

Proposed Rules

Federal Register

Vol. 62, No. 43

Wednesday, March 5, 1997

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 551

RIN 3206-AA40

Pay Administration Under the Fair Labor Standards Act

AGENCY: Office of Merit Systems Oversight, OPM.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Office of Personnel Management (OPM) is withdrawing the proposed rule published on January 10, 1995, at 60 FR 2549-2551. The proposed rule would have added Subpart F—Complaints and Compliance to OPM's regulations administering pay of Federal employees under the Fair Labor Standards Act (FLSA or Act); however, events have overtaken the proposed rule.

FOR FURTHER INFORMATION CONTACT: Jeffrey D. Miller, Director, Classification Appeals and FLSA Programs, by telephone on 202-606-2530; by fax on 202-606-2663; or by e-mail at JDMiller@opm.gov.

SUPPLEMENTARY INFORMATION: On January 10, 1995, OPM published a proposed rule at 60 FR 2549-2551 to amend regulations on the Fair Labor Standards Act (FLSA). The proposed rule was to supersede instructions contained in Federal Personnel Manual Letter 551-9, *Civil Service Commission System for Administering the Fair Labor Standards Act (FLSA) Compliance and Complaint System* (March 30, 1976).

Pursuant to the Legislative Branch Appropriations Act of 1996, most of the claims settlement functions performed by the General Accounting Office (GAO) were transferred to the Director of the Office of Management and Budget (OMB). See Section 211, Public Law 104-53, 109 Stat. 535. The OMB Director delegated these functions to various components within the Executive branch in a determination order dated June 28, 1996. This order delegated to the Office of Personnel

Management (OPM) the authority to settle claims against the United States involving Federal employees' compensation and leave (31 U.S.C. 3702), deceased employees' compensation (95 U.S.C. 5583), and proceeds of canceled checks for veterans' benefits payable to deceased beneficiaries (38 U.S.C. 5122). OPM is withdrawing the proposed rule to amend 5 CFR Part 551 while it considers a claims procedure in keeping with its new authority.

Until superseded by OPM regulations, it is OPM's policy, with one exception, to apply to the administration of any authority transferred from the General Accounting Office (GAO) any applicable GAO regulations in effect at the time of the transfer. The exception to this policy involves claims arising under the Fair Labor Standards Act (FLSA), 29 U.S.C. 201, *et seq.* FLSA claims will continue to be settled in the same manner as complaints under this Act are resolved pursuant to OPM's authority to administer the FLSA for the Federal Government pursuant to 29 U.S.C. 204(f).

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 97-5366 Filed 3-4-97; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AEA-16]

Proposed Amendment to Class E Airspace; Olean, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Olean, NY. The development of two new Standard Instrument Approach Procedures (SIAP) at Cattaraugus County-Olean Airport based on the Global Positioning System has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate these SIAPs

and for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 5, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AEA-530, Docket No. 97-AEA-16, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Operations Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Jr., Airspace Specialist, Operations Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-AEA-16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposal rule. The proposal contained in this notice may be changed in light of comments