

Proposed Rules

Federal Register

Vol. 75, No. 131

Friday, July 9, 2010

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-AM21

Prevailing Rate Systems; Redefinition of the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, 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 is issuing a proposed rule that would redefine the geographic boundaries of the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Benton County, IN, from the Chicago wage area to the Indianapolis wage area; Carroll and Howard Counties, IN, from the Fort Wayne-Marion wage area to the Indianapolis wage area; and Carroll County, OH, from the Pittsburgh wage area to the Cleveland wage area. These changes are based on recent consensus recommendations of the Federal Prevailing Rate Advisory Committee to best match the counties proposed for redefinition to a nearby FWS survey area. No other changes are proposed for the Chicago, Fort Wayne-Marion, Indianapolis, Cleveland, and Pittsburgh FWS wage areas.

DATES: We must receive comments on or before August 9, 2010.

ADDRESSES: Send or deliver comments to Jerome D. Mikowicz, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street, NW., Washington, DC 20415-8200; email 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; or FAX: (202) 606-4264.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to redefine the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Benton County, IN, from the Chicago wage area to the Indianapolis wage area; Carroll and Howard Counties, IN, from the Fort Wayne-Marion wage area to the Indianapolis wage area; and Carroll County, OH, from the Pittsburgh wage area to the Cleveland wage area.

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

- (i) Distance, transportation facilities, and geographic features;
- (ii) Commuting patterns; and
- (iii) 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).

OPM recently completed reviews of the definitions of the Kokomo, IN; Lafayette, IN; and Canton-Massillon, OH MSAs and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below. The Federal Prevailing Rate Advisory Committee (FPRAC), the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended these changes by consensus. 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 Chicago, Fort Wayne-Marion, Indianapolis, Cleveland, and Pittsburgh wage areas.

Kokomo, IN Metropolitan Statistical Area

Howard and Tipton Counties, IN, comprise the Kokomo, IN MSA. The

Kokomo MSA is currently split between the Fort Wayne-Marion and Indianapolis, IN, wage areas. Howard County is part of the area of application of the Fort Wayne-Marion wage area and Tipton County is part of the area of application of the Indianapolis wage area.

Based on an analysis of the regulatory criteria for Howard County, the core county in the Kokomo MSA, we recommend that the entire Kokomo MSA be defined to the Indianapolis area of application. The distance criterion for Howard County favors the Indianapolis wage area more than the Fort Wayne-Marion wage area. The commuting patterns criterion slightly favors the Indianapolis wage area. All other criteria are inconclusive. Based on this analysis, OPM proposes to redefine Howard County to the Indianapolis area of application so that the entire Kokomo MSA is in one wage area. There are currently no FWS employees working in Howard County.

Lafayette, IN Metropolitan Statistical Area

Benton, Carroll, and Tippecanoe Counties, IN, comprise the Lafayette, IN MSA. The Lafayette MSA is currently split between the Chicago, IL; Fort Wayne-Marion, IN; and Indianapolis, IN, wage areas. Benton County is part of the area of application of the Chicago wage area, Carroll County is part of the area of application of the Fort Wayne-Marion wage area, and Tippecanoe County is part of the area of application of the Indianapolis wage area.

Based on an analysis of the regulatory criteria for Tippecanoe County, the location of the main population center in the Lafayette MSA, we recommend that the entire Lafayette MSA be defined to the Indianapolis area of application. The distance criterion for Tippecanoe County favors the Indianapolis wage area more than the Chicago or Fort Wayne-Marion wage areas. All other criteria are inconclusive. However, more than twice as many people currently commute from Tippecanoe County into the Indianapolis survey area (2%) than into the Chicago survey area (0.11%) or the Fort Wayne-Marion survey area (0.14%). Based on this analysis, we believe Tippecanoe County is appropriately defined to the Indianapolis wage area. Since there appear to be no unusual circumstances

that would permit splitting the Lafayette MSA, OPM proposes to redefine Benton and Carroll Counties to the Indianapolis wage area so that the entire Lafayette MSA is in one wage area. There are currently no FWS employees working in Benton or Carroll Counties.

Canton-Massillon, OH Metropolitan Statistical Area

Carroll and Stark Counties, OH, comprise the Canton-Massillon, OH MSA. The Canton-Massillon MSA is currently split between the Cleveland, OH, and Pittsburgh, PA, wage areas. Carroll County is part of the area of application of the Pittsburgh wage area and Stark County is part of the area of application of the Cleveland wage area.

Based on an analysis of the regulatory criteria for Stark County, the core county in the Canton-Massillon MSA, we recommend that the entire Canton-Massillon MSA be defined to the Cleveland wage area. The distance criterion for Stark County favors the Cleveland wage area more than the Pittsburgh wage area. All other criteria are inconclusive. However, more than twice as many people currently commute from Stark County into the Cleveland survey area (2%) than into the Pittsburgh survey area (0.07%). Based on this analysis, we believe Stark County is appropriately defined to the Cleveland wage area. Since there appear to be no unusual circumstances that would permit splitting the Canton-Massillon MSA, OPM proposes to redefine Carroll County to the Cleveland wage area. There are two Army Corps of Engineers FWS employees currently working in Carroll 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.

