

Westchester
* * * * *

PENNSYLVANIA**Cumberland**

Survey Area

Pennsylvania:
Cumberland

Area of Application. Survey area plus:

Pennsylvania:
Allegheny
Blair
Butler
Franklin

York

Survey Area

Pennsylvania:
York

Area of Application. Survey area plus:

Pennsylvania:
Lebanon

* * * * *

VIRGINIA**Alexandria-Arlington-Fairfax**

Survey Area

Virginia (city):
Alexandria

Virginia (counties):
Arlington
Fairfax

Area of Application. Survey area.

Chesterfield-Richmond

Survey Area

Virginia (city):
Richmond

Virginia (county):
Chesterfield

Area of Application. Survey area plus:

Virginia (cities):
Bedford
Charlottesville
Salem

Virginia (counties):
Caroline
Nottoway
Prince George

West Virginia:
Pendleton

Hampton-Newport News

Survey Area

Virginia (cities):
Hampton
Newport News

Area of Application. Survey area plus:

Virginia (city):
Williamsburg
Virginia (county):

York

Norfolk-Portsmouth-Virginia Beach

Survey Area

Virginia (cities):
Norfolk
Portsmouth
Virginia Beach

Area of Application. Survey area plus:

North Carolina:
Pasquotank
Virginia (cities):
Chesapeake
Suffolk
Virginia (counties):
Accomack
Northampton

Prince William

Survey Area

Virginia:
Prince William

Area of Application. Survey area plus:

Virginia:
Fauquier
West Virginia:
Harrison

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[FR Doc. 2023-17373 Filed 8-14-23; 8:45 am]

BILLING CODE 6325-39-P

**OFFICE OF PERSONNEL
MANAGEMENT****5 CFR Part 532**

[Docket ID: OPM-2023-0018]

RIN 3206-AO61

**Prevailing Rate Systems; Redefinition
of the Northeastern Arizona and Utah
Appropriated Fund Federal Wage
System Wage Areas**

AGENCY: Office of Personnel
Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule to redefine the geographic boundaries of the Northeastern Arizona and Utah appropriated fund Federal Wage System (FWS) wage areas for pay-setting purposes. The proposed rule would redefine Washington County, UT, and several National Parks portions of Garfield, Grand, Iron, San Juan, and Wayne Counties, UT, to the Northeastern Arizona wage area. This change is based on a recent consensus recommendation of the Federal Prevailing Rate Advisory Committee (FPRAC).

DATES: Send comments on or before September 14, 2023.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu, by telephone at (202) 606-2858 or by email at pay-leave-policy@opm.gov.

SUPPLEMENTARY INFORMATION: OPM is proposing a rule to redefine the geographic boundaries of the Northeastern Arizona and Utah appropriated fund FWS wage areas. This proposed rule would redefine Washington County, UT; and the Bryce Canyon, Capitol Reef, and Canyonlands National Parks portions of Garfield County, UT; the Arches and Canyonlands National Parks portions of Grand County, UT; the Cedar Breaks National Monument and Zion National Park portions of Iron County, UT; the Canyonlands National Park portion of San Juan County, UT; and the Capitol Reef and Canyonlands National Parks portions of Wayne County from the Utah wage area to the Northeastern Arizona wage area. This change is based on a recent recommendation of 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.

As provided by 5 CFR 532.211, this regulation allows consideration of the following criteria when defining wage area boundaries: distance, transportation facilities, and geographic features; commuting patterns; and similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

Southern Utah has numerous National Parks, National Monuments, and National Recreation Areas, and National Park Service FWS employees often perform overlapping maintenance work at locations in the Northeastern Arizona wage area. FWS wage area definitions

have long accommodated placing National Parks in single wage areas because of close organizational relationships between groups of employees with different official duty stations in the same park.

Washington County is currently defined to the Utah area of application. Our analysis of the regulatory criteria indicates that Washington County would be more appropriately defined as part of the Northeastern Arizona wage area. When measuring to cities, the distance criterion favors the Utah wage area. When measuring to host installations, the distance criterion favors the Northeastern Arizona wage area. Washington County has a similar distribution of surveyable employment to the Northeastern Arizona survey area. All other criteria are inconclusive. Although a standard review of regulatory criteria shows that some factors are indeterminate, distance to the host installations and overall population, total private sector employment, and kinds and sizes of private industrial establishments do favor the Northeastern Arizona wage area. Based on this analysis, we recommend that Washington County be redefined to the Northeastern Arizona wage area.

