

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-AK94

Prevailing Rate Systems; North American Industry Classification System Based Federal Wage System Wage Surveys

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 replace the Standard Industrial Classification codes currently used in Federal Wage System (FWS) regulations with the more recent North American Industry Classification System (NAICS) codes, published by the Office of Management and Budget. The purpose of this change is to update the FWS wage survey industry regulations by adopting the new NAICS system.

DATES: We must receive comments on or before December 16, 2005.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Deputy Associate 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; 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 goal of the Federal Wage System (FWS) is to pay blue-collar Federal employees according to local prevailing rates. To determine local prevailing rates, the Department of Defense, the lead agency for all regular FWS wage surveys, collects wage data for a prescribed list of industries in each FWS wage area annually. The Office of Personnel

Management (OPM) is responsible for prescribing the required industries to be surveyed and the conditions under which required industrial coverage may be augmented for particular surveys. Under the current regulations, the industries surveyed are defined under the Standard Industrial Classification (SIC) system. The Office of Management and Budget developed the North American Industry Classification System (NAICS) to replace the SIC system. NAICS was developed jointly by the United States, Canada, and Mexico to provide comparability in statistics about business activity across North America.

NAICS groups establishments into industries based on the activities in which they are primarily engaged. It is a comprehensive system covering the entire field of economic activities. NAICS groups the economy into 20 broad sectors and uses a 6-digit coding system to identify particular industries. The first two digits of the code designate the sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry.

Because NAICS is now the official industry classification system used in the United States, the Federal Prevailing Rate Advisory Committee (FPRAC), the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, established a Wage Survey Methodology Work Group (Work Group) to study the desirability and feasibility of replacing the SIC codes currently used in FWS regulations with NAICS codes and the effect this change would have on industry coverage for FWS wage surveys. The following sections of title 5, Code of Federal Regulations, list the industries included in the FWS wage surveys by SIC codes:

Section 532.213 Industries included in regular appropriated fund wage surveys.

Section 532.221 Industries included in regular nonappropriated fund surveys.

Section 532.267 Special wage schedules for aircraft, electronic, and optical instrument overhaul and repair positions in the Puerto Rico wage area.

Section 532.279 Special wage schedules for printing positions.

Section 532.285 Special wage schedules for supervisors of negotiated rate Bureau of Reclamation employees.

Section 532.313 Private sector industries.

The Work Group recommended to FPRAC that OPM replace all SIC codes in the FWS regulations with the most closely corresponding NAICS codes. In effect, this would update the FWS wage survey industry regulations by adopting the NAICS system, while making as few changes as possible in the types of industrial establishments that are already included in FWS wage surveys under the SIC system. FPRAC agreed with the Work Group's recommendation, and OPM concurs with FPRAC's recommendation.

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.

E.O. 12866, Regulatory Review

The Office of Management and Budget has reviewed this proposed rule 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.

Linda M. Springer,
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.

Subpart B—Prevailing Rate Determinations

2. In § 532.213, revise paragraph (a) to read as follows:

§ 532.213 Industries included in regular appropriated fund wage surveys.

(a) The lead agency must include the industries in the following North

American Industry Classification System (NAICS) codes in all regular appropriated fund wage surveys:

Manufacturing	NAICS 311 through 339 (except 323).	All manufacturing classes except printing and related support activities (NAICS 323).
Transportation, Communications, Electric, Gas, and Sanitary Services.	NAICS 221	Utilities.
	NAICS 481	Air transportation.
	NAICS 482	Rail transportation.
	NAICS 484	Truck transportation.
	NAICS 485 (except 4853)	Transit and ground passenger transportation except taxi and limousine service (NAICS 4853).
	NAICS 487 (except 4872)	Scenic and sightseeing transportation except scenic and sightseeing transportation, water (NAICS 4872).
	NAICS 488 (except 4883 and 4884).	Support activities for transportation except support activities for water transportation (NAICS 4853) and support activities for road transportation (NAICS 4854).
	NAICS 492	Couriers and messengers.
	NAICS 493	Warehousing and storage.
	NAICS 515	Broadcasting (except Internet).
Wholesale Trade	NAICS 517	Telecommunications.
	NAICS 5621	Waste collection.
	NAICS 5622	Waste Treatment and Disposal.
	NAICS 423	Merchant wholesalers—durable goods.
	NAICS 424	Merchant wholesalers—nondurable goods.