John Berry,
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 the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, wage areas to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

*	*	*	*	*
ILLINOIS				
*	*	*	*	*
Chicago				
<i>Survey Area</i>				

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:

Jasper
Lake
La Porte
Newton
Porter
Pulaski
Starke

Wisconsin:

Kenosha

*	*	*	*	*
INDIANA				

*	*	*	*	*
Fort Wayne-Marion				
<i>Survey Area</i>				

Indiana:

Adams
Allen
DeKalb
Grant
Huntington
Wells

Area of Application. Survey area plus:

Indiana:

Blackford
Cass
Elkhart
Fulton
Jay
Kosciusko

LaGrange
Marshall
Miami
Noble
St. Joseph
Steuben
Wabash
White
Whitley

Ohio:

Allen
Defiance
Fulton
Henry
Mercer
Paulding
Putnam
Van Wert
Williams

INDIANAPOLIS

Survey Area

Indiana:

Boone
Hamilton
Hancock
Hendricks
Johnson
Marion
Morgan
Shelby

Area of Application. Survey area plus:

Indiana:

Bartholomew
Benton
Brown
Carroll
Clay
Clinton
Decatur
Delaware
Fayette
Fountain
Henry
Howard
Madison
Montgomery
Parke
Putnam
Rush
Sullivan
Tippecanoe
Tipton
Vermillion
Vigo
Warren

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OHIO

*	*	*	*	*
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Cleveland
Survey Area

Ohio:

Cuyahoga
Geauga
Lake
Medina

Area of Application. Survey area plus:

Ohio:

Ashland
Ashtabula
Carroll
Columbiana
Erie

Huron
Lorain
Mahoning
Ottawa
Portage
Sandusky
Seneca
Stark
Summit
Trumbull
Wayne

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PENNSYLVANIA

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Pittsburgh
Survey Area

Pennsylvania:

Allegheny
Beaver
Butler
Washington
Westmoreland

Area of Application. Survey area plus:

Pennsylvania:

Armstrong
Bedford
Blair
Cambria
Cameron
Centre
Clarion
Clearfield
Clinton
Crawford
Elk (Does not include the Allegheny National Forest portion)
Erie
Fayette
Forest (Does not include the Allegheny National Forest portion)
Greene
Huntingdon
Indiana
Jefferson
Lawrence
Mercer
Potter
Somerset
Venango

Ohio:

Belmont
Harrison
Jefferson
Tuscarawas
West Virginia:
Brooke
Hancock
Marshall
Ohio

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[FR Doc. 2010-16780 Filed 7-8-10; 8:45 am]

BILLING CODE 6325-39-P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1237

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1777

RIN 2590-AA23

Conservatorship and Receivership

AGENCY: Federal Housing Finance Agency; Office of Federal Housing Enterprise Oversight.

ACTION: Notice of proposed rulemaking; request for comment.

SUMMARY: The Federal Housing Finance Agency (FHFA) is proposing a regulation to establish a framework for conservatorship and receivership operations for the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks, as contemplated by the Housing and Economic Recovery Act of 2008 (HERA). HERA amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act) by adding, among other provisions, section 1367, Authority Over Critically Undercapitalized Regulated Entities. The proposed rule will implement this provision, and is designed to ensure that these operations advance FHFA's critical safety and soundness and mission requirements. As proposed, the rule seeks to protect the public interest in the transparency of conservatorship and receivership operations for the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises), and the Federal Home Loan Banks (Banks) (collectively, the regulated entities).

DATES: Comments on the proposed rule must be received in writing on or before September 7, 2010.

ADDRESSES: You may submit your comments on the proposed regulation, identified by regulatory identifier number (RIN) 2590-AA23, by any one of the following methods:

- *E-mail:* Comments to Alfred M. Pollard, General Counsel, may be sent by e-mail at RegComments@FHFA.gov. Please include "RIN 2590-AA23" in the subject line of the message.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the

instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal*, please also send it by e-mail to FHFA at RegComments@fhfa.gov to ensure timely receipt by the Agency. Please include "RIN 2590-AA23" in the subject line of the message.

- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590-AA23, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The package should be logged at the Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.

- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:*

The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590-AA23, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT:

Frank Wright, Senior Counsel, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552, (202) 414-6439 (not a toll-free number). The telephone number for the Telecommunications Device for the Deaf is (800) 877-8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the proposed regulation and will take all comments into consideration before issuing a final regulation. Copies of all comments will be posted on the Internet Web site at <https://www.fhfa.gov>. In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 414-6924.

II. Background

The Housing and Economic Recovery Act of 2008 (HERA), Public Law 110-289, 122 Stat. 2654, amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*) (Safety and Soundness Act), and the Federal Home Loan Bank Act (12 U.S.C. 1421-1449) to establish FHFA as an independent agency of the Federal Government.¹ FHFA was established as an

¹ See Division A, titled the "Federal Housing Finance Regulatory Reform Act of 2008," Title I, Section 1101 of HERA.