

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 7400.9N, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

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

* * * * *

ACE KS E5 Scott City, KS

Scott City Municipal Airport, KS
(Lat. 38°28'27" N, long. 100°53'06" W)
Scott City NDB
(Lat. 38°28'49" N, long. 100°53'18" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Scott City Municipal Airport and within 2.5 miles each side of the 169° bearing from the Scott City NDB extending from the 6.9-mile radius to 7 miles south of the airport.

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Issued in Kansas City, MO, on February 9, 2006.

Donna R. McCord,

Acting Area Director, Western Flight Services Operations.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–23081; Airspace Docket No. 05–AAL–31]

RIN 2120–AA66

Amendments to Colored Federal Airways; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Colored Federal Airway B–12, modifies three Colored Federal Airways B–4, R–50 and G–7, and establishes Colored Federal Airway R–4 in Alaska. These amendments remove all airways and routes off the Bishop, AK,

Nondirectional Radio Beacon (NDB) in preparation for the NDB's eventual decommissioning from the National Airspace System (NAS).

DATES: *Effective Date:* 0901 UTC, June 8, 2006.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

In October 2005, it was determined that continued operation of the Bishop, AK, NDB was in jeopardy at its current location because of riverbank erosion along the Yukon River to within 150 feet of the NDB site. This action is needed to reconfigure the airways to exclude the Bishop, AK, NDB. On December 8, 2005, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend several Colored Federal Airways in Alaska (70 FR 72949). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received. The commenter suggested that the Bishop NDB should not be decommissioned until Global Positioning System (GPS) becomes a viable Instrument Flight Rules (IFR) navigation system. He pointed out that on some airway segments, made up from the Bishop NDB, Minimum Enroute Altitude (MEA) are lower than those on the associated Very High Frequency Omnidirectional Range airways. He also pointed out that he believes that the NDB will not be affected by Yukon River erosion for several years. The FAA has authorized IFR GPS navigation in Alaska at or above Minimum Instrument Altitudes (MIA) between published waypoints. MIA altitudes are available that are as low as NDB MEAs. Pilots may request GPS routings in the area affected by the loss of the Bishop NDB. The erosion of the Yukon River bank is impossible to accurately predict. For safety purposes, the Bishop NDB has been out of service for several months already. With the exception of editorial changes, this amendment is the same as that proposed in the notice.

Colored Federal Airways are published in paragraph 6009 of FAA Order 7400.9N dated September 1, 2005 and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Colored Federal Airways

listed in this document will be published substantial in the order.

The Rule

The FAA is amending to Title 14 Code of Federal Regulations (14 CFR) part 71 by revoking Colored Federal Airway B–12, modifying three Colored Federal Airways B–4, R–50 and G–7, and establishing Colored Federal Airway R–4 in Alaska. The FAA is taking this action to remove all airways and routes off the Bishop NDB, AK, in preparation for the NDB's eventual decommissioning from the NAS.

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 Department of Transportation 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 proposed 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.

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 amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

Paragraph 6009(d) Blue Federal Airways
* * * * *
B–12 [Revoked]
* * * * *

B-4 [Revised]

From Utopia Creek, AK, NDB; Evansville, AK, NDB; to Yukon River, AK, NDB.

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Paragraph 6009(b) Red Federal Airways

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R-4 [New]

From Chena, AK, NDB; to Bear Creek, AK, NDB

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R-50 [Revised]

From Nanwak, AK, NDB; via Oscarville, AK, NDB; Anvik, AK, NDB.

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Paragraph 6009(a) Green Federal Airways

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G-7 [Revised]

From Gambell, AK, NDB; Fort Davis, AK, NDB; Norton Bay, AK, NDB

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Issued in Washington, DC on February 22, 2006.

Edith V. Parish,

Manager, Airspace and Rules.

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use when we make findings about medical equivalence for adults and children. We are also updating and clarifying our rules that explain the Listing of Impairments (the listings) and how your impairment(s) can meet a listing.

DATES: These rules will be effective on March 31, 2006.

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>.

FOR FURTHER INFORMATION CONTACT:

Suzanne DiMarino, Social Insurance Specialist, Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, (410) 965-1769 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: We are revising our regulations that explain how we make findings about whether your impairment(s) medically equals a listing. Since February 11, 1997, § 416.926, our regulation for making findings about medical equivalence under title XVI, included different language from § 404.1526, our regulation about medical equivalence under title II. We are now updating § 404.1526 so that it is the same as § 416.926.

As we discuss in more detail below, we are also clarifying language in our regulations that was at issue in the decision in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999), about the evidence we consider when we make findings about medical equivalence. Because these final rules clarify our regulatory policy that was at issue in *Hickman*, we are also rescinding Acquiescence Ruling (AR) 00-2(7), which we issued in response to the court's decision under the authority of §§ 404.985(e)(4) and

416.1485(e)(4) of our regulations concurrently with the effective date of these final rules.

In addition, we are updating and clarifying our rules in §§ 404.1525 and 416.925. As we explain below, the changes are not substantive.

We are also making minor editorial changes throughout §§ 404.1525, 404.1526, 416.925, and 416.926, as well as conforming changes in other regulations to reflect the changes we are making in these sections.

What Programs Do These Regulations Affect?

These regulations affect disability determinations and decisions that we make under title II and title XVI of the Act. In addition, to the extent that Medicare entitlement and Medicaid eligibility are based on whether you qualify for disability benefits under title II or title XVI, these final regulations also affect the Medicare and Medicaid programs.

Who Can Get Disability Benefits?

Under title II of the Act, we provide for the payment of disability benefits if you are disabled and belong to one of the following three groups:

- Workers insured under the Act,
- Children of insured workers, and
- Widows, widowers, and surviving divorced spouses (see § 404.336) of insured workers.

Under title XVI of the Act, we provide for Supplemental Security Income (SSI) payments on the basis of disability if you are disabled and have limited income and resources.

How Do We Define Disability?

Under both the title II and title XVI programs, disability must be the result of any medically determinable physical or mental impairment or combination of impairments that is expected to result in death or which has lasted or is expected to last for a continuous period of at least 12 months. Our definitions of disability are shown in the following table:

| If you file a claim under * * * | And you are * * * | Disability means you have a medically determinable impairment(s) as described above that results in * * * |
|---------------------------------|--------------------------------|---|
| Title II | An adult or child | The inability to do any substantial gainful activity (SGA). |
| Title XVI | A person age 18 or older | The inability to do any SGA. |
| Title XVI | A person under age 18 | Marked and severe functional limitations. |

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960-AF19

Evidentiary Requirements for Making Findings About Medical Equivalence

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: We are revising our regulations that pertain to the processing of claims for disability benefits under title II and title XVI of the Social Security Act (the Act). These revisions make the language in the rules we use under title II of the Act for making findings about medical equivalence consistent with the language in the rules that we use under title XVI of the Act. These revisions also clarify our rules about the evidence we