Garfield County is currently defined to the Utah area of application. Our analysis of the regulatory criteria indicates that Garfield County is appropriately defined as part of the Utah area of application. The distance criterion favors the Utah wage area more than the Northeastern Arizona wage area. All other criteria are inconclusive. However, since we are recommending that the Canyonlands National Park portion of San Juan County be redefined to the Northeastern Arizona wage area, and because we believe Bryce Canyon and Canyonlands National Park should not be split between the Northeastern Arizona and the Utah wage areas, we recommend that the portions of Garfield County occupied by Canyonlands and Bryce Canyon National Parks be part of the Northeastern Arizona wage area. We also believe that the Capitol Reef National Park portion of Garfield County should be redefined to the Northeastern Arizona wage area because of the close proximity to the Bryce Canyon and Canyonlands National Parks. This change would ensure equal pay treatment for FWS employees at Bryce Canyon, Capitol Reef, and Canyonlands National Parks are paid from the same wage schedule. The remaining portion of Garfield County would continue to be part of the Utah wage area. We believe the mixed nature of our regulatory analysis findings

indicates that the remaining locations in Garfield County remain appropriately defined to the Utah wage area, with distance being the deciding factor.

Grand County is currently defined to the Utah area of application. Our analysis of the regulatory criteria indicates that Grand County is appropriately defined as part of the Utah area of application. When measuring to cities, the distance criterion favors the Utah wage area. When measuring to host installations, the distance criterion favors the Northeastern Arizona wage area. However, since we are recommending that the Canyonlands National Park portion of San Juan County be redefined to the Northeastern Arizona wage area, and because we believe Canyonlands National Park should not be split between the Northeastern Arizona and the Utah wage areas, we recommend that the portion of Grand County occupied by Canyonlands National Park be part of the Northeastern Arizona wage area. We also believe that the Arches National Park portion of Grand County should be redefined to the Northeastern Arizona wage area because of the close proximity to the Canyonlands National Park. This change would provide equal pay treatment for FWS employees at the two national parks. The remaining portion of Grand County would continue to be part of the Utah wage area. We believe the mixed nature of our regulatory analysis findings indicates that the remaining locations in Grand County remain appropriately defined to the Utah wage area, with distance being the deciding factor.

Iron County is currently defined to the Utah area of application. Our analysis of the regulatory criteria indicates that Iron County is appropriately defined as part of the Utah area of application. The distance criterion favors the Utah wage area more than the Northeastern Arizona wage area. Iron County has a similar distribution of surveyable employment to the Northeastern Arizona survey area. All other criteria are inconclusive. However, since we are recommending that Washington County be redefined to the Northeastern Arizona wage area, and because we believe Zion National Park should not be split between the Northeastern Arizona and the Utah wage areas, we recommend that the portion of Iron County occupied by Zion National Park be part of the Northeastern Arizona wage area. We also believe that the Cedar Breaks National Monument portion of Iron County should be redefined to the Northeastern Arizona wage area because

of the close proximity to the Zion National Park. This change would provide equal pay treatment for FWS employees at the two national parks. We believe the mixed nature of our regulatory analysis findings indicates that the remaining locations in Iron County remain appropriately defined to the Utah wage area, with distance being the deciding factor.

San Juan County, except for the Canyonlands National Park portion, is currently defined to the Northeastern Arizona area of application. The distance and commuting patterns criteria for San Juan County favor the Northeastern Arizona wage area more than the Utah wage area. All other criteria are inconclusive. Since the remaining locations in San Juan County are already defined to the Northeastern Arizona wage area, we recommend that the portion of San Juan County occupied by Canyonlands National Park be part of the Northeastern Arizona wage area. An additional factor to weigh in the decision to redefine entire San Juan County the Northeastern Arizona wage area is that the American Federation of Government Employees believes that recent economic developments in the area indicate some linkage between San Juan County and the Northeastern Arizona wage area.

