

Louisiana
Lake Charles-Alexandria
Survey Area

Louisiana:

Allen
Beauregard
Calcasieu
Grant
Rapides
Sabine
Vernon

Area of Application. Survey area plus:

Louisiana:

Acadia
Avoyelles
Caldwell
Cameron
Catahoula
Concordia
Evangeline
Franklin
Iberia
Jefferson Davis
Lafayette
La Salle
Madison
Natchitoches
St. Landry
St. Martin
Tensas
Vermilion
Winn

New Orleans
Survey Area

Louisiana:

Jefferson
Orleans
Plaquemines
St. Bernard
St. Charles
St. John the Baptist
St. Tammany

Area of Application. Survey area plus:

Louisiana:

Ascension
Assumption
East Baton Rouge
East Feliciana
Iberville
Lafourche
Livingston
Pointe Coupee
St. Helena
St. James
St. Mary
Tangipahoa
Terrebonne
Washington
West Baton Rouge
West Feliciana

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[FR Doc. E9-4923 Filed 3-6-09; 8:45 am]

BILLING CODE 6325-39-P

**OFFICE OF PERSONNEL
MANAGEMENT**

5 CFR Part 532

RIN 3206-AL82

**Prevailing Rate Systems; Redefinition
of the Boise, ID, and Utah 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 Boise, ID, and Utah appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Franklin County, ID, from the Boise wage area to the Utah 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 Boise and Utah FWS wage areas.

DATES: We must receive comments on or before April 8, 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 Boise, ID, and Utah appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Franklin County, ID, from the Boise wage area to the Utah 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.

Franklin County, ID and Cache County, UT, comprise the Logan, UT-ID Metropolitan Statistical Area (MSA). The Logan MSA is split between the Boise, ID, wage area and the Utah wage area. Franklin County is part of the area of application of the Boise wage area and Cache County is part of the area of application of the Utah wage area.

Based on an analysis of the regulatory criteria for Cache County, the location of the main population center in the Logan MSA, we recommend that the entire Logan MSA be defined to the Utah wage area. The distance criterion for Cache County favors the Utah wage area more than the Boise wage area. The commuting patterns criterion favors the Utah wage area. All other criteria are inconclusive. We believe our regulatory analysis findings indicate that Cache County is appropriately defined to the Utah wage area. OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances (e.g., organizational relationships among closely located Federal activities). There appear to be no unusual circumstances that would permit splitting the Logan MSA. To comply with OPM regulations not to split MSAs, Franklin County would be redefined to the Utah wage area.

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 Boise and Utah wage areas.

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.

Kathie Ann Whipple,
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 the Boise, ID, and Utah wage areas to read as follows:

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

* * * * *

Idaho
Boise
Survey Area

Idaho:

- Ada
- Boise
- Canyon
- Elmore
- Gem

Area of Application. Survey area plus:

Idaho:

- Adams
- Bannock
- Bear Lake
- Bingham
- Blaine
- Bonneville
- Butte
- Camas
- Caribou
- Cassia
- Clark
- Custer
- Fremont
- Gooding
- Jefferson
- Jerome
- Lemhi
- Lincoln
- Madison
- Minidoka
- Oneida
- Owyhee
- Payette
- Power
- Teton
- Twin Falls
- Valley
- Washington

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Utah
Survey Area

Utah:

- Box Elder
- Davis
- Salt Lake
- Tooele
- Utah
- Weber

Area of Application. Survey area plus:

Utah:

- Beaver
- Cache
- Carbon
- Daggett

- Duchesne
 - Emery
 - Garfield
 - Grand
 - Iron
 - Juab
 - Millard
 - Morgan
 - Piute
 - Rich
 - San Juan (Only includes the Canyonlands National Park portion.)
 - Sanpete
 - Sevier
 - Summit
 - Uintah
 - Wasatch
 - Washington
 - Wayne
- Colorado:
- Mesa
 - Moffat
- Idaho:
- Franklin

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DEPARTMENT OF AGRICULTURE

7 CFR Part 980

[Doc. No. AMS FV-08-0097; FV09-980-1 PR]

Vegetables, Import Regulations; Partial Exemption to the Minimum Grade Requirements for Fresh Tomatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on a proposed partial exemption to the minimum grade requirements under the tomato import regulation. The Florida Tomato Committee (Committee) which locally administers the marketing order for tomatoes grown in Florida (order) recommended the change for Florida tomatoes. The change in the import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937. A separate rule amending the rules and regulations under the order to exempt Vintage Ripes™ tomatoes (Vintage Ripes™) from the shape requirements associated with the U.S. No. 2 grade is being issued by the Department of Agriculture (USDA). This rule would provide the same partial exemption under the import regulation so it would conform to the regulations under the order.

DATES: Comments must be received by May 8, 2009.

ADDRESSES: Interested persons are invited to submit written comments

concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938; or *Internet:* <http://www.regulations.gov>. All comments should reference the document 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, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (863) 324-3375, *Fax:* (863) 325-8793; or *E-mail:* Doris.Jamieson@usda.gov or Christian.Nissen@usda.gov.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; *Telephone:* (202) 720-2491, *Fax:* (202) 720-8938, or *E-mail:* Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act," which provides that whenever certain specified commodities, including tomatoes, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

USDA is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they