocahontas	
Dundy	Sac	<i>Scranton-Wilkes-Barre</i>
Fillmore	Shelby	Survey Area
Franklin	Sioux	Pennsylvania:
Frontier	Taylor	Lackawanna
Furnas	Woodbury	Luzerne
Gage	South Dakota:	Monroe
Garfield	Union	Area of Application. Survey Area Plus
Gosper	* * * * *	Pennsylvania:
Grant	<b>NEW YORK</b>	Bradford
Greeley	* * * * *	Columbia
Hall	<i>New York</i>	Lycoming (Excluding Allenwood Federal
Hamilton	Survey Area	Prison Camp)
Harlan	New York:	Sullivan
Hayes	Bronx	Susquehanna
Hitchcock	Kings	Wayne
Holt	Nassau	Wyoming
Hooker	New York	* * * * *
Howard	Queens	<b>SOUTH DAKOTA</b>
Jefferson	Suffolk	<i>Eastern South Dakota</i>
Johnson	Westchester	Survey Area
Kearney	New Jersey:	South Dakota:
Keith	Bergen	Minnehaha
Keya Paha	Essex	Area of Application. Survey Area Plus
Knox	Hudson	South Dakota:
Lincoln	Middlesex	Aurora
Logan	Morris	Beadle
Loup	Passaic	Bennett
McPherson	Somerset	Bon Homme
Madison	Union	Brookings
Merrick	Area of Application. Survey Area Plus	Brown
Nance	New York:	Brule
Nemaha	Putnam	Buffalo
Nuckolls	Richmond	Campbell
Otoe	Rockland	Charles Mix
Pawnee	New Jersey:	Clark
Perkins	Hunterdon	Clay
Phelps	Monmouth	Codington
Pierce	Ocean (Excluding the Fort Dix Military	Corson
Platte	Reservation)	Davison
Polk	Sussex	Day
Red Willow	Pennsylvania:	Deuel
Richardson	Pike	Dewey
Rock	* * * * *	
Saline		
Saunders		
Seward		
Sherman		

Douglas  
Edmunds  
Faulk  
Grant  
Gregory  
Haakon  
Hamlin  
Hand  
Hanson  
Hughes  
Hutchinson  
Hyde  
Jerauld  
Jones  
Kingsbury  
Lake  
Lincoln  
Lyman  
McCook  
McPherson  
Marshall  
Mellette  
Miner  
Moody  
Potter  
Roberts  
Sanborn  
Spink  
Stanley  
Sully  
Todd  
Tripp  
Turner  
Walworth  
Washabaugh  
Yankton  
Ziebach  
Iowa:  
Dickinson  
Emmet  
Lyon  
Osceola  
Minnesota:  
Jackson  
Lincoln  
Lyon  
Murray  
Nobles  
Pipestone  
Rock  
\* \* \* \* \*

**VIRGINIA**

\* \* \* \* \*

*Richmond*

Survey Area

Virginia (cities):  
Colonial Heights  
Hopewell  
Petersburg  
Richmond

Virginia (counties):  
Charles City  
Chesterfield  
Dinwiddie  
Goochland  
Hanover  
Henrico  
New Kent  
Powhatan  
Prince George

Area of Application. Survey Area Plus

Virginia (cities):  
Charlottesville

Emporia  
Virginia (counties):  
Albemarle  
Amelia  
Brunswick  
Buckingham  
Caroline  
Charlotte  
Cumberland  
Essex  
Fluvanna  
Greensville  
King and Queen  
King William  
Lancaster  
Louisa  
Lunenburg  
Mecklenburg  
Middlesex  
Northumberland  
Nottoway  
Orange  
Prince Edward  
Richmond  
Sussex  
Westmoreland  
\* \* \* \* \*

**WISCONSIN**

\* \* \* \* \*

*Milwaukee*

Survey Area

Wisconsin:  
Milwaukee  
Ozaukee  
Washington  
Waukesha

Area of Application. Survey Area Plus

Wisconsin:  
Brown  
Calumet  
Door  
Fond du Lac  
Kewaunee  
Manitowoc  
Outagamie  
Racine  
Sheboygan  
Walworth  
Winnebago

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**DEPARTMENT OF AGRICULTURE**

**Natural Resources Conservation Service**

**7 CFR Part 625**

**RIN 0578-AA52**

**Healthy Forests Reserve Program**

**AGENCY:** Natural Resources Conservation Service (NRCS), United States Department of Agriculture (USDA).

**ACTION:** Proposed rule; request for comment.

**SUMMARY:** On May 17, 2006, NRCS published an interim final rule for the Healthy Forests Reserve Program (HFRP) and received 11 comment letters. NRCS proposes to amend this rule to incorporate changes associated with enactment of the Food, Conservation, and Energy Act of 2008 (the 2008 Act). The 2008 Act authorizes \$9,750,000 for each of the fiscal years 2009 through 2012 to carry out the program. As a result of the 2008 Act, NRCS will allow land enrollment through permanent easements, or easements for a maximum duration allowed under state law and continue to allow enrollment through 10-year cost-share agreements; and allow enrollment of land owned by tribes or members of tribes in 30-year contracts or 10-year cost-share agreements, or any combination of both. Forty percent of program expenditures in any fiscal year will be used for restoration cost-share agreement enrollment and 60 percent of program expenditures in any fiscal year will be for easement enrollment.

In addition to changes associated with the 2008 Act, NRCS is addressing comments received on the interim final rule and proposing additional changes that improve program implementation based on the experience gained from the HFRP implementation under the interim final rule.

**DATES:** Comments must be received on or before February 13, 2009. Comments will be made available to the public or posted publicly in their entirety.

**ADDRESSES:** You may send comments using any of the following methods:

*Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending comments electronically.

*NRCS Web site:* Go to <http://www.nrcs.usda.gov> and follow the instructions for sending comments electronically.

*Mail:* Easements Programs Division, Natural Resources Conservation Service, Healthy Forests Reserve Program Comments, P.O. 2890, Room 6819-S, Washington, DC 20013.

*Fax:* 1-202-720-4265

*Hand Delivery:* Room 6819-S of the USDA South Office Building, 1400 Independence Avenue, SW., Washington, DC 20250, between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. Please ask the guard at the entrance to the South Office Building to call 202-720-4527 in order to be escorted into the building.

This proposed rule may be accessed via Internet. Users can access the NRCS homepage at <http://www.nrcs.usda.gov/>; select *Farm Bill*