

Dated: May 20, 1997.

Andrew Cuomo,

Secretary.

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Office of Personnel Management

5 CFR Part 532

RIN 3206-AH88

Prevailing Rate Systems; Abolishment of Lubbock, TX, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing an interim rule to abolish the Lubbock, Texas, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and to establish a new Curry, New Mexico, NAF wage area. The Lubbock NAF wage area is presently composed of one survey area county (Lubbock, TX) and two area of application counties (Curry, NM, and Potter, TX). The new Curry NAF wage area will be composed of one survey area county (Curry, NM) and two area of application counties (Lubbock, TX, and Potter, TX).

DATES: This interim rule becomes effective on June 2, 1997. Comments must be received by June 30, 1997. Employees currently paid rates from the Lubbock, TX, NAF wage schedule will continue to be paid from that schedule until their conversion to the Curry NAF wage schedule on the effective date of the first wage schedule for the Curry NAF wage area.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606-4264.

FOR FURTHER INFORMATION CONTACT: Frank Derby, (202) 606-2848.

SUPPLEMENTARY INFORMATION: Because the pending closure of the Lubbock, TX, nonappropriated fund (NAF) wage area host activity, Reese Air Force Base, has left Lubbock County without an activity having the capability to conduct an NAF wage survey, the Department of Defense (DOD) recommended that the Office of Personnel Management (OPM) abolish the Lubbock, TX, NAF wage area and establish a new Curry, NM, NAF wage

area. The Lubbock wage area is presently composed of one survey area county (Lubbock, TX) and two area of application counties (Curry, NM, and Potter, TX). The new Curry wage area will be composed of one survey area county (Curry, NM) and two area of application counties (Lubbock, TX, and Potter, TX).

Curry County meets the minimum regulatory requirements in section 532.219 of title 5, Code of Federal Regulations, to be an NAF survey area. Cannon Air Force Base, located in Curry County, has more than the minimum required number of NAF employees paid under the FWS and has the capability to conduct a local wage survey. Also, Curry County has more than the required minimum number of private enterprise employees in establishments within survey specifications.

5 CFR 532.219 lists the following regulatory criteria that OPM considered when redefining the Lubbock wage area:

- (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.

Another relevant factor that OPM weighed is the continuity of the historical composition of the Lubbock NAF wage area. Also, the willingness of DOD and its wage committee to establish a new wage area and conduct a new survey in this case furthers the concepts of wage rates based on local prevailing rates and of effective partnership in this period of wage area realignments necessitated by downsizing of the NAF workforce.

Full-scale wage surveys will be ordered in the Curry wage area in June of odd numbered fiscal years—e.g., in June 1997. 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 1997 Curry, NM, 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.

James B. King,

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—[Amended]

2. Appendix B to subpart B of part 532 is amended for the State of Texas by removing the entry for Lubbock and by adding in alphabetical order for the State of New Mexico a new entry for Curry with a beginning month of survey of "June" and a fiscal year of full-scale survey of "Odd."

3. Appendix D to subpart B is amended by removing the wage area listing of Lubbock, Texas, and by adding in alphabetical order a new entry of Curry, New Mexico, to read as follows:

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

* * * * *

New Mexico

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Curry

Survey Area:

New Mexico:

Curry

Area of application. Survey area plus:

Texas:

Lubbock

Potter

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