

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; 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 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	<i>Macon</i>	INDIANA
Barrow	Survey Area	<i>Bloomington-Bedford-Washington</i>
Bartow	Georgia:	Survey Area
Carroll	Bibb	Indiana:
Chattooga	Houston	Daviess
Clarke	Jones	Greene
Coweta	Laurens	Knox
Dawson	Twiggs	Lawrence
Fannin	Wilkinson	Martin
Floyd	Area of Application. Survey Area Plus	Monroe
Franklin	Georgia:	Orange
Gilmer	Baldwin	Area of Application. Survey Area Plus
Gordon	Bleckley	Indiana:
Greene	Crawford	Crawford
Habersham	Crisp	Dubois
Hall	Dodge	Gibson
Haralson	Dooly	Jackson
Heard	Hancock	Owen
Jackson	Johnson	Perry
Jasper	Macon	Pike
Lamar	Monroe	Posey
Lumpkin	Montgomery	Spencer
Madison	Peach	Vanderburgh
Meriwether	Pulaski	Warrick
Morgan	Putnam	Illinois:
Murray	Telfair	Edwards
Oconee	Treutlen	Gallatin
Oglethorpe	Upton	Hardin
Pickens	Washington	Lawrence
Pike	Wheeler	Richland
Polk	Wilcox	Wabash
Rabun	* * * * *	White
Spalding	ILLINOIS	Kentucky:
Stephens	* * * * *	Crittenden
Towns	<i>Chicago</i>	Daviess
Union	Survey Area	Hancock
White	Illinois:	Henderson
Whitfield	Cook	Livingston
* * * * *	Du Page	McLean
<i>Columbus</i>	Kane	Ohio
Survey Area	Lake	Union
Georgia (counties):	McHenry	Webster
Chattahoochee	Will	* * * * *
Georgia (consolidated government):	Area of Application. Survey Area Plus	<i>Indianapolis</i>
Columbus	Illinois:	Survey Area
Alabama:	Boone	Indiana:
Autauga	De Kalb	Boone
Elmore	Grundy	Hamilton
Lee	Iroquois	Hancock
Macon	Kankakee	Hendricks
Montgomery	Kendall	Johnson
Russell	La Salle	Morgan
Area of Application. Survey Area Plus	Lee	Morgan
Georgia:	Livingston	Shelby
Harris	Ogle	Area of Application. Survey Area Plus
Marion	Stephenson	Indiana:
Quitman	Winnebago	Bartholomew
Schley	Indiana:	Brown
Stewart	Benton	Clay
Talbot	Jasper	Clinton
Taylor	Lake	Decatur
Webster	La Porte	Delaware
Alabama:	Newton	Fayette
Bullock	Porter	Fountain
Butler	Pulaski	Henry
Chambers	Starke	Madison
Coosa	Wisconsin:	Montgomery
Crenshaw	Kenosha	Parke
Dallas		Putnam
Lowndes		Rush
Pike		Sullivan
Tallapoosa		Tippecanoe
Wilcox		

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

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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	PENNSYLVANIA
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	NEW YORK	Bradford
Greeley	* * * * *	Columbia
Hall		Lycoming (Excluding Allenwood Federal
Hamilton	<i>New York</i>	Prison Camp)
Harlan	Survey Area	Sullivan
Hayes	New York:	Susquehanna
Hitchcock	Bronx	Wayne
Holt	Kings	Wyoming
Hooker	Nassau	* * * * *
Howard	New York	
Jefferson	Queens	SOUTH DAKOTA
Johnson	Suffolk	<i>Eastern South Dakota</i>
Kearney	Westchester	Survey Area
Keith	New Jersey:	South Dakota:
Keya Paha	Bergen	Minnehaha
Knox	Essex	Area of Application. Survey Area Plus
Lincoln	Hudson	South Dakota:
Logan	Middlesex	Aurora
Loup	Morris	Beadle
McPherson	Passaic	Bennett
Madison	Somerset	Bon Homme
Merrick	Union	Brookings
Nance	Area of Application. Survey Area Plus	Brown
Nemaha	New York:	Brule
Nuckolls	Putnam	Buffalo
Otoe	Richmond	Campbell
Pawnee	Rockland	Charles Mix
Perkins	New Jersey:	Clark
Phelps	Hunterdon	Clay
Pierce	Monmouth	Codington
Platte	Ocean (Excluding the Fort Dix Military	Corson
Polk	Reservation)	Davison
Red Willow	Sussex	Day
Richardson	Pennsylvania:	Deuel
Rock	Pike	Dewey
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

[FR Doc. E9-528 Filed 1-13-09; 8:45 am]

BILLING CODE 6325-39-P

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*