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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AL83

Prevailing Rate Systems; Redefinition of the New Haven-Hartford and New London, CT, 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 (OPM) is issuing a proposed rule that would define the New Haven-Hartford and New London, CT, appropriated fund Federal Wage System (FWS) wage areas by county rather than by city and town boundaries. Defining the New England FWS wage areas by primarily considering county boundaries would provide greater consistency in how OPM defines FWS wage areas and would improve the ability to make direct data comparisons with Census Bureau data. The proposed rule would define the New Haven-Hartford wage area to include Hartford and New Haven Counties, CT, as the survey area and Fairfield, Litchfield, Middlesex, and Tolland Counties, CT, as the area of application and the New London wage area to include New London County, CT, as the survey area and Windham County, CT, as the area of application.

DATES: We must receive comments on or before April 23, 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; or FAX: (202) 606-4264.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606-2838; e-

mail pay-performance-policy@opm.gov; or FAX: (202) 606-4264.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is engaged in an ongoing project to review the geographic definitions of Federal Wage System (FWS) wage areas. 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.

FWS wage areas in New England differ from the majority of FWS wage areas in that they are geographically defined according to the boundaries of cities and towns rather than by the boundaries of counties. Under its methodology for defining metropolitan areas, the Office of Management and Budget (OMB) uses counties rather than cities and towns as the primary geographic entities for defining metropolitan areas in New England. OMB uses cities and towns in New England to define a secondary set of metropolitan areas. Because OMB considers its county-based metropolitan areas the primary set of metropolitan areas for New England, we propose to primarily apply the county-based metropolitan area definitions to FWS wage area boundaries. Defining the New England FWS wage areas by primarily considering county boundaries will provide greater consistency in how the OPM defines FWS wage areas and will improve the ability to make direct data comparisons with Census Bureau data. For example, some statistical programs, such as the Census Bureau's *County Business Patterns*, provide data by counties.

OPM recently completed reviews of the definitions of the New Haven-Hartford and New London, CT, wage areas and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below.

New Haven-Hartford, CT

This proposed rule would define the New Haven-Hartford, CT, appropriated fund FWS wage area by county rather than by city and town boundaries. The proposed rule would define the New Haven-Hartford wage area to include

Hartford and New Haven Counties, CT, as the survey area and Fairfield, Litchfield, Middlesex, and Tolland Counties, CT, as the area of application.

The New Haven-Hartford survey area currently includes 1 town of Fairfield County, 15 towns of Hartford County, 2 towns of Middlesex County, and 11 towns of New Haven County. We propose that the New Haven-Hartford survey area be changed to include all of Hartford and New Haven Counties. The survey area would be conveniently located in the central part of the wage area and would closely reflect the prevailing rates paid by businesses in the wage area. Stratford town in Fairfield County and Cromwell and Middlefield towns in Middlesex County, currently part of the New Haven-Hartford survey area, would be redefined to the New Haven-Hartford area of application.

Hartford, Middlesex, and Tolland Counties comprise the Hartford-West Hartford-East Hartford, CT Metropolitan Statistical Area (MSA). Old Saybrook town in Middlesex County is part of the current New London wage area. Somers and Somersville towns in Tolland County are part of the current Central and Western Massachusetts wage area. OPM regulations at 5 CFR 532.211 do not permit splitting MSAs for the purpose of defining a wage area, except in very unusual circumstances (e.g., organizational relationships among closely located Federal activities). OPM proposes to redefine Old Saybrook town in Middlesex County and Somers and Somersville towns in Tolland County to the New Haven-Hartford area of application so that the entire Hartford-West Hartford-East Hartford, CT MSA is in one wage area. No FWS employees currently work in Middlesex or Tolland Counties. With these changes, the New Haven-Hartford area of application would include all of Fairfield, Litchfield, Middlesex, and Tolland Counties.

These changes would be effective for the full-scale wage survey in the New Haven-Hartford wage area scheduled to begin in April 2011.

New London, CT

This proposed rule would define the New London, CT, appropriated fund FWS wage area by county rather than by city and town boundaries. The proposed rule would define the New London wage area to include New London

County, CT, as the survey area and Windham County, CT, as the area of application.

The New London survey area currently includes 28 towns of New London County, CT, 1 town of Middlesex County, CT, and 2 towns of Washington County, RI. We propose that the New London survey area be changed to include all of New London County.

OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances (e.g., organizational relationships among closely located Federal activities). OPM proposes to redefine Old Saybrook town in Middlesex County, currently part of the New London survey area, to the New Haven-Hartford area of application so the entire Hartford-West Hartford-East Hartford, CT MSA is in one wage area. No FWS employees currently work in Middlesex County. OPM proposes to redefine Hopkinton and Westerly towns in Washington County, currently part of the New London survey area, to the Narragansett Bay, RI, area of application so the entire Providence-New Bedford-Fall River, RI-MA MSA is in one wage area. No FWS employees currently work in Hopkinton and Westerly towns.

These changes would be effective for the full-scale wage survey in the New London wage area scheduled to begin in September 2010.

