

Rules and Regulations

Federal Register

Vol. 84, No. 146

Tuesday, July 30, 2019

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AN78

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 (OPM) is issuing a final rule to update the 2012 North American Industry Classification System (NAICS) codes currently used in Federal Wage System (FWS) wage survey industry regulations with the 2017 NAICS revisions published by the Office of Management and Budget (OMB).

DATES:

Effective date: This rule is effective August 29, 2019.

Applicability date: This rule applies for local wage surveys beginning on or after November 6, 2019.

FOR FURTHER INFORMATION CONTACT:

Madeline Gonzalez, by telephone at (202) 606-2838 or by email at pay-leave-policy@opm.gov.

SUPPLEMENTARY INFORMATION: On March 6, 2019, OPM issued a proposed rule (84 FR 8043) to update the 2012 NAICS codes used in FWS wage survey industry regulations with the 2017 NAICS revisions published by OMB. 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 by consensus that we adopt these changes.

The 30-day comment period ended on April 5, 2019. OPM received one comment that is not pertinent to the proposed rule.

This final regulation is effective 30 days after publication. However, to

provide the Department of Defense with sufficient time for planning surveys and implementing changes required by OMB's 2017 NAICS revisions, the regulation is applicable for wage surveys ordered to begin on or after November 6, 2019.

As OMB continues to update NAICS codes periodically, we will update these regulations to correspond to the updated NAICS codes based on advice we receive from FPRAC.

Regulatory Impact Analysis

OPM has examined the impact of this rule as required by Executive Order 12866 and Executive Order 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects of \$100 million or more in any 1 year. This rule has been designated as a "significant regulatory action," under Executive Order 12866, but it is not "economically significant" as measured by the \$100 million threshold.

Reducing Regulation and Controlling Regulatory Costs

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under E.O. 12866.

Regulatory Flexibility Act

OPM certifies that this rule will not have a significant economic impact on a substantial number of small entities, because they will affect only Federal agencies and employees.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of nonagency parties and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act.

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.

Alexys Stanley,

Regulatory Affairs Analyst.

Accordingly, OPM 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.

§ 532.213 [Amended]

■ 2. In § 532.213, amend the table in paragraph (a) by removing "2012" from the column headings and adding in its place "2017."

■ 3. In § 532.221, amend the table in paragraph (a) by revising the column headings, removing the entries for NAICS codes "4521" and "45299," and adding in numerical order entries for NAICS codes "4522" and "4523."

The revisions and additions to read as follows:

§ 532.221 Industries included in regular nonappropriated fund surveys.

(a) * * *

2017 NAICS codes	2017 NAICS industry titles
* * * * *	
4522	Department stores.
4523	All other general merchandise stores.
* * * * *	

* * * * *

§ 532.267 [Amended]

■ 4. In § 532.267, amend the table in paragraph (c)(1) by removing “2012” from the column headings and adding in its place “2017.”

§ 532.285 [Amended]

■ 5. In § 532.285, amend the table in paragraph (c)(1) by removing “2012” from the column headings and adding in its place “2017.”

■ 6. In § 532.313, amend the table in paragraph (a):

■ a. By revising the column headings;

■ b. Under the heading Aircraft Specialized Industry:

■ i. By revising the entry for NAICS Code 4921;

■ ii. By removing the entry for NAICS Code 541712; and

■ iii. By adding entries in numerical order for NAICS Codes 541713 and 541715;

■ c. Under the heading Artillery and Combat Vehicles Specialized Industry:

■ i. By removing the entries for NAICS Codes 5171 and 5172; and

■ ii. By adding an entry in numerical order for NAICS Code 5173;

■ d. Under the heading Communications Specialized Industry:

■ i. By removing the entries for NAICS Codes 5171 and 5172; and

■ ii. By adding an entry in numerical order for NAICS Code 5173;

■ e. Under the heading Electronic Specialized Industry by revising the entry for NAICS Code 334613;

■ f. Under the heading Guided Missiles Specialized Industry:

■ i. By revising the entry for NAICS Code 334613;

■ ii. By removing the entry for NAICS Code 541712; and

■ iii. By adding entries in numerical order for NAICS Codes 541713 and 541715; and

■ g. Under the heading Sighting and Fire Control Equipment Specialized Industry by revising the entry for NAICS Code 334613.