Wayne County is currently defined to the Utah area of application. Our analysis of the regulatory criteria indicates that Wayne County is appropriately defined as part of the Utah area of application. The distance and commuting patterns criteria for Wayne County favor the Utah wage area more than the Northeastern Arizona wage area. All other criteria are inconclusive. However, since we are recommending that the Canyonlands National Park portion of San Juan County be redefined to the Northeastern Arizona wage area, and because we believe Canyonlands National Park should not be split between the Northeastern Arizona and the Utah wage areas, we recommend that the portion of Wayne County occupied by Canyonlands National Park be part of the Northeastern Arizona wage area. We also believe that the Capitol Reef National Park portion of Wayne County should be redefined to the Northeastern Arizona wage area because of the close proximity to the Canyonlands National Park. This change would provide equal pay treatment for FWS employees at the two national parks. The remaining portion of Wayne County would continue to be part of the Utah wage area. We believe the mixed nature of our regulatory analysis findings indicates that the remaining locations in Wayne

County remain appropriately defined to the Utah wage area, with distance and commuting being the deciding factors.

FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended this change by consensus. This change 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.

Expected Impact of This Rule

Section 5343 of title 5, U.S. Code, provides OPM with the authority and responsibility to define the boundaries of FWS wage areas. Any changes in wage area boundaries can have the long-term effect of increasing pay for FWS employees in affected locations. OPM expects this rulemaking to impact approximately 100 FWS employees. Of the changes this rulemaking implements, the most significant change in terms of the number of impacted employees would be in Washington County, UT, where approximately 32 FWS employees would be affected. Considering the small number of employees affected, OPM does not anticipate this rulemaking will have a substantial impact on the local economies or a large impact in the local labor markets. However, OPM is requesting comment in this proposed rule regarding the impact. OPM will continue to study the implications of such impacts in this or future rules as needed, as this and future changes in wage area definitions may impact higher volumes of employees in geographical areas and could rise to the level of impacting local labor markets.

Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under E.O. 12866 and 13563 (76 FR 3821, January 21, 2011).

Regulatory Flexibility Act

OPM certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Federalism

OPM has examined this proposed rule in accordance with Executive Order 13132, Federalism, and have determined that this proposed rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

Unfunded Mandates Act of 1995

This proposed rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act

This proposed rule does not impose any reporting or record-keeping requirements subject to the Paperwork Reduction Act.

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.

Kayyonne Marston,

Federal Register Liaison.

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.

■ 2. In appendix C to subpart B, amend the table by revising the wage area listings for the States of Arizona and Utah to read as follows:

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

Definitions of Wage Areas and Wage Area Survey Areas

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ARIZONA

Northeastern Arizona

Survey Area

Arizona:

Apache
Coconino

Navajo

New Mexico:

McKinley
San Juan

Area of Application. Survey area plus:

Colorado:

Dolores

Gunnison (Only includes the Curecanti National Recreation Area portion)

La Plata

Montezuma

Montrose

Ouray

San Juan

San Miguel

Utah:

Garfield (Only includes the Bryce Canyon, Capitol Reef, and Canyonlands National Parks portions)

Grand (Only includes the Arches and Canyonlands National Parks portions)

Iron (Only includes the Cedar Breaks National Monument and Zion National Park portions)

Kane

San Juan

Washington

Wayne (Only includes the Capitol Reef and Canyonlands National Parks portions)

Phoenix

Survey Area

Arizona:

Gila

Maricopa

Area of Application. Survey area plus:

Arizona:

Pinal

Yavapai

Tucson

Survey Area

Arizona:

Pima

Area of Application. Survey area plus:

Arizona:

Cochise

Graham

Greenlee

Santa Cruz

* * * * *

UTAH

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 (Does not include the Bryce Canyon, Capitol Reef, and Canyonlands National Parks portions)
 Grand (Does not include the Arches and Canyonlands National Parks portions)
 Iron (Does not include the Cedar Breaks National Monument and Zion National Park portions)
 Juab
 Millard
 Morgan
 Piute
 Rich
 Sevier
 Sanpete
 Summit
 Uintah
 Wasatch
 Wayne (Does not include the Capitol Reef and Canyonlands National Parks portions)

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[FR Doc. 2023-17374 Filed 8-14-23; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

[Doc. No. AMS-DA-22-0064]

RIN 0581-AE20

Plant Records To Include Grade Label Butterfat Testing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document invites comments on a proposed amendment to the plant records requirement for the Agricultural Marketing Service (AMS) Dairy Grading and Inspection program. The proposal would allow butterfat tests to be performed at an in-house or approved third party laboratory and add a requirement for plants to maintain and make such records available for examination by a United States Department of Agriculture (USDA) inspector. This amendment would increase efficiency by conforming to current industry practice.

