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## 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:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule to replace the Standard Industrial Classification codes currently used in Federal Wage System regulations with the more recent North American Industry Classification System codes, published by the Office of Management and Budget. The purpose of this change is to update the wage survey industry regulations by adopting the new classification system.

**DATES:** *Effective date:* This rule is effective on July 20, 2006.

*Applicability date:* This rule applies for local wage surveys beginning on or after November 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mark Allen, (202) 606-2838; e-mail *pay-performance-policy@opm.gov*; or FAX: (202) 606-4264.

**SUPPLEMENTARY INFORMATION:** On November 16, 2005, the Office of Personnel Management (OPM) issued a proposed rule (70 FR 69467) to replace all Standard Industrial Classification

(SIC) codes in the Federal Wage System (FWS) regulations with the most closely corresponding North American Industry Classification System (NAICS) codes. Adopting the NAICS system will update the FWS wage survey industry regulations, while making as few changes as possible in the types of industrial establishments already included in FWS wage surveys under the SIC system. These regulations use 2002 NAICS codes. As the Office of Management and Budget updates the NAICS periodically, we will update these regulations to correspond to the updated NAICS codes based on advice we receive from the Federal Prevailing Rate Advisory Committee.

The proposed rule had a 30-day public comment period, during which OPM received no comments. However, the final rule incorporates some formatting changes in the industry charts to improve consistency and readability, and three additional minor changes that are consistent with the intent of the proposed rule. First, section 532.313(b) of title 5, Code of Federal Regulations, limits special job coverage to Automotive Mechanic, Engine Mechanic, and Heavy Mobile Equipment Mechanic only in certain industries included in surveys concerning the Artillery and Combat Vehicles specialized industry, not in all of the specialized industries, as was originally proposed. Second, the four SIC codes in section 532.223(a) have been converted to comparable NAICS codes. We inadvertently overlooked this section in the proposed rule. Third, we are adding NAICS 5175, Cable and other program distribution, to the communications specialized industry in section 532.313 to better match NAICS wage survey industry coverage to the industry coverage of the SIC system. We inadvertently overlooked this industry in the proposed rule.

This final regulation is effective 30 days after publication. However, to provide the lead agency (the Department of Defense) with sufficient time and a

fixed date for planning surveys and implementing changes required by the new industry classification system, the regulation is applicable for wage surveys ordered to begin on or after November 1, 2006.

### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

### E.O. 12866, Regulatory Review

The Office of Management and Budget has reviewed this final 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 is amending 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:

2002 NAICS codes	2002 NAICS industry titles
311 through 339 (except 323).	All manufacturing classes except printing and related support activities (NAICS 323).
221 .....	Utilities.
481 .....	Air transportation.
482 .....	Rail transportation.
484 .....	Truck transportation.
485 (except 4853) .....	Transit and ground passenger transportation except taxi and limousine service (NAICS 4853).

2002 NAICS codes	2002 NAICS industry titles
487 (except 4872)	Scenic and sightseeing transportation except scenic and sightseeing transportation, water (NAICS 4872).
488 (except 4883 and 4884)	Support activities for transportation except support activities for water transportation (NAICS 4883) and support activities for road transportation (NAICS 4884).
492	Couriers and messengers.
493	Warehousing and storage.
515	Broadcasting (except Internet).
517	Telecommunications.
5621	Waste collection.
5622	Waste Treatment and Disposal.
423	Merchant wholesalers, durable goods.
424	Merchant wholesalers, nondurable goods.

\* \* \* \* \*

■ 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:

2002 NAICS codes	2002 NAICS industry titles
42312	Motor vehicle supplies and new parts merchant wholesalers.
4232	Furniture and home furnishing merchant wholesalers.
42362	Electrical and electronic appliance, television, and radio set merchant wholesalers.
42369	Other electronic parts and equipment merchant wholesalers.
42371	Hardware merchant wholesalers.
42391	Sporting and recreational goods and supplies merchant wholesalers.
42399	Other miscellaneous durable goods merchant wholesalers.
4241	Paper and paper product merchant wholesalers.
42421	Drugs and druggists' sundries merchant wholesalers.
4243	Apparel, piece goods, and notions merchant wholesalers.
42445	Confectionery merchant wholesalers.
4247	Petroleum and petroleum products merchant wholesalers.
4249	Miscellaneous nondurable goods merchant wholesalers.
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.
71391	Golf courses and country clubs.
71395	Bowling centers.
72111	Hotels (except casino hotels) and motels.
7221	Full-service restaurants.
7222	Limited-service eating places.
7224	Drinking places (alcoholic beverages).

