

Louisiana
Lake Charles-Alexandria
Survey Area

Louisiana:

Allen
 Beauregard
 Calcasieu
 Grant
 Rapides
 Sabine
 Vernon

Area of Application. Survey area plus:

Louisiana:

Acadia
 Avoyelles
 Caldwell
 Cameron
 Catahoula
 Concordia
 Evangeline
 Franklin
 Iberia
 Jefferson Davis
 Lafayette
 La Salle
 Madison
 Natchitoches
 St. Landry
 St. Martin
 Tensas
 Vermilion
 Winn

New Orleans
Survey Area

Louisiana:

Jefferson
 Orleans
 Plaquemines
 St. Bernard
 St. Charles
 St. John the Baptist
 St. Tammany

Area of Application. Survey area plus:

Louisiana:

Ascension
 Assumption
 East Baton Rouge
 East Feliciana
 Iberville
 Lafourche
 Livingston
 Pointe Coupee
 St. Helena
 St. James
 St. Mary
 Tangipahoa
 Terrebonne
 Washington
 West Baton Rouge
 West Feliciana

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[FR Doc. E9-4923 Filed 3-6-09; 8:45 am]

BILLING CODE 6325-39-P

**OFFICE OF PERSONNEL
 MANAGEMENT**

5 CFR Part 532

RIN 3206-AL82

**Prevailing Rate Systems; Redefinition
 of the Boise, ID, and Utah Appropriated
 Fund Federal Wage System Wage
 Areas**

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 redefine the geographic boundaries of the Boise, ID, and Utah appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Franklin County, ID, from the Boise wage area to the Utah wage area. These changes are based on recent consensus recommendations of the Federal Prevailing Rate Advisory Committee to best match the counties proposed for redefinition to a nearby FWS survey area. No other changes are proposed for the Boise and Utah FWS wage areas.

DATES: We must receive comments on or before April 8, 2009.

ADDRESSES: Send or deliver comments to Charles D. Grimes III, Deputy Associate Director for Performance and Pay Systems, Strategic Human Resources Policy Division, U.S. Office of Personnel Management, Room 7H31, 1900 E Street, NW., Washington, DC 20415-8200; e-mail pay-performance-policy@opm.gov; or FAX: (202) 606-4264.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606-2838; e-mail pay-performance-policy@opm.gov; or FAX: (202) 606-4264.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to redefine the Boise, ID, and Utah appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Franklin County, ID, from the Boise wage area to the Utah wage area.

OPM considers the following regulatory criteria under 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.

Franklin County, ID and Cache County, UT, comprise the Logan, UT-ID Metropolitan Statistical Area (MSA). The Logan MSA is split between the Boise, ID, wage area and the Utah wage area. Franklin County is part of the area of application of the Boise wage area and Cache County is part of the area of application of the Utah wage area.

Based on an analysis of the regulatory criteria for Cache County, the location of the main population center in the Logan MSA, we recommend that the entire Logan MSA be defined to the Utah wage area. The distance criterion for Cache County favors the Utah wage area more than the Boise wage area. The commuting patterns criterion favors the Utah wage area. All other criteria are inconclusive. We believe our regulatory analysis findings indicate that Cache County is appropriately defined to the Utah wage area. OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances (*e.g.*, organizational relationships among closely located Federal activities). There appear to be no unusual circumstances that would permit splitting the Logan MSA. To comply with OPM regulations not to split MSAs, Franklin County would be redefined to the Utah wage area.

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 these changes by consensus. These changes 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. FPRAC recommended no other changes in the geographic definitions of the Boise and Utah wage areas.

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.

Kathie Ann Whipple,
Acting Director.

Accordingly, the U.S. Office of Personnel Management 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 C to subpart B is amended by revising the wage area listings for the Boise, ID, and Utah wage areas to read as follows:

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

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Idaho**Boise***Survey Area*

Idaho:

Ada
Boise
Canyon
Elmore
Gem

Area of Application. Survey area plus:

Idaho:

Adams
Bannock
Bear Lake
Bingham
Blaine
Bonneville
Butte
Camas
Caribou
Cassia
Clark
Custer
Fremont
Gooding
Jefferson
Jerome
Lemhi
Lincoln
Madison
Minidoka
Oneida
Owyhee
Payette
Power
Teton
Twin Falls
Valley
Washington

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Utah*Survey Area*

Utah:

Box Elder
Davis
Salt Lake
Tooele
Utah
Weber

Area of Application. Survey area plus:

Utah:

Beaver
Cache
Carbon
Daggett

Duchesne

Emery

Garfield

Grand

Iron

Juab

Millard

Morgan

Piute

Rich

San Juan (Only includes the Canyonlands National Park portion.)

Sanpete

Sevier

Summit

Uintah

Wasatch

Washington

Wayne

Colorado:

Mesa

Moffat

Idaho:

Franklin

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DEPARTMENT OF AGRICULTURE**7 CFR Part 980**

[Doc. No. AMS FV-08-0097; FV09-980-1 PR]

Vegetables, Import Regulations; Partial Exemption to the Minimum Grade Requirements for Fresh Tomatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on a proposed partial exemption to the minimum grade requirements under the tomato import regulation. The Florida Tomato Committee (Committee) which locally administers the marketing order for tomatoes grown in Florida (order) recommended the change for Florida tomatoes. The change in the import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937. A separate rule amending the rules and regulations under the order to exempt Vintage Ripes™ tomatoes (Vintage Ripes™) from the shape requirements associated with the U.S. No. 2 grade is being issued by the Department of Agriculture (USDA). This rule would provide the same partial exemption under the import regulation so it would conform to the regulations under the order.

DATES: Comments must be received by May 8, 2009.

ADDRESSES: Interested persons are invited to submit written comments

concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938; or *Internet:* <http://www.regulations.gov>. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT:

Doris Jamieson, Marketing Specialist, or Christian Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (863) 324-3375, *Fax:* (863) 325-8793; or *E-mail:* Doris.Jamieson@usda.gov or Christian.Nissen@usda.gov.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; *Telephone:* (202) 720-2491, *Fax:* (202) 720-8938, or *E-mail:* Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act," which provides that whenever certain specified commodities, including tomatoes, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

USDA is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they