

**Louisiana**  
**Lake Charles-Alexandria**  
*Survey Area*

## Louisiana:

Allen  
Beauregard  
Calcasieu  
Grant  
Rapides  
Sabine  
Vernon

*Area of Application. Survey area plus:*

## Louisiana:

Acadia  
Avoyelles  
Caldwell  
Cameron  
Catahoula  
Concordia  
Evangeline  
Franklin  
Iberia  
Jefferson Davis  
Lafayette  
La Salle  
Madison  
Natchitoches  
St. Landry  
St. Martin  
Tensas  
Vermilion  
Winn

**New Orleans**  
*Survey Area*

## Louisiana:

Jefferson  
Orleans  
Plaquemines  
St. Bernard  
St. Charles  
St. John the Baptist  
St. Tammany

*Area of Application. Survey area plus:*

## Louisiana:

Ascension  
Assumption  
East Baton Rouge  
East Feliciana  
Iberville  
Lafourche  
Livingston  
Pointe Coupee  
St. Helena  
St. James  
St. Mary  
Tangipahoa  
Terrebonne  
Washington  
West Baton Rouge  
West Feliciana

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[FR Doc. E9-4923 Filed 3-6-09; 8:45 am]

BILLING CODE 6325-39-P

**OFFICE OF PERSONNEL  
MANAGEMENT**

**5 CFR Part 532**

**RIN 3206-AL82**

**Prevailing Rate Systems; Redefinition  
of the Boise, ID, and Utah Appropriated  
Fund Federal Wage System Wage  
Areas**

**AGENCY:** U.S. Office of Personnel  
Management.

**ACTION:** Proposed rule with request for  
comments.

**SUMMARY:** The U.S. Office of Personnel  
Management is issuing a proposed rule  
that would redefine the geographic  
boundaries of the Boise, ID, and Utah  
appropriated fund Federal Wage System  
(FWS) wage areas. The proposed rule  
would redefine Franklin County, ID,  
from the Boise wage area to the Utah  
wage area. These changes are based on  
recent consensus recommendations of  
the Federal Prevailing Rate Advisory  
Committee to best match the counties  
proposed for redefinition to a nearby  
FWS survey area. No other changes are  
proposed for the Boise and Utah FWS  
wage areas.

**DATES:** We must receive comments on or  
before April 8, 2009.

**ADDRESSES:** Send or deliver comments  
to Charles D. Grimes III, Deputy  
Associate Director for Performance and  
Pay Systems, Strategic Human  
Resources Policy Division, U.S. Office of  
Personnel Management, Room 7H31,  
1900 E Street, NW., Washington, DC  
20415-8200; e-mail [pay-performance-  
policy@opm.gov](mailto:pay-performance-policy@opm.gov); or FAX: (202) 606-  
4264.

**FOR FURTHER INFORMATION CONTACT:**  
Madeline Gonzalez, (202) 606-2838;  
e-mail [pay-performance-  
policy@opm.gov](mailto:pay-performance-policy@opm.gov); or FAX: (202) 606-  
4264.

**SUPPLEMENTARY INFORMATION:** The U.S.  
Office of Personnel Management (OPM)  
is issuing a proposed rule to redefine  
the Boise, ID, and Utah appropriated  
fund Federal Wage System (FWS) wage  
areas. This proposed rule would  
redefine Franklin County, ID, from the  
Boise wage area to the Utah wage area.

OPM considers the following  
regulatory criteria under 5 CFR 532.211  
when defining FWS wage area  
boundaries:

- i. Distance, transportation facilities,  
and geographic features;
- ii. Commuting patterns; and
- iii. Similarities in overall population,  
employment, and the kinds and sizes of  
private industrial establishments.

Franklin County, ID and Cache  
County, UT, comprise the Logan, UT-ID  
Metropolitan Statistical Area (MSA).  
The Logan MSA is split between the  
Boise, ID, wage area and the Utah wage  
area. Franklin County is part of the area  
of application of the Boise wage area  
and Cache County is part of the area of  
application of the Utah wage area.

