

# 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-AL71

### Prevailing Rate Systems; Redefinition of the Buffalo, NY, and Pittsburgh, PA, 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 Buffalo, NY, and Pittsburgh, PA, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine McKean and Warren Counties, PA, and the Allegheny National Forest portions of Elk and Forest Counties, PA, from the Pittsburgh wage area to the Buffalo wage area. These changes are based on a recent consensus recommendation 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 Buffalo or Pittsburgh FWS wage areas.

**DATES:** We must receive comments on or before November 6, 2008.

**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](mailto: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](mailto:pay-performance-policy@opm.gov); or FAX: (202) 606-4264.

**SUPPLEMENTARY INFORMATION:** The U.S. Office of Personnel Management (OPM) is proposing to redefine the Buffalo, NY,

and Pittsburgh, PA, appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine McKean and Warren Counties, PA, and the Allegheny National Forest portions of Elk and Forest Counties, PA, from the Pittsburgh wage area to the Buffalo 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.

Elk, Forest, McKean, and Warren Counties are currently area of application counties in the Pittsburgh FWS wage area. Located in the northwestern section of the State of Pennsylvania, Elk, Forest, McKean, and Warren Counties include portions of the Allegheny National Forest.

Based on our analysis of the regulatory criteria for defining appropriated fund FWS wage areas, we find that McKean and Warren Counties would be more appropriately defined as part of the Buffalo area of application. The distance criterion is the major factor in our determination. McKean and Warren Counties are closer to the Buffalo survey area than to the Pittsburgh survey area. McKean County is approximately 157 km (98 miles) from Buffalo and 277 km (172 miles) from Pittsburgh. Warren County is approximately 153 km (95 miles) from Buffalo and 257 km (160 miles) from Pittsburgh. We reviewed the other criteria, but they did not favor one wage area more than another.

Analysis of OPM's regulatory criteria for Elk and Forest Counties does not show a clear indication that Elk and Forest Counties should be placed in a different FWS wage area. However, the southern part of the Allegheny National Forest is located in portions of Elk and Forest Counties. Since part of the Forest would therefore fall within the boundaries of two separate wage areas, we also propose that the Allegheny National Forest portions of Elk and Forest Counties be redefined to the Buffalo area of application. This would continue to place the Allegheny National Forest in a single wage area and would provide equal pay treatment

for FWS employees with employment locations in the Forest. The remaining portion of Elk and Forest Counties would continue to be part of the Pittsburgh wage area. We believe the mixed nature of our regulatory analysis findings indicates that the remaining employment locations in Elk and Forest Counties remain appropriately defined to the Pittsburgh 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. FPRAC recommended no other changes in the geographic definitions of the Buffalo and Pittsburgh wage areas. The affected employees in Elk, Forest, McKean, and Warren Counties would be placed on the wage schedule for the Buffalo 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.

**Michael W. Hager,**

*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 New York is amended by revising the listing for Buffalo; and for the State of Pennsylvania, by revising the listing for Pittsburgh, to read as follows:

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

\* \* \* \* \*

**NEW YORK**

\* \* \* \* \*

**Buffalo***Survey Area*

New York:

Erie  
Niagara*Area of Application. Survey area plus:*

New York:

Cattaraugus  
Chautauqua

Pennsylvania:

Elk (Only includes the Allegheny National  
Forest portion)  
Forest (Only includes the Allegheny  
National Forest portion)  
McKean  
Warren

\* \* \* \* \*

**PENNSYLVANIA**

\* \* \* \* \*

**Pittsburgh***Survey Area*

Pennsylvania:

Allegheny  
Beaver  
Butler  
Washington  
Westmoreland*Area of Application. Survey area plus:*

Pennsylvania:

Armstrong  
Bedford  
Blair  
Cambria  
Cameron  
Centre  
Clarion  
Clearfield  
Clinton  
Crawford  
Elk (Does not include the Allegheny  
National Forest portion)  
Erie  
Fayette  
Forest (Does not include the Allegheny  
National Forest portion)  
Greene  
Huntingdon  
Indiana  
Jefferson  
Lawrence  
Mercer  
Potter  
Somerset  
Venango

Ohio:

Belmont  
Carroll  
Harrison  
Jefferson  
Tuscarawas

West Virginia:

