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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AH29

Prevailing Rate Systems; Abolishment of Franklin, OH, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing an interim rule to abolish the Franklin, OH, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine the five counties having continuing FWS employment as areas of application to the Greene-Montgomery, OH, NAF wage area for pay-setting purposes. Those five counties include three Ohio counties (Franklin, Licking, and Ross) and two West Virginia counties (Raleigh and Wayne).

DATES: This interim rule becomes effective on January 31, 1996. Comments must be received by March 1, 1996. Employees currently paid rates from the Franklin, OH, NAF wage schedule will continue to be paid from that schedule until their conversion to the Greene-Montgomery, OH, NAF wage schedule 1 day prior to the effective date of the next Greene-Montgomery, OH, wage schedule.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, U.S. Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606-0824.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606-2848.

SUPPLEMENTARY INFORMATION: The Department of Defense (DOD)

recommended to the Office of Personnel Management that the Franklin, OH, FWS NAF wage area be abolished and that the five counties having continuing FWS employment be added as areas of application to the Greene-Montgomery, OH, NAF wage area. Those five counties include three Ohio counties (Franklin, Licking, and Ross) and two West Virginia counties (Raleigh and Wayne). The remaining Franklin wage area county (Cabell County, WV) is being deleted because it has no FWS employment. This change is necessary because the pending closure of the wage area host activity, Newark Air Force Base, leaves the Franklin wage area without an activity having the capability to conduct a wage survey.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

- (1) Proximity of largest activity in each county;
- (2) Transportation facilities and commuting patterns; and
- (3) Similarities of the counties in:
 - (i) Overall population;
 - (ii) Private employment in major industry categories; and
 - (iii) Kinds and sizes of private industrial establishments.

For Franklin County, proximity and transportation facilities and commuting patterns strongly favor Greene-Montgomery. The third criterion, similarities of the counties, is not definitive. For each of the three factors in this criterion, Franklin falls between the more populous Allegheny, PA, and the two less populous areas, Greene-Montgomery and Hardin-Jefferson, KY.

For Ross County, all three criteria favor Greene-Montgomery.

For Licking County, proximity and similarities of the counties strongly favor Greene-Montgomery. Transportation facilities and commuting patterns slightly favor Allegheny (23 commuters to Allegheny versus 20 commuters to Greene-Montgomery).

Raleigh County is a little closer to Allegheny, 372 kilometers (231 miles), than it is to Greene-Montgomery, 433 kilometers (269 miles). With no commuters to the survey areas under consideration, the second criterion does not distinguish between them. The third criterion, similarities of the counties, strongly favors Greene-Montgomery.

For Wayne County, both proximity and similarities of the counties favor

Greene-Montgomery. The transportation facilities and commuting patterns criterion does not distinguish among the options because there are no commuters to the counties in question.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because preparations for the 1996 Franklin, OH, NAF wage area survey must otherwise begin immediately.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they 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
Lorraine A. Green,
Deputy Director.

Accordingly, OPM is amending 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 B to Subpart B of Part 532—
[Amended]

2. In Appendix B to subpart B, the listing for the State of Ohio is amended by removing the entry for Franklin.

3. Appendix D to subpart B is amended by removing the wage area list for Franklin, Ohio, and by revising the list for Greene-Montgomery, Ohio, to read as follows:

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

* * * * *

Ohio

* * * * *

Greene-Montgomery

Survey Area

Ohio:

Greene
Montgomery

Area of application. Survey area plus:

Ohio:

Clinton
Franklin (Effective date March 8, 1996)
Hamilton
Licking (Effective date March 8, 1996)
Ross (Effective date March 8, 1996)

West Virginia:

Raleigh (Effective date March 8, 1996)
Wayne (Effective date March 8, 1996)

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[FR Doc. 96-1836 Filed 1-30-96; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 92-139-9]

Pine Shoot Beetle

AGENCY: Animal and Plant Health
Inspection Service, USDA.

ACTION: Affirmation of interim rules as
final rule.

