

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

[Docket No. FAA-2005-23009; Airspace Docket No. 2005-ASW-18]

**Modification to Class E Airspace; Del Rio, TX**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action modifies the Class E airspace area at Del Rio, TX. The use of MOSAIC RADAR allows Laughlin AFB Radar Approach Control to control a larger area enabling the air traffic control system to better serve local and itinerant air traffic in the Del Rio, TX airspace.

**DATES:** Effective 0901 UTC, February 16, 2006.

Comments for inclusion in the Rules Docket must be received on or before January 16, 2006.

**ADDRESSES:** Send comments on the rule 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-2005-23009/Airspace Docket No. 2005-ASW-23009/Airspace Docket No. 2005-ASW-18, at the beginning of your comments. You may also submit comments on the Internet at the DOT docket Web site, <http://dms.dot.gov> or the government-wide Web site, <http://regulations.gov>. Anyone can find and read the comments received in this docket, including the name, address and any other personal information placed in the docket by a commenter. You may hand deliver your comments and review the public docket containing any comments received and this Direct Final Rule in person at 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 located on the plaza level of the Department of Transportation NASSIF Building at the street address stated previously.

An informal docket may also be examined during normal business hours at the office of the Air Traffic Division, Airspace Branch, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX. Call the manager, Airspace Branch, ASW-520, telephone (817) 222-5520; fax (817) 222-5981, to make arrangements for your visit.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Yadouga, Air Traffic Division,

Airspace Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0520; telephone: (817) 222-5597.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR Part 71 modified Class E airspace area from the surface designated as an extension area at Del Rio, TX, and will be published in paragraph 6003 of FAA Order 7400.9N, dated September 1, 2004, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1.

This amendment to 14 CFR Part 71 also modifies the Class E airspace area extending upward from 700 feet or more above the surface at Del Rio, TX, and will be published in paragraph 6005 of FAA Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1.

**The Direct Final Rule Procedure**

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

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications must identify both docket numbers. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the

comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

**Agency Findings**

This rule does not have federalism implications, as defined in Executive Order No. 13132, because it does 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. Accordingly, the FAA has not consulted with State authorities prior to publication of this rule.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. I certify that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Authority for This Rulemaking**

The FAA authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103, "Sovereignty and use of airspace." Under that section, the FAA is charged with developing plans and policy for the use of the navigable

airspace and assigning by regulation or order the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The FAA may modify or revoke an assignment when required in the public interest. This regulation is within the scope of that authority because it is in the public interest to provide greater control of the airspace for the safety of aircraft operating in the vicinity of the newly established airport traffic control tower.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (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 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9563, 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 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

*Paragraph 6003 Class E Airspace Area From the Surface Designated as an Extension*  
\* \* \* \* \*

##### ASW TX E3 Del Rio, TX [Revised]

Del Rio, Laughlin ABF, TX  
Lat. 29°21'34" N, long. 100°45'41" W  
Laughlin VORTAC  
Lat. 29°21'39" N, long. 100°46'18" W

That airspace extending upward from the surface within 2 miles each side of the 003° radial of the Laughlin VORTAC extending from the 5 mile radius of Laughlin AFB to 10 mile radius north of the airport, and a south extension from the 070° radial of the Laughlin VORTAC clockwise to the 195° radial from the 5 mile radius of Laughlin AFB to 5.5 mile radius, and 2.6 miles each side of the 145° radial of the Laughlin VORTAC extending from 5.5 miles to 6.6 miles and 2.6 miles each side of the 305° radial of the Laughlin VORTAC from the 5 mile radius of Laughlin AFB to 6.6 mile radius northeast of Laughlin AFB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time

will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6005 Class E Airspace Areas Extending upward from 700 feet or more above the Surface of the Earth.*  
\* \* \* \* \*

##### ASW TX E5 Del Rio, TX [Revised]

Del Rio, Laughlin ABF, TX  
Lat. 29°21'34" N, long. 100°46'41" W  
Laughlin VORTAC  
Lat. 29°21'39" N, long. 100°46'18" W

That airspace extending upward from 700 feet above the surface within a 20 miles radius of Laughlin VORTAC excluding Mexican airspace.  
\* \* \* \* \*

Dated: Issued in Fort Worth, TX, on December 1, 2005.

**William C. Yuknewicz,**

*Acting Area Director, Central En Route and Oceanic Operations.*

[FR Doc. 05–23845 Filed 12–8–05; 8:45 am]

**BILLING CODE 4910–13–M**

#### SOCIAL SECURITY ADMINISTRATION

##### 20 CFR Part 423

**RIN 0960–AG34**

##### Service of Process

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Final rules.

**SUMMARY:** We are amending our rules regarding service of legal process in lawsuits involving judicial review of Agency final decisions on individual claims for benefits under titles II, VIII, and/or XVI of the Social Security Act (Act). Under the current rules, summonses and complaints in these types of cases are required to be sent to the Social Security Administration (SSA), Office of the General Counsel (OGC) in Baltimore, Maryland. These final rules provide that summonses and complaints in these types of cases shall be mailed directly to the OGC office that is responsible for the processing and handling of litigation in the particular jurisdiction in which the complaint has been filed. The names and addresses of those offices, and the jurisdictions for which they are currently responsible, are detailed in a separate notice in the Notices section of today's **Federal Register**. Future changes in the addresses and/or jurisdictional responsibilities of these offices will similarly be published in the **Federal Register**. Current procedures for service of summonses and complaints in all other types of cases filed against SSA, i.e., those that do not involve judicial review of Agency final decisions on

individual claims for benefits under titles II, VIII, and/or XVI of the Act, are not affected by this change.

**DATES:** These regulations are effective December 9, 2005.

*Electronic Version:* The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office, <http://www.gpoaccess.gov/fr/index.html>.

##### FOR FURTHER INFORMATION CONTACT:

Lawrence A. Levey, Office of the General Counsel, Office of Program Law, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–3460.

**SUPPLEMENTARY INFORMATION:** The current rules at 20 CFR part 423, entitled Service of Process, have been in effect since April 14, 1995, and reflect essentially the same procedures and practices that were applicable to SSA when it was a component of the Department of Health and Human Services. At that time, the OGC office in Baltimore was our office of record for all nationwide litigation involving judicial review of individual benefit claims arising under titles II, VIII, and/or XVI of the Act (transcript litigation). We recently have changed some of our procedures for the processing and handling of this litigation. In particular, the Regional Chief Counsels' offices are now the OGC offices of record for their specific assigned jurisdictions. The current rules, which require that all summonses and complaints be mailed to SSA's General Counsel in Baltimore, Maryland, do not reflect these changes of responsibility.

These new rules more accurately reflect SSA's current procedures for the processing and handling of transcript litigation cases. Pursuant to these rules, summonses and complaints in transcript litigation cases shall be mailed directly to the OGC office that is responsible for the processing and handling of litigation in the particular jurisdiction in which the complaint has been filed. This change is designed to eliminate the need for unnecessary transfers between OGC offices, to reduce delays on SSA's part in responding to summonses and complaints, and to improve the efficiency of SSA's litigation processes.

##### Explanation of Changes

We are revising § 423.1 by providing, in a new paragraph (a), that summonses and complaints in transcript litigation cases shall be served by mailing them directly to the OGC office which is responsible for the processing and handling of litigation in the particular