

**14 CFR Part 71**

[Airspace Docket No. 95-ACE-4]

**Alteration of Class E Airspace; Fairmont, NE**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action alters the Class E airspace at Fairmont, NE. The development of a new standard instrument approach procedure (SIAP) to Runway 17 at Fairmont State Airfield, Fairmont, NE utilizing the Beklof NDB will provide lower minimums for aircraft executing a SIAP at Fairmont, NE.

**EFFECTIVE DATE:** 0901 UTC, February 1, 1996.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**

## History

On August 31, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class E airspace at Fairmont State Airfield, Fairmont, NE (60 FR 45387). The proposed action would provide additional controlled airspace to accommodate an NDBSIAP to Runway 17 at the Fairmont State Airfield.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The class airspace designation listed in this document will be published subsequently in the Order.

## The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at Fairmont, NE, by providing additional controlled airspace for aircraft executing the NDB Runway 17 SIAP to the Fairmont State Airfield.

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 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

Aviation, 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—[AMENDED]**

1. The authority citation for part 71 continues to read as follows:

Authority: 40 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1059-1963 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 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, 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 October 24, 1995.

Donovan D. Schardt,

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 95-27827 Filed 11-8-95; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 97**

[Docket No. 28379; Amdt. No. 1694]

**Standard Instrument Approach Procedures; Miscellaneous Amendments**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

## For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

## For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the Region in which the affected airport is located.

## By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their geographic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

**The Rule**

This amendment to part 97 of the Federal Aviation Regulations (14 CFR

part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the representative FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

**Conclusion**

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. For the same reason, the FAA certifies that this amendment 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 97**

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 3, 1995.

Thomas C. Accardi,  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
10/19/95 .....	IA	Iowa City .....	Iowa City Muni .....	FDC 5/5727	NDB or GPS RWY 30, AMDT 1...
10/19/95 .....	IA	Iowa City .....	Iowa City Muni .....	FDC 5/5729	VOR or GPS RWY 34, AMDT 10...
10/19/95 .....	IA	Iowa City .....	Iowa City Muni .....	FDC 5/5730	RNAV or GPS RWY 24, AMDT 1...
10/19/95 .....	IA	Iowa City .....	Iowa City Muni .....	FDC 5/5731	NDB or GPS-A, ORIG...
10/19/95 .....	NC	Erwin .....	Harnett County .....	FDC 5/5707	VOR/DME or GPS RWY 4, AMDT 1A...
10/19/95 .....	NC	Erwin .....	Harnett County .....	FDC 5/5708	NDB or GPS RWY 22, ORIG-A...
10/19/95 .....	WY	Riverton .....	Riverton Regional .....	FDC 5/5711	ILS RWY 28, AMDT 1...

FDC date	State	City	Airport	FDC No.	SIAP
10/19/95 .....	WY	Riverton .....	Riverton Regional .....	FDC 5/5722	VOR or GPS RWY 28, AMDT 8...
10/20/95 .....	LA	Houma .....	Houma-Terrebonne .....	FDC 5/5754	VOR/DME RNAV or GPS RWY 36, AMDT 4A...
10/20/95 .....	MD	Salisbury .....	Salisbury-Wicomico County Regional.	FDC 5/5739	ILS RWY 32 AMDT 5...
10/20/95 .....	NC	Salisbury .....	Rowan County .....	FDC 5/5751	VOR or GPS RWY 2, AMDT 5...
10/23/95 .....	IL	Moline .....	Quad-City .....	FDC 5/5806	NDB or GPS RWY 9, AMDT 27...
10/26/95 .....	AL	Selma .....	Craig Field .....	FDC 5/5892	NDB or GPS RWY 32, AMDT 2A...
10/26/95 .....	AL	Selma .....	Craig Field .....	FDC 5/5893	OIL RWY 32, ORIG-B...
10/27/95 .....	IL	Moline .....	Quad-City .....	FDC 5/5879	ILS RWY 9, AMDT 29A...
10/30/95 .....	MI	Pellston .....	Pellston Regional Airport of Emmet County.	FDC 5/5940	ILS RWY 32, AMDT 10...
11/01/95 .....	NC	Edenton .....	Edenton/North-Eastern Regional .....	FDC 5/5962	NDB or GPS RWY 5, AMDT 4A...
11/01/95 .....	NC	Edenton .....	Edenton/North-Eastern Regional .....	FDC 5/5963	NDB or GPS RWY 1, AMDT 5A...
11/01/95 .....	NV	Las Vegas .....	McCarran Intl .....	FDC 5/5975	VOR/DME or GPS RWY 1R ORIG.

