

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

[Docket No. FAA-2004-18609; Airspace  
Docket No. 03-AWP-15]

**Establishment of Class E Airspace;  
California City, CA**

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

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

**SUMMARY:** As Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) RNAV (GPS) Runway (RWY) 6 and RNAV (GPS) RWY 24 have been developed to serve California City Municipal Airport, California City, CA. This action expands Class E airspace extending upward from 700 feet or more above the surface at California City, CA to contain aircraft executing these RNAV (GPS) approaches. This action provides controlled airspace for Instrument Flight Rules (IFR) operations.

**DATES:** This direct final rule is effective on 0901 UTC, November 25, 2004. Comments for inclusion in the Rules Docket must be received on or before August 31, 2004.

**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-2004-18609/Airspace Docket No. 03-AWP-15, 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 dispositions in person in the Docket 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 NASIF Building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Debra Trindle, Air Traffic Division, Airspace Branch, AWP-520, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6623.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR part 71 establishes a Class E airspace area at California City, CA. An RNAV (GPS) RWY 6 and RNAV (GPS) RWY 24 SIAP

have been developed to serve California City, CA. These SIAPs require additional controlled airspace to contain aircraft executing the new approach procedures. This action expands Class E airspace to support Instrument Flight Rules (IFR) operations to California City, CA. 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 7400.9L, 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 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**

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. 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 is 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.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 03-AWP-15." The postcard will be date 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 level 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 is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, this regulation only involves an established body of technical regulations that require frequent and routine amendments 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) if promulgated, will not have a significant economic impact, positive or negative, 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**

■ 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**

■ 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]**

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

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

\* \* \* \* \*

**AWP CA E5 California City, CA [New]**

California City Municipal Airport, CA

(Lat. 35°09'04" N. long. 118°01'00" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the California City Municipal Airport, excluding the portion within the Edwards AFB, CA, and Mojave, CA, Class E airspace areas and excluding that airspace within Restricted Area R–2515.

\* \* \* \* \*

Issued in Los Angeles, California, on July 27, 2004.

**Leonard A. Mobley,**

*Manager, Airspace Branch, Western Terminal Operations.*

[FR Doc. 04–18202 Filed 8–10–04; 8:45 am]

**BILLING CODE 4910–13–M**

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Part 429**

**RIN 0960–AF39**

**Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act**

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

**ACTION:** Final rule.

**SUMMARY:** We are modifying our regulations in part 429 of title 20 in two ways. First, we are establishing a new subpart B in part 429 that prescribes the procedures SSA follows when claims are filed by employees against SSA for personal property damage or loss incident to their service with SSA. This new subpart is necessary both to reflect SSA's status as an independent agency and to comply with the requirement in the Military Personnel and Civilian

Employees Claims Act of 1964 (MPCECA) that the head of each federal agency prescribe its own regulations for handling such claims.

Second, we are making several minor clarifications and corrections to our current procedures and practices on claims against the Government for damage to, or loss of, property or personal injury or death that is caused by the negligent or wrongful act or omission of an SSA employee. We have also rewritten the current rules on such claims in plain language.

**EFFECTIVE DATES:** These regulations are effective September 10, 2004.

**FOR FURTHER INFORMATION CONTACT:** Doug Cohen, Attorney-at-Law, Office of General Law, Office of the General Counsel, Social Security Administration, Suite No. 56, P.O. Box 26430, Baltimore, Maryland 21207, (410) 966–6583 or TTY (410) 966–5609.

**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>. It is also available on the Internet site for SSA (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

**SUPPLEMENTARY INFORMATION:**

**Employee Claims for Personal Property Damage or Loss**

The MPCECA, 31 U.S.C. 3721, establishes the guidelines Federal agencies must follow when an agency employee files a claim for personal property damage or loss incurred incident to his or her Federal service. Under the MPCECA, the head of each Federal agency is required to promulgate its own regulations setting forth the procedures and practices the agency will follow in handling such claims (31 U.S.C. 3721(j)). The Social Security Independence and Improvements Act of 1994 (Pub. L. 103–296) established SSA as an independent agency in the executive branch of the United States Government effective March 31, 1995, and vested general regulatory authority in the Commissioner of Social Security. In order to comply with the requirement in the MPCECA that SSA have its own regulations dealing with employee claims, we are establishing a new subpart B in part 429 of title 20 of the Code of Federal Regulations.

The rules in new subpart B of part 429 are modeled after those routinely published by other Federal agencies and contain the following sections:

- Section 429.201 explains that the new subpart applies to employee claims under the MPCECA, sets a \$40,000 limit on the amount of payment for a claim, and defines several terms used throughout the subpart.

- Section 429.202 explains the procedures an employee should follow to file a claim for personal property loss or damage incident to service.

- Section 429.203 explains the circumstances under which a claim for personal property loss or damage is allowable.

- Section 429.204 describes the restrictions that apply to employee claims for personal property damage or loss.

- Section 429.205 contains a list of the types of losses that are not allowable under subpart B.

- Section 429.206 explains the procedures that are applicable when a claim involves a commercial carrier or an insurer.

- Section 429.207 explains how an employee should file a claim for personal property damage or loss.

- Section 429.208 explains how the SSA Claims Officer determines the amount of an award.

- Section 429.209 contains the maximum fee an agent or attorney may receive for his/her services in connection with an individual claim under subpart B.

- Section 429.210 explains the appeal process for claims under subpart B.

- Section 429.211 contains the penalties for filing false claims.

**Tort Claims**

These final rules also modify our existing rules dealing with the procedures SSA follows when claims are asserted under the Federal Tort Claims Act (FTCA), 28 U.S.C. 2672, for money damages against the United States for injury or death caused by the negligent or wrongful act or omission of any SSA employee. We are revising our regulations on tort claims as follows:

- We are revising § 429.101 to reflect the statutory provision in the FTCA that the FTCA does not apply to those tort claims identified in 28 U.S.C. 2680. Our current rules do not contain this statutory limitation.

- We are revising § 429.102 to correct the mailing address in this section.

- We are revising the time limit in § 429.104 for submitting evidence in a claim for money damages from 3 months to 60 days. Under the FTCA, this time limit is to be determined by the agency and we believe 60 days constitutes a reasonable limit for submitting evidence after being asked to do so.