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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AM70

Prevaling Rate Systems; Redefinition of the St. Louis, MO; Southern Missouri; Cleveland, OH; and Pittsburgh, PA, Appropriated Fund Federal Wage System Wage Areas


ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management is issuing a final rule to 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 final rule redefines Bollinger, Cape Girardeau, and Perry Counties, MO, from the Southern Missouri wage area to the St. Louis 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. These corrections do not affect the pay of any FWS employees.

The proposed rule had a 30-day comment period during which OPM received no comments.

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.

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

MISSOURI

St. Louis

Survey Area

Illinois:

Clark

Jefferson

St. Louis

Illinois:

St. Clair

St. Louis

Missouri: (city)

Wayne

Missouri: (counties)

Franklin

Jefferson

St. Louis

St. Louis

Area of Application. Survey area plus:

St. Louis

Survey Area

Missouri:

Jefferson

Franklin

Greene

Montgomery

Monroe

Montgomery

Pike

Pulaski

Randolph

Saline

Scott

Union

Washington

Wayne

Wayne

Williamson

Missouri:

Audrain

Callaway

Cape Girardeau

Clark

Crawford

Gasconade

Knox

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 above counties to a nearby FWS survey area.

This final 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. These corrections do not affect the pay of any FWS employees.

Accordingly, the U.S. 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.

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 “Champaign-Urbana” wage area to read “Central Illinois”.

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

**Albuquerque**

Survey Area

New Mexico:
- Bernalillo
- Sandoval

Area of Application. Survey area plus:
- 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**

Survey Area

Ohio:
- Cuyahoga
- Geauga
- Lake
- Medina

Area of Application. Survey area plus:
- Ashland
- Ashtabula
- Carroll
- Columbiana
- Erie
- Huron
- Lorain
- Mahoning
- Ottawa
- Portage
- Sandusky
- Seneca
- Stark
- Summit
- Trumbull
- Wayne

Pennsylvania:
- Mercer

**TEXAS**

Survey Area

New Mexico:
- Dona Ana
- Otero

Texas:
- El Paso

Area of Application. Survey area plus:
- Chaves
- Eddy
- Grant
- Hidalgo
- Lincoln (Only White Sands Missile Range portion)
- Luna
- Sierra
- Socorro (Only White Sands Missile Range portion)

Texas:
- Culberson
Hand delivery or courier: Hand-delivered submissions should be addressed to William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419, and delivered to the 5th floor reception window at this street address. Such deliveries are only accepted Monday through Friday, 9:00 a.m. to 4:30 p.m., excluding federal holidays.

**Instructions:** As noted above, MSPB requests that commenters use email to submit comments, if possible. All comments received will be included in the public docket without change and will be made available online at the Board’s Web site (http://www.mspb.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information or other information whose disclosure is restricted by law. Those desiring to submit anonymous comments must submit comments in a manner that does not reveal the commenter’s identity, include a statement that the comment is being submitted anonymously, and include no personally-identifiable information. The email address of a commenter who chooses to submit comments using email will not be disclosed unless it appears in comments attached to an email or in the body of a comment.

**FOR FURTHER INFORMATION CONTACT:** William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: mspb@mspb.gov.

**SUPPLEMENTARY INFORMATION:** This interim final rule amends 5 CFR 1201.21(c). Currently, this regulation requires that, when a federal agency issues a decision notice to an employee on a matter that is appealable to MSPB, the federal agency must provide the employee with “[a] copy of the MSPB appeal form * * *” This amendment will make paragraph (c) similar to paragraph (b), which requires a federal agency to provide the employee with “[a] copy, or access to a copy, of the MSPB appeal form * * *” This amendment will ensure that the employee has actual access to these documents, including providing the employee with a copy of these documents upon the employee’s request. Thus, the regulation, as amended, continues to ensure that all employees subject to a final decision appealable to MSPB will have effective access to the MSPB appeal form.

The rulemaking process must normally observe notice-and-comment procedures outlined in the Administrative Procedure Act (APA). However, an exemption from notice and comment rulemaking requirements exists under 5 U.S.C. 553(b)(3)(B) where an “agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” The good cause exception “is to be narrowly construed and only reluctantly countenanced.” Mack Trucks, Inc. v. Environmental Protection Agency, 682 F.3d 87, 93 (D.C. Cir. 2012) (citations omitted).