

Sac City, IA, Sac City Muni, NDB or GPS
RWY 36, Amdt 3
Coeur D'Alene ID, Coeur D'Alene Air Terminal, ILS RWY 5, Amdt 4
Eureka, KS, Eureka Muni, VOR/DME or GPS
RWY 18, Amdt 2
Frankfort, KY, Capital City, VOR RWY 6, Amdt 1, CANCELLED
Frankfort, KY, Capital City, VOR or GPS
RWY 24, Amdt 2
Frankfort, KY, Capital City, LOC/DME RWY 24, Orig
Frankfort, KY, Capital City, RADAR-1, Orig, CANCELLED
Murray, KY, Kyle-Oakley Field, NDB RWY 23, Orig
Murray, KY, Kyle-Oakley Field, NDB or GPS
RWY 23, Amdt 6, CANCELLED
Murray, KY, Kyle-Oakley Field, LOC Rwy 23, Orig
Ocean City, NJ, Ocean City Muni, VOR-A, Orig
Hatteras, NC, Billy Mitchell, NDB or GPS
RWY 6, Amdt 6, CANCELLED
Covington/Cincinnati, OH/KY, Cincinnati/Northern Kentucky Intl, NDB RWY 9, Amdt 13
Covington/Cincinnati, OH/KY, Cincinnati/Northern Kentucky Intl, ILS RWY 9, Amdt 15
* * * *Effective April 27, 1995*
Little Rock, AR, Adams Field, ILS RWY 4R, Orig
Latrobe, PA, Westmoreland County, ILS RWY 23, Amdt 14
* * * *Effective Upon Publication*
New York, NY, La Guardia, Copter ILS RWY 24, Amdt 1
New York, NY, La Guardia, Copter ILS/DME
RWY 22, Amdt 1
Waco, TX, Waco Regional, Radar-1, Amdt 3.
[FR Doc. 95-9400 Filed 4-14-95; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 28182; Amdt. No. 1659]

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 use of the navigable airspace and to promote safe flight 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, US 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 graphic

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 respective 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 a 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 unnecessary, impractical, 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 April 7, 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 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); 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 and 97.35 [Amended]

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
03/09/95	MO	Perryville	Perryville Muni	FDC 5/1332	VOR/DME RNAV or GPS RWY 19, AMDT 2...
03/23/95	TX	Lago Vista	Rusty Allen	FDC 5/1281	VOR/DME or GPS-A AMDT 2...
03/24/95	WY	Gillette	Gillette-Campbell County	FDC 5/1282	ILS RWY 34, AMDT 2...
03/24/95	WY	Gillette	Gillette-Campbell County	FDC 5/1283	NDB RWY 34, ORIG...
03/24/95	WY	Gillette	Gillette-Campbell County	FDC 5/1285	VOR or GPS RWY 16, AMDT 6...
03/30/95	CA	San Francisco	San Francisco Intl	FDC 5/1390	BAY ILS/DME RWY 28L AMDT 1...
03/30/95	FL	Fort Lauderdale	Fort Lauderdale Executive	FDC 5/1349	VOR/DME RNAV or GPS RWY 8, AMDT 3...
03/30/95	KS	Meade	Meade Municipal	FDC 5/1389	NDB RWY 17, AMDT 1...
03/30/95	MN	Hawley	Hawley Muni	FDC 5/1382	VOR/DME or GPS-A ORIG...
03/30/95	NM	Deming	Deming Muni	FDC 5/1386	VOR or GPS RWY 26 AMDT 8A...
03/30/95	NM	Truth or Consequences Muni.	Truth or Consequences	FDC 5/1385	VOR or GPS-A AMDT 9...
03/30/95	WY	Gillette	Gillette-Campbell County	FDC 5/1388	VOR/DME or GPS RWY 34, ORIG...

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SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

RIN 0960-AD79

Federal Old-Age, Survivors and Disability Insurance; Changes in Evidence Required To Presume a Person Is Dead

AGENCY: Social Security Administration.
ACTION: Final rules.

SUMMARY: These regulations provide that, under title II of the Social Security Act (the Act), a presumption of death arises when the claimant establishes that an individual has been absent from his or her residence and not heard from for 7 years. Once the presumption is made, the burden then shifts to us to rebut the presumption either by presenting evidence that the missing individual is still alive or by providing an explanation to account for the

individual's absence in a manner consistent with continued life rather than death.

EFFECTIVE DATE: These rules are effective April 17, 1995.

FOR FURTHER INFORMATION CONTACT:

Henry D. Lerner, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1762.

SUPPLEMENTARY INFORMATION: Under title II of the Act, a lump sum death payment and monthly survivors' benefits may be payable based on the earnings of a deceased insured person. In order to ensure that these benefits are not paid based on mere desertion, any inquiry into entitlement begins with an assumption that a person last known to be alive is still living, and that a person's failure to communicate with a few people and to return to a particular place do not, in themselves, give rise to a presumption of death. To establish eligibility for such benefits, the claimant must establish that the insured person is dead. If proof of death (as described in

§§ 404.720(b) and (c)) is unavailable, we will presume an insured person is dead if certain evidence is presented. Under the present § 404.721(b), such evidence includes signed statements by those in a position to know and other records which show that the person has been absent from his or her residence *for no apparent reason*, and has not been heard from for at least 7 years.

This evidentiary requirement has yielded two very different interpretations. It has long been our policy that the claimant must present the evidence necessary to establish that he or she is entitled to benefits. Accordingly, for us to presume that an insured person is dead, the claimant must establish that the insured person not only has not been heard from for at least 7 years, but also that he or she has been absent from his or her residence for no apparent reason. If the insured person's absence can be attributed to known domestic or financial difficulties or to some other rational reason for leaving home, death is not presumed. We are not required to establish that the