

time period or any period of extension for not more than 30 days where it must sanitize an investigative file that may contain information classified pursuant to Executive Order No. 12356, or successor orders, as secret in the interest of national defense or foreign policy, provided the Board notifies the complainant of the extension.

(2) Confidential supervisory information, as defined in 12 CFR 261.2(b), and other confidential information of the Board may be included in the investigative file by the investigator, the EEG Programs Director, or another appropriate officer of the Board, where such information is relevant to the complaint. Neither the complainant nor the complainant's personal representative may make further disclosure of such information, however, except in compliance with the Board's Rules Regarding Availability of Information, 12 CFR part 261, and where applicable, the Board's Rules Regarding Access to and Review of Personal Information in Systems of Records, 12 CFR part 261a.

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By order of the Board of Governors of the Federal Reserve System, August 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-21616 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ACE-4]

Proposed Amendment to Class E Airspace; Fairmont, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Fairmont, NE to accommodate a new standard instrument approach procedure (SIAP) at Fairmont State Airfield, Fairmont, NE. The recent discovery of a new tower south of the airport has raised the minimums on the NDB Runway 35 SIAP at Fairmont State Airfield. This proposed standard instrument approach procedure (SIAP) to Runway 17 at Fairmont State Airfield, utilizing the Beklof NDB will provide lower minimums for aircraft executing a SIAP at Fairmont, NE.

DATES: Comments must be received on or before October 1, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Operations Branch, ACE-530, Federal Aviation Administration, Docket No. 95-ACE-4, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Operations Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Air Traffic Operations Branch, ACE-530c, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in the 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 Docket No. 95-ACE-4." 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 proposed 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 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 Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

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 procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to provide additional controlled airspace for a new Instrument Flight Rules (IFR) procedure at the Fairmont State Airfield. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, 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 will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a 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

Accordingly, pursuant to the authority delegated to me, the Federal

Administration proposes to amend part 71 of the Federal Aviation Regulations (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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

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

* * * * *

ACE NE E5 Fairmont, NE [Revised]

Fairmont State Airfield, NE.

(Lat. 40°35'09" N, long. 97°34'23" W)

Beklof NDB

(Lat. 40°35'24" N, long. 97°34'05" W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Fairmont State Airfield and within 2.6 miles each side of the 189° bearing of the Beklof NDB extending from the 6.8-mile radius to 7 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on August 4, 1995.

Herman J. Lyons,

Manager, Air Traffic Division, Central Region.

[FR Doc. 95–21681 Filed 8–30–95; 8:45 am]

BILLING CODE 4910–13–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Older Workers Benefit Protection Act of 1990 (OWBPA)

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Notice of Intent to form a Negotiated Rulemaking Advisory Committee to Develop a Proposed Rule: Request for representation.

SUMMARY: EEOC announces its intent to establish an OWBPA Negotiated Rulemaking Advisory Committee ("the Committee") under the Negotiated Rulemaking Act (NRA), the Federal Advisory Committee Act (FACA), and section 9 of the Age Discrimination in Employment Act of 1967, as amended (ADEA), 29 U.S.C. 628, to negotiate issues associated with the development

of a Notice of Proposed Rulemaking (NPRM) on Title II of OWBPA. The Committee will include representatives of the parties interested in, or affected by, the outcome of the proposed rule. EEOC requests that interested parties submit their requests for membership on the Committee.

DATES: EEOC must receive written requests for membership by October 2, 1995.

ADDRESSES: All written requests for Committee membership, and any comments on the rulemaking process, should be sent to: Executive Secretariat, EEOC, 1801 L Street, NW., Washington, DC 20507.

FOR FURTHER INFORMATION CONTACT: Joseph N. Cleary, Director, ADEA Division, Office of Legal Counsel, EEOC, 1801 L Street, NW., Washington, DC 20507 (202) 663–4690.

SUPPLEMENTARY INFORMATION:

I. Background

Congress amended the ADEA in 1990 to clarify the prohibitions against discrimination on the basis of age. In Title I of OWBPA, Congress addressed discrimination in employee benefits. Title II addressed waivers of rights and claims under the ADEA, amending section 7 of that Act by adding a new subsection (f). Title II expressly provided that unsupervised waivers may be valid and enforceable under the ADEA only if they meet certain enumerated requirements and are knowing and voluntary waivers of rights. EEOC intends to engage in rulemaking on certain Title II issues.

In light of the 1990 amendments to the ADEA, EEOC published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register**, 57 FR 10626 (March 27, 1992), seeking information from the public on various issues under Titles I and II of OWBPA. In response to the ANPRM, EEOC received approximately 40 comments, many of which presented detailed analyses of Title II issues, raising the possibility that EEOC should provide formal guidance on waivers of rights.

This Notice announces EEOC's intent to use negotiated rulemaking to develop a proposed Title II rule. It also sets forth basic concepts of negotiated rulemaking and outlines the criteria that EEOC expects to use in selecting the Committee and conducting the rulemaking. This Notice allows 30 days for interested parties to request appointment to the Committee.

II. Negotiated Rulemaking in General

The Administrative Conference of the United States (ACUS) has discussed

why negotiated rulemaking may alleviate certain problems associated with more traditional rulemaking procedures:

Experience indicates that if the parties in interest were to work together to negotiate the text of a proposed rule, they might be able in some circumstances to identify the major issues, gauge their importance to the respective parties, identify the information and data necessary to resolve the issues, and develop a rule that is acceptable to the respective interests, all within the contours of the substantive statute.

47 FR 30708 (June 18, 1982); 1 CFR 305.82–4.

There have been numerous effective uses of negotiated rulemaking procedures by such agencies as the Environmental Protection Agency, the Department of Transportation, and the Federal Aviation Administration. EEOC believes that the use of negotiated rulemaking procedures will meet the goals set out in the ACUS analysis, above, and adopts those goals by reference.

III. Justification for Use of Negotiated Rulemaking

In selecting Title II of OWBPA as a subject for negotiated rulemaking, EEOC has made the following determinations under criteria set out in the NRA:

- (1) There is a need for a rule;
- (2) There are a limited number of identifiable interests that will be significantly affected by the rule;
- (3) There is a reasonable likelihood that a Committee can be convened with a balanced representation of persons who:
 - (a) Can adequately represent the interests identified under paragraph (2), above; and
 - (b) Are willing to negotiate in good faith to reach a consensus on the proposed rule;
- (4) There is a reasonable likelihood that the Committee will reach a consensus on the proposed rule within a reasonable fixed period of time;
- (5) The procedure will not unreasonably delay the NPRM and the issuance of a final rule;
- (6) EEOC has adequate resources and is willing to commit those resources, including technical assistance, to the Committee;
- (7) EEOC, to the maximum extent possible consistent with its legal obligations and the need by EEOC Commissioners to review any draft rulemaking, will use the consensus of the Committee with respect to the proposed rule as the basis for the NPRM.

EEOC will follow all requirements set out in the ADEA, the Administrative