[FR Doc. 95-27829 Filed 11-8-95; 8:45 am]  
 BILLING CODE 4910-13-M

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Part 404**

**RIN 0960-AE04**

**Computing Benefit Amounts, Reducing Benefit Amounts, and Filing Annual Reports of Earnings**

**AGENCY:** Social Security Administration.  
**ACTION:** Final rules.

**SUMMARY:** We are amending our regulations to reflect provisions of sections 307, 308, and 314 of the Social Security Independence and Program Improvements Act of 1994. Section 307 provides that we not modify the computation of the basic social security benefit amount under the windfall elimination provision of the Social Security Act (the Act) for individuals who are entitled to U.S. social security benefits only as result of a totalization agreement between the United States and another country. In addition, section 307 provides that we not modify the computation for an individual who receives a benefit from another country if the benefit is payable only as a result of a totalization agreement between the United States and that country and benefits paid by us do not depend on a totalization agreement. Section 308 removes the modified computation requirement, as well as the requirement to reduce the social security benefits of an insured individual's spouse who is also receiving a benefit based on his or her noncovered government employment, i.e., the government

pension offset provision, for certain individuals who are eligible to receive or are receiving a benefit based on inactive military reserve duty after 1956 and before 1988. Section 314 increases the extended period for a working social security beneficiary to submit a report of earnings.

**EFFECTIVE DATE:** These regulations are effective November 9, 1995. Since these rules relieve restrictions previously applicable, the 30-day delay in effectuating rules, as provided by 5 U.S.C. 553(d), does not apply.

**FOR FURTHER INFORMATION CONTACT:** Jack Schanberger, Legal Assistant, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-8471 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number 1-800-772-1213.

**SUPPLEMENTARY INFORMATION:** Sections 307, 308, and 314 of the Social Security Independence and Program Improvements Act of 1994 (Pub. L. 103-296) amended sections 202, 203, and 215 of the Act. In these final regulations, we are amending sections 404.213, 404.408a, and 404.452 of 20 CFR to reflect those amendments to the Act.

*Section 307—Totalization Agreements and the Windfall Elimination Provision*

A totalization agreement between the U.S. and another country permits each country to establish entitlement to social security benefits by combining an individual's coverage under the social security systems of both countries, as provided in section 233(a) of the Act. Based on section 215(a)(7)(A) of the Act, the windfall elimination provision, as in effect for social security benefits payable before January 1995, we modified our

computation of your basic benefit amount if: (1) You were entitled to a social security benefit which was based solely on your employment covered by our social security system without regard to work covered by a totalization agreement, as described in §§ 404.1900ff, and you were also entitled to a pension from a foreign country even though it is one with which the U.S. has a totalization agreement; and (2) if your basic social security benefit was based on a combination of U.S. covered employment and foreign employment covered by a totalization agreement and you were also entitled to a benefit based on employment otherwise not covered under the Act, including a benefit from a nontotalization country.

The social security benefit formula is weighted to replace a higher proportion of wages for individuals who worked many years for low wages in covered employment than for workers with high wages. The modified computation under the windfall elimination provision as required by section 215(a)(7)(A) of the Act is intended to eliminate the windfall that would otherwise occur if this weighting were to apply to workers who spent many years in noncovered employment and worked only a few years in covered employment. Under this provision, we use a modified formula, which yields a smaller benefit, to compute social security benefits for workers who first become eligible after 1985 for both social security benefits and a pension based on employment not covered by social security.

The computation of a totalization benefit (see § 404.1918) includes a prorating feature to account for the fact that an individual did not work for an