

# Rules and Regulations

Federal Register

Vol. 80, No. 197

Tuesday, October 13, 2015

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AN17

### Prevailing Rate Systems; Special Wage Schedules for U.S. Army Corps of Engineers Flood Control Employees of the Vicksburg District in Mississippi

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) is issuing a final rule to establish special wage schedules specific to nonsupervisory, leader, and supervisory wage employees of the U.S. Army Corps of Engineers (USACE) who work at flood control dams (also known as reservoir projects) at the Vicksburg District of the Mississippi Valley Division. This final rule assigns lead agency responsibility for establishing and issuing these special wage schedules to the Department of Defense (DOD). The special wage schedules established will have rates of pay identical to the Memphis, TN, appropriated fund Federal Wage System (FWS) wage schedules and will be adjusted at the same times as those scheduled in the future.

**DATES:** *Effective date:* This regulation is effective on October 13, 2015. *Applicability date:* This change applies

on the first day of the first applicable pay period beginning on or after December 14, 2015.

**FOR FURTHER INFORMATION CONTACT:** Madeline Gonzalez, by telephone at (202) 606-2858 or by email at *pay-leave-policy@opm.gov*.

**SUPPLEMENTARY INFORMATION:** On June 5, 2015, OPM issued a proposed rule (80 FR 32042) to establish special wage schedules specific to nonsupervisory, leader, and supervisory wage employees of the U.S. Army Corps of Engineers (USACE) who work at flood control dams (also known as reservoir projects) at the Vicksburg District of the Mississippi Valley Division.

The four lakes of the District are currently in two separate wage areas. The Vicksburg District of the Mississippi Valley Division is comprised of the following four lakes:

Lakes	County	Wage area
Arkabutla Lake .....	Tate County, MS .....	Memphis, TN.
Enid Lake .....	Yalobusha County, MS .....	Northern Mississippi.
Grenada Lake .....	Grenada County, MS .....	Northern Mississippi.
Sardis Lake .....	Panola County, MS .....	Memphis, TN.

Because a unique situation exists in the Vicksburg District in that all four lakes are managed as one installation, 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 by majority vote that DOD establish and issue special wage schedules for USACE employees whose duty station is located in one of the lakes that comprise the Vicksburg District of the Mississippi Valley Division. This final rule will create a special wage schedule practice in this unique circumstance as recommended by FPRAC. The special wage schedules will be established using rates identical to the Memphis, TN, appropriated fund FWS wage schedule.

The 30-day comment period ended on July 6, 2015. OPM received one comment from local agency management supporting this change. These special wage schedules will apply on the first day of the first applicable pay period beginning on or after 60 days following publication of the final

regulations. USACE employees with duty stations at one of the lakes of the Vicksburg District will transfer to the new special wage schedules on a step-by-step basis. No current employee will have his or her pay rate reduced as a result of implementing these new special wage schedules.

### 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.

U.S. Office of Personnel Management.

**Beth F. Cobert,**  
*Acting Director.*

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.

■ 2. Subpart B is amended by adding § 532.289 to read as follows:

### § 532.289 Special Wage Schedules for U.S. Army Corps of Engineers Flood Control Employees of the Vicksburg District in Mississippi.

(a)(1) The Department of Defense will establish special wage schedules for wage employees of the U.S. Army Corps of Engineers who work at flood control dams (also known as reservoir projects) and whose duty station is located in one of the lakes that comprise the Vicksburg District of the Mississippi Valley Division.

(2) These special wage schedules will provide rates of pay for nonsupervisory, leader, and supervisory employees. These special schedule positions will be identified by pay plan codes XR

(nonsupervisory), XT (leader), and XU (supervisory).

(b) The Vicksburg District of the Mississippi Valley Division is comprised of the following four lakes:

- (1) Grenada Lake in Grenada County, MS
- (2) Enid Lake in Yalobusha County, MS
- (3) Sardis Lake in Panola County, MS
- (4) Arkabutla Lake in Tate County, MS

(c) Special wage schedules shall be established at the same time and with rates identical to the Memphis, TN, appropriated fund wage schedule.

