

so minimal. Since this a routine matter that will only affect air traffic procedures and air navigation, it is certified 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, 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 14 CFR 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.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Akhiok, AK [New]

Akhiok Airport, AK
(lat. 56°56'19" N., long. 154°10'57" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Akhiok Airport and that airspace extending upward from 1,200 feet above the surface within an area bounded by 57°11' N. 154°10'30" W. to 56°47' N. 153°36' W. to 56°35' N. 154°04' W to 56°35' N. 154°25' W to 56°56'30" N. 154°55' W to point of beginning.

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Issued in Anchorage, AK, on April 1, 2004.

Judith G. Heckl,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 04–8504 Filed 4–14–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–16833; Airspace Docket No. 03–AAL–26]

Establishment of Class E Airspace; King Cove, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at King Cove, AK to provide adequate controlled airspace to contain aircraft executing a new Standard Instrument Approach Procedure (SIAP) and a Textual Departure Procedure. This Rule results in new Class E airspace upward from 700 feet (ft.) above the surface at King Cove, AK.

DATES: *Effective Date:* 0901 UTC, June 10, 2004.

FOR FURTHER INFORMATION CONTACT: Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: Jesse.ctr.Patterson@faa.gov. Internet address: <http://www.alaska.faa.gov/at>.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, February 3, 2004, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to create new Class E airspace upward from 700ft. above the surface at King Cove, AK (69 FR 5094). The action was proposed in order to add Class E airspace sufficient in size to contain aircraft while executing a new SIAP and Textual Departure Procedure for the King Cove Airport. The new approach is Area Navigation-Global Positioning System (RNAV GPS) A original. New Class E controlled airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the King Cove Airport and that airspace extending 1.2 miles either side of the 103 bearing from King Cove Airport from the 6.5-mile radius out to 8.75 miles excluding that airspace within the Cold Bay, Alaska Class E airspace area is established by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference.

The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be revoked and revised subsequently in the Order.

The Rule

This revision to 14 CFR part 71 establishes Class E airspace at King Cove, Alaska. This additional Class E airspace was created to accommodate aircraft executing a new SIAP and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at King Cove Airport, King Cove, Alaska.

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. It, therefore—(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 a routine matter that will only affect air traffic procedures and air navigation, it is certified 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, 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 14 CFR 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.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 King Cove, AK [New]

King Cove Airport, AK
(lat. 55°06'59" N., long. 162°15'58" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the King Cove Airport and that airspace extending 1.2 miles either side of the 103 bearing from King Cove Airport from the 6.5-mile radius out to 8.75 miles excluding that airspace within the Cold Bay Class E airspace area.

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Issued in Anchorage, AK, on March 31, 2004.

Judith G. Heckl,

Manager, Air Traffic Division, Alaskan Region.

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SOCIAL SECURITY ADMINISTRATION**20 CFR Part 404**

RIN 0960-AF14

Title II Cost of Living Increases in Primary Insurance Amounts

AGENCY: Social Security Administration.
ACTION: Final rules.

SUMMARY: We are revising our rules dealing with automatic cost-of-living increases to primary insurance amounts under title II of the Social Security Act (the Act). The revisions remove the restriction in our previous rules that allowed cost-of-living increases based on rises in the Consumer Price Index (CPI) or the Average Wage Index (AWI) only if either the CPI or AWI increased by 3 percent or more during the prescribed measuring period. The 3-percent restriction was eliminated by legislation enacted in 1986. We are also adding clarifying language that, when rounding an increase in the CPI or AWI, we round five one-hundredths and above to the next higher tenth of a percent.

EFFECTIVE DATES: These regulations are effective April 15, 2004.

ADDRESSES: 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:

Regarding this **Federal Register** document—Robert J. Augustine, Social Insurance Specialist, Office of Regulations, Social Security Administration, Room 100, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-0020 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 Web site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:**Background**

The primary insurance amount is the basic figure we use to find the monthly Social Security benefit amount we pay to workers and their family members. Under section 215(i) of the Act, primary insurance amounts are automatically increased each year if there has been an increase in the CPI or AWI over the specified measuring period. Under the law in effect prior to the enactment of Public Law 99-509 on October 21, 1986, we could increase primary insurance amounts only if either the CPI or AWI rose by 3.0 percent or more over the specified measuring period. Section 9001 of Public Law 99-509 removed the 3-percent restriction from the law. However, we have not previously revised our regulations to reflect this legislative change. This revision conforms our rules on cost-of-living increases to current law. This rule also provides clarification on how we round increases in the CPI or AWI to the nearest tenth when the calculated increase is exactly halfway between tenths of one percent.

Explanation of Changes

We have revised §§ 404.273 through 404.275 and § 404.278 by removing all references to the 3-percent restriction on cost-of-living increases.

We have also added a new paragraph (c) to § 404.275 to clarify that, when rounding the percentage increase in the cost of living to the nearest tenth of a percent, we round five one-hundredths and above to the next higher tenth of a percent and otherwise round down to the next lower tenth of a percent. For example, we round an increase of 3.15 percent up to a 3.2 percent increase. We

have redesignated current paragraph (c) as paragraph (d).

Regulatory Procedures

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), as amended by section 102 of Public Law 103-296, SSA follows the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest.

In the case of these final rules, we have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures in this case. Good cause exists because these regulations merely conform our rules on cost-of-living increases to current law and reflect our current interpretation on rounding. These regulations contain no substantive changes of interpretation. Therefore, opportunity for prior comment is unnecessary, and we are issuing these regulations as final rules.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule, provided for by 5 U.S.C. 553(d). As explained above, we are not making any substantive changes in the cost-of-living increase provisions. However, without these changes, our rules will conflict with current law and may mislead the public. In addition, we are codifying our current interpretation on rounding into our regulations. Therefore, we find that it is in the public interest to make these rules effective upon publication.

Executive Order 12866, as Amended by Executive Order 13258

We have consulted with the Office of Management and Budget (OMB) and determined that these final rules do not meet the criteria for a significant regulatory action under Executive Order 12866, as amended by Executive Order 13258. Thus, they were not subject to OMB review. We have also determined that these final rules meet the plain language requirement of Executive Order 12866, as amended by Executive Order 13258.

Regulatory Flexibility Act

We certify that these final rules will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in the