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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.