[FR Doc. 2015-25895 Filed 10-9-15; 8:45 am]

BILLING CODE 6325-39-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

## DEPARTMENT OF THE TREASURY

19 CFR Parts 4, 7, 10, 12, 18, 19, 24, 54, 102, 113, 123, 125, 128, 132, 134, 141, 142, 143, 144, 145, 146, 148, 151, 152, 158, 163, 174, 181, and 191

[CBP Dec. No. 15-14; USCBP-2015-0045]

RIN 1515-AE03

### Automated Commercial Environment (ACE) Filings for Electronic Entry/Entry Summary (Cargo Release and Related Entry)

**AGENCIES:** U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Interim final rule.

**SUMMARY:** This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect that on November 1, 2015, the Automated Commercial Environment (ACE) will be a CBP-authorized Electronic Data Interchange (EDI) System. This regulatory document informs the public that the Automated Commercial System (ACS) is being phased out as a CBP-authorized EDI System for the processing electronic entry and entry summary filings (also known as entry filings). ACE will replace the Automated Commercial System (ACS) as the CBP-authorized EDI system for processing commercial trade data. This document also announces the conclusion of the ACE *Cargo Release* and the *Entry Summary, Accounts and Revenue* tests with regard to the entry and entry summary requirements that are now part of the CBP regulations.

**DATES:** *Effective Date:* This interim final rule is effective on November 1, 2015.

Written comments must be submitted on or before November 12, 2015.

**ADDRESSES:** You may submit comments, identified by docket number USCBP-2015-0045, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

**Instructions:** All submissions received must include the agency name and docket title for this rulemaking, and must reference docket number USCBP-2015-0045. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of the document.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected during business days between the hours of 9:00 a.m. and 4:30 p.m. at the Office of International Trade, Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

**FOR FURTHER INFORMATION CONTACT:** For policy questions related to ACE, contact Josephine Baiamonte, Director, Business Transformation, ACE Business Office, Office of International Trade, at [josephine.baiamonte@cbp.dhs.gov](mailto:josephine.baiamonte@cbp.dhs.gov). For technical questions, contact Steven Zaccaro, Client Representative Branch, ACE Business Office, Office of International Trade, at [steven.j.zaccaro@cbp.dhs.gov](mailto:steven.j.zaccaro@cbp.dhs.gov). For legal questions, contact Robert Altneu, Chief, Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, at [robert.f.altneu@cbp.dhs.gov](mailto:robert.f.altneu@cbp.dhs.gov).

### SUPPLEMENTARY INFORMATION:

#### Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the interim rule. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic,

environmental, or federalism effects that might result from this interim rule.

Comments that will provide the most assistance to CBP in finalizing these regulations will reference a specific portion of the interim rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. See ADDRESSES above for information on how to submit comments.

## I. Background

### A. Statutory Authority

Section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), establishes the requirement for importers of record to make entry for merchandise to be imported into the customs territory of the United States. Customs entry information is used by CBP and partner government agencies to determine whether merchandise may be released from CBP custody.

The customs entry requirements were amended by Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057, December 8, 1993), commonly known as the Customs Modernization Act, or Mod Act. In particular, section 637 of the Mod Act amended section 484(a)(1)(A) of the Tariff Act (19 U.S.C. 1484(a)(1)(A)) by revising the requirement to make and complete customs entry by submitting documentation to CBP, to also allow in the alternative, the transmission of entry information electronically pursuant to a CBP-authorized electronic data interchange system. Further, section 634 of the Mod Act amended section 401 of the Tariff Act (19 U.S.C. 1401) to add definitions related to the electronic filing of the entry and entry summary. The term "electronic entry" is defined as the electronic transmission to CBP of entry information required for the entry of merchandise, and entry summary information required for the classification and appraisal of the merchandise, the verification of statistical information, and the determination of compliance with applicable law. The term "electronic transmission" is defined as the transfer of data or information through an authorized electronic data interchange system consisting of, but not limited to, computer modems and computer networks. The term "electronic data interchange system" is defined as any established mechanism approved by the CBP Commissioner through which information can be transferred electronically.