

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AH30

### Prevailing Rate Systems; Abolishment of Merced, CA, 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 Merced, CA, nonappropriated fund (NAF) Federal Wage system (FWS) wage area and redefine the country having continuing FWS employment (Fresno County) as an area of application to the Kern, CA, NAF wage area for pay-setting purposes. The remaining Merced wage area county (Merced County) has no FWS employees and is being deleted.

**DATES:** This interim rule becomes effective on February 15, 1996. Comments must be received by March 18, 1996. Employees currently paid rates from the Merced, CA, NAF wage schedule will continue to be paid from that schedule until conversion to the Kern, CA, NAF wage schedule on April 4, 1996, 1 day before the effective date of the next Kern, CA, wage schedule.

**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) 606-0824.

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

**SUPPLEMENTARY INFORMATION:** The Department of Defense recommended to the Office of Personnel Management that the Merced, CA, FWS NAF wage

area be abolished and that the county having continuing FWS employment (Fresno County) be added as an area of application to the Kern, CA, NAF wage area. The remaining Merced wage area county (Merced County) is being deleted because it has no FWS employment. This change is necessary because the closing of the wage area host activity, Castle Air Force Base, leaves the Merced 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.

Proximity favors redefining Fresno County to the San Joaquin wage area. However, because of declining employment in the wage area and a limited capability for conducting a wage survey, the possible abolishment of the San Joaquin wage area is currently under study. The second and third criteria favor redefinition to the Kern wage area. An additional consideration favoring redefinition of Fresno County to the Kern wage area is the fact that Fresno County is contiguous to Kings County, an area of application to the Kern wage area. On balance, the recommended redefinition of Fresno County to the Kern wage area is supported.

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 Merced, CA, NAF wage area survey must otherwise being 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 California is amended by removing the entry for Merced.

3. Appendix D to subpart B is amended by removing the wage area listing for Merced, California, and by revising the listing for Kern, California, to read as follows:

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

\* \* \* \* \*

California

\* \* \* \* \*

Kern

*Survey Area*

California: Kern

*Area of Application. Survey Area Plus*

California

Fresno (Effective date April 4, 1996)

Kings

\* \* \* \* \*

[FR Doc. 96-3365 Filed 2-14-96; 8:45 am]

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