## **Rules and Regulations**

#### Federal Register

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Monday, May 4, 2009

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. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

#### 5 CFR Part 532

RIN 3206-AL77

## Prevailing Rate Systems; Redefinition of Certain Appropriated Fund Federal Wage System Wage Areas

**AGENCY:** U.S. Office of Personnel

Management.

ACTION: Final rule.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) is issuing a final rule to redefine the geographic boundaries of several appropriated fund Federal Wage System wage areas for pay-setting purposes. Based on recent reviews of Metropolitan Statistical Area boundaries in a number of wage areas, OPM is redefining the following wage areas: Birmingham, AL; Denver, CO; Wilmington, DE; Washington, DC; Atlanta, GA; Columbus, GA; Macon, GA; Chicago, IL; Bloomington-Bedford-Washington, IN; Indianapolis, IN; Louisville, KY; Baltimore, MD; Hagerstown-Martinsburg-Chambersburg, MD; St. Louis, MO; Southern Missouri; Omaha, NE; New York, NY; Philadelphia, PA; Scranton-Wilkes-Barre, PA; Eastern South Dakota; Richmond, VA; and Milwaukee, WI.

**DATES:** Effective date: This regulation is effective on May 4, 2009. Applicability date: Agencies will place affected employees on their new wage schedule on the first day of the first applicable pay period beginning on or after June 3, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Madeline Gonzalez, (202) 606–2838; email pay-performance-policy@opm.gov; or FAX: (202) 606–4264.

SUPPLEMENTARY INFORMATION: On January 14, 2009, the U.S. Office of Personnel Management (OPM) issued a proposed rule (74 FR 1948) to redefine the geographic boundaries of several appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine the following counties:

- Chilton County, AL, to the Birmingham, AL, area of application;
- Broomfield County, CO, to the Denver, CO, survey area;
- Clarke, Spotsylvania, and Warren Counties, VA; Fredericksburg City, VA; and Jefferson County, WV, to the Washington, DC, area of application;
- Jasper, Lamar, and Meriwether Counties, GA, to the Atlanta, GA, area of application;
- Kenosha County, WI, to the Chicago, IL, area of application;
- Brown County, IN, to the Indianapolis, IN, area of application;
- Union County, SD, to the Omaha, NE, area of application;
- Washington County, IN, to the Louisville, KY, area of application;
- Queen Anne's County, MD, to the Baltimore, MD, area of application;
- Moniteau County, MO, to the St. Louis, MO, area of application;
- Hunterdon County, NJ, and Pike County, PA, to the New York, NY, area of application; and
- Carbon County, PA, to the Philadelphia, PA, area of application.

The proposed rule had a 30-day comment period, during which OPM received no comments.

#### **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.

#### 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 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.

■ 2. Appendix C to subpart B is amended by revising the wage area listings for Birmingham, AL; Denver, CO; Wilmington, DE; Washington, DC; Atlanta, GA; Columbus, GA; Macon, GA; Chicago, IL; Bloomington-Bedford-Washington, IN; Indianapolis, IN; Louisville, KY; Baltimore, MD; Hagerstown-Martinsburg-Chambersburg, MD; St. Louis, MO; Southern Missouri; Omaha, NE; New York, NY; Philadelphia, PA; Scranton-Wilkes-Barre, PA; Eastern South Dakota; Richmond, VA; and Milwaukee, WI, to read as follows:

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

#### ALABAMA

\* \* \* \* \* \*

#### Birmingham

Survey Area

Alabama: Jefferson St. Clair Shelby Tuscaloosa

Area of Application. Survey area plus:

Alabama: Bibb Blount Chilton

Walker

Cullman Fayette

Greene Hale Lamar Marengo

Perry Pickens

#### **COLORADO**

#### Denver

Survey Area

Colorado: Adams

Arapahoe Boulder Broomfield

Denver Douglas

Gilpin Jefferson

Area of Application. Survey area plus:

Colorado:

Clear Creek

Eagle

Elbert		Fredericksburg	Whitfield
Garfield		Virginia (counties):	
Grand		Clarke	* * * * *
Jackson Lake		Fauquier	Columbus
Larimer		King George Spotsylvania	Survey Area
Logan		Stafford	Georgia (counties): Chattahoochee
Morgan		Warren	Georgia (consolidated government):
Park Phillips		West Virginia:	Columbus
Pitkin		Jefferson	Alabama:
Rio Blanco		* * * * * *	Autauga
Routt		GEORGIA	Elmore Lee
Sedgwick Summit			Macon
Washington		* * * * * *	Montgomery
Weld		Atlanta	Russel
Yuma		Survey Area	Area of Application. Survey area plus:
* *	* * *	Georgia:	Georgia: Harris
	DELAWARE	Butts Cherokee	Marion
	Wilmington	Clayton	Quitman
	Survey Area	Cobb	Schley Stewart
Delaware:	•	De Kalb	Talbot
Kent		Douglas Fayette	Taylor
New Castle		Forsyth	Webster
Maryland:		Fulton	Alabama:
Cecil		Gwinnett	Bullock Butler
New Jersey: Salem		Henry	Chambers
	lication. Survey area plus:	Newton Paulding	Coosa
Delaware:	modifon. Barvey area pras.	Rockdale	Crenshaw
Sussex		Walton	Dallas Lowndes
Maryland:		Area of Application. Survey area plus:	Pike
Caroline		Georgia:	Tallapoosa
Dorchester		D 1	Wilcox
		Banks	
Kent		Barrow	Macon
		Barrow Bartow	<b>Macon</b> Survey Area
Kent Somerset Talbot Wicomico		Barrow Bartow Carroll Chattooga	<b>Macon</b> Survey Area Georgia:
Kent Somerset Talbot Wicomico Worcester	(Does not include the	Barrow Bartow Carroll Chattooga Clarke	<b>Macon</b> Survey Area
Kent Somerset Talbot Wicomico Worcester	(Does not include the Island portion.)	Barrow Bartow Carroll Chattooga Clarke Coweta	<b>Macon</b> Survey Area Georgia: Bibb
Kent Somerset Talbot Wicomico Worcester		Barrow Bartow Carroll Chattooga Clarke Coweta Dawson	Macon Survey Area Georgia: Bibb Houston Jones Laurens
Kent Somerset Talbot Wicomico Worcester Assateague	Island portion.)	Barrow Bartow Carroll Chattooga Clarke Coweta Dawson Fannin Floyd	Macon Survey Area Georgia: Bibb Houston Jones Laurens Twiggs
Kent Somerset Talbot Wicomico Worcester Assateague  * * * * * * * * * * * * * * * * * *	Island portion.)  * * *	Barrow Bartow Carroll Chattooga Clarke Coweta Dawson Fannin Floyd Franklin	Macon Survey Area  Georgia: Bibb Houston Jones Laurens Twiggs Wilkinson
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Kent Somerset Talbot Wicomico Worcester Assateague  * * * * * * * * * * * * * * * * * *	* * *  CICT OF COLUMBIA  Vashington, DC  Survey Area  mbia:	Barrow Bartow Carroll Chattooga Clarke Coweta Dawson Fannin Floyd Franklin	Macon Survey Area  Georgia: Bibb Houston Jones Laurens Twiggs Wilkinson Area of Application. Survey area plus: Georgia: Baldwin
Kent Somerset Talbot Wicomico Worcester Assateague  * * * * * * * * * * * * * * * * * *	* * *  CICT OF COLUMBIA  Vashington, DC  Survey Area  mbia:	Barrow Bartow Carroll Chattooga Clarke Coweta Dawson Fannin Floyd Franklin Gilmer Gordon Greene Habersham	Macon Survey Area  Georgia: Bibb Houston Jones Laurens Twiggs Wilkinson Area of Application. Survey area plus: Georgia: Baldwin Bleckley
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Kent Somerset Talbot Wicomico Worcester Assateague  * * * DISTR V  District of Colu Washington, Maryland: Charles	* * *  CICT OF COLUMBIA  Vashington, DC  Survey Area  mbia:	Barrow Bartow Carroll Chattooga Clarke Coweta Dawson Fannin Floyd Franklin Gilmer Gordon Greene Habersham Hall Haralson	Macon Survey Area  Georgia: Bibb Houston Jones Laurens Twiggs Wilkinson Area of Application. Survey area plus: Georgia: Baldwin Bleckley Crawford Crisp
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Kent Somerset Talbot Wicomico Worcester Assateague  * * DISTR V  District of Colu Washington, Maryland: Charles Frederick Montgomery Prince George Virginia (cities)	* * *  CICT OF COLUMBIA  Vashington, DC  Survey Area  mbia: DC	Barrow Bartow Carroll Chattooga Clarke Coweta Dawson Fannin Floyd Franklin Gilmer Gordon Greene Habersham Hall Haralson Heard Jackson Jasper Lamar	Macon Survey Area  Georgia: Bibb Houston Jones Laurens Twiggs Wilkinson Area of Application. Survey area plus: Georgia: Baldwin Bleckley Crawford Crisp Dodge Dooly Hancock Johnson
