

Proposed Rules

Federal Register

Vol. 68, No. 211

Friday, October 31, 2003

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-AK06

Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid-Pacific Region Survey

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing a proposed rule that would change the timing of annual wage surveys conducted by the Bureau of Reclamation (BOR), Department of the Interior, to determine prevailing rates of pay for supervisors of negotiated rate wage employees in the Mid-Pacific Region. BOR would conduct annual wage surveys in February in the Bureau's Mid-Pacific Region beginning in calendar year 2004. This change is proposed because February represents the best timing in relation to wage adjustments in the surveyed local private enterprise establishments and would improve the quality of data BOR collects during local wage surveys in the Mid-Pacific Region.

DATES: We must receive comments on or before December 1, 2003.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Deputy Associated Director for Pay and Performance Policy, Strategic Human

Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415-8200, or FAX: (202) 606-4264.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez at (202) 606-2838; FAX at (202) 604-4264; or e-mail at *mxgonzal@opm.gov*.

SUPPLEMENTARY INFORMATION: The Department of the Interior (DOI) requested that the Office of Personnel Management (OPM) change the timing of annual wage surveys conducted by the Bureau of Reclamation (BOR) to determine prevailing rates of pay for supervisors of negotiated rate wage employees in the Bureau's Mid-Pacific Region. Currently, BOR conducts wage surveys in the region in October each year. Wage surveys would be conducted in the future in February.

DOI asked OPM to change the survey month for local wage surveys in the Mid-Pacific Region because February represents the best timing in relation to wage adjustments in the surveyed local private enterprise establishments and would improve the quality of data BOR collects during local wage surveys in this special wage area. Local private industry establishments surveyed by BOR in the Mid-Pacific Region typically make their wage adjustments effective in January of each year. Since DOI implements the results of the wage surveys on the month following the survey month, wage adjustments for supervisors of negotiated rate wage employees would become effective in March. Thus, they would more closely coincide with local prevailing rates. BOR would conduct wage surveys in February in the Mid-Pacific Region beginning in February 2004.

Regulatory Flexibility Act

I certify that this regulation would not have a significant economic impact on

a substantial number of small entities because it 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.

Office of Personnel Management.

Kay Coles James,
Director.

Accordingly, the Office of Personnel Management proposes 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.

§ 532.285 [Amended]

2. In § 532.285 paragraph (d), amend the special wage area listing for the mid-Pacific Region by removing from beginning month of survey, "October" and adding in its place "February."

[FR Doc. 03-27382 Filed 10-30-03; 8:45 am]

BILLING CODE 6325-39-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1124 and 1131

[Docket No. AO-368-A32, AO-271-A37; DA-03-04]

Milk in the Pacific Northwest and Arizona-Las Vegas Marketing Areas; Reconvening of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	AO Nos.
1124	Pacific Northwest	AO-368-A32
1131	Arizona-Las Vegas	AO-271-A37

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; notice of reconvened public hearing on proposed rulemaking.

SUMMARY: This notice announces the reconvening of the hearing which began on September 23, 2003, in Tempe, Arizona, to consider proposals to amend the producer-handler provisions of the Arizona-Las Vegas and Pacific

Northwest orders and to consider elimination of the ability to simultaneously pool the same milk on the Arizona-Las Vegas milk order and on a State-operated order that provides for marketwide pooling. The proposals

seek to, among other things, end the regulatory exemption of producer-handlers from the pooling and pricing provisions of these two milk marketing orders if their Class I route distribution exceeds three million pounds of milk per month in either order.

DATES: The hearing will reconvene at 8:30 a.m. on Monday, November 17, 2003.

ADDRESSES: The reconvened hearing will be held at the Doubletree Hotel, Seattle Airport, 18740 Pacific Highway S., Seattle, Washington 98188, telephone: (206) 246-8600.

FOR FURTHER INFORMATION CONTACT: Jack Rower, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, STOP 0231-Room 2971, 1400 Independence Avenue, Washington, DC 20250-0231, (202) 720-2357, e-mail address jack.rower@usda.gov.