\* \* \* \* \*

■ 4. In § 532.223, revise paragraph (a) to read as follows:

**§ 532.223 Establishments included in regular nonappropriated fund surveys.**

(a) All establishments having 20 or more employees in the prescribed industries within a survey area must be included in the survey universe. Establishments in NAICS codes 4471,

4542, 71391, and 71395 must be included in the survey universe if they have eight or more employees.

\* \* \* \* \*

■ 5. 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:

2002 NAICS codes	2002 NAICS industry titles
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.

2002 NAICS codes	2002 NAICS industry titles
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.

\* \* \* \* \*

■ 6. 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.

\* \* \* \* \*

■ 7. 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:

2002 NAICS codes	2002 NAICS industry titles
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.

\* \* \* \* \*

■ 8. 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:

2002 NAICS codes	2002 NAICS industry titles
<b>Aircraft Specialized Industry</b>	
332912 .....	Fluid power valve and hose fitting manufacturing.
336411 .....	Aircraft manufacturing.
336412 .....	Aircraft engine and engine parts manufacturing.
336413 .....	Other aircraft part and auxiliary equipment manufacturing.
336415 .....	Guided missile and space vehicle propulsion unit and propulsion unit parts manufacturing.
336419 .....	Other guided missile and space vehicle parts and auxiliary equipment manufacturing.
4811 .....	Scheduled air transportation.
4812 .....	Nonscheduled air transportation.
4879 .....	Scenic and sightseeing transportation, other.
4881 .....	Support activities for air transportation.
4921 .....	Couriers.
54171 .....	Research and development in the physical, engineering, and life sciences.

2002 NAICS codes	2002 NAICS industry titles
56172 .....	Janitorial services.
62191 .....	Ambulance services.
81142 .....	Reupholstery and furniture repair.

#### Ammunition Specialized Industry

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

#### Artillery and Combat Vehicles Specialized Industry

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

#### Communications Specialized Industry

33422 .....	Radio and television broadcasting and wireless communications equipment manufacturing.
33429 .....	Other communications equipment manufacturing.
334511 .....	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
334514 .....	Totalizing fluid meter and counting device manufacturing.
334515 .....	Instrument manufacturing for measuring and testing electricity and electrical signals.
335311 .....	Power, distribution, and specialty transformer manufacturing.
48531 .....	Taxi service.
5151 .....	Radio and television broadcasting.
5152 .....	Cable and other subscription programming.
5171 .....	Wired telecommunications carriers.
5172 .....	Wireless telecommunications carriers (except satellite).
5173 .....	Telecommunications resellers.
5174 .....	Satellite telecommunications.
5175 .....	Cable and other program distribution.
5179 .....	Other telecommunications.

#### Electronics Specialized Industry

3341 .....	Computer and peripheral equipment manufacturing.
33422 .....	Radio and television broadcasting and wireless communications equipment manufacturing.

2002 NAICS codes	2002 NAICS industry titles
33429 .....	Other communications equipment manufacturing.
33431 .....	Audio and video equipment manufacturing.
334412 .....	Bare printed circuit board manufacturing.
334413 .....	Semiconductor and related device manufacturing.
334414 .....	Electronic capacitor manufacturing.
334415 .....	Electronic resistor manufacturing.
334416 .....	Electronic coil, transformer, and other inductor manufacturing.
334417 .....	Electronic connector 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.
<b>Guided Missiles Specialized Industry</b>	
332912 .....	Fluid power valve and hose fitting manufacturing.
3341 .....	Computer and peripheral equipment manufacturing.
33422 .....	Radio and television broadcasting and wireless communications equipment manufacturing.
33429 .....	Other communications equipment manufacturing.
334418 .....	Printed circuit assembly (electronic assembly) manufacturing.
334511 .....	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
334613 .....	Magnetic and optical recording media manufacturing.
3364 .....	Aerospace product and parts manufacturing.
54131 .....	Architectural services.
54133 .....	Engineering services.
54136 .....	Geophysical surveying and mapping services.
54137 .....	Surveying and mapping (except geophysical) services.
54171 .....	Research and development in the physical, engineering, and life sciences.
<b>Heavy Duty Equipment Specialized Industry</b>	
332439 .....	Other metal container manufacturing.
332999 .....	All other miscellaneous fabricated metal product manufacturing.
33312 .....	Construction machinery manufacturing.
333923 .....	Overhead traveling crane, hoist, and monorail system manufacturing.
333924 .....	Industrial truck, tractor, trailer, and stacker machinery manufacturing.
33651 .....	Railroad rolling stock manufacturing.
42381 .....	Construction and mining (except oil well) machinery and equipment merchant wholesalers.
<b>Shipbuilding Specialized Industry</b>	
336611 .....	Ship building and repairing.
48839 .....	Other support activities for water transportation.
<b>Sighting and Fire Control Equipment Specialized Industry</b>	
333314 .....	Optical instrument and lens manufacturing.
3341 .....	Computer and peripheral equipment manufacturing.
33422 .....	Radio and television broadcasting and wireless communications equipment manufacturing.
33429 .....	Other communications equipment manufacturing.
334418 .....	Printed circuit assembly (electronic assembly) manufacturing.
334511 .....	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
334613 .....	Magnetic and optical recording media manufacturing.
<b>Small Arms Specialized Industry</b>	
332994 .....	Small arms manufacturing.