SUMMARY: We are affirming, without change, the pine shoot beetle regulations, as established and amended by a series of interim rules published in the Federal Register between November 1992 and January 1995. The regulations quarantine portions of several States and restrict the interstate movement of regulated articles from those areas to prevent the artificial spread of the pine shoot beetle into noninfested areas of the United States. The pine shoot beetle is a highly destructive pest of pine trees.
EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Knight, Senior Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-7935.

SUPPLEMENTARY INFORMATION:

Background

The pine shoot beetle is a highly destructive pest of pine trees. The pine shoot beetle can cause damage in weak

and dying trees, where reproduction and immature stages of pine shoot beetle occur, and in the new growth of healthy trees. During "maturation feeding," young beetles bore up the center of pine shoots (usually of the current year's growth), causing stunted and distorted growth in the host trees. The pine shoot beetle is also a vector of several diseases of pine trees. Adults can fly at least 1 kilometer, and infested trees and pine products are often transported long distances. This pest damages urban trees and can cause economic losses to the timber, Christmas tree, and nursery industries.

Pine shoot beetle hosts include all pine species. The beetle has been found in a variety of pine species (*Pinus spp.*) in the United States. Scotch pine (*P. sylvestris*) is the preferred host of the pine shoot beetle.

The Animal and Plant Health Inspection Service (APHIS) established regulations at 7 CFR 301.50 through 301.50-10 (referred to below as the regulations) to prevent the artificial spread of the pine shoot beetle into noninfested areas of the United States.

The regulations were established and refined by a series of interim rules, beginning with Docket 92-139-1, which was effective on November 13, 1992, and published in the Federal Register on November 19, 1992 (57 FR 54492-54499). Docket 92-139-1 quarantined 42 counties in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania, and established restrictions on the interstate movement of various articles, including pine trees, from the quarantined areas. We solicited comments on the interim rule for 60 days ending January 19, 1993. We received 96 comments by that date from nurseries, Christmas tree producers, State governments, and others. Nearly all asked us to ease restrictions by establishing a mechanism for allowing all pine nursery stock to be certified for interstate movement by visual inspection.

Docket 92-139-2, effective January 19, 1993, and published in the Federal Register on January 28, 1993 (58 FR 6346-6348), established the requested visual inspection protocol for pine nursery stock and provided an alternative treatment for pine Christmas trees. It also quarantined one additional county in Illinois. We solicited comments on the interim rule for 60 days ending March 29, 1993. We received six comments by that date from a nursery association, State governments, and others. One simply expressed support; the others encouraged APHIS to continue to

examine treatment and inspection processes.

In response to these comments APHIS continued to examine its treatment and inspection processes. As a result, Dockets 92-139-3 through 92-139-8 further amended the regulations by removing fir, larch, and spruce from the list of regulated articles, relieving certain restrictions on logs and lumber of pine, allowing visual certification of certain pine transplants, providing a new and less harsh methyl bromide treatment schedule for cut pine Christmas trees, and adding pine stumps and pine bark nuggets (including bark chips) to the list of regulated articles. In addition, these dockets added 8 counties in Illinois, 13 counties in Indiana, 33 counties in Michigan, 10 counties in New York, 4 counties in Ohio, and 7 counties in Pennsylvania to the list of quarantined areas.

These interim rules were effective and published as follows: Docket 92-139-3, effective May 13, 1993, and published May 13, 1993 (58 FR 28333-28335); Docket 92-139-4, effective June 23, 1993, and published June 29, 1993 (58 FR 34681-34683); Docket 92-139-5, effective November 23, 1993, and published November 30, 1993 (58 FR 63024-63027); Docket 92-139-6, effective August 1, 1994, and published August 5, 1994 (59 FR 39937-39941); Docket 92-139-7, effective October 14, 1994, and published October 20, 1994 (59 FR 52891-52894); and Docket 92-139-8, effective December 29, 1994, and published January 9, 1995 (60 FR 2321-2323). We solicited comments on each interim rule for 60 days, and received a total of four comments, three in support and one expressing concern about enforcement of the regulations. The enforcement concerns involve the availability of money and persons to enforce the regulations, and not the need for changes in the regulations.

This document affirms, without change, the pine shoot beetle regulations, as established and amended by the interim rules listed above.

This action also affirms the information contained in the interim rules concerning Executive Orders 12291 and 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine,