

# Rules and Regulations

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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.

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## 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](mailto: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  
 Garfield  
 Grand  
 Jackson  
 Lake  
 Larimer  
 Logan  
 Morgan  
 Park  
 Phillips  
 Pitkin  
 Rio Blanco  
 Routt  
 Sedgwick  
 Summit  
 Washington  
 Weld  
 Yuma

\* \* \* \* \*

**DELAWARE**  
**Wilmington**  
*Survey Area*

Delaware:  
 Kent  
 New Castle

Maryland:  
 Cecil

New Jersey:  
 Salem

*Area of Application. Survey area plus:*

Delaware:  
 Sussex

Maryland:  
 Caroline  
 Dorchester  
 Kent  
 Somerset  
 Talbot  
 Wicomico  
 Worcester (Does not include the  
 Assateague Island portion.)

\* \* \* \* \*

**DISTRICT OF COLUMBIA**  
**Washington, DC**  
*Survey Area*

District of Columbia:  
 Washington, DC

Maryland:  
 Charles  
 Frederick  
 Montgomery  
 Prince George's

Virginia (cities):  
 Alexandria  
 Fairfax  
 Falls Church  
 Manassas  
 Manassas Park

Virginia (counties):  
 Arlington  
 Fairfax  
 Loudoun  
 Prince William

*Area of Application. Survey area plus:*

Maryland:  
 Calvert  
 St. Mary's

Virginia (city):

Fredericksburg  
 Virginia (counties):  
 Clarke  
 Fauquier  
 King George  
 Spotsylvania  
 Stafford  
 Warren

West Virginia:  
 Jefferson

\* \* \* \* \*

**GEORGIA**  
**Atlanta**  
*Survey Area*

Georgia:  
 Butts  
 Cherokee  
 Clayton  
 Cobb  
 De Kalb  
 Douglas  
 Fayette  
 Forsyth  
 Fulton  
 Gwinnett  
 Henry  
 Newton  
 Paulding  
 Rockdale  
 Walton

*Area of Application. Survey area plus:*

Georgia:  
 Banks  
 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  
 Oglethorpe  
 Pickens  
 Pike  
 Polk  
 Rabun  
 Spalding  
 Stephens  
 Towns  
 Union  
 White

Whitfield

\* \* \* \* \*

**Columbus**  
*Survey Area*

Georgia (counties):  
 Chattahoochee

Georgia (consolidated government):  
 Columbus

Alabama:  
 Autauga  
 Elmore  
 Lee  
 Macon  
 Montgomery  
 Russel

*Area of Application. Survey area plus:*

Georgia:  
 Harris  
 Marion  
 Quitman  
 Schley  
 Stewart  
 Talbot  
 Taylor  
 Webster

Alabama:  
 Bullock  
 Butler  
 Chambers  
 Coosa  
 Crenshaw  
 Dallas  
 Lowndes  
 Pike  
 Tallapoosa  
 Wilcox

**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  
 Washington  
 Wheeler  
 Wilcox

\* \* \* \* \*

**ILLINOIS**

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

St. Clair  
*Area of Application. Survey area plus:*  
 Missouri:  
 Audrain  
 Boone  
 Callaway  
 Clark  
 Cole  
 Crawford  
 Gasconade  
 Knox  
 Lewis  
 Lincoln  
 Marion  
 Moniteau  
 Monroe  
 Montgomery  
 Osage  
 Pike  
 Ralls  
 Randolph  
 St. Francois  
 Ste. Genevieve  
 Scotland  
 Shelby  
 Warren  
 Washington  
 Illinois:  
 Alexander  
 Bond  
 Calhoun  
 Clay  
 Effingham  
 Fayette  
 Franklin  
 Greene  
 Hamilton  
 Jackson  
 Jefferson  
 Jersey  
 Johnson  
 Macoupin  
 Marion  
 Massac  
 Montgomery  
 Morgan  
 Perry  
 Pike  
 Pope  
 Pulaski  
 Randolph  
 Saline  
 Scott  
 Union  
 Washington  
 Wayne  
 Williamson

**Southern Missouri**  
*Survey Area*

Missouri:  
 Christian  
 Greene  
 Laclède  
 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  
 McDonald  
 Madison  
 Maries  
 Miller  
 Mississippi  
 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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**NEBRASKA**  
**Omaha**  
*Survey Area*

Nebraska:  
 Douglas  
 Lancaster  
 Sarpy  
 Iowa:  
 Pottawattamie  
*Area of Application. Survey area plus:*  
 Nebraska:  
 Adams  
 Antelope  
 Arthur  
 Blaine  
 Boone  
 Boyd  
 Brown  
 Buffalo  
 Burt  
 Butler  
 Cass  
 Cedar  
 Chase  
 Cherry  
 Clay  
 Colfax  
 Cuming  
 Custer  
 Dakota  
 Dawson  
 Dixon

Dodge  
 Dundy  
 Fillmore  
 Franklin  
 Frontier  
 Furnas  
 Gage  
 Garfield  
 Gosper  
 Grant  
 Greeley  
 Hall  
 Hamilton  
 Harlan  
 Hayes  
 Hitchcock  
 Holt  
 Hooker  
 Howard  
 Jefferson  
 Johnson  
 Kearney  
 Keith  
 Keya Paha  
 Knox  
 Lincoln  
 Logan  
 Loup  
 McPherson  
 Madison  
 Merrick  
 Nance  
 Nemaha  
 Nuckolls  
 Otoe  
 Pawnee  
 Perkins  
 Phelps  
 Pierce  
 Platte  
 Polk  
 Red Willow  
 Richardson  
 Rock  
 Saline  
 Saunders  
 Seward  
 Sherman  
 Stanton  
 Thayer  
 Thomas  
 Thurston  
 Valley  
 Washington  
 Wayne  
 Webster  
 Wheeler  
 York  
 Iowa:  
 Adams  
 Audubon  
 Buena Vista  
 Cass  
 Cherokee  
 Clay  
 Crawford  
 Fremont  
 Harrison  
 Ida  
 Mills  
 Monona  
 Montgomery  
 O'Brien  
 Page  
 Palo Alto  
 Plymouth



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