Based on an analysis of the regulatory  
criteria for Cache County, the location of  
the main population center in the Logan  
MSA, we recommend that the entire  
Logan MSA be defined to the Utah wage  
area. The distance criterion for Cache  
County favors the Utah wage area more  
than the Boise wage area. The  
commuting patterns criterion favors the  
Utah wage area. All other criteria are  
inconclusive. We believe our regulatory  
analysis findings indicate that Cache  
County is appropriately defined to the  
Utah wage area. OPM regulations at 5  
CFR 532.211 permit splitting MSAs only  
in very unusual circumstances (*e.g.*,  
organizational relationships among  
closely located Federal activities). There  
appear to be no unusual circumstances  
that would permit splitting the Logan  
MSA. To comply with OPM regulations  
not to split MSAs, Franklin County  
would be redefined to the Utah wage  
area.

The Federal Prevailing Rate Advisory  
Committee (FPRAC), the national labor-  
management committee responsible for  
advising OPM on matters concerning  
the pay of FWS employees,  
recommended these changes by  
consensus. These changes 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. FPRAC  
recommended no other changes in the  
geographic definitions of the Boise and  
Utah wage areas.

**Regulatory Flexibility Act**

I certify that these regulations would  
not have a significant economic impact  
on a substantial number of small entities  
because they would 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.

**Kathie Ann Whipple,**  
*Acting Director.*

Accordingly, the U.S. Office of  
Personnel Management 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. Appendix C to subpart B is amended by revising the wage area listings for the Boise, ID, and Utah wage areas to read as follows:

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

\* \* \* \* \*

**Idaho**  
**Boise**  
*Survey Area*

Idaho:

- Ada
- Boise
- Canyon
- Elmore
- Gem

*Area of Application. Survey area plus:*

Idaho:

- Adams
- Bannock
- Bear Lake
- Bingham
- Blaine
- Bonneville
- Butte
- Camas
- Caribou
- Cassia
- Clark
- Custer
- Fremont
- Gooding
- Jefferson
- Jerome
- Lemhi
- Lincoln
- Madison
- Minidoka
- Oneida
- Owyhee
- Payette
- Power
- Teton
- Twin Falls
- Valley
- Washington

\* \* \* \* \*

**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
  - Grand
  - Iron
  - Juab
  - Millard
  - Morgan
  - Piute
  - Rich
  - San Juan (Only includes the Canyonlands National Park portion.)
  - Sanpete
  - Sevier
  - Summit
  - Uintah
  - Wasatch
  - Washington
  - Wayne
- Colorado:
- Mesa
  - Moffat
- Idaho:
- Franklin

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[FR Doc. E9-4921 Filed 3-6-09; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**7 CFR Part 980**

[Doc. No. AMS FV-08-0097; FV09-980-1 PR]

**Vegetables, Import Regulations; Partial Exemption to the Minimum Grade Requirements for Fresh Tomatoes**

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule invites comments on a proposed partial exemption to the minimum grade requirements under the tomato import regulation. The Florida Tomato Committee (Committee) which locally administers the marketing order for tomatoes grown in Florida (order) recommended the change for Florida tomatoes. The change in the import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937. A separate rule amending the rules and regulations under the order to exempt Vintage Ripes™ tomatoes (Vintage Ripes™) from the shape requirements associated with the U.S. No. 2 grade is being issued by the Department of Agriculture (USDA). This rule would provide the same partial exemption under the import regulation so it would conform to the regulations under the order.

**DATES:** Comments must be received by May 8, 2009.

**ADDRESSES:** Interested persons are invited to submit written comments

concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938; or *Internet:* <http://www.regulations.gov>. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this 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 the comments will be made public on the Internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Doris Jamieson, Marketing Specialist, or Christian Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (863) 324-3375, *Fax:* (863) 325-8793; or *E-mail:* [Doris.Jamieson@usda.gov](mailto:Doris.Jamieson@usda.gov) or [Christian.Nissen@usda.gov](mailto:Christian.Nissen@usda.gov).

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; *Telephone:* (202) 720-2491, *Fax:* (202) 720-8938, or *E-mail:* [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** This proposed rule is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act," which provides that whenever certain specified commodities, including tomatoes, 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 commodity.

USDA is issuing this rule in conformance with Executive Order 12866.

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