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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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AL43

#### Prevailing Rate Systems; Definition of the Municipality of Bayamon, Puerto Rico, to a Nonappropriated Fund Federal Wage System Wage Area

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

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

**SUMMARY:** The U.S. Office of Personnel Management is issuing an interim rule to define the municipality of Bayamon, Puerto Rico, as an area of application to the Guaynabo-San Juan, PR, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. This change is necessary because there are NAF FWS employees working in the municipality of Bayamon and the municipality is not currently defined to an NAF wage area.

**DATES:** This regulation is effective on November 14, 2007. We must receive comments on or before December 14, 2007.

**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 redefining the Guaynabo-San Juan, Puerto Rico, nonappropriated fund

(NAF) Federal Wage System (FWS) wage area to add the municipality of Bayamon, PR, as an area of application. Rio Bayamon Guest Housing, which is part of U.S. Coast Guard Family Housing, now employs three NAF FWS employees in the municipality of Bayamon. Under section 532.219 of title 5, Code of Federal Regulations, each NAF wage area "shall consist of one or more survey areas, along with nonsurvey areas, if any, having nonappropriated fund employees."

The municipality of Bayamon does not meet the regulatory criteria under 5 CFR 532.219 to be established as a separate NAF wage area; however, nonsurvey counties may be combined with a survey area to form a wage area. Section 532.219 lists the regulatory criteria that OPM considers when defining FWS wage area boundaries:

- (i) Proximity of largest facilities activity in each county;
- (ii) Transportation facilities and commuting patterns; and
- (iii) Similarities of the counties in:
  - (A) Overall population;
  - (B) Private employment in major industry categories; and
  - (C) Kinds and sizes of private industrial establishments.

Based on an analysis of the regulatory criteria for defining NAF wage areas, OPM is defining the municipality of Bayamon, PR, as an area of application to the Guaynabo-San Juan, PR, NAF FWS wage area. The Guaynabo-San Juan NAF FWS wage area is the only NAF wage area in Puerto Rico. The U.S. Coast Guard Family Housing is located approximately five miles from Fort Buchanan, the wage area's host activity, and the municipality of Bayamon is adjacent to both Fort Buchanan and the municipality of Guaynabo.

In the Guaynabo-San Juan NAF wage area, the survey area will consist of two municipalities (Guaynabo and San Juan) and the area of application will consist of eight municipalities (Aguadilla, Bayamon, Ceiba, Isabela, Ponce, Salinas, Toa Baja, and Vieques) plus the U.S. Virgin Islands of St. Croix and St. Thomas. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and recommended this change by consensus.

#### Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3), I find that good cause exists to waive 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. This notice is being waived and the regulation is being made effective in less than 30 days because it is necessary to define the municipality of Bayamon, PR, to an NAF wage area as soon as possible to cover existing employees under an appropriate wage schedule.

#### 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.

U.S. Office of Personnel Management.

**Linda M. Springer,**  
*Director.*

■ Accordingly, the U.S. 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.

■ 2. Appendix D to subpart B is amended by revising the wage area listing for the Guaynabo-San Juan, Puerto Rico, NAF wage area to read as follows:

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

\* \* \* \* \*

**PUERTO RICO**  
*Guaynabo-San Juan*  
*Survey Area*

Puerto Rico: (municipalities):  
Guaynabo  
San Juan

*Area of Application. Survey area plus:*  
Puerto Rico: (municipalities):

Aguadilla  
 Bayamon  
 Ceiba  
 Isabela  
 Ponce  
 Salinas  
 Toa Baja  
 Vieques  
 U.S. Virgin Islands  
 St. Croix  
 St. Thomas

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AL44

### Prevailing Rate Systems; Abolishment of Rock Island, IL, as a Nonappropriated Fund Federal Wage System Wage Area

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

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

**SUMMARY:** The U.S. Office of Personnel Management is issuing an interim rule to abolish the Rock Island, Illinois, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine Rock Island County, IL, and Johnson County, Iowa, as areas of application to the Lake, IL, NAF FWS wage area. Carroll County, IL, will no longer be defined. These changes are necessary because employment has significantly declined in the Rock Island NAF wage area.

**DATES:** *Effective date:* This regulation is effective on November 14, 2007. We must receive comments on or before December 14, 2007. *Applicability date:* FWS employees remaining in Rock Island County, IL, and Johnson County, IA, will be transferred to the Lake, IL, NAF wage area schedule on the first day of the first applicable pay period beginning on or after December 15, 2007.

**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 Rock Island, Illinois, nonappropriated fund (NAF) Federal Wage System (FWS) wage area is presently composed of one survey county, Rock Island County, IL, and two area of application counties, Carroll County, IL, and Johnson County, Iowa. Under section 532.219 of title 5, Code of Federal Regulations, the U.S. Office of Personnel Management (OPM) may establish an NAF wage area when there are a minimum of 26 NAF wage employees in the survey area, the local activity has the capability to host annual local wage surveys, and the survey area has at least 1,800 private enterprise employees in establishments within survey specifications. The Department of Defense (DOD) notified OPM that a reduction in NAF employment in the Rock Island wage area has left only 14 NAF FWS employees in Rock Island County and 9 NAF FWS employees in Johnson County. DOD recommended that OPM abolish the Rock Island NAF FWS wage area and redefine Rock Island and Johnson Counties as areas of application to the Lake, IL, NAF FWS wage area.

Since Rock Island and Johnson Counties will have continuing NAF employment and do not meet the regulatory criteria under 5 CFR 532.219 to be separate survey areas, they must be areas of application. In defining counties as area of application counties, OPM considers the following criteria:

- (i) Proximity of largest facilities activity in each county;
- (ii) Transportation facilities and commuting patterns; and
- (iii) Similarities of the counties in:
  - (A) Overall population;
  - (B) Private employment in major industry categories; and
  - (C) Kinds and sizes of private industrial establishments.

In selecting a wage area to which Rock Island and Johnson Counties should be redefined, proximity favors the Lake NAF wage area. All other criteria are inconclusive. Based on the application of the regulatory criteria, OPM is defining Rock Island and Johnson Counties as areas of application to the Lake NAF wage area.

OPM is removing Carroll County from the wage area definition. There are no longer NAF FWS employees working in Carroll County. Under 5 U.S.C. 5343(a)(1)(B)(i), NAF wage areas "shall not extend beyond the immediate locality in which the particular prevailing rate employees are employed." Therefore, Carroll County should not be defined as part of an NAF wage area.

The Lake NAF wage area will consist of one survey county, Lake County, and eight area of application counties: Cook, Rock Island, and Vermilion Counties, IL; Johnson County, IA; Dickinson and Marquette Counties, Michigan; and Dane and Milwaukee Counties, Wisconsin. FWS employees remaining in the Rock Island wage area will be transferred to the Lake wage area schedule on the first day of the first applicable pay period beginning on or after December 15, 2007. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and recommended this change by consensus.

### Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B) and (d)(3), I find that good cause exists to waive 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. This notice is being waived and the regulation is being made effective in less than 30 days because of the need to transfer the remaining NAF FWS employees in Rock Island and Johnson Counties to a continuing wage area as soon as possible.

### 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

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U.S. Office of Personnel Management.

**Linda M. Springer,**

*Director.*

■ Accordingly, the U.S. Office of Personnel Management is amending 5 CFR part 532 as follows:

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