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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.

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AJ64

### Prevailing Rate Systems; Redefinition of the Scranton-Wilkes-Barre, PA, Appropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule to redefine Tioga County, Pennsylvania, from the Scranton-Wilkes-Barre, PA, appropriated fund Federal Wage System (FWS) wage area to the Rochester, New York, FWS wage area. This redefinition will better reflect economic trends in the area, which indicate that a linkage exists between Tioga County and the Rochester wage area. The change also will conform more accurately to the regulatory criteria we use to define FWS wage areas.

**DATES:** Effective Date February 5, 2003. Affected employees will be moved to the wage schedule for the Rochester wage area on the first day of the first applicable pay period beginning on or after the effective date of this final rule.

**FOR FURTHER INFORMATION CONTACT:** Chenty I. Carpenter at (202) 606-2838; FAX at (202) 606-4264; or e-mail at [cicarpen@opm.gov](mailto:cicarpen@opm.gov).

**SUPPLEMENTARY INFORMATION:** On August 1, 2002, the Office of Personnel Management (OPM) published a proposed rule to redefine Tioga County, Pennsylvania, from the Scranton-Wilkes-Barre, PA, appropriated fund Federal Wage System (FWS) wage area to the Rochester, New York, FWS wage area (67 FR 49878). The proposed rule provided a 30-day period for public comment, during which OPM received no comments.

Tioga County is currently an area of application in the Scranton-Wilkes-Barre wage area. This change to redefine the county to the Rochester wage area is necessary because economic trends indicate more linkage between Tioga County and the Rochester survey area than between Tioga County and the Scranton-Wilkes-Barre survey area.

OPM considers the following regulatory criteria in 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.

Based on our analysis of the regulatory criteria for defining appropriated fund FWS wage areas, we find that Tioga County would be more appropriately defined as part of the Rochester wage area. The distance criterion favors the Rochester wage area more than the Scranton-Wilkes-Barre wage area. The commuting patterns criterion favors the Rochester wage area. An additional factor we considered was that Tioga County is adjacent to the Rochester survey area, but not to the Scranton-Wilkes-Barre survey area. This change will affect about 10 Department of the Army employees and 1 Department of the Interior employee.

The Federal Prevailing Rate Advisory Committee (FPRAC), the national labor-management committee that advises OPM on FWS pay matters, recommended this change by consensus. Based on its review of the regulatory criteria for defining FWS wage areas, FPRAC recommended no other changes in the geographic definitions of the Rochester or Scranton-Wilkes-Barre FWS wage areas.

### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects 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.

Office of Personnel Management.

**Kay Coles James,**  
*Director.*

Accordingly, the Office of Personnel Management is amending 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. In appendix C to subpart B, the wage area listing for the State of New York is amended by revising the listing for Rochester; and for the State of Pennsylvania, by revising the listing for Scranton-Wilkes-Barre, to read as follows:

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

\* \* \* \* \*

#### New York

\* \* \* \* \*

#### Rochester

##### Survey Area

New York:  
Livingston  
Monroe  
Ontario  
Orleans  
Steuben  
Wayne

##### Area of Application. Survey Area Plus

New York:  
Allegany  
Chemung  
Genesee  
Schuyler  
Seneca  
Wyoming  
Yates  
Pennsylvania:  
Tioga

\* \* \* \* \*

#### Pennsylvania

\* \* \* \* \*

#### Scranton-Wilkes-Barre

##### Survey Area

Pennsylvania:  
Lackawanna  
Luzerne  
Monroe

*Area of Application. Survey Area Plus*

## Pennsylvania:

Bradford

Carbon

Lycoming (Excluding Allenwood Federal  
Prison Camp)

Pike

Sullivan

Susquehanna

Wayne

Wyoming

\* \* \* \*

[FR Doc. 03-215 Filed 1-3-03; 8:45 am]

BILLING CODE 6325-39-P

**OFFICE OF PERSONNEL  
MANAGEMENT****5 CFR Part 532**

RIN 3206-AJ63

**Prevailing Rate Systems; Change in  
Federal Wage System Survey Job****AGENCY:** Office of Personnel  
Management.**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule that will allow the Department of Defense to use the Maintenance Mechanic Federal Wage System (FWS) survey job without having to seek OPM's approval on a case-by-case basis. This change will improve the local FWS wage survey process.