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Kent Somerset Talbot Wicomico Worcester Assateague  * * DISTR V  District of Colu Washington, Maryland: Charles Frederick Montgomery Prince George Virginia (cities) Alexandria Fairfax Falls Church Manassas Manassas Par Virginia (count) Arlington Fairfax	* * *  ** ** ** ** ** ** ** ** ** ** **	Barrow Bartow Carroll Chattooga Clarke Coweta Dawson Fannin Floyd Franklin Gilmer Gordon Greene Habersham Hall Haralson Heard Jackson Jasper Lamar Lumpkin Madison Meriwether Morgan Murray Oconee	Macon Survey Area  Georgia: Bibb Houston Jones Laurens Twiggs Wilkinson Area of Application. Survey area plus:  Georgia: Baldwin Bleckley Crawford Crisp Dodge Dooly Hancock Johnson Macon Monroe Montgomery Peach Pulaski Putnam Telfair Treutlen Upson
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Chicago	McLean	Scott
9	Ohio	Washington
Survey Area	Union	Ü
Illinois:	Webster	* * * * * *
Cook		MARYLAND
Du Page	* * * * * *	THE TENTO
Kane	Indianapolis	* * * *
Lake	Survey Area	
McHenry		Baltimore
Will	Indiana:	Survey Area
Area of Application. Survey area plus:	Boone	Maryland:
Illinois:	Hamilton	Baltimore City
Boone	Hancock	Anne Arundel
De Kalb	Hendricks Johnson	Baltimore
Grundy	Marion	Carroll
Iroquois	Morgan	Harford
Kankakee	Shelby	Howard
Kendall	j	Area of Application. Survey area plus:
La Salle	Area of Application. Survey area plus:	Maryland:
Lee	Indiana:	Queen Anne's
Livingston	Bartholomew	
Ogle	Brown	Hagerstown-Martinsburg-Chambersburg
Stephenson	Clay	Survey Area
Winnebago	Clinton	Maryland:
Indiana:	Decatur	Washington
Benton	Delaware	Pennsylvania:
Jasper	Fayette	Franklin
Lake	Fountain	West Virginia:
La Porte	Henry	Berkeley
Newton	Madison	Area of Application. Survey area plus:
Porter	Montgomery Parke	Maryland:
Pulaski	Putnam	
Starke	Rush	Allegany Garrett
Wisconsin:	Sullivan	
Kenosha	Tippecanoe	Pennsylvania:
INDIANA	Tipton	Fulton
Bloomington-Bedford-Washington	Vermillion	Virginia (cities):
Survey Area	Vigo	Harrisonburg
ž	Warren	Winchester
Indiana: Daviess	waron	Virginia (counties):
Greene	* * * * * *	Culpeper
		Frederick
	KENTLICKY	
Knox	KENTUCKY	Greene
Knox Lawrence		Greene Madison
Knox Lawrence Martin	* * * * *	Greene Madison Page
Knox Lawrence Martin Monroe		Greene Madison Page Rappahannock
Knox Lawrence Martin Monroe Orange	* * * * *	Greene Madison Page Rappahannock Rockingham
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus:	* * * * * *  Louisville  Survey Area	Greene Madison Page Rappahannock Rockingham Shenandoah
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana:	* * * * * * Louisville	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia:
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford	* * * * *  Louisville  Survey Area  Kentucky:	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois	* * * * * *  Louisville  Survey Area  Kentucky:  Bullitt  Hardin  Jefferson	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson	* * * * * *  Louisville  Survey Area  Kentucky:  Bullitt  Hardin	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson	* * * * * *  Louisville  Survey Area  Kentucky:  Bullitt  Hardin  Jefferson	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy
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Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry	* * * * * *  Louisville Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham Indiana:	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan
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Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry Pike Posey Spencer Vanderburgh Warrick Illinois: Edwards	* * * * * *  Louisville  Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham  Indiana: Clark Floyd Jefferson Area of Application. Survey area plus: Kentucky: Breckinridge Grayson Hart	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan  * * * * * *  MISSOURI  * * * * * *  St. Louis Survey Area Missouri:
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry Pike Posey Spencer Vanderburgh Warrick Illinois: Edwards Gallatin	* * * * * *  Louisville  Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham  Indiana: Clark Floyd Jefferson Area of Application. Survey area plus: Kentucky: Breckinridge Grayson Hart Henry	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan  * * * * * * MISSOURI  * * * * * St. Louis Survey Area Missouri: St. Louis City
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry Pike Posey Spencer Vanderburgh Warrick Illinois: Edwards Gallatin Hardin	* * * * * *  Louisville  Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham  Indiana: Clark Floyd Jefferson Area of Application. Survey area plus:  Kentucky: Breckinridge Grayson Hart Henry Larue	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan  * * * * * *  MISSOURI  * * * * *  St. Louis Survey Area  Missouri: St. Louis City Franklin
