

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 D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

■ 2. Appendix D to subpart B is amended by revising the wage area listing for the St. Clair, IL, NAF wage areas to read as follows:

*	*	*	*	*
		Illinois		
*	*	*	*	*
		St. Clair		
		<i>Survey Area</i>		

Illinois:

St. Clair

Area of Application. Survey area plus:

Illinois:

Madison

Williamson

Indiana:

Vanderburgh

Missouri: (city)

St. Louis

Missouri: (counties)

Jefferson

Pulaski

* * * * *

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AM83

Prevailing Rate Systems; Definition of Broward County, Florida, to a Nonappropriated Fund Federal Wage System Wage Area

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 define Broward County, Florida, as an area of application county to the Miami-Dade, FL, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. This change is necessary because there are three NAF FWS employees working in Broward County and the county is not currently defined to a NAF wage area.

DATES: We must receive comments on or before June 20, 2013.

ADDRESSES: You may submit comments, identified by “RIN 3206-AM83,” using either of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Jeanne Jacobson, Acting 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, or email pay-leave-policy@opm.gov.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606-2838, or by email at pay-leave-policy@opm.gov.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule that would define Broward County, Florida, as an area of application to the Miami-Dade, FL, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. The Broward County VA Outpatient Clinic in Sunrise, FL, has a new Veterans Canteen Service staffed with three NAF FWS employees.

Under section 532.219 of title 5, Code of Federal Regulations, each NAF wage area “shall consist of one or more survey areas, along with nonsurvey areas, if any, having nonappropriated fund employees.” Broward County does not meet the regulatory criteria under 5 CFR 532.219 to be established as a separate NAF wage area; however, nonsurvey counties may be combined with a survey area to form a wage area. Section 532.219 lists the regulatory criteria that OPM considers when defining FWS wage area boundaries:

- Proximity of largest facilities activity in each county;
- Transportation facilities and commuting patterns; and
- Similarities of the counties in:
 - Overall population;
 - Private employment in major industry categories; and
 - Kinds and sizes of private industrial establishments.

Based on an analysis of the regulatory criteria for defining NAF wage areas, we recommend that Broward County, FL, be defined as an area of application to the Miami-Dade, FL, NAF FWS wage area. The proximity criterion, transportation facilities and commuting patterns criterion, and the overall population, employment sizes, and kinds and sizes of private industrial establishments criterion all favor the Miami-Dade wage area. In addition, the NAF FWS employees in Broward County work at the Broward County VA Outpatient Clinic, which is a satellite activity attached to the Bruce W. Carter

VA Medical Center in Miami-Dade County. Miami-Dade County is the survey county in the Miami-Dade NAF wage area. Based on this analysis, we recommend that Broward County be defined to the Miami-Dade NAF wage area.

The proposed Miami-Dade NAF wage area would consist of one survey county, Miami-Dade County, FL, and two area of application counties, Broward and Palm Beach Counties, FL. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended this change by consensus. This change 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.

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.

Elaine Kaplan,
Acting Director.

Accordingly, the U.S. Office of Personnel Management is amending 5 CFR part 532 as follows:

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Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

■ 2. Appendix D to subpart B is amended by revising the wage area listing for the Miami-Dade, FL, NAF wage areas to read as follows:

*	*	*	*	*
		Florida		

* * * * *

Miami-Dade
Survey Area

Florida:

Miami-Dade

Area of Application. Survey area plus:

Florida:

Broward

Palm Beach

* * * * *

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 356

[Docket No. APHIS-2007-0086]

RIN 0579-AD50

Forfeiture Procedures Under the Endangered Species Act and the Lacey Act Amendments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Animal and Plant Health Inspection Service is one of the agencies that administers the provisions of the Endangered Species Act of 1973, as amended (ESA), and the Lacey Act Amendments of 1981, as amended, that pertain to plants. We are proposing to update our regulations that set forth our forfeiture procedures with regard to plants or plant products seized under the authority of the ESA and the Lacey Act. The proposed changes would make our regulations conform to the requirements of the Civil Asset Forfeiture Reform Act of 2000, increase the monetary threshold of those cases proceeding through judicial forfeiture, provide for the assessment of storage costs of seized property, and make the regulations easier to understand.

DATES: We will consider all comments that we receive on or before July 22, 2013.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:*

Federal eRulemaking Portal: Go to <http://www.regulations.gov/>#!/documentDetail;D=APHIS-2007-0086-0001.

- *Postal Mail/Commercial Delivery:*

Send your comment to Docket No. APHIS-2007-0086, Regulatory Analysis and Development, PPD, APHIS, Station

3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!/docketDetail;D=APHIS-2007-0086> or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Veremis; National CITES Coordinator; PPQ, APHIS, 4700 River Road, Unit 52, Riverdale, MD 20737; (301) 851-2347.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), was passed to prevent the extinction of native and non-native animals and plants by providing measures to help alleviate the loss of species and their habitats. With certain exceptions, the ESA prohibits activities with these protected species unless authorized by a permit from the U.S. Department of the Interior's Fish and Wildlife Service. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 27 U.S.T. 1087) is implemented in the United States through the ESA. CITES is a multinational agreement that entered into force on July 1, 1975, to prevent species of wild animals and plants from becoming endangered or extinct because of international trade. The CITES treaty is currently signed by 176 countries. It regulates international trade in specimens of wild animals and plants in order to protect against over-exploitation. Regulations implementing CITES for both wildlife and plants have been promulgated by the Division of Management Authority located within the U.S. Department of Interior, Fish and Wildlife Service. These regulations are found at 50 CFR parts 13, 17, and 23. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, as well as the Office of Law Enforcement of the U.S. Fish and Wildlife Service of the Department of Interior, enforces those regulations with regard to plant imports.

Species regulated under CITES are listed in one of three appendices to CITES. Species listed in Appendix I are subject to the most restrictions and species listed in Appendix III are

subject to the fewest. Depending upon the appendix in which the species is listed, its trade is controlled through the issuance of various permits or certificates by the exporting and/or importing countries' management authorities. When a CITES-regulated species is imported into the United States, it must be accompanied by the required permit or certificate. If it is not, the commodity is subject to seizure by, and forfeiture to, the U.S. Government. APHIS, as part of its enforcement work, initiates, with the assistance of other agencies, seizures at U.S. ports of entry, of plants and plant products imported in violation of CITES. APHIS initiates approximately 100 seizures each year for CITES-regulated products imported without the proper CITES documentation. Wood, wood products, medicinal items, and live plants constitute the bulk of property that has been seized in the past. The seizures of these commodities are governed by the forfeiture regulations currently found in APHIS' regulations in 7 CFR part 356, which are the subject of this proposed rule.

The current procedures in part 356 also apply to seizures by APHIS authorized by the Lacey Act Amendments of 1981, as amended (16 U.S.C. 3371 *et seq.*) (Lacey Act). The Lacey Act is the United States' oldest wildlife protection statute. It was first enacted in 1900 and was significantly amended in 1981. The Lacey Act combats trafficking in "illegal" wildlife, fish and plants. The Food, Conservation, and Energy Act of 2008, effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products. The Lacey Act makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce certain plants taken, possessed, transported or sold in violation of the laws of a U.S. State or any foreign law that protects plants. It also makes it unlawful to import, export, transport, sell, receive, acquire or purchase certain plants taken, possessed, transported or sold, in violation of the laws of the United States or an Indian tribe. The Lacey Act also makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant that has been or is intended to be moved in interstate or foreign commerce. Additionally, certain plants and plant products must be accompanied at the time of importation with a declaration providing, in part, the scientific name of the plant and where the plant was harvested. The