DATES: Comments on proposed amendments must be received by October 16, 2023 to be assured of consideration. Comments on the proposed information collection and the associated burden must also be received by October 16, 2023.

ADDRESSES: Interested persons are invited to submit comments on this proposed rule. Comments may be submitted through the Federal e-rulemaking portal at <https://www.regulations.gov> and should reference the document number, date, and page number of this issue of the **Federal Register**. Written comments may be submitted via mail to USDA/AMS/Dairy Programs, Stop 0225-Room 2530, 1400 Independence Avenue SW, Washington, DC 20250-0225. All comments submitted in response to this proposed 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 comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Matthew M. Siedschlaw, Grading and Standardization Division, Dairy Program, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2756—South Building, 1400 Independence Avenue SW, Washington, DC 20250-0230; Telephone: (202) 937-4901; Email: Matthew.Siedschlaw@usda.gov.

SUPPLEMENTARY INFORMATION: The Secretary of Agriculture is authorized by the Agricultural Marketing Act (AMA) of 1946, as amended (7 U.S.C. 1621, *et seq.*), to provide voluntary Federal dairy inspection and grading services to facilitate the orderly marketing of and enable consumers to purchase high quality dairy products. Plants participating in the voluntary, fee-based AMS Dairy Grading and Inspection Program process milk into dairy foods that enter commerce as retail products, ingredients for further processing, purchases for Federal food assistance programs, and exports to other countries. Services provided by the program enhance the marketability and add value to dairy and foods that contain dairy. Dairy products manufactured in facilities complying with the USDA inspection requirements are eligible to be graded against official quality standards and specifications established by AMS. Dairy products tested and graded by AMS have certificates issued describing the product's quality and condition.

Historically, when the Grading and Inspection Program was implemented, the quality of butter was inconsistent, and quality-control testing by USDA was necessary to ensure a consistent product for the market. Today, plants more consistently manufacture high-quality butter products and maintain the

butterfat standard necessary to be granted a USDA grade label for butter.

Currently, USDA inspectors or designated plant personnel perform tests of butter samples that have been selected by a USDA inspector for quality control on randomized batches of finished product pursuant to 7 CFR 58.338. Testing frequency varies by the volume of butter processed and whether a batch is randomly selected. Typically, USDA conducts monthly or weekly testing depending on the volume of butter processed. It is also current industry practice for plants to perform routine internal tests on their butter products to ensure quality and compliance with composition standards. Specific requirements for these tests are outlined in 7 CFR 58.336.

During manufacturing it is normal to have fluctuations in butterfat composition at different stages in butter making, and consequently test results may not be consistent throughout the process. Therefore, butter processing facilities continually monitor butterfat composition throughout production and make necessary adjustments to maintain the 80% butterfat required for butter (7 CFR 58.305). The facility maintains these monitoring records as part of its internal quality program and testing requirements.

Under the current Dairy Grading and Inspection program, USDA conducts a single butterfat test at the time of grading, which provides a limited perspective on overall butterfat composition of butter manufactured by the plant.

The proposed amendments would exempt plants from butterfat testing administered by a USDA inspector and allow in-plant quality control testing to satisfy butterfat testing requirements. The proposal would replace testing performed by a USDA inspector at the time of grading with a review of a plant's testing records. A records review of a plant's routine testing rather than a single-point test would provide a more accurate picture of whether the plant's butter products meet quality standards. It would also reduce costs to a facility by eliminating duplicate butterfat testing by a USDA inspector that it currently must pay for. As explained in the Regulatory Flexibility Analysis below, AMS estimates adopting a records review would save participating plants \$4,560 to \$31,450 annually.

Currently, the final butter product must contain a minimum of 80% butterfat by weight for it to comply with the regulations. That would not change as a result of the proposed amendment. However, under the proposal, AMS would annually review each plant's