

# Proposed Rules

Federal Register

Vol. 75, No. 222

Thursday, November 18, 2010

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-AM32

### Prevailing Rate Systems; Redefinition of the Madison, WI, and Southwestern Wisconsin 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 Madison, Wisconsin, and Southwestern Wisconsin appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Adams and Waushara Counties, WI, from the Southwestern Wisconsin wage area to the Madison 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 Madison and Southwestern Wisconsin FWS wage areas.

**DATES:** We must receive comments on or before December 20, 2010.

**ADDRESSES:** Send or deliver comments to Jerome D. Mikowicz, Deputy Associate Director for Pay and Leave, Employee Services, 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 Madison, WI, and Southwestern Wisconsin appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Adams and Waushara Counties, WI, from the Southwestern Wisconsin wage area to the Madison 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.

Adams County is currently defined to the Southwestern Wisconsin area of application. Based on our analysis of the regulatory criteria for defining appropriated fund FWS wage areas, we find that Adams County would be more appropriately defined as part of the Madison area of application. When measuring to cities, the distance criterion favors the Madison wage area. When measuring to host installations, the distance criterion favors the Southwestern Wisconsin wage area. The transportation facilities and geographic features criteria are indeterminate. The commuting patterns criterion slightly favors the Madison wage area. Similarities in overall population, total private sector employment, and kinds and sizes of private industrial establishments favor the Southwestern Wisconsin wage area. Although a standard review of regulatory criteria shows mixed results, the distance criterion indicates Adams County is closer to the Madison survey area. Based on this analysis, we recommend that Adams County be redefined to the Madison wage area.

Waushara County is also currently defined to the Southwestern Wisconsin area of application. Our analysis of the regulatory criteria indicates that Waushara County would be more appropriately defined as part of the Madison wage area. When measuring to cities, the distance criterion favors the Madison wage area. When measuring to host installations, the distance criterion favors the Southwestern Wisconsin wage area. The transportation facilities and geographic features criteria are indeterminate. The commuting patterns criterion is also indeterminate. Similarities in overall population, total

private sector employment, and kinds and sizes of private industrial establishments favor the Southwestern Wisconsin wage area. Although a standard review of regulatory criteria shows mixed results, the distance criterion indicates Waushara County is closer to the Madison survey area. Based on this analysis, we recommend that Waushara County be redefined to the Madison 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 Madison and Southwestern Wisconsin 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.

**John Berry,**  
*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 Madison, WI, and Southwestern Wisconsin wage areas to read as follows:

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

\* \* \* \* \*

**WISCONSIN  
Madison  
Survey Area**

Wisconsin:

Dane

*Area of Application. Survey area plus:*

Wisconsin:

Adams  
Columbia  
Dodge  
Grant  
Green  
Green Lake  
Iowa  
Jefferson  
Lafayette  
Marquette  
Rock  
Sauk  
Waushara

\* \* \* \* \*

**Southwestern Wisconsin  
Survey Area**

Wisconsin:

Chippewa  
Eau Claire  
La Crosse  
Monroe  
Trempealeau*Area of Application. Survey area plus:*

Wisconsin:

Barron  
Buffalo  
Clark  
Crawford  
Dunn  
Florence  
Forest  
Jackson  
Juneau  
Langlade  
Lincoln  
Marathon  
Marinette  
Menominee  
Oconto  
Oneida  
Pepin  
Portage  
Price  
Richland  
Rusk  
Shawano  
Taylor  
Vernon  
Vilas  
Waupaca  
Wood

Minnesota:

Fillmore  
Houston  
Wabasha  
Winona

\* \* \* \* \*

[FR Doc. 2010-29014 Filed 11-17-10; 8:45 am]