Persons requiring a sign language interpreter or other special accommodations should contact Gary Jablonski at (425) 487-6009 or gjablonski@fmmaseattle.com before the hearing begins.

SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding:
Notice of Hearing: Issued July 31, 2003; published August 6, 2003 (68 FR 46505).

Correction to Notice of Hearing: Issued August 20, 2003; published August 26, 2003 (68 FR 51202).

Notice is hereby given that the hearing which was adjourned in Tempe, Arizona, on September 25, 2003, by the Administrative Law Judge designated to hold said hearing and preside thereof, will reconvene in session at 8:30 a.m., November 17, 2003, at the Doubletree Hotel, Seattle Airport, 18740 Pacific Highway S., Seattle, Washington 98188. At the reconvened hearing, additional testimony will be received on proposed amendments 1 through 5, listed in the initial hearing notice (68 FR 46505) as corrected (68 FR 51202) to the tentative marketing agreements and to the orders regulating the handling of milk in the Arizona-Las Vegas and Pacific Northwest marketing areas.

List of Subjects in 7 CFR Parts 1124 and 1131

Milk marketing orders.

Authority: 7 U.S.C. 601-674.

Dated: October 27, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03-27413 Filed 10-30-03; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1135

[Docket No. AO-380-A18; DA-01-08-W]

Milk in the Western Marketing Area; Referendum Order and Extension of Time for Filing Comments; Determination of Representative Period and Designation of Referendum Agent

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum Order and extension of time for filing comments.

SUMMARY: This notice orders that a referendum be conducted to determine whether producers favor issuance of the order regulating the handling of milk in the Western marketing area, as amended in the tentative final decision issued by the Administrator on August 8, 2003, and published in the **Federal Register** on August 18, 2003 (68 FR 49375). Producer approval could not be determined by a polling of cooperatives. Additionally, this document extends the time for filing comments to the tentative final decision for the Western marketing area until April 1, 2004.

DATES: The referendum is to be completed on or before 30 days after publication in the **Federal Register** and comments on the Western order are now due on April 1, 2004.

ADDRESSES: Comments (six copies) should be filed with the Hearing Clerk, Room 1083-STOP 9200, 1400 Independence Avenue, SW., South Building, United States Department of Agriculture, Washington, DC 20250-9200.

FOR FURTHER INFORMATION CONTACT:

Gino M. Tosi, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, Room 2971—Stop 0231, 1400 Independence Avenue, SW., Washington, DC 20250-0231, (202) 690-1366, e-mail address: gino.tosi@usda.gov.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 26, 2002; published March 4, 2002 (67 FR 9622).

Tentative Final Decision: Issued on August 8, 2003; published August 18, 2003 (68 FR 49375).

On August 8, 2003, the Administrator issued a tentative final decision on proposed amendments to the Pacific Northwest and Western milk marketing orders. Comments on the tentative final

decision were requested by October 17, 2003, and producer approval was to be determined through a polling of cooperatives. The polling of cooperatives was completed on October 6, 2003, for the Western milk marketing order and producer approval could not be ascertained.

Notice is hereby given that the time for filing comments to the Western milk marketing order as amended by the tentative final decision is hereby extended from October 17, 2003, to April 1, 2004, and that a referendum will be conducted to determine producer approval of the Western order as amended.

Several parties requested that the filing of comments on the Western order be extended indefinitely because producer approval could not be ascertained based on the polling of cooperatives that was held for the Western milk marketing order as amended by the tentative final decision. Requesters stated that submission of comments by the October 17, 2003, date would be premature.

Since a referendum is being conducted to determine producer approval of the Western order as amended, it is appropriate to delay comment submissions on the Western milk marketing order. Comments are now due on April 1, 2004. This extension of time for filing comments only applies to the Western order and comments on the tentative final decision amendments to the Pacific Northwest milk marketing order must be postmarked on or before October 17, 2003, as stated in the tentative final decision.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

Referendum Order To Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the order regulating the handling of milk in the Western marketing area, as amended by the tentative final decision issued on August 8, 2003, and published on August 18, 2003 (68 FR 49375), is approved by at least two-thirds of the producers, or by producers that represent at least two-thirds of the total milk produced during the representative period.