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3. In § 532.221, revise paragraph (a) to read as follows:

§ 532.221 Industries included in regular nonappropriated fund surveys.
 (a) The lead agency must include the following North American Industry

Classification System (NAICS) codes in all regular nonappropriated fund wage surveys:

NAICS	Title
Wholesale Trade:	
42312	Motor vehicle supplies and new parts.
4232	Furniture and home furnishing.
42362	Electrical and electronic appliance, television, and radio set.
42369	Other electronic parts and equipment.
42371	Hardware.
42391	Sporting and recreational goods and supplies.
42399	Other miscellaneous durable goods.
4241	Paper and paper product.
42421	Drugs and druggists' sundries.
4243	Apparel, piece goods, and notions.
42445	Confectionery.
4247	Petroleum and petroleum products.
4249	Miscellaneous nondurable goods.
Retail:	
44132	Tire dealers.
44311	Appliance, television, and other electronic stores.
44411	Home centers.
44611	Pharmacies and drug stores.
4471	Gasoline stations.
44814	Family clothing stores.
4521	Department stores.
45299	All other general merchandise stores.
45321	Office supplies and stationery stores.
4542	Vending machine operators.
Arts, Entertainment, and Recreation:	
71391	Golf courses and country clubs.
71395	Bowling centers.
Accommodations and Food Services:	
72111	Hotels (except casino hotels) and motels.
7221	Full-service restaurants.
7222	Limited-service eating places.
7224	Drinking places (alcoholic beverages).

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4. In § 532.267, revise paragraph (c)(1) to read as follows:

§ 532.267 Special wage schedules for aircraft, electronic, and optical instrument overhaul and repair positions in the Puerto Rico wage area.

(c) * * *

(1) Surveys must, at a minimum, include the air transportation and electronics industries in the following

* * * * *

North American Industry Classification System (NAICS) codes:

NAICS	Title
3341	Computer and peripheral equipment manufacturing.
33422	Radio and television broadcasting and wireless communications equipment manufacturing.
33429	Other communications equipment manufacturing.
3343	Audio and video equipment manufacturing.
334412	Bare printed circuit board manufacturing.
334413	Semiconductor and related device manufacturing.
334418	Printed circuit assembly (electronic assembly) manufacturing.
334419	Other electronic component manufacturing.
334511	Search, detection, navigation, guidance, aeronautical, and nautical system and instrument manufacturing.
334613	Magnetic and optical recording media manufacturing.
42342	Office equipment merchant wholesalers.
42343	Computer and computer peripheral equipment and software merchant wholesalers.
4811	Scheduled air transportation.
4812	Nonscheduled air transportation.
4879	Scenic and sightseeing transportation, other.
4881	Support activities for air transportation.
4921	Couriers.
56172	Janitorial services.
62191	Ambulance services.
81142	Reupholstery and furniture repair.

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 5. In § 532.279, revise paragraphs (c), introductory text, and (c)(1) to read as follows:

§ 532.279 Special wage schedules for printing positions.

* * * * *
 (c) The lead agency must establish survey specifications for the printing survey as follows:

(1) The lead agency must include North American Industry Classification

System (NAICS) codes 323110 and 323114 in the printing survey and may add other NAICS codes in subsector 323 to the survey based on its survey experience.

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 6. In § 532.285, revise paragraph (c)(1) to read as follows:

§ 532.285 Special wage schedules for supervisors of negotiated rate Bureau of Reclamation employees.