The Federal Prevailing Rate Advisory Committee (FPRAC), the national labor-management committee that advises OPM on FWS pay matters, reviewed and recommended these changes by consensus. Based on its review of the regulatory criteria for defining FWS wage areas, FPRAC recommended no other changes in the geographic definitions of the New Haven-Hartford and New London 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. In appendix C to subpart B, the wage area listing for the State of Connecticut is amended by revising the listings for New Haven-Hartford and New London; for the State of Massachusetts, by revising the listing for Central and Western Massachusetts; and for the State of Rhode Island, by revising the listing for Narragansett Bay, to read as follows:

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

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CONNECTICUT

New Haven-Hartford

Survey Area

Connecticut:
Hartford
New Haven

Area of Application. Survey area plus:

Connecticut:
Fairfield
Litchfield
Middlesex
Tolland

New London

Survey Area

Connecticut:
New London

Area of Application. Survey area plus:

Connecticut:
Windham

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MASSACHUSETTS

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Central and Western Massachusetts

Survey Area

Massachusetts:
The following cities and towns in:

Hampden County

Agawam
Chicopee
East Longmeadow
Feeding Hills
Hampden
Holyoke
Longmeadow
Ludlow
Monson

Palmer
Southwick
Springfield
Three Rivers
Westfield
West Springfield
Wilbraham

Hampshire County

Easthampton
Granby
Hadley
Northampton
South Hadley

Worcester County

Warren
West Warren

Area of Application. Survey area plus:

Massachusetts:
Berkshire
Franklin
Worcester (except Blackstone and Millville)

The following cities and towns in:

Hampshire County

Amherst
Belchertown
Chesterfield
Cummington
Goshen
Hatfield
Huntington
Middlefield
Pelham
Plainfield
Southampton
Ware
Westhampton
Williamsburg
Worthington

Hampden County

Blandford
Brimfield
Chester
Granville
Holland
Montgomery
Russell
Tolland
Wales

Middlesex County

Ashby
Shirley
Townsend

New Hampshire:

Belknap
Carroll
Cheshire
Grafton
Hillsborough
Merrimack
Sullivan

Vermont:

Addison
Bennington
Caledonia
Essex
Lamoille
Orange
Orleans
Rutland
Washington
Windham
Windsor

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RHODE ISLAND
Narragansett Bay
Survey Area

Rhode Island:
 Bristol
 Newport
 The following cities and towns:
Kent County
 Anthony
 Coventry
 East Greenwich
 Greene
 Warwick
 West Warwick
Providence County
 Ashton
 Burrillville
 Central Falls
 Cranston
 Cumberland
 Cumberland Hill
 East Providence
 Esmond
 Forestdale
 Greenville
 Harrisville
 Johnston
 Lincoln
 Manville
 Mapleville
 North Providence
 North Smithfield
 Oakland
 Pascoag
 Pawtucket
 Providence
 Saylesville
 Slatersville
 Smithfield
 Valley Falls
 Wallum Lake
 Woonsocket
Washington County
 Davisville
 Galilee
 Lafayette
 Narragansett
 North Kingstown
 Point Judith
 Quonset Point
 Saunderstown
 Slocum
 Massachusetts:
 The following cities and towns:
Bristol County
 Attleboro
 Fall River
 North Attleboro
 Rehoboth
 Seekonk
 Somerset
 Swansea
 Westport
Norfolk County
 Caryville
 Plainville
 South Bellingham
Worcester County
 Blackstone
 Millville

Area of Application. Survey area plus:
 Rhode Island:
 The following cities and towns in:
Kent County
 West Greenwich
Providence County
 Foster
 Glocester
 Scituate
Washington County
 Charlestown
 Exeter
 Hopkinton
 New Shoreham
 Richmond
 South Kingstown
 Westerly
 Massachusetts:
 The following cities and towns in:
Bristol County
 Acushnet
 Berkley
 Dartmouth
 Dighton
 Fairhaven
 Freetown
 Mansfield
 New Bedford
 Norton
 Raynham
 Taunton

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 150

RIN 3038-AC40

Concept Release on Whether To Eliminate the Bona Fide Hedge Exemption for Certain Swap Dealers and Create a New Limited Risk Management Exemption From Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Advance notice of proposed rulemaking; request for public comment.

SUMMARY: In June and July of 2008, the Commodity Futures Trading Commission ("Commission") issued a special call for information from swap dealers and index traders regarding their over-the-counter ("OTC") market activities. In September of 2008, the Commission released a "Staff Report on Commodity Swap Dealers and Index Traders with Commission Recommendations" (the "September 2008 Report") with several preliminary Commission recommendations.

Recommendation five of the September 2008 Report directs the staff to develop an advance notice of proposed rulemaking that would review whether to eliminate the *bona fide* hedge exemption for swap dealers and replace it with a limited risk management exemption that is conditioned upon, among other things, an obligation to report to the CFTC and applicable self-regulatory organizations when certain noncommercial swap clients reach a certain position level and/or a certification that none of a swap dealer's noncommercial swap clients exceed specified position limits in related exchange-regulated commodities.¹

This concept release reviews the underlying statutory and regulatory background, as well as the regulatory history and relevant marketplace developments, as described in the September 2008 Report, which led to the foregoing recommendation. It then poses a number of questions designed to help inform the Commission's decision as to whether to proceed with the recommendation to eliminate the *bona fide* hedge exemption for swap dealers and replace it with a conditional limited risk management exemption; and if so, what form the new limited risk management exemptive rules should take and how they might be implemented most effectively.

DATES: Comments must be received on or before May 26, 2009.

ADDRESSES: Comments should be submitted to David Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Comments also may be sent by facsimile to (202) 418-5521, or by electronic mail to secretary@cftc.gov. Reference should be made to "Whether to Eliminate the *Bona Fide* Hedge Exemption for Certain Swap Dealers and Create a New Limited Risk Management Exemption From Speculative Position Limits." Comments may also be submitted by connecting to the Federal eRulemaking Portal at <http://www.regulations.gov> and following comment submission instructions.

FOR FURTHER INFORMATION CONTACT: Donald Heitman, Senior Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone (202) 418-5041, facsimile number (202) 418-5507, electronic mail dheitman@cftc.gov.

¹ Staff Report on Commodity Swap Dealers and Index Traders with Commission Recommendations, Commodity Futures Trading Commission, September 2008, at 6.