

# 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 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Until superseded by OPM regulations, it is OPM's policy, with one exception, to apply to the administration of any authority transferred from the General Accounting Office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

received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Olean, NY. A GPS RWY 22 SIAP and a GPS RWY 4 SIAP has been developed for the Cattaraugus County-Olean Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. Class E airspace designations for airspace area extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, 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. Therefore, this proposed 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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would 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).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 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; 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, is proposed to be amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AEA NY E5 Olean, NY [Revised]

Cattaraugus County-Olean Airport, NY  
(lat. 42°14'24" N., long. 78°22'18" W.)  
OLEAN NDB

(lat. 42°17'01" N., long. 78°20'06" W.)

That airspace extending upward from 700 feet above the surface within a 10.3-mile radius of Cattaraugus County-Olean Airport and within 3.1 miles each side of the OLEAN NDB 032° bearing extending from the 10.3-mile radius to 10 miles northeast of the NDB.

\* \* \* \* \*

Issued in Jamaica, New York, on February 21, 1997.

James K. Buckles,

*Acting Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 97-5435 Filed 3-4-97; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF DEFENSE

#### Corps of Engineers; Department of the Army

#### 33 CFR Part 207

#### Navigation Regulations

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps is proposing to amend the navigation regulations for the Red River Waterway, Louisiana and the Yazoo Diversion Canal at Vicksburg, Mississippi. It is proposed to amend the

Red River Waterway navigation regulation which prescribe maximum length, width, and draft of vessel tows that are allowed to enter the lock chamber for each lockage. It is proposed to mend the Yazoo Diversion Canal navigation regulation that establishes procedures for mooring of vessels along the banks. If the proposal is approved for the Red River Waterway, the maximum length of allowable vessel tow that may enter the lock chamber for each lockage will be increased from 685 feet to 705 feet. The maximum allowable width and draft of tow remains the same at 80 feet and 9 feet, respectively. Increasing the usable tow length to 705 feet will increase the efficiency of lock operations by reducing the number of tow breakups during a locking operation. If the proposal is approved for the Yazoo Diversion Canal, the navigation regulation would clarify vessel mooring locations along the canal banks for various river stages and that fairways will be established by the Vicksburg District Engineer. Establishment of fairways and specifying locations along the banks that vessels may moor for various river stages, will control indiscriminate vessel moorings and improve navigation safety.

DATES: Comments must be submitted on or before April 15, 1997.

ADDRESSES: HQUSACE, ATTN: CECW-OD, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Hilton, Dredging and Navigation Branch (CECW-OD) at (202) 761-8830 or Mr. Jim Jeffords, Vicksburg District, Operations Division at (601) 631-5274.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1), the Corps proposes to amend the regulations in 33 CFR Part 207. The Commanding Officer, Lower Mississippi Valley Division, Vicksburg, Mississippi has requested an amendment to the regulations in 33 CFR 207.249(b)(5)(iv) and 33 CFR 207.260 (c) and (g). The 685 feet maximum tow length currently allowed in the Red River Waterway lock chamber is based on the design vessel tow length. Increasing the tow length that may safely enter the lock chamber for each lockage to 705 feet, will not affect the safety of either the lock structure or the tow in the chamber during a filling or emptying operation, if the tow is properly secured and positioned. In addition to the publication of this proposed rule, the Corps Vicksburg District Engineer is concurrently soliciting public comment on these proposed changes to the Navigation