

that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. 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.

We prepared a summary of the costs to comply with this proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under ADDRESSES. Include "AD Docket FAA-2004-19473; Directorate Identifier 2004-CE-35-AD" in your request.

This proposed rulemaking is promulgated under the authority in

Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under that section, the FAA is charged with prescribing minimum standards required in the interest of safety for the design of aircraft. This proposed regulation is within the scope of that authority since it corrects an unsafe condition in the design of the aircraft caused by the MLG from becoming jammed and not extending.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**GROB-WERKE:** Docket No. FAA-2004-19473; Directorate Identifier 2004-CE-35-AD

**When Is the Last Date I Can Submit Comments on This Proposed AD?**

(a) We must receive comments on this proposed airworthiness directive (AD) by May 10, 2005.

**What Other ADs Are Affected by This Action?**

(b) None.

**What Airplanes Are Affected by This AD?**

(c) This AD affects the following airplane models and serial numbers that are certificated in any category: Model G120A, as of serial number 85001.

**What Is the Unsafe Condition Presented in This AD?**

(d) This AD is the result of a report that the main landing gear (MLG) may not extend because of contamination or misalignment of the assembly. The actions specified in this AD are intended to prevent the MLG from becoming jammed and not extending, which could result in loss of control of the airplane during landing.

**What Must I Do To Address This Problem?**

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Remove MGL lock-up hook assembly and replace with the new MLG lock-up hook assembly.	Within 100 hours time-in-service after the effective date of this AD, unless GROB-WERKE Service Bulletin No. MSB1121-052, dated September 15, 2004, is already incorporated.	Follow GROB-WERKE Service Bulletin No. MSB1121-052/2, dated February 14, 2005.
(2) Inspect the MLG for proper operation and adjust as needed.	Prior to further flight after the installation of the new MLG lock-up hook assembly.	Follow GROB-WERKE Service Bulletin No. MSB1121-052/2, dated February 14, 2005.

**May I Request an Alternative Method of Compliance?**

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Karl Schletzbaum, Aerospace Engineer, ACE-112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816-329-4146; facsimile: 816-329-4090.

**Is There Other Information That Relates to This Subject?**

(g) Luftfahrt-Bundesamt Airworthiness Directive No.D-2004-299R1, dated November 9, 2004; GROB-WERKE Service Bulletin No. 1121-052/2, dated February 14, 2005; and GROB-WERKE Service Bulletin No. 1121-052, dated September 15, 2004, also address the subject of this AD.

**May I Get Copies of the Documents Referenced in This AD?**

(h) To get copies of the documents referenced in this AD, contact GROB-WERKE, Burkart Grob e.K., Unternehmensbereich Luft-und Raumfahrt, Lettenbachstrasse 9, 86874 Tussenhausen-Mattisies, Germany; telephone: 011 49 8268 998 105; facsimile: 011 49 8268 998 200. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA-2004-19473.

Issued in Kansas City, Missouri, on March 17, 2005.

**Sandra J. Campbell,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05-5707 Filed 3-22-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2005-20572; Airspace Docket No. 05-ACE-9]

**Proposed Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Valentine, NE**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to create a Class E2 surface area at Valentine, NE. It also proposes to modify the Class E5 airspace at Valentine, NE.

**DATES:** Comments for inclusion in the Rules Docket must be received on or before May 2, 2005.

**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-2005-20572/Airspace Docket No. 05-ACE-9, 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 disposition in person in 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 on the plaza level of the Department of Transportation NASSIF Building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2005-20572/Airspace Docket No. 05-ACE-9." The postcard will be date/time stamped and returned to the commenter.

**Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a

request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**The Proposal**

This notice proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace designated as a surface area for an airport at Valentine, NE. The FAA has modified some existing instrument approach procedures (IAPs) and developed area navigation (RNAV) global positioning system (GPS) IAPs to serve Miller Field, Valentine, NE. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing these IAPs. Weather observations would be provided by an Automatic Surface Observing System (ASOS) and communications would be direct with Denver Air Route Traffic Control Center.

This notice also proposes to revise the Class E airspace area extending upward from 700 feet above the surface at Valentine, NE. An examination of this Class E airspace area for Valentine, NE revealed noncompliance with FAA directives. This proposal would correct identified discrepancies by eliminating the northwest extension to the airspace area, decreasing the width of the southeast extension from 2.6 miles to 2.5 miles each side of the 149° bearing from the Valentine nondirectional radio beacon (NDB), decreasing the length of the southeast extension in from 7.9 miles from the airport to 7 miles from the NDB, defining airspace of appropriate dimensions to protect aircraft departing and executing instrument approach procedures to Miller Field and bringing the airspace area into compliance with FAA directives. Both areas would be depicted on appropriate aeronautical charts.

Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The

Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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 is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority since it would contain aircraft executing instrument approach procedures to Miller Field.

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

Airspace, Incorporation by reference, Navigation (Air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 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 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and Effective September 16, 2004, is amended as follows:

*Paragraph 6002 Class E Airspace  
Designated as Surface Areas*

\* \* \* \* \*

**ACE NE E2 Valentine, NE**

Valentine, Miller Field, NE

(Lat. 42°51'28" N., long. 100°32'51" W.)

Valentine NDB

(Lat. 42°51'42" N., long. 100°32'59" W.)

Within a 4-mile radius of Miller Field and within 2.5 miles each side of the 149° bearing from the Valentine NDB extending from the 4-mile radius of the airport to 7 miles southeast of the NDB.

\* \* \* \* \*

*Paragraph 6005 Class E Airspace Areas  
Extending Upward From 700 Feet or More  
Above the Surface of the Earth*

\* \* \* \* \*

**ACE NE E5 Valentine, NE**

Valentine, Miller Field, NE

(Lat. 42°51'42" N., long. 100°32'59" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Miller Field and within 2.5 miles each side of the 149° bearing from the Valentine NDB extending from the 6.5-mile radius of the airport to 7 miles southeast of the NDB.

\* \* \* \* \*

Issued in Kansas City, MO, on March 10, 2005.

**Anthony D. Roetzel,**

*Acting Area Director, Western Flight Services  
Operations.*

[FR Doc. 05-5763 Filed 3-22-05; 8:45 am]

**BILLING CODE 4910-13-M**

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 498

RIN 0960-AG08

#### Civil Monetary Penalties, Assessments and Recommended Exclusions

**AGENCY:** Office of the Inspector General (OIG), Social Security Administration.

**ACTION:** Proposed rules.

**SUMMARY:** In accordance with legislative changes, we propose to add new rules that would amend current procedures for the Social Security Administration's civil monetary penalty cases. These proposed rules would amend the current rules by holding representative payees liable for the wrongful conversion of Social Security benefits and by adding a provision for withholding disclosure of material statements to the Social Security Administration. These proposed rules would also amend the current rules by prohibiting offers that charge fees for products or services otherwise provided free of charge by the Social Security

Administration, unless sufficient notice is provided, and by adding to the list of enumerated terms that could be used as part of misleading advertisements.

These revisions reflect provisions of the Social Security Protection Act of 2004.

These proposed rules would also reflect the addition of title VIII, Special Benefits for Certain World War II Veterans, to the Social Security Act, to subject individuals to the possible imposition of a civil monetary penalty and assessment for a violation of this title. These revisions reflect provisions of the Foster Care Independence Act of 1999.

**DATES:** To be sure that your comments are considered, we must receive them no later than May 23, 2005.

**ADDRESSES:** You may give us your comments by: Using our Internet site facility, (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs> or the Federal eRulemaking portal at <http://www.regulations.gov>; telefax to (410) 966-2830; or letter to the Inspector General of the Social Security Administration c/o Commissioner of Social Security, P.O. Box 17703, Baltimore, Maryland 21235-7703. You may also deliver them to the Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401 between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs> or you may inspect them on regular business days by making arrangements with the contact person shown in this preamble.

#### Electronic Version

The electronic version 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:

Kathy A. Buller, Chief Counsel to the Inspector General, Social Security Administration, Office of the Inspector General, Room 4-M-1 Operations, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-2827 or TTY (410) 966-5609.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Social Security Administration (SSA) was established as an independent agency effective March 31, 1995, under Public Law 103-296, the Social Security Independence and

Program Improvements Act of 1994 (SSIIPIA). The SSIIPIA also created an independent Office of the Inspector General (OIG), to which the Commissioner of Social Security (Commissioner) delegated certain authority under the civil monetary penalty (CMP) provisions on June 28, 1995.

On November 27, 1995, the OIG published a final rule at 60 FR 58225 establishing a new part 498 in title 20 of the Code of Federal Regulations. This part serves as a repository for SSA's existing CMP regulations which implemented section 1140 of the Social Security Act (the Act). These regulations were previously located at 42 CFR part 1003.

In addition, the OIG published a final rule on April 24, 1996 at 61 FR 18078 to implement SSA's new CMP authority provided under section 206(b) of the SSIIPIA, which added section 1129 to the Act, effective October 1, 1994. This authority allows for the imposition of penalties and assessments against any individual, organization, agency or other entity that makes or causes to be made a false or misleading statement or representation of a material fact for use in determining initial or continuing rights to Old-Age, Survivors, and Disability Insurance or supplemental security income benefit payments if the person knew or should have known that such statement or representation was false, misleading or omitted a material fact.

#### Changes Required by Public Law 106-169

Section 251(a) of Public Law 106-169, the Foster Care Independence Act of 1999, enacted December 14, 1999, added title VIII, Special Benefits for Certain World War II veterans, to the Social Security Act. Section 251(b)(6) of Public Law 106-169 amended section 1129 to include reference to title VIII.

#### Changes Required by Public Law 108-203

Sections 111, 201, 204, and 207 of Public Law 108-203, the Social Security Protection Act of 2004, enacted March 2, 2004, amended sections 1129 and 1140 of the Social Security Act (42 U.S.C. 1320a-8 and 1320b-10).

#### Section 1129 Amendments

The two amendments to section 1129 broaden the scope of the civil monetary penalty program by adding new categories for penalties (1) against representative payees with respect to wrongful conversions, and (2) against individuals who withhold the