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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.

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AI68

#### Prevailing Rate Systems; Change in Survey Cycle for the Southwestern Michigan Appropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule to change the full-scale survey cycle for the Southwestern Michigan appropriated fund Federal Wage System wage area from odd to even-numbered fiscal years. This change is being made to help even out the local wage survey workload of the Department of Defense.

**DATE:** This final rule is effective on November 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hopkins, (202) 606-2848, FAX: (202) 606-0824, or e-mail to [jdhopkin@opm.gov](mailto:jdhopkin@opm.gov).

**SUPPLEMENTARY INFORMATION:** On May 3, 1999, the Office of Personnel Management (OPM) published an interim rule (64 FR 23531) to change the full-scale survey cycle for the Southwestern Michigan wage area from odd to even-numbered fiscal years. The interim regulation had a 30-day public comment period, during which OPM received no comments. The interim rule is therefore being made final. Under section 532.207 of title 5, Code of Federal Regulations, the scheduling of wage surveys takes into consideration the best timing in relation to wage adjustments in the principal local private enterprise establishments, reasonable distribution of workload of the lead agency, timing of surveys for nearby or selected wage areas, and

scheduling relationships with other pay surveys.

This change is being made to help even out the Department of Defense's (DOD's) wage survey workload and stems from DOD's recent acquisition of lead agency responsibility for 23 Federal Wage System (FWS) wage areas from the Department of Veterans Affairs. DOD requested that a full-scale wage survey for the Southwestern Michigan wage area be conducted in October 1999 and that a wage change survey be conducted in October 2000. The timing of the Southwestern Michigan wage survey relative to private sector wage adjustments will remain unchanged.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and concurred by consensus with this change.

#### 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.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (64 FR 23531) amending 5 CFR part 532 published on May 3, 1999, is adopted as final with no changes.

Office of Personnel Management.

**Janice R. Lachance,**

*Director.*

[FR Doc. 99-25610 Filed 9-30-99; 8:45 am]

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AI74

#### Prevailing Rate Systems; Redefinition of the Eastern South Dakota and Wyoming Appropriated Fund Wage Areas

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule that will redefine Jackson County, South Dakota, from the area of application of the Eastern South Dakota appropriated fund Federal Wage System (FWS) wage area to the area of application of the Wyoming wage area, and redefine Teton County, Wyoming, from the area of application of the Wyoming FWS wage area to the area of application of the Montana wage area. The redefinition of Jackson County will place all of Badlands National Park in one wage area and the redefinition of Teton County will place employees at Grand Teton National Park on the same wage schedule as employees at the nearby Yellowstone National Park.

**DATES:** *Effective Date:* This regulation is effective on November 1, 1999.

*Applicability Date:* This regulation applies on the first day of the first applicable pay period beginning on or after October 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hopkins, by phone at (202) 606-2848, by FAX at (202) 606-0824, or by email at [jdhopkin@opm.gov](mailto:jdhopkin@opm.gov).

**SUPPLEMENTARY INFORMATION:** On June 23, 1999, the Office of Personnel Management (OPM) published a proposed rule (64 FR 33427) to redefine Jackson County, South Dakota, from the area of application of the Eastern South Dakota appropriated fund Federal Wage System (FWS) wage area to the area of application of the Wyoming wage area and to redefine Teton County, Wyoming, from the area of application of the Wyoming wage area to the area of application of the Montana wage area. Under section 5343 of title 5, United States Code, OPM is responsible for defining wage areas. For this purpose, we follow the regulatory criteria established in section 532.211 of title 5, Code of Federal Regulations. The Federal Prevailing Rate Advisory Committee (FPRAC), the statutory national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended by consensus that we redefine Jackson County, South Dakota, and Teton County, Wyoming. FPRAC found no compelling reasons to make other changes in the Eastern South Dakota and Wyoming FWS wage areas.

The Eastern South Dakota wage area continues to meet the regulatory requirements to remain a separate wage area. There are currently about 550 FWS workers in the wage area, the wage area's host activity continues to have the capacity to host local wage surveys, and wage surveys in the area continue to produce adequate wage data to determine local prevailing rates. Based on an analysis of the regulatory criteria for defining FWS wage areas, FPRAC found mixed results for Jackson County. However, Badlands National Park is currently split by the boundary of the Wyoming wage area. The park headquarters is located in the Eastern South Dakota wage area, while most of the park is located in the Wyoming wage area. The redefinition of Jackson County to the Wyoming wage area will place the entire park in one wage area.

The Wyoming wage area also continues to meet the regulatory requirements to remain a separate wage area. There are currently about 1,300 FWS workers in the wage area, the wage area's host activity continues to have the capacity to host local wage surveys, and wage surveys in the area continue to produce adequate wage data to determine local prevailing rates. Based on the mixed nature of the regulatory analysis findings, there was no clear indication that Teton County should be redefined to one wage area more than another. However, the two main FWS employers in northwestern Wyoming are Yellowstone National Park and Grand Teton National Park. The parks are connected by the John D. Rockefeller, Jr., Memorial Parkway, with a distance of only about 8 kilometers (5 miles) separating the parks.