(b) For wage surveys involving the specialized Federal industry "Artillery and Combat Vehicles" in paragraph (a) of this section, 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. E6-9667 Filed 6-19-06; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

#### Foreign Quarantine Notices

##### CFR Correction

In Title 7 of the Code of Federal Regulations, parts 300 to 399, revised as of January 1, 2006, in § 319.56-2j paragraph (a)(2)(i) is corrected to read as follows:

#### § 319.56-2j Conditions governing the entry of apples and pears from Australia (including Tasmania) and New Zealand.

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(i) Chamber: <sup>1</sup>

MB at NAP 1½ lb for 2 hours at 80-89 °F.  
2 lb for 2 hours at 70-79 °F.  
2½ lb for 2 hours at 60-69 °F.  
3 lb for 2 hours at 50-59 °F.  
4 lb for 2 hours at 40-49 °F.

\* \* \* \* \*

[FR Doc. 06-55521 Filed 6-19-06; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Parts 360 and 361

[Docket No. APHIS-2006-0019]

#### Noxious Weeds; South African Ragwort and Madagascar Ragwort

AGENCY: Animal and Plant Health Inspection Service, USDA.

<sup>1</sup> MB=methyl bromide; NAP=normal atmospheric pressure.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the noxious weed and imported seed regulations by adding South African ragwort (*Senecio inaequidens* DC.) and Madagascar ragwort (*Senecio madagascariensis* Poir.) to the list of terrestrial noxious weeds and to the list of seeds with no tolerances applicable to their introduction. This action is necessary to prevent the artificial spread of these noxious weeds into the United States.

**DATES:** This interim rule is effective June 14, 2006. We will consider all comments that we receive on or before August 21, 2006.

**ADDRESSES:** You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov> and, in the lower "Search Regulations and Federal Actions" box, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, then click on "Submit." In the Docket ID column, select APHIS-2006-0019 to submit or view public comments and to view supporting and related materials available electronically. Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS-2006-0019, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2006-0019.

**Reading Room:** You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

**Other Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Alan V. Tasker, Noxious Weeds Program Coordinator, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1237; (301) 734-5225.

## SUPPLEMENTARY INFORMATION:

### Background

The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of a plant pest or noxious weed into the United States or the dissemination of a plant pest or noxious weed within the United States.

The PPA defines "noxious weed" as "any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment." The PPA also provides that the Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States. Under this authority, the Animal and Plant Health Inspection Service (APHIS) administers the noxious weeds regulations in 7 CFR part 360, which prohibit or restrict the importation and interstate movement of those plants that are designated as noxious weeds in § 360.200.

Under the authority of the Federal Seed Act (FSA) of 1939, as amended (7 U.S.C. 1551 *et seq.*), the U.S. Department of Agriculture regulates the importation and interstate movement of certain agricultural and vegetable seeds and screenings. Title III of the FSA, "Foreign Commerce," requires shipments of imported agricultural and vegetable seeds to be labeled correctly and to be tested for the presence of the seeds of certain noxious weeds as a condition of entry into the United States. APHIS' regulations implementing the provisions of title III of the FSA are found in 7 CFR part 361. A list of noxious weed seeds is contained in § 361.6. Paragraph (a)(1) of § 361.6 lists species of noxious weed seeds with no tolerances applicable to their introduction into the United States.

APHIS lists in its regulations only those weeds that meet the international definition of a quarantine pest, i.e., "a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially