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–AL79

Prevailing Rate Systems; Redefinition of the Fresno and Stockton, CA, 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 Fresno and Stockton, CA, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Mariposa and Merced Counties and the Yosemite National Park portion of Madera and Tuolumne Counties, CA, to the Stockton 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.

DATES: We must receive comments on or before March 6, 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 Fresno and Stockton, CA, appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Mariposa and Merced Counties and the Yosemite National Park portion of Madera and Tuolumne Counties, CA, from the Fresno wage area to the Stockton 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.

Mariposa County is currently defined to the Fresno area of application. Based on our analysis of the regulatory criteria for defining appropriated fund wage area boundaries, we find that Mariposa County would be more appropriately defined as part of the Stockton area of application. When measuring from cities, the distance criterion does not favor one wage area more than another. When measuring from host installations, the distance criterion favors the Stockton wage area. The transportation facilities and geographic features criteria favor the Stockton wage area more than the Fresno wage area. Information from local employees indicates that at certain times roads from the south are blocked due to floods or rockslides, while routes from the north remain open. All other criteria are inconclusive. An additional factor to weigh in the decision to redefine Mariposa County is that the Department of the Interior (DOI) believes that recent economic developments in the area indicate some linkage between Mariposa County and the Stockton wage area.

Merced County is currently defined to the Fresno area of application. Our analysis of the regulatory criteria indicates that Merced County would be more appropriately defined as part of the Stockton wage area. The distance criterion favors the Stockton wage area more than the Fresno wage area. Merced County has a similar distribution of surveyable employment to the Stockton survey area. All other criteria are inconclusive. Although a standard review of regulatory criteria shows that most factors are inconclusive, distance does favor Stockton.

Tuolumne County, except for the Yosemite National Park portion, is currently defined to the Stockton area of application. The distance criterion for Tuolumne County favors the Stockton wage area more than the Fresno wage area. All other criteria are inconclusive. We believe that the mixed nature of our regulatory analysis findings indicate that Tuolumne County is appropriately defined to the Stockton wage area. DOI officials have requested that OPM consider redefining Yosemite National Park to the Stockton wage area. Because we are proposing to redefine Mariposa County to the Stockton wage area and because of the geographic proximity of Tuolumne County to the Stockton wage area, we propose that the portion of Tuolumne County occupied by Yosemite National Park be part of the Stockton wage area. This change would place the entire Tuolumne County in the Stockton wage area.

Madera County is currently defined to the Fresno area of application. Our analysis of the regulatory criteria indicates that Madera County is appropriately defined to the Fresno wage area. The distance and commuting patterns criteria for Madera County favors the Fresno wage area more than the Stockton wage area. However, DOI officials have requested that OPM consider redefining Yosemite National Park to the Stockton wage area. Because we are proposing that Mariposa County and the Yosemite National Park portion of Tuolumne County be redefined to the Stockton wage area and because we believe Yosemite National Park should not be split between the Fresno and the Stockton wage areas, we also propose that the portion of Madera County occupied by Yosemite National Park be part of the Stockton wage area. The remaining portion of Madera County would continue to be part of the Fresno wage area. We believe the distance and commuting patterns criteria indicate that the remaining locations in Madera County remain appropriately defined to the Fresno wage area. The Devils Postpile National Monument within Madera County would remain in the Reno, NV, 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. The affected employees in Mariposa and Merced Counties and the Yosemite National Park portion of Madera and Tuolumne Counties would

be placed on the wage schedule for the Stockton wage area on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

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. In appendix C to subpart B, the wage area listing for the State of California is amended by revising the listings for Fresno and Stockton, to read as follows:

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

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CALIFORNIA

Fresno

Survey Area

California:
- Fresno
- Kings
- Tulare

Area of Application. Survey area plus:

California:
- Kern (Does not include China Lake Naval Weapons Center, Edwards Air Force Base, and portions occupied by Federal activities in Boron (City).)
- Madera (Does not include Devils Postpile National Monument and Yosemite National Park portions.)

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Stockton

Survey Area

California:
- San Joaquin

Area of Application. Survey area plus:

California:
- Calaveras
- Madera (Only includes Yosemite National Park portion.)
- Mariposa
- Merced
- Stanislaus
- Tuolumne

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[FR Doc. E9–2392 Filed 2–3–09; 8:45 am]

BILLING CODE 6325–39–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 704

RIN 3133–AD58

Corporate Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Advance notice of proposed rulemaking and request for comment (ANPR).

SUMMARY: In the light of current economic circumstances affecting the U.S. economy and, in particular, the financial sector, NCUA is evaluating and reconsidering the role corporate credit unions currently play in the credit union system, including corporates' membership structure, size, and types of services they offer. NCUA is also considering whether to amend its regulation governing corporate credit unions to clarify or revise current provisions, including those related to: Capital; permissible investments; management of credit risk and liquidity; and corporate governance. NCUA seeks comment on these issues and any others commenters think NCUA should consider.

DATES: Comments must be received on or before April 6, 2009.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web Site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *E-mail:* Address to *regcomments@ncua.gov.* Include ''[Your name]—Comments on Advanced Notice of Proposed Rulemaking for Part 704'' in the e-mail subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for e-mail.
- *Mail:* Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: All public comments are available on the agency's Web site at *http://www.ncua.gov/RegulationsOpinionsLaws/comments* as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information. Paper copies of comments may be inspected in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6540 or send an e-mail to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Ross Kendall, Trial Attorney, Office of General Counsel, at the above address or telephone: (703) 518–6540, or David Shetler, Senior Corporate Program Specialist, at the above address or telephone (703) 518–6640.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Credit Union Act (Act) authorizes natural person federal credit unions (FCUs) to invest in shares or deposits of any central credit union (corporate credit union). 12 U.S.C. 1757(7)(G). A corporate credit union is an organization, chartered under the Act or under applicable state law as a credit union that receives shares from and provides loan and other services primarily to other credit unions. 12 CFR 704.2. Historically, corporate credit unions have fulfilled an important role in the credit union industry and have provided credit unions with payment and clearing services, including access to wire transfer facilities and automated clearing house transactions. Corporate credit unions have also provided investment services, enabling smaller credit unions to achieve economies of scale and access to greater market returns otherwise unavailable to them. Corporate credit unions have been an important source of liquidity for credit unions through short and medium term credit facilities, and have served as agents on behalf of NCUA's Central Liquidity Facility (CLF) in connection with loans funded by the CLF. Corporate credit unions have also provided other operational services, such as coin and currency services and safekeeping of investments.

There are currently twenty-eight corporate credit unions serving the nation's approximately 7,900 credit unions. As with all credit unions, corporate credit unions are organized as cooperatives, owned by their members and responsive to their needs, enabling