# Proposed Rules

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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 532

**RIN 3206–AL76**

### Prevailing Rate Systems; Redefinition of the Little Rock, AR, Southern Missouri, and Tulsa, OK, Appropriated Fund Federal Wage System Wage Areas

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

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The U.S. Office of Personnel Management is issuing a proposed rule that would redefine the geographic boundaries of the Little Rock, AR, Southern Missouri, and Tulsa, OK, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Crawford and Sebastian Counties, AR, from the Little Rock wage area to the Tulsa wage area and Madison County, AR, and McDonald County, MO, from the Southern Missouri wage area to the Tulsa wage area. These changes are based on recent consensus recommendations of the Federal Prevailing Rate Advisory Committee to best match the counties proposed for redefinition to a nearby FWS survey area. No other changes are proposed for the Little Rock, Southern Missouri, and Tulsa FWS wage areas.

**DATES:** We must receive comments on or before January 7, 2009.

**ADDRESSES:** Send or deliver comments to Charles D. Grimes III, Deputy Associate Director for Performance and Pay Systems, Strategic Human Resources Policy Division, U.S. Office of Personnel Management, Room 7H31, 1900 E Street, NW., Washington, DC 20415–8200; e-mail *pay-performance-policy@opm.gov*; or FAX: (202) 606–4264.

**FOR FURTHER INFORMATION CONTACT:** Madeline Gonzalez, (202) 606–2838; e-mail *pay-performance-policy@opm.gov*; or FAX: (202) 606–4264.

**SUPPLEMENTARY INFORMATION:** The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to redefine the Little Rock, AR, Southern Missouri, and Tulsa, OK, appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Crawford and Sebastian Counties, AR, from the Little Rock wage area to the Tulsa wage area and Madison County, AR, and McDonald County, MO, from the Southern Missouri wage area to the Tulsa wage area.

OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

OPM recently completed reviews of the definitions of the Fayetteville-Springdale-Rogers, AR–MO and Fort Smith, AR–OK Metropolitan Statistical Areas (MSAs) and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below. 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 these changes by consensus. FPRAC recommended no other changes in the geographic definitions of the Little Rock, Southern Missouri, and Tulsa wage areas. The affected employees in Crawford, Madison, and Sebastian Counties, AR, and McDonald County, MO, would be placed on the wage schedule for the Tulsa wage area on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

Fayetteville-Springdale-Rogers, AR–MO MSA: Benton, Madison, and Washington Counties, AR, and McDonald County, MO, comprise the Fayetteville-Springdale-Rogers, AR–MO MSA. The Fayetteville-Springdale-Rogers MSA is split between the Little Rock, AR, Southern Missouri, and Tulsa, OK, wage areas. Madison County is part of the area of application of the Little Rock wage area, McDonald County is part of the area of application of the Southern Missouri wage area, and Benton and Washington Counties are part of the area of application of the Tulsa wage area.

Based on an analysis of the regulatory criteria for Washington County, the location of the main population center in the Fayetteville-Springdale-Rogers MSA, we recommend that the entire Fayetteville-Springdale-Rogers MSA be defined to the Tulsa wage area. The distance criterion for Washington County favors the Tulsa wage area more than Little Rock or Southern Missouri wage areas. All other criteria are inconclusive. We believe our regulatory analysis findings indicate that Washington County is appropriately defined to the Tulsa wage area. OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances (e.g., organizational relationships among closely located Federal activities). There appear to be no unusual circumstances that would permit splitting the Fayetteville-Springdale-Rogers MSA. To comply with OPM regulations not to split MSAs, Madison and McDonald Counties would be redefined to the Tulsa wage area. The remaining county in the Fayetteville-Springdale-Rogers MSA, Benton County, is already defined to the Tulsa wage area.

Fort Smith, AR–OK MSA: Crawford, Franklin, and Sebastian Counties, AR, and Le Flore and Sequoyah Counties, OK, comprise the Fort Smith, AR–OK MSA. The Fort Smith MSA is split between the Little Rock, AR, wage area and the Tulsa, OK, wage area. Crawford, Franklin, and Sebastian Counties are part of the area of application of the Little Rock wage area, and Le Flore and Sequoyah Counties are part of the area of application of the Tulsa wage area.

Based on an analysis of the regulatory wage area criteria in 5 CFR 532.211, we recommend that Crawford and Sebastian Counties be redefined to the Tulsa area of application. The distance criterion favors the Tulsa wage area more than the Little Rock wage area. All other criteria are inconclusive. Based on the mixed nature of our regulatory analysis findings, there is no clear indication that Crawford or Sebastian Counties should be placed in a different FWS wage area. However, since OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances (e.g., organizational relationships among closely located Federal activities) and the Fort Smith

MSA is adjacent to the Tulsa survey area but not adjacent to the Little Rock survey area, we recommend that Crawford and Sebastian Counties be redefined to the Tulsa wage area.