Brooke  
HancockMarshall  
Ohio  
\* \* \* \* \*

[FR Doc. E8-23725 Filed 10-6-08; 8:45 am]

BILLING CODE 6325-39-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39****[Docket No. FAA-2008-1005; Directorate  
Identifier 2008-NM-119-AD]****RIN 2120-AA64****Airworthiness Directives; Empresa  
Brasileira de Aeronautica S.A.  
(EMBRAER) Model EMB-120, -120ER,  
-120FC, -120QC, and -120RT  
Airplanes****AGENCY:** Federal Aviation  
Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking  
(NPRM).**SUMMARY:** We propose to adopt a new  
airworthiness directive (AD) for the  
products listed above. This proposed  
AD results from mandatory continuing  
airworthiness information (MCAI)  
originated by an aviation authority of  
another country to identify and correct  
an unsafe condition on an aviation  
product. The MCAI describes the unsafe  
condition as:

It was found one occurrence of a fuel  
booster pump circuit br[e]aker opening  
during an engine maintenance servicing. An  
inspection inside the fuel tank revealed the  
fuel booster pump[']s electrical harness  
chafing against its body, causing the loss of  
the electrical wiring protection and resulting  
in a short circuit. Further in-tank inspections  
have showed other fuel booster pump  
electrical harnesses chafing either with the  
pump body and/or with adjacent fuel lines,  
causing damage to the harness protective  
layers and resulting \* \* \* [in a] possible  
ignition source inside the fuel tank.

\* \* \* \* \*

The proposed AD would require  
actions that are intended to address the  
unsafe condition described in the MCAI.

**DATES:** We must receive comments on  
this proposed AD by November 6, 2008.**ADDRESSES:** You may send comments by  
any of the following methods:

- *Federal eRulemaking Portal:* Go to  
<http://www.regulations.gov>. Follow the  
instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of

Transportation, Docket Operations,  
M-30, West Building Ground Floor,  
Room W12-140, 1200 New Jersey  
Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of  
Transportation, Docket Operations, M-  
30, West Building Ground Floor, Room  
W12-40, 1200 New Jersey Avenue, SE.,  
Washington, DC, between 9 a.m. and 5  
p.m., Monday through Friday, except  
Federal holidays.

**Examining the AD Docket**

You may examine the AD docket on  
the Internet at [http://  
www.regulations.gov](http://www.regulations.gov); or in person at the  
Docket Operations office between 9 a.m.  
and 5 p.m., Monday through Friday,  
except Federal holidays. The AD docket  
contains this proposed AD, the  
regulatory evaluation, any comments  
received, and other information. The  
street address for the Docket Operations  
office (telephone (800) 647-5527) is in  
the **ADDRESSES** section. Comments will  
be available in the AD docket shortly  
after receipt.

**FOR FURTHER INFORMATION CONTACT:**  
Sanjay Ralhan, Aerospace Engineer,  
International Branch, ANM-116,  
Transport Airplane Directorate, FAA,  
1601 Lind Avenue, SW., Renton,  
Washington 98057-3356; telephone  
(425) 227-1405; fax (425) 227-1149.**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to send any written  
relevant data, views, or arguments about  
this proposed AD. Send your comments  
to an address listed under the  
**ADDRESSES** section. Include "Docket No.  
FAA-2008-1005; Directorate Identifier  
2008-NM-119-AD" at the beginning of  
your comments. We specifically invite  
comments on the overall regulatory,  
economic, environmental, and energy  
aspects of this proposed AD. We will  
consider all comments received by the  
closing date and may amend this  
proposed AD based on those comments.

We will post all comments we  
receive, without change, to [http://  
www.regulations.gov](http://www.regulations.gov), including any  
personal information you provide. We  
will also post a report summarizing each  
substantive verbal contact we receive  
about this proposed AD.

**Discussion**

The Agência Nacional de Aviação  
Civil (ANAC), which is the aviation  
authority for Brazil, has issued Brazilian  
Airworthiness Directive 2008-05-01,  
effective June 13, 2008 (referred to after  
this as "the MCAI"), to correct an unsafe  
condition for the specified products.  
The MCAI states:

It was found one occurrence of a fuel  
booster pump circuit br[e]aker opening  
during an engine maintenance servicing. An  
inspection inside the fuel tank revealed the  
fuel booster pump[']s electrical harness