* * * * *

(c) * * *

(1) Based on Bureau of Reclamation activities and types of supervisory positions in the special wage area, the Bureau of Reclamation must survey private industry companies, with no minimum employment size requirement for establishments, in the following North American Industry Classification System code subsectors:

Subsector	Industry
211	Oil and gas extraction.
212	Mining (except oil and gas).
213	Support activities for mining.
221	Utilities.
333	Machinery manufacturing.
334	Computer and electronic product manufacturing.
335	Electrical equipment, appliance, and component manufacturing.
484	Truck transportation.
492	Couriers and messengers.
493	Warehousing and storage.
515	Broadcasting (except Internet).
517	Telecommunications.
562	Waste management and remediation services.
811	Repair and maintenance.

* * * * *
 7. Revise § 532.313 to read as follows:

§ 532.313 Private sector industries.

(a) For appropriated fund surveys, the lead agency must use the private sector industries in the following North

American Industry Classification System (NAICS) codes when it makes its wage schedule determinations for each specialized Federal industry:

Aircraft

NAICS 332912	Fluid power valve and hose fitting manufacturing.
NAICS 336411	Aircraft manufacturing.
NAICS 336412	Aircraft engine and engine parts manufacturing.
NAICS 336413	Other aircraft part and auxiliary equipment manufacturing.
NAICS 336415	Guided missile and space vehicle propulsion unit and propulsion unit parts manufacturing.
NAICS 336419	Other guided missile and space vehicle parts and auxiliary equipment manufacturing.

NAICS 4811	Scheduled air transportation.
NAICS 4812	Nonscheduled air transportation.
NAICS 4879	Scenic and sightseeing transportation, other.
NAICS 4881	Support activities for air transportation.
NAICS 4921	Couriers.
NAICS 54171	Research and development in the physical, engineering, and life sciences.
NAICS 56172	Janitorial services.
NAICS 62191	Ambulance services.
NAICS 81142	Reupholstery and furniture repair.

Ammunition

NAICS 32592	Explosives manufacturing.
NAICS 332992	Small arms ammunition manufacturing.
NAICS 332993	Ammunition (except small arms) manufacturing.

Artillery and combat vehicles

NAICS 2211	Electric power generation, transmission, and distribution.
NAICS 2212	Natural gas distribution.
NAICS 32732	Ready-mix concrete manufacturing.
NAICS 332212	Hand and edge tool manufacturing.
NAICS 332323	Ornamental and architectural metal work manufacturing.
NAICS 332439	Other metal container manufacturing.
NAICS 332995	Other ordnance and accessories manufacturing.
NAICS 332999	All other miscellaneous fabricated metal product manufacturing.
NAICS 33311	Agricultural implement manufacturing.
NAICS 33312	Construction machinery manufacturing.
NAICS 333611	Turbine and turbine generator set unit manufacturing.
NAICS 333618	Other engine equipment manufacturing.
NAICS 333922	Conveyor and conveying equipment manufacturing.
NAICS 333923	Overhead traveling crane, hoist, and monorail system manufacturing.
NAICS 333924	Industrial truck, tractor, trailer, and stacker machinery manufacturing.
NAICS 3361	Motor vehicle manufacturing.
NAICS 336211	Motor vehicle body manufacturing.
NAICS 336212	Truck trailer manufacturing.
NAICS 336312	Gasoline engine and engine parts manufacturing.
NAICS 336322	Other motor vehicle electrical and electronic equipment manufacturing.
NAICS 33633	Motor vehicle steering and suspension components (except spring) manufacturing.
NAICS 33634	Motor vehicle brake system manufacturing.
NAICS 33635	Motor vehicle transmission and power train parts manufacturing.
NAICS 336399	All other motor vehicle parts manufacturing.
NAICS 33651	Railroad rolling stock manufacturing.
NAICS 336992	Military armored vehicle, tank, and tank component manufacturing.
NAICS 4231	Motor vehicle and motor vehicle parts and supplies merchant wholesalers.
NAICS 42381	Construction and mining (except oil well) machinery and equipment merchant wholesalers.
NAICS 42382	Farm and garden machinery and equipment merchant wholesalers.
NAICS 4413	Automotive parts, accessories, and tire stores.
NAICS 44421	Outdoor power equipment stores.
NAICS 484	Truck transportation.
NAICS 4862	Pipeline transportation of natural gas.
NAICS 492	Couriers and messengers.
NAICS 5171	Wired telecommunications carriers.
NAICS 5172	Wireless telecommunications carriers (except satellite).
NAICS 5173	Telecommunications resellers.
NAICS 5621	Waste collection.
NAICS 81299	All other personal services.

