

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2005-20576; Airspace
Docket No. 05-ACE-13]

**Modification of Class E Airspace;
Boonville, MO**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; request for
comments.

SUMMARY: This action amends Title 14 Code of Federal Regulations, part 71 (14 CFR 71) by revising Class E airspace at Boonville, MO. A review of the Class E airspace area extending upward from 700 feet above ground level (AGL) at Boonville, MO revealed its legal description is not in proper format and it is not in compliance with established airspace criteria. This airspace area is enlarged and modified to conform to FAA Orders. The intended effect of this rule is to provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing standard instrument approach procedures (SIAPs) to Jesse Viertel Memorial Airport. This rule also amends the Jesse Viertel Memorial Airport airport reference point (ARP) in the legal description to reflect current data. The area is modified and enlarged to conform to the criteria in FAA Orders.

DATES: This direct final rule is effective on 0901 UTC, July 7, 2005. Comments for inclusion in the Rules Docket must be received on or before May 5, 2005.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2005-20576/Airspace Docket No. 05-ACE-13, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.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 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal

Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Boonville, MO. An examination of the Class E airspace area at Boonville, MO revealed its legal description is not in proper format and it does not comply with airspace requirements for diverse departures from Jesse Viertel Memorial Airport. Extensions to this airspace area and the Jesse Viertel Memorial Airport ARP are also incorrect. In order to comply with airspace requirements set forth in FAA Orders 7400.2E, Procedures for Handling Airspace Matters, and 8260.19C, Flight Procedures and Airspace, the city of Boonville is added to the airport line in the legal description, the Jesse Viertel Memorial Airport ARP is amended to reflect current data and Hallsville collocated VOR/tactical air navigational aid (VORTAC) is added. The airspace area is expanded from a 6.3-mile to a 6.9-mile radius of Jesse Viertel Memorial Airport. The north extension is defined in relation to the 013° bearing from the Viertel nondirectional radio beacon (NDB) versus the current 012° bearing, is decreased in width from 2.6 to 2.5 miles each side of center and is increased in length from 7 miles from the ARP to 7 miles from the NDB. The northeast extension is defined in relation to the Hallsville VORTAC 249° radial, is decreased in width from 3.5 to 2.4 miles each side of center and is decreased in length by .4 mile. These modifications provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing SIAPs to Jesse Viertel Memorial Airport and bring the legal description of the Boonville, MO Class E airspace area into compliance with FAA Orders 7400.2E and 8260.19C. This area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous

actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, and 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-2005-20576/Airspace Docket No. 05-ACE-13." The postcard will be date/time stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Jesse Viertel Memorial Airport.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 17 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 Federal Aviation Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

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

* * * * *

ACE MO E5 Boonville, MO

Boonville, Jesse Viertel Memorial Airport, MO

Lat. 38°56'48" N., long. 92°40'58" W.)

Viertel NDB

Lat. 38°56'58" N., long. 92°41'03" W.)

Hallsville VORTAC

Lat. 39°06'49" N., long. 92°07'42" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Jesse Viertel Memorial Airport and within 2.5 miles each side of the 013° bearing from the Viertel NDB extending from the 6.9-mile radius of the airport to 7 miles north of the NDB and within 2.4 miles each side of the Hallsville VORTAC 249° radial extending from the 6.9-mile radius of the airport to 19.4 miles southwest of the VORTAC.

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Issued in Kansas City, MO, on March 22, 2005.

Rosalyn R. Ward,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–6388 Filed 3–30–05; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960–AG16

Nonpayment of Benefits When the Social Security Administration Receives Notice That an Insured Person Is Deported or Removed From the United States

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: To implement part of the Social Security Protection Act of 2004 (SSPA), we are revising our regulations that prohibit payment of monthly benefits and the lump sum death payment under title II of the Social Security Act (the Act) when SSA receives notice that an insured person is deported or removed from the United States under certain provisions of the Immigration and Nationality Act (INA). **DATES:** These regulations are effective March 31, 2005.

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>. It is also available on the Internet site for SSA (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

FOR FURTHER INFORMATION CONTACT:

Richard Bresnick, Social Insurance Specialist, Office of Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–1758 or TTY (410) 966–5609. For information on eligibility or filing for benefits, call our national toll-free

number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

Background

Section 412 of the SSPA, Public Law 108–203, enacted on March 2, 2004, modifies the provisions of section 202(n) of the Act. Those provisions prohibit the payment of title II benefits to the insured person on a record (and, in some cases, to dependents or survivors otherwise entitled on that record) when SSA receives notice of the insured person's deportation or removal from the United States under the provisions of the INA. Section 412 was enacted, in part, to conform the Act to amendments to the INA enacted April 1, 1997, under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (the Immigration Reform Act), Public Law 104–208. The Immigration Reform Act changed the terminology, section references and function of many provisions of the INA that, in turn, affect section 202(n) of the Act.

The Immigration Reform Act combined into a single removal process the formerly separate legal processes for deporting and excluding aliens from the United States. Under this process, aliens are removed as either deportable or inadmissible. The Immigration Reform Act also changed the legal process applicable to illegal aliens; *i.e.*, those who are present in the United States (regardless of how long) without having been lawfully admitted. Although they may be apprehended in the United States, illegal aliens are no longer charged as deportable or subject to the deportation process as they had been before the Immigration Reform Act. Instead, they are charged as inadmissible and subject to removal under the process applied to aliens who are seeking entry into the United States. With this change, effective April 1, 1997, illegal aliens no longer met the specific conditions for nonpayment of their title II benefits under section 202(n) of the Act which, from the time of enactment in 1954, applied to deported aliens only.

Section 412 of the SSPA amends section 202(n) to coordinate with the amendments to the INA by:

- Replacing the terms "deportation" and "deported," wherever they appear in the text of the statute, with "removal" and "removed," respectively;
- Changing the reference to the INA citation that specifies the grounds for removal of an alien as deportable from section 241(a) to section 237(a);