**DATES:** Effective Date February 5, 2003.

**FOR FURTHER INFORMATION CONTACT:** Chenty I. Carpenter, (202) 606-2848, FAX: (202) 606-0824, or e-mail [cicarpen@opm.gov](mailto:cicarpen@opm.gov).

**SUPPLEMENTARY INFORMATION:** On August 1, 2002, the Office of Personnel Management (OPM) issued a proposed rule to permit the Department of Defense (DOD) to use the Maintenance Mechanic Federal Wage System (FWS) survey job on an optional basis without having to seek OPM's advance approval. The Maintenance Mechanic survey job is now used routinely in many FWS wage areas because of changes in the structure of both Federal and private sector maintenance work. The proposed rule provided a 30-day period for public comment, during which OPM received no comments.

OPM's regulations contain required and optional survey jobs. If a particular survey job does not appear on either list, but is needed for a local wage survey, an agency must request OPM's written approval. The Federal Prevailing Rate Advisory Committee (FPRAC) established a Survey Job Work Group (SJWG) to review FWS survey job

descriptions. The SJWG recommended that OPM add the Maintenance Mechanic survey job to the list of optional FWS survey jobs. Adding the Maintenance Mechanic survey job to the list of optional survey jobs would enable DOD to use the survey job at its discretion without having to ask OPM for prior approval. This will allow DOD to save time when conducting FWS wage surveys. FPRAC agreed with its working group and recommended that OPM make this change.

**Regulatory Flexibility Act**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only Federal agencies and employees.

**Executive Order 12866, Regulatory  
Review**

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

**List of Subjects in 5 CFR Part 532**

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

**Kay Coles James,**  
*Director.*

Accordingly, the Office of Personnel Management is amending 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.

**§ 532.217 [Amended]**

2. In § 532.217, paragraph (c) is amended by adding the job "Maintenance Mechanic" and grade "10" after Television Station Mechanic. [FR Doc. 03-216 Filed 1-3-03; 8:45 am]

BILLING CODE 6325-39-P

**DEPARTMENT OF AGRICULTURE****Food Safety and Inspection Service****9 CFR Parts 317 and 381**

[Docket No. 02-0251F]

RIN 0583-AC93

**Food Labeling; Nutrient Content  
Claims, Definition of the Term: Healthy****AGENCY:** Food Safety and Inspection  
Service, USDA.**ACTION:** Interim final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is extending until January 1, 2006, the effective date for the requirements: That individual meat and poultry products bearing the claim "healthy" (or any other derivative of the term "health") contain no more than 360 milligrams (mg) of sodium; and that meal-type products bearing the claim "healthy" (or any other derivative of the term "health") contain no more than 480 mg of sodium.

**DATES:** Effective date: January 6, 2003.

Comment date: Written comments must be received February 5, 2003.

**ADDRESSES:** Submit written comments to the FSIS Docket Clerk, Docket #02-0251F, 300 12th Street, SW., Room 102 Cotton Annex Building, Washington, DC 20250-3700. All comments submitted in response to this interim final rule will be made available for public inspection in the Docket Clerk's office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Robert Post, Ph.D., Director, Labeling and Consumer Protection Staff, Office of Policy and Program Development, Food Safety and Inspection Service, 300 12th Street, SW., Room 602 Cotton Annex Building, Washington, DC 20250-3700, (202) 205-0279.

**SUPPLEMENTARY INFORMATION:****Background**

On May 10, 1994, FSIS published a final rule to establish a definition of the term "healthy" or any other derivative of the term "health" and similar terms on meat and poultry product labeling (59 FR 24220).<sup>1</sup> Under 9 CFR 317.363(b)(3) and 381.463(b)(3), after November 10, 1997, an individual meat or poultry product qualifying to use the term "healthy" or any other derivative

<sup>1</sup> Final Rule, Nutrition Labeling; Use of "Healthy" and Similar Terms on Meat and Poultry Product Labeling, 59 FR 24220-24229, May 10, 1994. This document may be viewed in the FSIS Docket Room Monday through Friday from 8:30 a.m. until 4:30 p.m., or accessed via the World Wide Web at <http://www.access.gpo.gov>.