The revisions and additions to read as follows:

§ 532.313 Private sector industries.

(a) * * *

2017 NAICS codes	2017 NAICS industry titles
Aircraft Specialized Industry	
* * * * *	
4921	Couriers and express delivery services.
541713	Research and development in nanotechnology.
541715	Research and development in the physical, engineering, and life sciences (except nanotechnology and biotechnology).
* * * * *	
Artillery and Combat Vehicles Specialized Industry	
* * * * *	
5173	Wired and wireless telecommunications carriers.
* * * * *	
Communications Specialized Industry	
* * * * *	
5173	Wired and wireless telecommunications carriers.
* * * * *	
Electronics Specialized Industry	
* * * * *	
334613	Blank magnetic and optical recording media manufacturing.

2017 NAICS codes	2017 NAICS industry titles
*	*
Guided Missiles Specialized Industry	
*	*
334613	Blank magnetic and optical recording media manufacturing.
*	*
541713	Research and development in nanotechnology.
541715	Research and development in the physical, engineering, and life sciences (except nanotechnology and biotechnology).
*	*
Sighting and Fire Control Equipment Specialized Industry	
*	*
334613	Blank magnetic and optical recording media manufacturing.
*	*

* * * * *

[FR Doc. 2019-16129 Filed 7-29-19; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF LABOR**Office of the Secretary****29 CFR Part 34**

RIN 1291-AA39

Rescission of Regulations Implementing the Nondiscrimination and Equal Opportunity Provisions of the Job Training Partnership Act of 1982

AGENCY: Office of the Assistant Secretary for Administration and Management, Department of Labor.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM) is confirming the effective date of its direct final rule (DFR) rescinding its regulations implementing section 167 of the Job Training Partnership Act of 1982, as amended (JTPA). In the DFR published on September 26, 2018, OASAM stated that if no significant adverse comments were submitted by October 26, 2018, then the rule would become effective on November 26, 2018. No adverse comments were received on the rule. So by this document the agency is confirming that the DFR is effective as of November 26, 2018.

DATES: This document confirms that the effective of the DFR published on

September 26, 2018 (83 FR 48542), is November 26, 2018.

ADDRESSES: Electronic copies of this **Federal Register** notice are available at <http://www.regulation.gov>.

FOR FURTHER INFORMATION CONTACT:

Naomi Barry-Perez, Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210, telephone (202) 693-6500 (VOICE) or (800) 877-8339 (Federal Relay Service—for TTY), or by email at CRC-WIOA@dol.gov.

SUPPLEMENTARY INFORMATION:

On September 26, 2018, OASAM simultaneously published in the **Federal Register** a notice of proposed rulemaking (83 FR 48576) and a DFR (83 FR 48542) to rescind its regulations implementing Section 167 of the JTPA. Section 167 contained the nondiscrimination and equal-opportunity provisions of the JTPA. In 1998, Congress passed the Workforce Investment Act (WIA), which repealed the JTPA and required the Secretary of Labor to transition any authority under the JTPA to the system that WIA created. WIA, in turn, was subsequently altered by the Workforce Innovation and Opportunity Act (WIOA). The JTPA's nondiscrimination and equal opportunity requirements were superseded by similar provisions in WIA, and more recently, WIOA. The current WIOA regulations governing nondiscrimination and equal opportunity are at 29 CFR part 38. In sum, the rule removes regulations for an inoperative program, but has no impact on existing non-discrimination rules.

OASAM explained that if no significant adverse comments were received during the comment period,

then the DFR would become effective and OASAM would withdraw the proposed rule. The comment period for the proposed rule and the DFR ended on October 26, 2018. No adverse comments were received on either rule. By this document, OASAM is confirming that the DFR is effective as of November 26, 2018. As such, the proposed rule is unnecessary and OASAM is withdrawing it in another publication.

Signed at Washington, DC, on July 19, 2019.

Bryan Slater,

Assistant Secretary, Office of the Assistant Secretary for Administration and Management, Department of Labor.

[FR Doc. 2019-16073 Filed 7-29-19; 8:45 am]

BILLING CODE 4510-FR-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG-2019-0653]

RIN 1625-AA00

Safety Zone; Bahia De San Juan, San Juan, PR

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within Bajo San Agustin of San Juan Harbor. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by an anticipated increase in vessel traffic due