

Rules and Regulations

Federal Register
Vol. 65, No. 66
Wednesday, April 5, 2000

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OFFICE OF PERSONNEL
MANAGEMENT

5 CFR Part 532

RIN 3206-A175

Prevailing Rate Systems; Abolishment
of the King, WA, Nonappropriated
Fund Wage Area

AGENCY: Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule that will abolish the King, Washington, nonappropriated fund (NAF) Federal Wage System (FWS) wage area, establish a new Snohomish, WA, NAF FWS wage area, and remove Whatcom County, WA, as an area of application. It is necessary to abolish the King wage area and establish a new Snohomish wage area because the King wage area's host installation, Naval Station Puget Sound, has closed. This closure left the Department of Defense without an installation in the survey area capable of hosting annual local wage surveys. It is necessary to remove Whatcom County because NAF FWS employees no longer work in the county.

DATES: *Effective Date:* This regulation is effective on May 5, 2000.

FOR FURTHER INFORMATION CONTACT: Jennifer Hopkins by phone at (202) 606-2848, by FAX at (202) 606-0824, or by email at jdhopkin@opm.gov.

SUPPLEMENTARY INFORMATION: On November 15, 1999, the Office of Personnel Management (OPM) published a proposed rule (64 FR 61793) to abolish the King, Washington, nonappropriated fund (NAF) Federal Wage System (FWS) wage area, establish a new Snohomish, WA, NAF FWS wage area, and remove Whatcom County, WA, as an area of application. Under section 5343 of title 5, United States

Code, OPM is responsible for defining FWS wage areas. For this purpose, we follow the regulatory criteria established in § 532.219(b) of title 5, Code of Federal Regulations.

The King wage area currently has one survey county, King County, and four area of application counties, Island, Snohomish, Whatcom, and Yakima Counties, WA. The closure of the King wage area's host activity, Naval Station Puget Sound, left the Department of Defense (DOD) without an activity in the survey area with the capability to conduct annual local NAF wage surveys. In July 1996, DOD scheduled a full-scale wage survey in the King NAF wage area. The local wage survey committee had to conduct the King survey from Naval Station Everett in Snohomish County. Because the host installation closed and relocated to Snohomish County, we are establishing Snohomish County as a new NAF wage area. Snohomish County meets the regulatory requirements for an NAF survey area. Approximately 103 NAF FWS employees work at Naval Station Everett, and the base has the capability to host annual local wage surveys. Also, Snohomish County has more than the required minimum number of private enterprise employees in establishments within survey specifications.

We are removing Whatcom County from an NAF wage area definition because Blaine Air Force Station has closed, and NAF FWS employees no longer work in the 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, we are not defining Whatcom County to an NAF wage area.

The new Snohomish, WA, NAF wage area will have one survey county, Snohomish County, and three area of application counties, Island, King, and Yakima Counties, WA. DOD will order full-scale wage surveys in the Snohomish, WA, NAF wage area in July of even fiscal years, with the first full-scale wage survey for the Snohomish wage area beginning in July 2000. 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 concurred by consensus

with these changes. The proposed rule had a 30-day public comment period, during which OPM did not receive any comments.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it 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.

Office of Personnel Management.

Janice R. Lachance,

Director,

Accordingly, the Office of Personnel Management amends 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 B to subpart B of part 532 is amended for the State of Washington by removing the entry for "King" and by adding alphabetically a new entry for "Snohomish" with a beginning survey month of "July" and a fiscal year of full-scale survey of "Even".

3. Appendix D to subpart B is amended by removing the wage area listing for King, Washington, and by adding alphabetically a new entry for Snohomish, Washington, to read as follows:

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

* * * * *

WASHINGTON

* * * * *

SNOHOMISH

Survey Area

Washington:
Snohomish

Area of Application. Survey area plus:

Washington:
Island
King

Yakima

[FR Doc. 00-8333 Filed 4-4-00; 8:45 am]

BILLING CODE 6325-01-U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV00-985-4 IFR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Spearmint Oil Administrative Committee (Committee) for the 2000-2001 and subsequent marketing years from \$0.10 per pound to \$0.09 per pound of spearmint oil handled. The Committee is responsible for local administration of the marketing order which regulates the handling of spearmint oil produced in the Far West. Authorization to assess spearmint oil handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The marketing year begins June 1 and ends May 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective June 1, 2000.

Comments received by May 5, 2000, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, PO Box 96456, Washington, DC 20090-6456; Fax: (202) 720-5698, or E-mail: moab.docketclerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326-2724, Fax: (503) 326-7440; or George

Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, PO Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, PO Box 96456, room 2525-S, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 985, as amended (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Far West spearmint oil handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable spearmint oil beginning June 1, 2000, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the

petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2000-2001 and subsequent marketing years from \$0.10 per pound to \$0.09 per pound of spearmint oil handled.

The spearmint oil order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of spearmint oil. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1995-1996 and subsequent marketing years, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from marketing year to marketing year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on February 23, 2000, and unanimously recommended 2000-2001 expenditures of \$212,900 and an assessment rate of \$0.09 per pound of spearmint oil handled. In comparison, last year's budgeted expenditures were \$219,028. The assessment rate of \$0.09 is \$0.01 lower than the rate currently in effect. The Committee discussed assessment rates both lower and greater than \$0.09 per pound. However, the Committee decided that an assessment rate of less than \$0.09 would not generate the income necessary to administer the program with an adequate reserve. The Committee recommended the decreased assessment rate to help offset the negative effects the current depressed spearmint oil market is having on the industry.

Expenditures recommended by the Committee for the 2000-2001 marketing year include \$178,500 for Committee expenses and \$34,400 for administrative expenses. For 2000-2001, a total of \$156,000 is budgeted for agency fees, \$21,000 is budgeted for Committee per diem and travel, \$16,500 is budgeted for agency staff travel, and \$10,700 is budgeted for copying, mail handling,