

Rules and Regulations

Federal Register

Vol. 74, No. 84

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; e-mail *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
Walker

Area of Application. Survey area plus:

Alabama:
Bibb
Blount
Chilton
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	Fauquier	Columbus
Lake	King George	<i>Survey Area</i>
Larimer	Spotsylvania	Georgia (counties):
Logan	Stafford	Chattahoochee
Morgan	Warren	Georgia (consolidated government):
Park	West Virginia:	Columbus
Phillips	Jefferson	Alabama:
Pitkin		Autauga
Rio Blanco	* * *	Elmore
Routt		Lee
Sedgwick	GEORGIA	Macon
Summit		Montgomery
Washington	* * *	Russel
Weld	Atlanta	<i>Area of Application. Survey area plus:</i>
Yuma	<i>Survey Area</i>	Georgia:
* * *	Georgia:	Harris
	Butts	Marion
DELAWARE	Cherokee	Quitman
Wilmington	Clayton	Schley
<i>Survey Area</i>	Cobb	Stewart
Delaware:	De Kalb	Talbot
Kent	Douglas	Taylor
New Castle	Fayette	Webster
Maryland:	Forsyth	Alabama:
Cecil	Fulton	Bullock
New Jersey:	Gwinnett	Butler
Salem	Henry	Chambers
<i>Area of Application. Survey area plus:</i>	Newton	Coosa
Delaware:	Paulding	Crenshaw
Sussex	Rockdale	Dallas
Maryland:	Walton	Lowndes
Caroline	<i>Area of Application. Survey area plus:</i>	Pike
Dorchester	Georgia:	Tallapoosa
Kent	Banks	Wilcox
Somerset	Barrow	Macon
Talbot	Bartow	<i>Survey Area</i>
Wicomico	Carroll	Georgia:
Worcester (Does not include the	Chattooga	Bibb
Assateague Island portion.)	Clarke	Houston
* * *	Coweta	Jones
	Dawson	Laurens
DISTRICT OF COLUMBIA	Fannin	Twiggs
Washington, DC	Floyd	Wilkinson
<i>Survey Area</i>	Franklin	<i>Area of Application. Survey area plus:</i>
District of Columbia:	Gilmer	Georgia:
Washington, DC	Gordon	Baldwin
Maryland:	Greene	Bleckley
Charles	Habersham	Crawford
Frederick	Hall	Crisp
Montgomery	Haralson	Dodge
Prince George's	Heard	Dooley
Virginia (cities):	Jackson	Hancock
Alexandria	Jasper	Johnson
Fairfax	Lamar	Macon
Falls Church	Lumpkin	Monroe
Manassas	Madison	Montgomery
Manassas Park	Meriwether	Peach
Virginia (counties):	Morgan	Pulaski
Arlington	Murray	Putnam
Fairfax	Oconee	Telfair
Loudoun	Oglethorpe	Treutlen
Prince William	Pickens	Upson
<i>Area of Application. Survey area plus:</i>	Pike	Washington
Maryland:	Polk	Wheeler
Calvert	Rabun	Wilcox
St. Mary's	Spalding	* * *
Virginia (city):	Stephens	ILLINOIS
	Towns	
	Union	
	White	

* * * * *	Livingston	Jennings
	McLean	Scott
Chicago	Ohio	Washington
<i>Survey Area</i>	Union	
Illinois:	Webster	* * * *
Cook		MARYLAND
Du Page	* * * *	
Kane		* * * *
Lake	Indianapolis	
McHenry	<i>Survey Area</i>	Baltimore
Will	Indiana:	<i>Survey Area</i>
<i>Area of Application. Survey area plus:</i>	Boone	Maryland:
Illinois:	Hamilton	Baltimore City
Boone	Hancock	Anne Arundel
De Kalb	Hendricks	Baltimore
Grundy	Johnson	Carroll
Iroquois	Marion	Harford
Kankakee	Morgan	Howard
Kendall	Shelby	<i>Area of Application. Survey area plus:</i>
La Salle	<i>Area of Application. Survey area plus:</i>	Maryland:
Lee	Indiana:	Queen Anne's
Livingston	Bartholomew	Hagerstown-Martinsburg-Chambersburg
Ogle	Brown	<i>Survey Area</i>
Stephenson	Clay	Maryland:
Winnebago	Clinton	Washington
Indiana:	Decatur	Pennsylvania:
Benton	Delaware	Franklin
Jasper	Fayette	West Virginia:
Lake	Fountain	Berkeley
La Porte	Henry	<i>Area of Application. Survey area plus:</i>
Newton	Madison	Maryland:
Porter	Montgomery	Allegany
Pulaski	Parke	Garrett
Starke	Putnam	Pennsylvania:
Wisconsin:	Rush	Fulton
Kenosha	Sullivan	Virginia (cities):
	Tippecanoe	Harrisonburg
INDIANA	Tipton	Winchester
Bloomington-Bedford-Washington	Vermillion	Virginia (counties):
<i>Survey Area</i>	Vigo	Culpeper
Indiana:	Warren	Frederick
Daviess	* * * *	Greene
Greene		Madison
Knox	KENTUCKY	Page
Lawrence		Rappahannock
Martin	* * * *	Rockingham
Monroe		Shenandoah
Orange	Louisville	West Virginia:
<i>Area of Application. Survey area plus:</i>	<i>Survey Area</i>	Hampshire
Indiana:	Kentucky:	Hardy
Crawford	Bullitt	Mineral
Dubois	Hardin	Morgan
Gibson	Jefferson	* * * *
Jackson	Oldham	MISSOURI
Owen	Indiana:	
Perry	Clark	* * * *
Pike	Floyd	
Posey	Jefferson	St. Louis
Spencer	<i>Area of Application. Survey area plus:</i>	<i>Survey Area</i>
Vanderburgh	Kentucky:	Missouri:
Warrick	Breckinridge	St. Louis City
Illinois:	Grayson	Franklin
Edwards	Hart	Jefferson
Gallatin	Henry	St. Charles
Hardin	Larue	St. Louis
Lawrence	Meade	
Richland	Nelson	Illinois:
Wabash	Shelby	Clinton
White	Spencer	Madison
Kentucky:	Trimble	Monroe
Crittenden	Indiana:	
Daviess	Harrison	
Hancock		
Henderson		

St. Clair	Cape Girardeau	Dodge
<i>Area of Application. Survey area plus:</i>	Carter	Dundy
Missouri:	Cedar	Fillmore
Audrain	Dade	Franklin
Boone	Dallas	Frontier
Callaway	Dent	Furnas
Clark	Douglas	Gage
Cole	Hickory	Garfield
Crawford	Howell	Gosper
Gasconade	Iron	Grant
Knox	Jasper	Greeley
Lewis	Lawrence	Hall
Lincoln	McDonald	Hamilton
Marion	Madison	Harlan
Moniteau	Maries	Hayes
Monroe	Miller	Hitchcock
Montgomery	Mississippi	Holt
Osage	Morgan	Hooker
Pike	New Madrid	Howard
Ralls	Newton	Jefferson
Randolph	Oregon	Johnson
St. Francois	Ozark	Kearney
Ste. Genevieve	Perry	Keith
Scotland	Polk	Keya Paha
Shelby	Reynolds	Knox
Warren	Ripley	Lincoln
Washington	St. Clair	Logan
Illinois:	Scott	Loup
Alexander	Shannon	McPherson
Bond	Stoddard	Madison
Calhoun	Stone	Merrick
Clay	Taney	Nance
Effingham	Texas	Nemaha
Fayette	Vernon	Nuckolls
Franklin	Wayne	Otoe
Greene	Wright	Pawnee
Hamilton	Kansas:	Perkins
Jackson	Cherokee	Phelps
Jefferson	Crawford	Pierce
Jersey	*	Platte
Johnson	*	Polk
Macoupin	*	Red Willow
Marion	*	Richardson
Massac	*	Rock
Montgomery	*	Saline
Morgan		Saunders
Perry	Nebraska:	Seward
Pike	Douglas	Sherman
Pope	Lancaster	Stanton
Pulaski	Sarpy	Thayer
Randolph	Iowa:	Thomas
Saline	Pottawattamie	Thurston
Scott	<i>Area of Application. Survey area plus:</i>	Valley
Union	Nebraska:	Washington
Washington	Adams	Wayne
Wayne	Antelope	Webster
Williamson	Arthur	Wheeler
Southern Missouri	Blaine	York
<i>Survey Area</i>	Boone	Iowa:
Missouri:	Boyd	Adams
Christian	Brown	Audubon
Greene	Buffalo	Buena Vista
Laclede	Burt	Cass
Phelps	Butler	Cherokee
Pulaski	Cass	Clay
Webster	Cedar	Crawford
<i>Area of Application. Survey area plus:</i>	Chase	Fremont
Missouri:	Cherry	Harrison
Barry	Clay	Ida
Barton	Colfax	Mills
Benton	Cuming	Monona
Bollinger	Custer	Montgomery
Butler	Dakota	O'Brien
Camden	Dawson	Page
	Dixon	Palo Alto
		Plymouth

[illegible]

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