

Proposed Rules

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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-AM70

Prevailing Rate Systems; Redefinition of the St. Louis, MO; Southern Missouri; Cleveland, OH; and Pittsburgh, PA, 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 St. Louis, MO; Southern Missouri; Cleveland, OH; and Pittsburgh, PA, appropriated fund Federal Wage System wage areas. The proposed rule would redefine Bollinger, Cape Girardeau, and Perry Counties, MO, from the Southern Missouri wage area to the St. Louis wage area and Mercer County, PA, from the Pittsburgh wage area to the Cleveland 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. This proposed rule makes two additional corrections. It renames the Champaign-Urbana, IL, wage area as the Central Illinois wage area and updates the name of the White Sands Proving Ground in the Albuquerque, NM, and El Paso, TX, wage areas to White Sands Missile Range.

DATES: We must receive comments on or before December 17, 2012.

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; email *pay-leave-*

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

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606-2838; email *pay-leave-policy@opm.gov*; or FAX: (202) 606-4264.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management is issuing a proposed rule that would redefine the geographic boundaries of the St. Louis, MO; Southern Missouri; Cleveland, OH; and Pittsburgh, PA, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Bollinger, Cape Girardeau, and Perry Counties, MO, from the Southern Missouri wage area to the St. Louis wage area and Mercer County, PA, from the Pittsburgh wage area to the Cleveland 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.

In addition, 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.

OPM recently completed reviews of the definitions of the Cape Girardeau-Jackson, MO-IL and Youngstown-Warren-Boardman, OH-PA MSAs and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below. 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 St. Louis, Southern Missouri, Cleveland, and Pittsburgh wage areas.

Cape Girardeau-Jackson, MO-IL Metropolitan Statistical Area

Alexander County, IL, and Bollinger and Cape Girardeau Counties, MO,

comprise the Cape Girardeau-Jackson, MO-IL MSA. The Cape Girardeau-Jackson MSA is currently split between the St. Louis, MO, and Southern Missouri wage areas. Alexander County is part of the area of application of the St. Louis wage area and Bollinger and Cape Girardeau Counties are part of the area of application of the Southern Missouri wage area.

Based on an analysis of the regulatory criteria for Cape Girardeau County, the core county in the Cape Girardeau-Jackson MSA, we recommend that the entire Cape Girardeau-Jackson MSA be defined to the St. Louis area of application. The distance criterion for Cape Girardeau County favors the St. Louis wage area more than the Southern Missouri wage area. The commuting patterns criterion does not favor one wage area more than another. Cape Girardeau County does not resemble one survey area more than another survey area in terms of the overall population, employment, and the kinds and sizes of private industrial establishments criteria. Based on this analysis, we find that Cape Girardeau County would be more appropriately defined to the St. Louis wage area. Since there appear to be no unusual circumstances that would permit splitting the Cape Girardeau-Jackson MSA, OPM proposes to also redefine Bollinger County to the St. Louis wage area so that the entire Cape Girardeau-Jackson MSA is in one wage area. There are currently nine FWS employees working in Cape Girardeau County. There are currently no FWS employees working in Bollinger County.

Because Perry County, MO, borders Bollinger and Cape Girardeau Counties to the north and is located in between the Cape Girardeau-Jackson MSA and the St. Louis wage area, Perry County would be redefined to the St. Louis wage area. The distance criterion for Perry County favors the St. Louis wage area more than the Southern Missouri wage area. The commuting patterns criterion favors the St. Louis wage area more than the Southern Missouri wage area. Perry County does not resemble one survey area more than another survey area in terms of the overall population, employment, and the kinds and sizes of private industrial establishments criteria. Based on this analysis, we find that Perry County would be more appropriately defined to the St. Louis wage area. There are

currently no FWS employees working in Perry County.