BILLING CODE 6325-39-P

**MERIT SYSTEMS PROTECTION  
BOARD****5 CFR Part 1206****Practices and Procedures, Board  
Meetings****AGENCY:** Merit Systems Protection  
Board.**ACTION:** Proposed rule.**SUMMARY:** The Merit Systems Protection  
Board (MSPB or the Board) is proposing  
to amend its open meeting regulations at  
5 CFR 1206.7 to ensure consistency with  
the Government in Sunshine Act.**DATES:** Submit written comments on or  
before December 20, 2010.**ADDRESSES:** Send comments to William  
D. Spencer, Clerk of the Board, Merit  
Systems Protection Board, 1615 M  
Street, NW., Washington, DC 20419;  
(202) 653-7200, fax: (202) 653-7130 or  
e-mail: [mspb@mspb.gov](mailto:mspb@mspb.gov).**FOR FURTHER INFORMATION CONTACT:**William D. Spencer, Clerk of the Board,  
Merit Systems Protection Board, 1615 M  
Street, NW., Washington, DC 20419;  
(202) 653-7200, fax: (202) 653-7130 or  
e-mail: [mspb@mspb.gov](mailto:mspb@mspb.gov).**SUPPLEMENTARY INFORMATION:** This  
notice proposes to make several  
amendments to 5 CFR 1206.7. The title  
of § 1206.7 is re-named to more fully  
advise the reader of matters addressed  
therein. In section (a)(1) of the proposed  
regulation a new section is added to  
make clear that the Board may, instead  
of maintaining a transcript or electronic  
recording, maintain a set of minutes of  
a meeting closed pursuant to section  
(10) of 5 U.S.C. 552b(c). This revised  
section also sets forth the information  
that must be included in a set of  
minutes. Section (a)(2) of the proposed  
amendment states the Board's  
responsibility to promptly make  
available to the public copies of  
transcripts, recordings, or minutes of  
closed meetings, except where the  
Board determines that such information  
may be withheld pursuant to 5 U.S.C.  
552b(c). Section (a)(3) of the proposed  
regulation addresses the Board's  
responsibility to retain copies of  
transcripts, recordings or minutes of  
closed meetings. Section (b) of 5 CFR  
1206.7 is unchanged by the proposed  
amendment.**List of Subjects in 5 CFR Part 1206**Administrative practice and  
procedure, Board meetings.Accordingly, the Board proposes to  
amend 5 CFR part 1206 as follows:**PART 1206—[AMENDED]**1. The authority citation for 5 CFR  
part 1206 continues to read:**Authority:** 5 U.S.C. 552b.

2. Revise § 1206.7 to read as follows:

**§ 1206.7 Transcripts, recordings or  
minutes of open and closed meetings;  
public availability; retention.**(a) *Closed meetings.* (1) For every  
meeting, or portion thereof, closed  
pursuant to this part the presiding  
officer shall prepare a statement setting  
forth the time and place of the meeting  
and the persons present, which  
statement shall be retained by the  
Board. For each such meeting, or  
portion thereof, the Board shall  
maintain a copy of the General  
Counsel's certification under § 1206.6(b)  
of this part, a statement from the  
presiding official specifying the time  
and place of the meeting and naming  
the persons present, a record (which  
may be part of the transcript) of all votes  
and all documents considered at the  
meeting, and a complete transcript or  
electronic recording of the proceedings,  
except that for meetings or portions of  
meetings closed pursuant to section (10)  
of 5 U.S.C. 552b(c), the Board may  
maintain either a transcript, electronic  
recording, or a set of minutes. In lieu of  
a transcript or electronic recording, a set  
of minutes shall fully and accurately  
summarize any action taken, the reasons  
therefor and views thereon, documents  
considered and the members' vote on  
each roll call vote, if any.(2) The Board shall make promptly  
available to the public copies of  
transcripts, recordings or minutes  
maintained as provided in accordance  
with paragraph (a) of this section,  
except to the extent the items therein  
contain information which the Board  
determines may be withheld pursuant to  
the provisions of 5 U.S.C. 552b(c).  
Copies of transcripts or minutes, or  
transcriptions of electronic recordings  
including the identification of speakers,  
shall to the extent determined to be  
publicly available, be furnished to any  
person, subject to the payment of  
duplication costs or the actual cost of  
transcription.(3) The Board shall maintain a  
complete verbatim copy of the  
transcript, a complete copy of the  
minutes, or a complete electronic  
recording of each meeting, or portion of  
a meeting, closed to the public, for a  
period of at least two (2) years after such  
meeting or until one (1) year after the  
conclusion of any Board proceeding