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry Pike Posey Spencer Vanderburgh Warrick Illinois: Edwards Gallatin Hardin Lawrence	* * * * * *  Louisville  Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham  Indiana: Clark Floyd Jefferson Area of Application. Survey area plus: Kentucky: Breckinridge Grayson Hart Henry Larue Meade	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan  * * * * * *  MISSOURI  * * * * *  St. Louis Survey Area  Missouri: St. Louis City Franklin Jefferson
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry Pike Posey Spencer Vanderburgh Warrick Illinois: Edwards Gallatin Hardin Lawrence Richland	* * * * * * *  Louisville Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham  Indiana: Clark Floyd Jefferson Area of Application. Survey area plus:  Kentucky: Breckinridge Grayson Hart Henry Larue Meade Nelson	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan  * * * * * *  MISSOURI  * * * * *  St. Louis Survey Area  Missouri: St. Louis City Franklin Jefferson St. Charles
Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry Pike Posey Spencer Vanderburgh Warrick Illinois: Edwards Gallatin Hardin Lawrence Richland Wabash	* * * * * *  Louisville  Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham  Indiana: Clark Floyd Jefferson Area of Application. Survey area plus:  Kentucky: Breckinridge Grayson Hart Henry Larue Meade Nelson Shelby	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan  * * * * * *  MISSOURI  * * * * *  St. Louis Survey Area  Missouri: St. Louis City Franklin Jefferson St. Charles St. Louis
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Knox Lawrence Martin Monroe Orange Area of Application. Survey area plus: Indiana: Crawford Dubois Gibson Jackson Owen Perry Pike Posey Spencer Vanderburgh Warrick Illinois: Edwards Gallatin Hardin Lawrence Richland Wabash White Kentucky: Crittenden	* * * * * * *  Louisville  Survey Area  Kentucky: Bullitt Hardin Jefferson Oldham  Indiana: Clark Floyd Jefferson Area of Application. Survey area plus:  Kentucky: Breckinridge Grayson Hart Henry Larue Meade Nelson Shelby Spencer Trimble Indiana:	Greene Madison Page Rappahannock Rockingham Shenandoah West Virginia: Hampshire Hardy Mineral Morgan  * * * * * *  MISSOURI  * * * * *  St. Louis Survey Area  Missouri: St. Louis City Franklin Jefferson St. Charles St. Louis Illinois: Clinton Madison
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St. Clair	Cape Girardeau	Dodge
Area of Application. Survey area plus:	Carter	Dundy
Missouri:	Cedar	Fillmore
Audrain	Dade	Franklin
Boone	Dallas	Frontier
Callaway	Dent Douglas	Furnas Gage
Clark	Hickory	Garfield
Cole	Howell	Gosper
Crawford Gasconade	Iron	Grant
Knox	Jasper	Greeley
Lewis	Lawrence	Hall
Lincoln	McDonald	Hamilton Harlan
Marion	Madison Maries	Haves
Moniteau	Miller	Hitchcock
Monroe	Mississippi	Holt
Montgomery Osage	Morgan	Hooker
Pike	New Madrid	Howard
Ralls	Newton	Jefferson Johnson
Randolph	Oregon Ozark	Kearney
St. François	Perry	Keith
Ste. Genevieve	Polk	Keya Paha
Scotland	Reynolds	Knox
Shelby Warren	Ripley	Lincoln
Washington	St. Clair	Logan Loup
Illinois:	Scott	McPherson
Alexander	Shannon Stoddard	Madison
Bond	Stone	Merrick
Calhoun	Taney	Nance
Clay	Texas	Nemaha
Effingham	Vernon	Nuckolls Otoe
Fayette Franklin	Wayne	Pawnee
Greene	Wright	Perkins
Hamilton	Kansas:	Phelps
Jackson	Cherokee Crawford	Pierce
Jefferson	Glawioiu	Platte
Jersey	* * * * * *	Polk Red Willow
Johnson Macoupin	NEBRASKA	Richardson
Marion	Omaha	Rock
Massac	Survey Area	Saline
Montgomery	Nebraska:	Saunders
Morgan	Douglas	Seward
Perry	Lancaster	Sherman Stanton
Pike Pope	Sarpy	Thayer
Pulaski	Iowa:	Thomas
Randolph	Pottawattamie	Thurston
Saline	Area of Application. Survey area plus:	Valley
Scott	Nebraska:	Washington
Union	Adams	Wayne Webster
Washington	Antelope	Wheeler
Wayne Williamson	Arthur Blaine	York
Southern Missouri	Boone	Iowa:
Survey Area	Boyd	Adams
ž	Brown	Audubon
Missouri: Christian	Buffalo	Buena Vista
Greene	Burt	Cass
Laclede	Butler	Cherokee
Phelps	Cass Cedar	Clay Crawford
Pulaski	Chase	Fremont
Webster	Cherry	Harrison
Area of Application. Survey area plus:	Clay	Ida
Missouri:	Colfax	Mills
Barry	Cuming	Monona
Barton	Custer	Montgomery
Benton	Dakota	O'Brien
Bollinger Butler	Dawson Dixon	Page Palo Alto
Camden	DIAUII	Plymouth

Pocahontas Sac	Atlantic Cape May	Marshall Mellette
Shelby	Cumberland	Miner
Sioux	Mercer	Moody
Taylor	Ocean (Fort Dix Military Reservation	Potter
Woodbury	only) Warren	Roberts Sanborn
South Dakota: Union	waiten	Spink
Chion	* * * * * *	Stanley
* * * * *	Scranton-Wilkes-Barre	Sully
NEW YORK	Survey Area	Todd
	Pennsylvania:	Tripp Turner
* * * * *	Lackawanna	Walworth
New York	Luzerne	Washabaugh
Survey Area	Monroe	Yankton
New York:	Area of Application. Survey area plus: Pennsylvania:	Ziebach
Bronx Kings	Bradford	Iowa: Dickinson
Nassau	Columbia	Emmet
New York	Lycoming (Excluding Allenwood Federal	Lyon
Queens	Prison Camp)	Osceola
Suffolk	Sullivan Susquehanna	Minnesota:
Westchester	Wayne	Jackson Lincoln
New Jersey: Bergen	Wyoming	Lyon
Essex	* * * * * *	Murray
Hudson		Nobles
Middlesex	SOUTH DAKOTA	Pipestone Rock
Morris Passaic	Eastern South Dakota	KUCK
Somerset	Survey Area	* * * * * *
Union	South Dakota: Minnehaha	VIRGINIA
Area of Application. Survey area plus:	Area of Application. Survey area plus:	
New York:	South Dakota:	* * * * *
Putnam	Aurora	Richmond
Richmond Rockland	Beadle	Survey Area
New Jersey:	Bennett	Virginia (cities):
Hunterdon	Bon Homme Brookings	Colonial Heights Hopewell
Monmouth	Brown	Petersburg
Ocean (Excluding the Fort Dix Military	Brule	Richmond
Reservation) Sussex	Buffalo	Virginia (counties):
Pennsylvania:	Campbell Charles Mix	Charles City
Pike	Clark	Chesterfield
	Clay	Dinwiddie Goochland
* * * * *	Codington	Hanover
PENNSYLVANIA	Corson Davison	Henrico
* * * * * *	Day	New Kent Powhatan
	Deuel	Prince George
Philadelphia	Dewey	Area of Application. Survey area plus:
Survey Area	Douglas Edmunds	Virginia (cities):
Pennsylvania: Bucks	Faulk	Charlottesville
Chester	Grant	Emporia
Delaware	Gregory	Virginia (counties):
Montgomery	Haakon Hamlin	Albemarle Amelia
Philadelphia	Hand	Brunswick
New Jersey: Burlington	Hanson	Buckingham
Camden	Hughes	Caroline
Gloucester	Hutchinson Hyde	Charlotte Cumberland
Area of Application. Survey area plus:	Inyde Jerauld	Essex
Pennsylvania:	Jones	Fluvanna
Carbon	Kingsbury	Greensville
Lehigh Northampton	Lake	King and Queen
New Jersey:	Lincoln Lyman	King William Lancaster
Tion joiney.	McCook	Louisa
	McPherson	Lunenberg

Mecklenburg Middlesex Northumberland Nottoway Orange Prince Edward Richmond Sussex Westmoreland

WISCONSIN

#### \* Milwaukee

Survey Area

Wisconsin: Milwaukee Ozaukee Washington Waukesha

Area of Application. Survey area plus:

Wisconsin:

Brown Calumet

Door

Fond du Lac Kewaunee

Manitowoc Outagamie

Racine

Sheboygan Walworth Winnebago

[FR Doc. E9–10177 Filed 5–1–09; 8:45 am] BILLING CODE 6325–39–P

#### **DEPARTMENT OF TRANSPORTATION**

#### **Federal Aviation Administration**

#### 14 CFR Part 71

[Docket No. FAA-2009-0241; Airspace Docket No. 09-ASW-6]

#### Amendment of Class E Airspace; Refugio, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the legal description of the Class E airspace at Refugio, TX. It removes the reference to the Rockport, TX, Class E airspace area to reflect its incorporation into the Corpus Christi, TX, Class E airspace area (74 FR 7560). All other legal descriptions for the Refugio, TX, airspace area remain the same.

**DATES:** Effective Date: 0901 UTC, May 7, 2009. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

#### FOR FURTHER INFORMATION CONTACT:

Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd, Fort Worth, TX 76193–0530; telephone (817) 321–7716.

#### SUPPLEMENTARY INFORMATION:

#### History

On February 18, 2009, the FAA published in the Federal Register a final rule to revoke Class E airspace at Rockport, TX (74 FR 7560, Docket No. FAA-2008-0988). This airspace was incorporated into the Corpus Christi, TX, Class E surface area (74 FR 7557, Docket No. FAA-2008-0987). The FAA now will remove reference to the Rockport, TX, airspace area from the Refugio, TX, airspace area. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9S signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by removing Rockport, TX, from the legal description of the Class E airspace area at Refugio, TX.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44) FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is

promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the legal description for Class E airspace at Refugio, TX.

Since this is only an amendment to the legal description, and in consideration of the need to avoid confusion on the part of pilots flying in the vicinity of Refugio, TX, the FAA finds good cause, pursuant to 5 U.S.C. 553(d), for making this amendment effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

# PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### §71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is amended as follows:

Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

#### ASW TX E5 Refugio, TX [Amended]

Refugio, Mellon Ranch Airport, TX (Lat. 28°16′51″ N., long. 97°12′41″ W.) Mellon Ranch NDB

(Lat. 28°16′48″ N., long. 97°12′21″ W.) Refugio, Rooke Field, TX

(Lat. 28°17'37" N., long. 97°19'23" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Mellon Ranch Airport, and within 2.7 miles each side of the 345° bearing from the Mellon Ranch NDB extending from the 6.8-mile radius to 7.4 miles north of the airport, and within 2.7 miles each side of the 145° bearing from the Mellon Ranch NDB