

# 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-AN50

#### Prevailing Rate Systems; Definition of Brown County, Wisconsin, and Forsyth and Mecklenburg Counties, North Carolina, to Nonappropriated Fund Federal Wage System Wage Areas

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

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** This rule proposes to amend the geographic boundaries of three nonappropriated fund (NAF) Federal Wage System (FWS) wage areas. Based on consensus recommendations of the Federal Prevailing Rate Advisory Committee (FPRAC), the U.S. Office of Personnel Management (OPM) would define Brown County, Wisconsin, as an area of application county to the Lake, Illinois, NAF FWS wage area; Forsyth County, North Carolina, as an area of application to the Cumberland, NC, NAF FWS wage area; and Mecklenburg County, NC, as an area of application to the Richland, South Carolina, NAF FWS wage area. These changes are necessary because there are NAF FWS employees working in these three counties, and the counties are not currently defined in regulation to NAF wage areas.

**DATES:** We must receive comments on or before June 14, 2017.

**ADDRESSES:** You may submit comments, identified by RIN 3206-AN50, using any of the following methods:

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

*Mail:* Brenda L. Roberts, 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](mailto: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](mailto:pay-leave-policy@opm.gov).

**SUPPLEMENTARY INFORMATION:** OPM is issuing a proposed rule that would make changes to three NAF FWS wage area definitions. The Department of Veterans Affairs notified OPM that the Veterans Canteen Service (VCS) now employs NAF FWS employees in Brown County, WI, and Forsyth and Mecklenburg Counties, NC.

Under § 532.219 of title 5, Code of Federal Regulations (CFR), each NAF wage area “shall consist of one or more survey areas, along with nonsurvey areas, if any, having nonappropriated fund employees.” Brown, Forsyth, and Mecklenburg Counties do not meet the regulatory criteria under 5 CFR 532.219 to be established as separate NAF wage areas; 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:

- (i) Proximity of largest facilities activity in each county;
- (ii) Transportation facilities and commuting patterns; and
- (iii) Similarities of the counties in—
  - (A) Overall population;
  - (B) Private employment in major industry categories; and
  - (C) Kinds and sizes of private industrial establishments.

OPM recently completed reviews of the definitions of Brown, Forsyth, and Mecklenburg Counties and is proposing the changes described below. 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 apply on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

#### Brown County, WI

Brown County would be defined as an area of application county to the Lake, IL, NAF FWS wage area. The closest NAF wage area to Brown County is the Lake wage area. The employment location of the new NAF FWS employees in Brown County (VCS #395) is located approximately 170 miles from Naval Station Great Lakes, the Lake wage area’s host activity.

With the definition of Brown County to the Lake NAF wage area, the Lake wage area would consist of one survey county, Lake County, IL, and nine area of application counties: Cook, Rock Island, and Vermilion Counties, IL; Johnson County, IA; Dickinson and Marquette Counties, MI; and Brown, Dane, and Milwaukee Counties, WI.

#### Forsyth County, NC

Forsyth County would be defined as an area of application county to the Cumberland, NC, NAF FWS wage area. The closest NAF wage area to Forsyth County is the Cumberland wage area. The employment location of the new NAF FWS employees in Forsyth County (VCS #359) is located approximately 103 miles from Fort Bragg, the Cumberland wage area’s host activity.

With the definition of Forsyth County to the Cumberland NAF wage area, the Cumberland wage area would consist of one survey county, Cumberland County, NC, and three area of application counties: Durham, Forsyth, and Rowan Counties, NC.

#### Mecklenburg County, NC

Mecklenburg County would be defined as an area of application county to the Richland, SC, NAF FWS wage area. The closest NAF wage area to Mecklenburg County is the Richland wage area. The employment location of the new NAF FWS employees in Mecklenburg County (VCS #959) is located approximately 91 miles from Fort Jackson, the Richland wage area’s host activity.

With the definition of Mecklenburg County to the Richland NAF wage area, the Richland wage area would consist of one survey county, Richland County, SC, and four area of application counties: Buncombe and Mecklenburg Counties, NC; Sumter County, SC; and Washington County, TN.

#### 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.  
**Kathleen M. McGettigan,**  
*Acting Director.*

Accordingly, OPM 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 D to Subpart B is amended by revising the wage area listing for the Lake, IL; Cumberland, NC; and Richland, SC, wage areas to read as follows:

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

\* \* \* \* \*

**ILLINOIS  
Lake**  
*Survey Area*

Illinois:  
 Lake  
*Area of Application. Survey area plus:*  
 Illinois:  
 Cook  
 Rock Island  
 Vermilion  
 Iowa:  
 Johnson  
 Michigan:  
 Dickinson  
 Marquette  
 Wisconsin:  
 Brown  
 Dane  
 Milwaukee

\* \* \* \* \*

**NORTH CAROLINA**

\* \* \* \* \*

**Cumberland**  
*Survey Area*

North Carolina:  
 Cumberland  
*Area of Application. Survey area plus:*  
 North Carolina:  
 Durham  
 Forsyth  
 Rowan

\* \* \* \* \*

**SOUTH CAROLINA**

\* \* \* \* \*

**Richland**  
*Survey Area*

South Carolina:  
 Richland  
*Area of Application. Survey area plus:*  
 North Carolina:  
 Buncombe  
 Mecklenburg  
 South Carolina

Sumter  
 Tennessee  
 Washington

\* \* \* \* \*

[FR Doc. 2017-09731 Filed 5-12-17; 8:45 am]  
**BILLING CODE 6325-39-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

**[Docket Number USCG-2017-0318]**

**RIN 1625-AA00**

**Safety Zone; Missouri River Miles 616-617, Council Bluffs, IA, and Omaha, NE**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a safety zone on the Missouri River between miles 616 and 617. This action is necessary to provide for the safety of life on these navigable waters near Council Bluffs, IA and Omaha, NE during high speed boat races on July 7, 8, and 9, 2017. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Upper Mississippi River or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 14, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG-2017-0318 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email LCDR Sean Peterson, Chief of Prevention, U.S. Coast Guard; telephone 314-269-2332, email [Sean.M.Peterson@uscg.mil](mailto:Sean.M.Peterson@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
 COTP Captain of the Port Upper Mississippi River  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of proposed rulemaking  
 § Section

U.S.C. United States Code

**II. Background, Purpose, and Legal Basis**

On April 4, 2017, Coast Guard Sector Upper Mississippi River received an application for a marine event from International Outboard Grand Prix for the Grand Prix of Omaha and Regatta Festival. The event is scheduled to take place over three days, July 7, 8, and 9, 2017, on the Missouri River between the cities of Omaha, NE and Council Bluffs, IA. High speed boat practices and races will take place during the hours of 3 to 5 p.m. on July 7, 11:30 a.m. to 6 p.m. on July 8, and 11 a.m. to 5:30 p.m. on July 9.

Hazards from this race include impediment of the navigational channel and high speed vessels participating in the race. The Captain of the Port Upper Mississippi River (COTP) has determined that potential hazards associated with the race would be a safety concern for anyone transiting through the race course.

The purpose of this proposed rulemaking is to ensure the safety of vessels and the navigable waters between miles 616 and 617 before, during, and after the scheduled event. The Coast Guard proposes this proposed rulemaking under authority in 33 U.S.C. 1231.

**III. Discussion of Proposed Rule**

The COTP proposes to establish a safety zone from 3 p.m. on July 7, 2017 through 5.30 p.m. on July 9, 2017. The zone would be enforced from 3 to 5 p.m. on July 7, 2017, 11:30 a.m. to 6 p.m. on July 8, 2017, and 11 a.m. to 5:30 p.m. on July 9, 2017. The safety zone would cover all navigable waters between miles 616 and 617 on the Missouri River in Council Bluffs, IA and Omaha, NE. The duration of the zone is intended to ensure the safety of vessels and participants on the navigable waters before, during, and after the scheduled high speed boat practices and races. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

**IV. Regulatory Analyses**

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders and we discuss First Amendment rights of protestors.