

# 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-AN11

#### Prevailing Rate Systems; Abolishment of the Portland, ME, Appropriated Fund Federal Wage System Wage Area

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

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

**SUMMARY:** The U.S. Office of Personnel Management (OPM) is issuing a proposed rule that would abolish the Portland, ME, appropriated fund Federal Wage System (FWS) wage area and redefine Androscoggin, Cumberland, and Sagadahoc Counties, ME, to the Portsmouth, NH survey area and Franklin and Oxford Counties, ME, and Coos County, NH, to the Portsmouth area of application. These changes are necessary because the closure of the Naval Air Station (NAS) Brunswick left the Portland wage area without an activity having the capability to conduct a local wage survey.

**DATES:** We must receive comments on or before January 8, 2015.

**ADDRESSES:** You may submit comments, identified by "RIN 3206-AN11," using any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Brenda L. Roberts, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415-8200.

*Email:* [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

**FOR FURTHER INFORMATION CONTACT:** Madeline Gonzalez, by telephone at (202) 606-2838 or by email at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

**SUPPLEMENTARY INFORMATION:** The Portland, ME, FWS wage area's host installation, NAS Brunswick, closed in May 2011. This closure left the lead

agency, the Department of Defense (DOD), without an installation capable of hosting annual local wage surveys. Because of the closure of NAS Brunswick, DOD has requested that OPM abolish the Portland wage area and redefine its constituent counties to a neighboring wage area.

The Portland wage area is presently composed of three survey counties (Androscoggin, Cumberland, and Sagadahoc Counties, ME) and three area of application counties (Franklin and Oxford Counties, ME, and Coos County, NH). The next full-scale wage schedule is scheduled to begin in the Portland wage area in May 2015.

Under section 5343 of title 5, United States Code, OPM is responsible for defining wage areas following the regulatory criteria under section 532.211 of title 5, Code of Federal Regulations.

Under the regulatory criteria, OPM considers the following factors 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.

In addition, OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances.

Cumberland, Sagadahoc, and York Counties, ME, comprise the Portland-South Portland, ME MSA. The Portland-South Portland MSA is split between the Portland and Portsmouth wage areas. Cumberland and Sagadahoc Counties are part of the Portland survey area and York County is part of the Portsmouth survey area.

Based on an analysis of the regulatory criteria for York County, the core county in the Portland-South Portland MSA, the entire Portland-South Portland MSA would be defined to the Portsmouth wage area. When measuring to cities and host installations, the distance criterion favors the Portsmouth wage area. The commuting patterns criterion favors the Portsmouth wage area. The overall population and employment and the kinds and sizes of private industrial establishments criterion does not favor one wage area more than another.

Based on this analysis, we believe York County is appropriately defined to the Portsmouth wage area. OPM

regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances. There appear to be no unusual circumstances that would permit splitting the Portland-South Portland MSA. To comply with OPM regulations not to split MSAs, Cumberland and Sagadahoc Counties would be redefined to the Portsmouth wage area.

In selecting a wage area to which the remaining counties should be redefined, the Federal Prevailing Rate Advisory Committee (FPRAC), the statutory national labor-management committee responsible for advising OPM on matters affecting the pay of FWS employees, made a majority recommendation to define the entire wage area to the Portsmouth wage area.

These changes would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

#### Regulatory Flexibility Act

I certify that these proposed 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.

**Katherine Archuleta,**

*Director.*

Accordingly, OPM 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.

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

- 2. Appendix A to subpart B of part 532 is amended for the State of Maine by removing the entry for Portland.
- 3. Appendix C to subpart B is amended by removing the wage area

listing for Portland, ME, and revising the wage area listings for Portsmouth, NH, wage areas to read as follows:

\* \* \* \* \*

## NEW HAMPSHIRE

### Portsmouth

#### Survey Area

#### Maine:

Androscoggin  
Cumberland  
Sagadahoc  
York

#### Massachusetts:

The following cities and towns in:

#### Essex County

Amesbury  
Georgetown  
Groveland

Haverhill

Merrimac

Newbury

Newburyport

North Andover

Salisbury

South Byfield

West Newbury

#### New Hampshire:

Rockingham (except the following cities and towns: Newton, Plaistow, Salem, and Westville)  
Strafford

#### Area of Application. Survey area plus:

#### Maine:

Franklin  
Oxford

#### New Hampshire:

Coos

The following cities and towns in:

#### Rockingham County

Newton

Plaistow

Salem

Westville

\* \* \* \* \*

[FR Doc. 2014-28619 Filed 12-8-14; 8:45 am]

BILLING CODE 6325-39-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

Docket No. FAA-2014-0902; Airspace  
Docket No. 14-ASW-8

#### Proposed Establishment of Class E Airspace; Tucumcari, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at the

Tucumcari VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), Tucumcari, NM, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC). The FAA is proposing this action to enhance the safety and efficiency of aircraft operations within the National Airspace System (NAS).

**DATES:** Comments must be received on or before January 23, 2015.

**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-2014-0902/Airspace Docket No. 14-ASW-8, at the beginning of your comments. You may also submit comments through 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 9:00 a.m. and 5:00 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:** Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Northwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817-222-4075/817-321-7654.

#### 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-2014-0902/Airspace Docket No. 14-ASW-8." 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/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

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 amending Class E airspace extending upward from 1,200 feet above the surface at the Tucumcari VORTAC navigation aid, Tucumcari, NM. This action would contain aircraft while in IFR conditions under control of Albuquerque ARTCC by safely vectoring aircraft from en route airspace to terminal areas.

Class E airspace areas are published in Paragraph 6006 of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, 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,