Youngstown-Warren-Boardman, OH-PA Metropolitan Statistical Area

Trumbull and Mahoning Counties, OH, and Mercer County, PA, comprise the Youngstown-Warren-Boardman, OH-PA MSA. The Youngstown-Warren-Boardman MSA is currently split between the Cleveland, OH, and Pittsburgh, PA, wage areas. Trumbull and Mahoning Counties are part of the area of application of the Cleveland wage area, and Mercer County is part of the area of application of the Pittsburgh wage area.

Based on an analysis of the regulatory criteria for Mahoning County, the core county in the Youngstown-Warren-Boardman MSA, the entire Youngstown-Warren-Boardman MSA would be defined to the Cleveland wage area. The distance criterion does not favor one wage area more than another. We believe distance is not a determining factor in this case. The commuting patterns criterion does not favor one wage area more than another. The difference between the resident workforce commuting to work in the Cleveland and Pittsburgh survey areas is insignificant; however, marginally more people commute into the Cleveland survey area (1.23 percent) than into the Pittsburgh survey area (0.76 percent). The overall population and employment and the kinds and sizes of private industrial establishments criteria do not favor one wage area more than another.

Based on the mixed nature of the regulatory analysis findings, we believe the fact that the city of Youngstown in Mahoning County is generally considered to be part of the greater Cleveland area provides sufficient evidence that Mahoning County is appropriately defined to the Cleveland wage area. OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances. Since there appear to be no unusual circumstances that would permit splitting the Youngstown-Warren-Boardman MSA, OPM proposes to redefine Mercer County to the Cleveland wage area so that the entire Youngstown-Warren-Boardman MSA is in one wage area. The remaining county in the Youngstown-Warren-Boardman MSA, Trumbull County, is already defined to the Cleveland wage area. There are currently two FWS employees working in Mercer County.

CFR Corrections

In addition, this proposed rule renames the Champaign-Urbana, IL, FWS wage area as the Central Illinois

FWS wage area because this name better describes the boundaries of the wage area. This proposed rule also updates the name of the White Sands Proving Ground in the Albuquerque, NM, and El Paso, TX, wage areas because the Department of Defense now refers to it as that White Sands Missile Range. OPM announced these changes in interim (65 FR 48641) and final (65 FR 64337) rules published in 2000. However, Champaign-Urbana and White Sands Proving Ground continue to appear incorrectly in Appendix A to Subpart B of Part 532 and/or Appendix C to Subpart B of Part 532.

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.

Appendix A to Subpart B of Part 532 [Amended]

2. In appendix A to subpart B of part 532, under the State of Illinois, revise the wage-area entry “Champaign-Urbana” to read “Central Illinois”.

3. In appendix C to subpart B of part 532, under the State of Illinois, revise the wage-area entry “Champaign-Urbana” to read “Central Illinois” and revise the wage area listings for the Southern Missouri; St. Louis, MO; Albuquerque, NM; Cleveland, OH; Pittsburgh, PA; and El Paso, TX, wage areas to read as follows:

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

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MISSOURI

- * * * * *
- St. Louis**
Survey Area
- Illinois:
 - Clinton
 - Madison
 - Monroe
 - St. Clair
- Missouri: (city)
 - St. Louis
- Missouri: (counties)
 - Franklin
 - Jefferson
 - St. Charles
 - St. Louis

Area of Application. Survey area plus:
- Illinois:
 - Alexander
 - Bond
 - Calhoun
 - Clay
 - Effingham
 - Fayette
 - Franklin
 - Greene
 - Hamilton
 - Jackson
 - Jefferson
 - Jersey
 - Johnson
 - Macoupin
 - Marion
 - Massac
 - Montgomery
 - Morgan
 - Perry
 - Pike
 - Pope
 - Pulaski
 - Randolph
 - Saline
 - Scott
 - Union
 - Washington
 - Wayne
 - Williamson
- Missouri:
 - Audrain
 - Bollinger
 - Boone
 - Callaway
 - Cape Girardeau
 - Clark
 - Cole
 - Crawford
 - Gasconade
 - Knox
 - Lewis
 - Lincoln
 - Marion
 - Moniteau
 - Monroe
 - Montgomery
 - Osage
 - Perry
 - Pike
 - Ralls
 - Randolph
 - St. Francois
 - Ste. Genevieve
 - Scotland
 - Shelby
 - Warren
 - Washington

Southern Missouri
Survey Area

Missouri:
 Christian
 Greene
 Laclede
 Phelps
 Pulaski
 Webster

Area of Application. Survey area plus:

Kansas:
 Cherokee
 Crawford

Missouri:
 Barry
 Barton
 Benton
 Butler
 Camden
 Carter
 Cedar
 Dade
 Dallas
 Dent
 Douglas
 Hickory
 Howell
 Iron
 Jasper
 Lawrence
 Madison
 Maries
 Miller
 Mississippi
 Morgan
 New Madrid
 Newton
 Oregon
 Ozark
 Polk
 Reynolds
 Ripley
 St. Clair
 Scott
 Shannon
 Stoddard
 Stone
 Taney
 Texas
 Vernon
 Wayne
 Wright

NEW MEXICO
Albuquerque
Survey Area

New Mexico:
 Bernalillo
 Sandoval

Area of Application. Survey area plus:

New Mexico:
 Catron
 Cibola
 Colfax
 Curry
 De Baca
 Guadalupe
 Harding
 Lincoln (Does not include White Sands
 Missile Range portion)
 Los Alamos
 Mora
 Quay

Rio Arriba
 Roosevelt
 San Miguel
 Santa Fe
 Socorro (Does not include White Sands
 Missile Range portion)
 Taos
 Torrance
 Union
 Valencia

* * * * *

OHIO

* * * * *

Cleveland
Survey Area

Ohio:
 Cuyahoga
 Geauga
 Lake
 Medina

Area of Application. Survey area plus:

Ohio:
 Ashland
 Ashtabula
 Carroll
 Columbiana
 Erie
 Huron
 Lorain
 Mahoning
 Ottawa
 Portage
 Sandusky
 Seneca
 Stark
 Summit
 Trumbull
 Wayne

Pennsylvania:
 Mercer

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PENNSYLVANIA

* * * * *

Pittsburgh
Survey Area

Pennsylvania:
 Allegheny
 Beaver
 Butler
 Washington
 Westmoreland

Area of Application. Survey area plus:

Ohio:
 Belmont
 Harrison
 Jefferson
 Tuscarawas

Pennsylvania:
 Armstrong
 Bedford
 Blair
 Cambria
 Cameron
 Centre
 Clarion
 Clearfield
 Clinton
 Crawford

Elk (Does not include the Allegheny Na-
 tional Forest portion)
 Erie
 Fayette
 Forest (Does not include the Allegheny
 National Forest portion)
 Greene
 Huntingdon
 Indiana
 Jefferson
 Lawrence
 Potter
 Somerset
 Venango

West Virginia:
 Brooke
 Hancock
 Marshall
 Ohio

* * * * *

TEXAS

* * * * *

El Paso
Survey Area

New Mexico:
 Dona Ana
 Otero

Texas:
 El Paso

Area of Application. Survey area plus:

New Mexico:
 Chaves
 Eddy
 Grant
 Hidalgo
 Lincoln (Only White Sands Missile
 Range portion)
 Luna
 Sierra
 Socorro (Only White Sands Missile
 Range portion)

Texas:
 Culberson
 Hudspeth

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[FR Doc. 2012-27671 Filed 11-14-12; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201 and 210

[Docket No. 2012-7]

**Mechanical and Digital Phonorecord
 Delivery Compulsory License**

AGENCY: Copyright Office, Library of
 Congress.

ACTION: Notice of proposed rulemaking;
 Extension of reply comment periods.

SUMMARY: The Copyright Office is
 extending the deadline for filing reply
 comments regarding its Notice of
 Proposed Rulemaking concerning