Communications

NAICS 33422	Radio and television broadcasting and wireless communications equipment manufacturing.
NAICS 33429	Other communications equipment manufacturing.
NAICS 334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
NAICS 334514	Totalizing fluid meter and counting device manufacturing.
NAICS 334515	Instrument manufacturing for measuring and testing electricity and electrical signals.
NAICS 335311	Power, distribution, and specialty transformer manufacturing.
NAICS 48531	Taxi service.
NAICS 5151	Radio and television broadcasting.
NAICS 5152	Cable and other subscription carriers.
NAICS 5171	Wired telecommunications carriers.
NAICS 5172	Wireless telecommunications carriers (except satellite).
NAICS 5173	Telecommunications resellers.
NAICS 5174	Satellite telecommunications.
NAICS 5179	Other telecommunications.

Electronics

NAICS 3341	Computer and peripheral equipment manufacturing.
NAICS 33422	Radio and television broadcasting and wireless communications equipment manufacturing.
NAICS 33429	Other communications equipment manufacturing.
NAICS 33431	Audio and video equipment manufacturing.
NAICS 334412	Bare printed circuit board manufacturing.
NAICS 334413	Semiconductor and related device manufacturing.
NAICS 334414	Electronic capacitor manufacturing.
NAICS 334415	Electronic resistor manufacturing.
NAICS 334416	Electronic coil, transformer, and other inductor manufacturing.
NAICS 334417	Electronic connector manufacturing.
NAICS 334418	Printed circuit assembly (electronic assembly) manufacturing.
NAICS 334419	Other electronic component manufacturing.
NAICS 334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
NAICS 334613	Magnetic and optical recording media manufacturing.
NAICS 42342	Office equipment merchant wholesalers.
NAICS 42343	Computer and computer peripheral equipment and software merchant wholesalers.

Guided missiles

NAICS 332912	Fluid power valve and hose fitting manufacturing.
NAICS 3341	Computer and peripheral equipment manufacturing.
NAICS 33422	Radio and television broadcasting and wireless communications equipment manufacturing.
NAICS 33429	Other communications equipment manufacturing.
NAICS 334418	Printed circuit assembly (electronic assembly) manufacturing.
NAICS 334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
NAICS 334613	Magnetic and optical recording media manufacturing.
NAICS 3364	Aerospace product and parts manufacturing.
NAICS 54131	Architectural services.
NAICS 54133	Engineering services.
NAICS 54136	Geophysical surveying and mapping services.
NAICS 54137	Surveying and mapping (except geophysical) services.
NAICS 54171	Research and development in the physical, engineering, and life sciences.

Heavy duty equipment

NAICS 332439	Other metal container manufacturing.
NAICS 332999	All other miscellaneous fabricated metal product manufacturing.
NAICS 33312	Construction machinery manufacturing.
NAICS 333923	Overhead traveling crane, hoist, and monorail system manufacturing.
NAICS 333924	Industrial truck, tractor, trailer, and stacker machinery manufacturing.
NAICS 33651	Railroad rolling stock manufacturing.
NAICS 42381	Construction and mining (except oil well) machinery and equipment wholesalers.

Shipbuilding

NAICS 336611	Ship building and repairing.
NAICS 48839	Other support activities for water transportation.

Sighting and fire control equipment

NAICS 333314	Optical instrument and lens manufacturing.
NAICS 3341	Computer and peripheral equipment manufacturing.
NAICS 33422	Radio and television broadcasting and wireless communications equipment manufacturing.
NAICS 33429	Other communications equipment manufacturing.
NAICS 334418	Printed circuit assembly (electronic assembly) manufacturing.
NAICS 334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
NAICS 334613	Magnetic and optical recording media manufacturing.

Small arms

NAICS 332994	Small arms manufacturing.
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(b) The lead agency must limit special job coverage for industries in NAICS codes 2211, 2212, 32732, 484, 4862, 5621, 492, 5171, 5172, and 5173 to automotive mechanic, diesel engine mechanic, and heavy mobile equipment mechanic.

(c) For nonappropriated fund wage surveys, the lead agency must use NAICS codes 71111, 7221, 7222, 72231, 72232, and 7224 (eating and drinking places) when it determines a wage schedule for a specialized industry.

[FR Doc. 05-22742 Filed 11-15-05; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-22898; Directorate Identifier 2005-NE-10-AD]

RIN 2120-AA64

Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB-X and D3A32C409/82NDB-X Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for McCauley Propeller Systems models 3A32C406/82NDB-X and D3A32C409/82NDB-X propellers, installed on Teledyne Continental Motors (TCM) IO-520, TSIO-520, or IO-550 reciprocating engines. These propellers are herein referred to as C406 and C409 propellers, respectively. This proposed AD would require adding an operational revolutions per minute (rpm) restriction on the C406 and C409 propellers, and installing an rpm restriction placard in the cockpit. This proposed AD would also add a 10,000-hour total time-in-service (TIS) life limit for these propellers. This proposed AD would also remove from service any propeller that has 10,000 hours or more total TIS, or that has an unknown total TIS. Also, this proposed AD would require initial and repetitive propeller blade inspections for damage, and repair if necessary. This proposed AD results from testing by the manufacturer that identified stress conditions that affect the fatigue life and damage tolerance of C406 and C409 propellers, when installed on TCM IO-520, TSIO-520, or IO-550 reciprocating engines. We are proposing this AD to prevent blade or

hub failure that could result in separation of a propeller blade and loss of control of the airplane.

DATES: We must receive any comments on this proposed AD by January 17, 2006.

ADDRESSES: Use one of the following addresses to comment on this proposed AD.

- DOT Docket web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Fax: (202) 493-2251.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Contact McCauley Propeller Systems, P.O. Box 7704, Wichita, KS 67277-7704; telephone (800) 621-7767, for the service information identified in this AD.

You may examine the comments on this proposed AD in the AD docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Timothy Smyth, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone: (847) 294-7132; fax: (847) 294-7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22898; Directorate Identifier 2005-NE-10-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD.

Using the search function of the DMS web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

Examining the AD Docket

You may examine the docket that contains the proposal, any comments received and, any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

McCauley Propeller Systems recently conducted tests to measure vibratory stress on C406 and C409 propellers. The tests identified a high stress condition that reduces the fatigue life and damage tolerance of C406 and C409 propellers when installed on TCM IO-520, TSIO-520, or IO-550 reciprocating engines. This condition, if not corrected, could result in blade or hub failure that could result in separation of a propeller blade and loss of control of the airplane.

Relevant Service Information

We reviewed and approved the technical contents of McCauley Propeller Systems Alert Service Bulletin (ASB) No. ASB248, dated January 17, 2005, that does the following:

- Adds an rpm restriction that states continuous propeller operation between 2,350 rpm and 2,450 rpm at 24 inches Hg and higher manifold pressure is prohibited.
- Installs an rpm restriction placard in the cockpit.
- Adds a 10,000-hour total TIS life limit for C406 and C409 propellers.
- Removes from service any propeller that has 10,000 hours or more total TIS, or that has an unknown total TIS.
- Requires initial and repetitive propeller blade inspections for damage, and repair if necessary.

FAA's Determination and Requirements of the Proposed AD

We evaluated all pertinent information and identified an unsafe condition that is likely to exist or