Based on an analysis of the regulatory wage area criteria, we recommend that Franklin County remain part of the Little Rock area of application. When measuring from cities, the distance criterion favors the Little Rock wage area. When measuring from host installations, the distance criterion favors the Tulsa wage area. All other criteria are inconclusive. Based on our regulatory analysis findings, there is no clear indication that Franklin County should be placed in a different FWS wage area. In addition, the western part of the Ozark National Forest is located in portions of Crawford and Franklin Counties. There are no FWS employees working in Crawford County, but there are nine FWS Forest Service employees working in Franklin County. OPM regulations at 5 CFR 532.211 permit splitting MSAs in unusual circumstances. Since there are FWS Forest Service employees working at Ozark National Forest locations in closely located counties, we recommend that Franklin County remain defined to the Little Rock wage area. This would continue to provide equal pay treatment for FWS employees with employment locations in the Forest.

**Regulatory Flexibility Act**

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would 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.

U.S. Office of Personnel Management.

**Michael W. Hager,**

*Acting Director.*

Accordingly, the U.S. Office of Personnel Management is proposing to amend 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. In appendix C to subpart B, the wage area listing for the State of Arkansas is amended by revising the listing for Little Rock; for the State of Missouri, by revising the listing for Southern Missouri, and for the State of Oklahoma, by revising the listing for Tulsa, to read as follows:

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

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**Arkansas**

**Little Rock**

*Survey Area*

Arkansas:
- Jefferson
- Pulaski
- Saline

*Area of Application. Survey area plus:*

Arkansas:
- Arkansas
- Ashley
- Baxter
- Boone
- Bradley
- Calhoun
- Chicot
- Clay
- Clark
- Cleburne
- Cleveland
- Conway
- Dallas
- Desha
- Drew
- Faulkner
- Franklin
- Fulton
- Garland
- Grant
- Greene
- Hot Spring
- Independence
- Izard
- Jackson
- Johnson
- Lawrence
- Lincoln
- Logan
- Lonoke
- Marion
- Monroe
- Montgomery
- Newton
- Ouachita
- Perry
- Phillips
- Pike
- Polk
- Pope
- Prairie
- Randolph
- Scott
- Searcy
- Sharp
- Stone
- Union
- Van Buren
- White
- Woodruff
- Yell

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**Missouri**

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**Southern Missouri**

*Survey Area*

Missouri:
- Christian
- Greene
- Laclede
- Phelps
- Pulaski
- Webster

*Area of Application. Survey area plus:*

Missouri:
- Barry
- Barton
- Benton
- Bollinger
- Butler
- Camden
- Cape Girardeau
- Carter
- Cedar
- Dade
- Dallas
- Dent
- Douglas
- Hickory
- Howell
- Iron
- Jasper
- Lawrence
- Madison
- Maries
- Miller
- Mississippi
- Moniteau
- Morgan
- New Madrid
- Newton
- Oregon
- Ozark
- Perry
- Polk
- Reynolds
- Ripley
- St. Clair
- Scott
- Shannon
- Stoddard
- Stone
- Taney
- Texas
- Vernon
- Wayne
- Wright

Kansas:
- Cherokee
- Crawford

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**Oklahoma**

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**Tulsa**

*Survey Area*

Oklahoma:
- Creek
- Mayes
- Muskogee
- Osage
- Pittsburg
- Rogers
- Tulsa
- Wagoner

*Area of Application. Survey area plus:*

Oklahoma:

Adair
Cherokee
Choctaw
Craig
Delaware
Haskell
Kay
Latimer
Le Flore
McCurtain
McIntosh
Nowata
Okfuskee
Okmulgee
Ottawa
Pawnee
Pushmataha
Sequoyah
Washington

Arkansas:
Benton
Carroll
Crawford
Madison
Sebastian
Washington

Missouri:
McDonald

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[FR Doc. E8–28916 Filed 12–5–08; 8:45 am]
**BILLING CODE 6325–39–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2008–1105; Airspace Docket No. 08–AGL–10]**

### Proposed Amendment of Class E Airspace; Atlantic, IA

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to amend Class E airspace at Atlantic Municipal Airport, Atlantic, IA. Additional controlled airspace is necessary to accommodate Standard Instrument Approach Procedures (SIAPs) at Atlantic Municipal Airport, Atlantic, IA. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Atlantic Municipal Airport.

**DATE:** 0901 UTC. Comments must be received on or before January 22, 2009.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2008–1105/Airspace Docket No. 08–AGL–10, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the ground floor of the building at the above address.

**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) 222–5582.

**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, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers 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 Docket No. FAA–2008–1105/Airspace Docket No. 08–AGL–10.'' The postcard will be date/time stamped and returned to the commenter.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by adding additional controlled Class E airspace for SIAP IFR operations at Atlantic Municipal Airport, Atlantic, IA. The area would be depicted on appropriate aeronautical charts.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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 would amend controlled airspace at Atlantic Municipal Airport, Atlantic, IA.