

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-AM28

Prevailing Rate Systems; Redefinition of the Shreveport, LA; Texarkana, TX; Milwaukee, WI; and Southwestern Wisconsin 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 Shreveport, LA; Texarkana, TX; Milwaukee, WI; and Southwestern Wisconsin appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Upshur County, TX, from the Texarkana wage area to the Shreveport wage area and Oconto County, WI, from the Southwestern Wisconsin wage area to the Milwaukee 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 Shreveport, Texarkana, Milwaukee, and Southwestern Wisconsin FWS wage areas.

DATES: We must receive comments on or before October 25, 2010.

ADDRESSES: Send or deliver comments to Jerome D. Mikowicz, Deputy Associate Director for Pay and Leave, Employee Services, 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 is issuing a proposed rule that would redefine the geographic boundaries of the Shreveport, LA; Texarkana, TX; Milwaukee, WI; and Southwestern Wisconsin appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Upshur County, TX, from the Texarkana wage area to the Shreveport wage area and Oconto County, WI, from the Southwestern Wisconsin wage area to the Milwaukee 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.

In addition, OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances (*e.g.*, organizational relationships among closely located Federal activities).

OPM recently completed reviews of the definitions of the Longview, TX and Green Bay, WI MSAs and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below. 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 Shreveport, Texarkana, Milwaukee, and Southwestern Wisconsin wage areas.

Longview, TX Metropolitan Statistical Area

Gregg, Rusk, and Upshur Counties, TX, comprise the Longview, TX MSA. The Longview MSA is currently split between the Shreveport, LA, and Texarkana, TX, wage areas. Gregg and Rusk Counties are part of the area of application of the Shreveport wage area and Upshur County is part of the area

of application of the Texarkana wage area.

Based on an analysis of the regulatory criteria for Gregg County, the core county in the Longview MSA, we recommend that the entire Longview MSA be defined to the Shreveport area of application. The distance criterion for Gregg County favors the Shreveport wage area more than the Texarkana wage area. All other criteria are inconclusive. However, even though the commuting patterns criterion is inconclusive, about 10 times as many people currently commute from Gregg County into the Shreveport survey area (0.47 percent of the resident workforce) than into the Texarkana survey area (0.05 percent). Based on this analysis, we believe Gregg County is appropriately defined to the Shreveport wage area. Since there appear to be no unusual circumstances that would permit splitting the Longview MSA, OPM proposes to redefine Upshur County to the Shreveport wage area so that the entire Longview MSA is in one wage area. There are currently no FWS employees working in Upshur County.

Green Bay, WI Metropolitan Statistical Area

Brown, Kewaunee and Oconto Counties, WI, comprise the Green Bay, WI MSA. The Green Bay MSA is currently split between the Milwaukee, WI, and Southwestern Wisconsin wage areas. Brown and Kewaunee Counties are part of the area of application of the Milwaukee wage area and Oconto County is part of the area of application of the Southwestern Wisconsin wage area.

Based on an analysis of the regulatory criteria for Brown County, the core county in the Green Bay MSA, we recommend that the entire Green Bay MSA be defined to the Milwaukee wage area. The distance criterion for Brown County favors the Milwaukee wage area more than the Southwestern Wisconsin wage area. All other criteria are inconclusive. Based on the mixed nature of our regulatory analysis findings, we believe Brown County is appropriately defined to the Milwaukee wage area. Since there appear to be no unusual circumstances that would permit splitting the Green Bay MSA, OPM proposes to redefine Oconto County to the Milwaukee wage area so that the entire Green Bay MSA is in one

wage area. There are currently no FWS employees working in Oconto County.

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.

John Berry,

Director, U.S. Office of Personnel Management.

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 Shreveport, LA; Texarkana, TX; Milwaukee, WI; and Southwestern Wisconsin wage areas to read as follows:

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

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LOUISIANA

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Shreveport

Survey Area

Louisiana: (parishes)

Bossier
Caddo
Webster

Area of Application. Survey Area Plus:

Louisiana: (parishes)

Bienville
Claiborne
De Soto
East Carroll
Jackson
Lincoln
Morehouse
Ouachita
Red River
Richland
Union
West Carroll

Texas:

Cherokee
Gregg
Harrison
Panola
Rusk

Upshur
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TEXAS

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Texarkana

Survey Area

Texas:

Bowie
Arkansas:
Little River
Miller

Area of Application. Survey Area Plus:

Texas:

Camp
Cass
Franklin
Marion
Morris
Red River
Titus
Arkansas:
Columbia
Hempstead
Howard
Lafayette
Nevada
Sevier

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WISCONSIN

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Milwaukee

Survey Area

Wisconsin:

Milwaukee
Ozaukee
Washington
Waukesha

Area of Application. Survey Area Plus:

Wisconsin:

Brown
Calumet
Door
Fond du Lac
Kewaunee
Manitowoc
Oconto
Outagamie
Racine
Sheboygan
Walworth
Winnebago

Southwestern Wisconsin

Survey Area

Wisconsin:

Chippewa
Eau Claire
La Crosse
Monroe
Trempealeau

Area of Application. Survey Area Plus:

Wisconsin:

Adams
Barron
Buffalo
Clark
Crawford
Dunn

Florence
Forest
Jackson
Juneau
Langlade
Lincoln
Marathon
Marinette
Menominee
Oneida
Pepin
Portage
Price
Richland
Rusk
Shawano
Taylor
Vernon
Vilas
Waupaca
Waushara
Wood

Minnesota:

Fillmore
Houston
Wabasha
Winona

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BILLING CODE 6325-39-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2010-0857; Directorate Identifier 2010-NM-156-AD]

RIN 2120-AA64

Airworthiness Directives; Koito Industries, Ltd., Seats and Seating Systems Approved Under Technical Standard Order (TSO) TSO-C39b, TSO-C39c, or TSO-C127a

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Koito Industries, Ltd., seats and seating systems approved under TSO-C39b, TSO-C39c, or TSO-C127a. This proposed AD would require determining if affected seats and seating systems and their components are compliant with certain FAA regulations, and removing those seats, seating systems, and their components from the affected fleet that are shown to be unsafe. This proposed AD results from a determination that the affected seats and seating systems may not meet certain flammability and strength criteria. Failure to meet strength criteria could result in injuries to the flightcrew and passengers during emergency