The parks are located in a region geographically isolated by the Rocky Mountains from both the Montana and Wyoming survey areas. Although the regulatory criteria do not favor defining Teton County to one wage area more than another, we are placing the parks in the same wage area based on FPRAC's recommendation. This change will place all Department of the Interior FWS employees stationed in northwestern Wyoming in the same wage area, including those FWS employees assigned to Yellowstone National Park and Grand Teton National Park.

The proposed rule provided a 30-day public comment period, during which we received two comments, both of which supported these changes.

**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.

**Janice R. Lachance,**  
*Director.*

Accordingly, the Office of Personnel Management amends 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. Appendix C to subpart B is amended by revising the wage area listings for the Montana, Eastern South Dakota, and Wyoming wage areas to read as follows:

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

\* \* \* \* \*

**MONTANA**

*Survey Area*

Montana:  
Cascade  
Lewis and Clark  
Yellowstone

*Area of Application. Survey area plus*

Montana:  
Beaverhead  
Big Horn  
Blaine  
Broadwater  
Carbon  
Carter  
Chouteau  
Custer  
Daniels  
Dawson  
Deer Lodge  
Fallon  
Fergus  
Flathead  
Gallatin  
Garfield  
Glacier  
Golden Valley  
Granite  
Hill  
Jefferson  
Judith Basin  
Lake  
Liberty  
Lincoln  
McCone  
Madison  
Meagher  
Mineral  
Missoula  
Musselshell

Park  
Petroleum  
Phillips  
Pondera  
Powder River  
Powell  
Prairie  
Ravalli  
Richland  
Roosevelt  
Rosebud  
Sanders  
Sheridan  
Silver Bow  
Stillwater  
Sweet Grass  
Teton  
Toole  
Treasure  
Valley  
Wheatland  
Wibaux  
Wyoming:  
Big Horn  
Park  
Teton

\* \* \* \* \*

**SOUTH DAKOTA**

**EASTERN SOUTH DAKOTA**

*Survey Area*

South Dakota:  
Minnehaha

*Area of Application. Survey area plus:*

South Dakota:  
Aurora  
Beadle  
Bennett  
Bon Homme  
Brookings  
Brown  
Brule  
Buffalo  
Campbell  
Charles Mix  
Clark  
Clay  
Codington  
Corson  
Davison  
Day  
Deuel  
Dewey  
Douglas  
Edmunds  
Faulk  
Grant  
Gregory  
Haakon  
Hamlin  
Hand  
Hanson  
Hughes  
Hutchinson  
Hyde  
Jerauld  
Jones  
Kingsbury  
Lake  
Lincoln  
Lyman  
McCook  
McPherson  
Marshall

Mellette  
 Miner  
 Moody  
 Potter  
 Roberts  
 Sanborn  
 Spink  
 Stanley  
 Sully  
 Todd  
 Tripp  
 Turner  
 Union  
 Walworth  
 Washabaugh  
 Yankton  
 Ziebach  
 Iowa:  
 Dickinson  
 Emmet  
 Lyon  
 Osceola  
 Minnesota:  
 Jackson  
 Lincoln  
 Lyon  
 Murray  
 Nobles  
 Pipestone  
 Rock

\* \* \* \* \*

#### WYOMING

##### Survey Area

Wyoming:  
 Albany  
 Laramie  
 Natrona  
 South Dakota:  
 Pennington

##### Area of application. Survey area plus:

Wyoming:  
 Campbell  
 Carbon  
 Converse  
 Crook  
 Fremont  
 Goshen  
 Hot Springs  
 Johnson  
 Lincoln  
 Niobrara  
 Platte  
 Sheridan  
 Sublette  
 Sweetwater  
 Uinta  
 Washakie  
 Weston  
 Nebraska:  
 Banner  
 Box Butte  
 Cheyenne  
 Dawes  
 Deuel  
 Garden  
 Kimball  
 Morrill  
 Scotts Bluff  
 Sheridan  
 Sioux  
 South Dakota:  
 Butte  
 Custer  
 Fall River

Harding  
 Jackson  
 Lawrence  
 Meade  
 Perkins  
 Shannon

[FR Doc. 99-25611 Filed 9-30-99; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 915 and 944

[Docket No. FV99-915-2 FR]

#### Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements for Fresh Avocados

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule revises the maturity requirements currently prescribed under the marketing order for avocados grown in south Florida, and those specified in the avocado import maturity regulation. The marketing order regulates the handling of avocados grown in south Florida, and is administered locally by the Avocado Administrative Committee (Committee). This rule changes maturity requirements by adding additional shipping dates, weights and/or diameters to the shipping schedule for several avocado varieties, and adds three new varieties of avocados to the shipping schedule. This rule facilitates the shipment of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market. This helps improve grower returns and promotes orderly marketing. Application of the maturity requirements to imported avocados is required under section 8e of the Agricultural Marketing Agreement Act of 1937.

**EFFECTIVE DATE:** This final rule becomes effective October 4, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Doris Jamieson, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299-4770, Fax: (941) 299-5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698. Small businesses may request information on complying with this regulation by

contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Agreement No. 121 and Marketing Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This final rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including avocados, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted