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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

RIN 3206-AJ06

Excepted Service—Schedule A Authority for Nontemporary Part-Time or Intermittent Positions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is revoking the Schedule A excepted service authority for nontemporary part-time or intermittent positions for which total annual compensation does not exceed 40 percent of GS-3, step 1. We are revoking it because the conditions justifying the original exception no longer exist. By revoking this authority, the positions filled under this Schedule A authority are brought into the competitive service. Revoking the authority also permits noncompetitive conversion of those currently serving in those positions to competitive service appointments.

DATES: This final rule is effective September 4, 2002. Agencies must no longer appoint persons under this authority as of September 4, 2002.

Conformity date: Agencies must move any incumbents from the (g) authority by December 3, 2002.

FOR FURTHER INFORMATION CONTACT: Christina Vay, (202) 606-0960.

SUPPLEMENTARY INFORMATION: Almost 100 years ago, the Schedule A authority 213.3102(g) was established to help agencies meet a need to fill low-graded part-time, intermittent, and seasonal positions. Agencies in the Federal Government fill jobs much differently than 100 years ago—and even 10 years ago. Agencies can now fill part-time and intermittent positions with a variety of

staffing options, and they do so without exceptions from the competitive service.

Proposed regulations were published on September 10, 2001 (66 FR 46968). We received one comment from an agency supporting the revocation. Because we did not receive comments to support continuing the authority, we are continuing with our proposal to revoke it.

Agencies will have 90 days from the date of publication to move the employees to the competitive service. The authority to retain persons in the competitive service based on revocation of an excepted service appointing authority is 5 CFR 316.702.

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.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 213

Government employees, Reporting and recordkeeping requirements.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, OPM is amending 5 CFR part 213 as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 is revised to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h) and 8456; E.O. 12364, 47 U.S.C. 4301 *et seq.*; and Pub. L. 106-117 (113 Stat. 1545).

§ 213.3102 [Amended]

2. Paragraph (g) of § 213.3102 is removed and reserved.

[FR Doc. 02-22346 Filed 9-3-02; 8:45 am]

BILLING CODE 6325-38-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02-AEA-04]

Amendment Class D Airspace; White Plains, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace at Westchester County Airport, White Plains, NY. This action is necessary to insure continuous altitude coverage for Instrument Flight Rules (IFR) operations to the airport. The area would be depicted on aeronautical charts for pilot reference.

EFFECTIVE DATE: 0901 UTC November 28, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA-520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434-4809, telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

History

On April 29, 2002 a notice proposing to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by extending Class D airspace outward from the 4.1-mile radius from the surface to, but not including 3000 feet MSL at Westchester County Airport, White Plains, NY, was published in the **Federal Register** (67 FR 20920). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. A comment to the proposal was received and considered, resulting in the reduction of the proposed extension from 4 nautical miles to 2 nautical miles. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace area designations for airspace extending upward from the surface are published in Paragraph 6005 of FAA Order 7400.9J, dated August 3, 2001 and effective September 16, 2001. The Class D airspace designation listed in this document will be published in the order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) provides controlled Class D airspace extending upward from the surface of the earth to but not including 3000 feet MSL for aircraft conducting IFR operations along the northwest localizer course at Westchester County Airport, White Plains, NY.

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 will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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—[AMENDED]

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

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

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 3, 2001, and effective September 16, 2001, is amended as follows:

Paragraph 5000 Class D airspace areas extending upward from the surface of the earth.

* * * * *

AEA NY D White Plains, NY [REVISED]

Westchester County Airport, White Plains, NY

(lat. 41° 04'01"N., long. 73° 42'27"W.)

Westchester County ILS Localizer

(lat. 41° 03'27"N., long. 73° 41'58"W.)

That airspace extending upward from the surface to but not including 3,000 feet MSL

within a 4.1 mile radius of Westchester County Airport and within 1.5 miles each side of the Westchester County ILS northwest localizer course extending from the 4.1 mile radius to 6.1 miles northwest of the airport. This Class D airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Jamaica, New York on August 6, 2002.

John G. McCartney,

Acting Assistant Manager, Air Traffic Division, Eastern Region.

[FR Doc. 02–22495 Filed 9–3–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 02–AEA–11]

Amendment of Class E Airspace: Gordonsville, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action removes the description of the Class E airspace designated for Gordonsville, VA. The Standard Instrument Approach Procedure (SIAP) for Gordonsville Municipal Airport has been cancelled. Class E airspace for Gordonsville, VA is no longer needed.

DATES: *Effective date:* November 28, 2002.

Comment Date: Comments must be received on or before October 10, 2002.

ADDRESSES: Send comments on the rule in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 02–AEA–11, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4890.

The official docket may be examined in the Office of Regional Counsel, AEA–7, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–3255.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, NY 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION: Although this action is a final rule, which

involves the amendment of the Class E airspace at Gordonsville, VA, by removing that airspace designated for Gordonsville Municipal Airport, and was not preceded by notice and public procedure, comments are invited on the rule. This rule will become effective on the date specified in the **DATES** section. However, after the review of any comments and, if the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings to extend the effective date or to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule which might suggest the need to modify the rule.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes the description of the Class E airspace at Gordonsville, VA, by removing that airspace designated for Gordonsville Municipal Airport. The SIAP serving the airport could no longer be supported by navigational aids and/or the airport runway and has been canceled. As a result the Gordonsville, VA Class E airspace is no longer required for the safety of instrument operations to the airport. Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9J, dated August 3, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Under the circumstances presented, the FAA concludes that the more restrictive Class E airspace at Gordonsville, VA is no longer supported and the flight rules pertinent to Class G airspace should apply. Accordingly, since this action merely reverts the Gordonsville, VA, Class E airspace to Class G and has no significant impact on aircraft operations at the Gordonsville Municipal Airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Furthermore, to incorporate this change into the next sectional chart and avoid confusion on the part of pilots and to relieve restrictions that are no longer needed, I find that good cause exists, pursuant to 5 U.S.C. 553(d), for making this