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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AN48

Prevailing Rate Systems; Redefinition of Certain Nonappropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This rule amends the geographic boundaries of several nonappropriated fund (NAF) Federal Wage System (FWS) wage areas. Based on consensus recommendations of the Federal Prevailing Rate Advisory Committee (FPRAC), the U.S. Office of Personnel Management (OPM) is defining Lee County, Florida, as an area of application county to the Hillsborough, FL, NAF FWS wage area; Leon County, FL, as an area of application county to the Lowndes, Georgia, NAF FWS wage area; Fulton County, GA, as an area of application county to the Cobb, GA, NAF FWS wage area; and Lane County, Oregon, as an area of application county to the Pierce, Washington, NAF FWS wage area. These changes are necessary because there are NAF FWS employees working in these four counties, and the counties are not currently defined in regulation to NAF wage areas. In addition, OPM is removing Mississippi County, Arkansas, from the wage area definition of the Shelby, Tennessee, NAF FWS wage area because there are no longer NAF FWS employees working in the county.

DATES:

Effective date: This regulation is effective on May 31, 2017.

Applicability date: This change applies on the first day of the first applicable pay period beginning on or after June 30, 2017.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at

(202) 606-2838 or by email at *pay-leave-policy@opm.gov*.

SUPPLEMENTARY INFORMATION: On January 12, 2017, OPM issued a proposed rule (82 FR 3677) to define—

- Lee County, Florida, as an area of application county to the Hillsborough, FL, NAF FWS wage area;
- Leon County, FL, as an area of application county to the Lowndes, Georgia, NAF FWS wage area;
- Fulton County, GA, as an area of application county to the Cobb, GA, NAF FWS wage area; and
- Lane County, Oregon, as an area of application county to the Pierce, Washington, NAF FWS wage area.

In addition, the proposed rule removed Mississippi County, AR, from the wage area definition of the Shelby, TN, NAF FWS wage area.

FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and recommended this change by consensus. These changes will apply on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

The proposed rule had a 30-day comment period, during which OPM received no comments.

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.

Kathleen M. McGettigan,
Acting Director.

Accordingly, OPM 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.

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

■ 2. Appendix D to subpart B is amended by revising the wage area listing for the Hillsborough, FL; Cobb, GA; Lowndes, GA; Shelby, TN; and Pierce, WA, wage areas to read as follows:

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

*	*	*	*	*
		FLORIDA		
*	*	*	*	*
		Hillsborough		
		<i>Survey Area</i>		
Florida:				
				Hillsborough
				<i>Area of Application. Survey area plus:</i>
Florida:				
				Lee
				Pinellas
				Polk
*	*	*	*	*
		GEORGIA		
*	*	*	*	*
		Cobb		
		<i>Survey Area</i>		
Georgia:				
				Cobb
				<i>Area of Application. Survey area plus:</i>
Georgia:				
				Bartow
				De Kalb
				Fulton
*	*	*	*	*
		Lowndes		
		<i>Survey Area</i>		
Georgia:				
				Lowndes
				<i>Area of Application. Survey area plus:</i>
Florida:				
				Leon
*	*	*	*	*
		TENNESSEE		
		Shelby		
		<i>Survey Area</i>		
Tennessee:				
				Shelby
				<i>Area of Application. Survey area plus:</i>
Missouri:				
				Butler
*	*	*	*	*
		WASHINGTON		

* * * * *
Pierce
Survey Area
Washington:
Pierce
Area of Application. Survey area plus:
Oregon:
Clatsop
Coos
Douglas
Multnomah
Tillamook
Washington:
Clark
Grays Harbor
Lane
* * * * *

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FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1631

Freedom of Information Act Regulations

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Federal Retirement Thrift Investment Board (Board) is amending its Freedom of Information Act (FOIA) regulations to implement recommendations made by the National Archives and Records Administration's (NARA) Office of Government Information Services (OGIS) and reflect the amendments required by the FOIA Improvement Act of 2016.

DATES: This rule is effective May 31, 2017.

FOR FURTHER INFORMATION CONTACT: Dharmesh Vashee, Deputy General Counsel, Federal Retirement Thrift Investment Board, Office of General Counsel, 77 K Street NE., Suite 1000, Washington, DC 20002, 202-639-4424. You may also contact Amanda Haas, FOIA Officer, Office of General Counsel, at the above address and by phone at 202-942-1660.

SUPPLEMENTARY INFORMATION: The Board administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401-79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees

under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees and members of the uniformed services who participate in the TSP.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501-1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of \$100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under 2 U.S.C. 1532 is not required.

List of Subjects in 5 CFR Part 1631

Freedom of information, Records.

For the reasons stated in the preamble, the Board amends 5 CFR part 1631 as follows:

PART 1631—AVAILABILITY OF RECORDS

1. The authority for part 1631 continues to read as follows:

Authority: 5 U.S.C. 552.

2. Amend § 1631.1 by adding new paragraphs (j), (k), and (l) to read as follows:

§ 1631.1 Definitions.

* * * * *

(j) FOIA Public Liaison means the Board official who is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

(k) Requestor category means one of the three categories that agencies place requesters in for the purpose of determining whether a requester will be charged fees for search, review, and/or duplication, including:

- (1) Commercial use requestors,
(2) Non-commercial scientific or educational institutions or news media requestors, and
(3) All other requestors.

(l) Fee waiver means the waiver or reduction of processing fees if a

requester can demonstrate that certain statutory standards are satisfied including that the information is in the public interest and is not requested for a commercial interest.

3. Amend § 1631.4 by revising the section heading and paragraph (a) to read as follows:

§ 1631.4 Proactive disclosure of Board records.

(a) Records that are required by the FOIA to be made available for public inspection and copying may be accessed through the Board's Web site at https://www.frtib.gov. The Board is responsible for determining which of its records are required to be made publicly available, as well as identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. The Board shall ensure that its Web site of posted records and indices is reviewed and updated on an ongoing basis. The Board has a FOIA Public Liaison who can assist individuals in locating records particular to a component. The FOIA Public Liaison can be contacted at frtibfoialiaison@tsp.gov.

* * * * *

4. Revise § 1631.5 to read as follows:

§ 1631.5 Records of other agencies.

Requests for records that originated in another agency and that are in the custody of the Board may, in appropriate circumstances, be referred to that agency for consultation or processing, and the requestor shall be notified of the part or parts of the request that have been referred and provided with a point of contact within the receiving agency.

5. In § 1631.6, in paragraphs (a)(1), (a)(2) and (a)(3), remove the word "must" and add in its place the word "should" and revise the last sentence in paragraph (e) to read as follows:

§ 1631.6 How to request records—form and content.

(e) * * * Any Board employee or official who receives an oral request for records shall inform the requestor that FOIA requires requests to be in writing according to the procedures set out herein.

* * * * *

6. Amend § 1631.8 by revising paragraph (b) to read as follows:

§ 1631.8 Prompt response.

* * * * *

(b) The FOIA Officer will either approve or deny a reasonably descriptive request for records within 20