

additional administrative flexibility. As such, the final rule is not subject to the 30-day delayed effective date requirement.

### Regulatory Procedures

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small credit unions (those under \$10 million in assets). 5 U.S.C. 603(a). Only a few credit unions convert in a given year. Accordingly, the NCUA Board certifies that the final rule will not have a significant economic impact on a substantial number of small credit unions, and, therefore, a regulatory flexibility analysis is not required.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden. 44 U.S.C. 3507(d). For purposes of the PRA, a paperwork burden may take the form of a reporting, recordkeeping, or disclosure requirement, each referred to as an information collection. The revised definition does not impose any new paperwork burden.

#### *Executive Order 13132*

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. The final rule will not have substantial direct effects on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

#### *The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families*

NCUA has determined that the final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105-277, 112 Stat. 2681 (1998).

### *Small Business Regulatory Enforcement Fairness Act*

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104-121, provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by section 551 of the Administrative Procedure Act, 5 U.S.C. 551. The Office of Information and Regulatory Affairs of the Office of Management and Budget has determined that this final rule is not a major rule for purposes of SBREFA.

### List of Subjects

#### *12 CFR Part 708a*

Charter conversions, Credit unions.

#### *12 CFR Part 708b*

Credit unions, Mergers of credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on March 7, 2011.

**Mary F. Rupp,**

*Secretary of the Board.*

For the reasons stated in the preamble, the National Credit Union Administration confirms as final the interim rule, which amended 12 CFR parts 708a and 708b, and was published December 23, 2010, at 75 FR 80678, with the following changes:

### **PART 708a—BANK CONVERSIONS AND MERGERS**

- 1. The authority citation for part 708a continues to read as follows:

**Authority:** 12 U.S.C. 1766, 1785(b), and 1785(c).

- 2. In § 708a.101, revise the definition of *regional director* to read as follows:

#### **§ 708a.101 Definitions.**

\* \* \* \* \*

*Regional director* means either the director of the NCUA regional office for the region where a natural person credit union's main office is located or the director of the NCUA's Office of Consumer Protection. For corporate credit unions, *regional director* means the director of NCUA's Office of Corporate Credit Unions.

\* \* \* \* \*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2010-1030; Airspace Docket No. 10-AGL-18]

### Amendment of Class E Airspace; La Porte, IN

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

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects errors in the geographic coordinates of a final rule published in the **Federal Register** February 1, 2011, that amends Class E airspace in the La Porte, IN area.

**DATES:** Effective date 0901 UTC May 5, 2011.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On February 1, 2011, the FAA published in the **Federal Register** a final rule amending Class E airspace in the La Porte, IN area (76 FR 5471), Docket No. FAA-2010-1030. Subsequent to publication, errors were discovered in the geographic coordinates for the La Porte Hospital Heliport point in space and the La Porte NDB. This action corrects these coordinates.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1.

##### Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, on page 5472, column one, in the airspace description, under La Porte NDB, remove “lat. 41°29’56” N., long. 86°46’17” W.”, and insert “lat. 41°29’56” N., long. 86°46’16” W.”.

On page 5472, column one, in the regulatory text, remove “\* \* \* and within a 6-mile radius of the La Porte Hospital point in space at lat. 41°29’56” N., long. 86°46’17” W.” and insert “and within a 6-mile radius of the La Porte Hospital point in space at lat. 41°36’11” N., long. 86°44’10” W.”

Issued in Fort Worth, Texas, on March 4, 2011.

**Walter L. Tweedy,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2011-5744 Filed 3-11-11; 8:45 am]

**BILLING CODE 4910-13-P**

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Parts 404 and 416

[Docket No. SSA-2011-0008]

RIN 0960-AH29

#### Protecting the Public and Our Employees in Our Hearing Process

**AGENCY:** Social Security Administration.

**ACTION:** Interim final rules with request for comments.

**SUMMARY:** We are clarifying our regulatory procedures to ensure the safety of the public and our employees in our hearing process. Due to increasing reports of threats to our hearing office employees, we are taking steps to explicitly increase the level of protection we provide to our staff and to the public during the hearing process. We expect these changes to result in a safer work environment for our employees, while at the same time ensuring that our claimants continue to receive a full and fair hearing on their claims for benefits.

**DATES:** *Effective Date:* This final rule is effective March 14, 2011.

*Comment date:* To ensure that your comments are considered, we must receive them no later than May 13, 2011.

**ADDRESSES:** You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA-2011-0008 so that we may associate your comments with the correct regulation.

**Caution:** You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as SSN or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the *Search* function to find docket number SSA-2011-0008. The system will issue a tracking number to confirm your

submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966-2830.

3. *Mail:* Mail your comments to the Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401.

Comments are available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Glen Colvin, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041-3260, 703-605-8444, for information about this final rule. 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 site, Social Security Online, at <http://www.socialsecurity.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Background

We touch the lives of virtually every American, often during times of personal hardship, transition, and uncertainty. In FY2010, we had 45 million visits to our field offices, 738,000 hearings before an administrative law judge (ALJ), and over 67 million calls to our 800 number. Most interactions occur without incident, and 90% of visitors responding to our annual surveys rated the service as excellent, very good or good. However, some people who visit or call our offices make inappropriate statements to and against our employees. Unfortunately, some people go beyond verbal threats and physically assault our employees and guards. As our workloads have risen in recent years, the number of reported threats to our employees has increased significantly. In FY2010, we received 2,777 reports of threats to our employees across all offices, an increase of 43% from FY2009. We take these incidents very seriously, and we promptly investigate them and refer them to law enforcement for further action, when appropriate. We have increased security measures in our field and hearing offices and are using the resources provided by Congress to handle benefit claims more quickly and accurately. We expect these actions will minimize the anxiety that claimants may experience when they seek

disability benefits from us. In deciding what further actions we should take, we must balance the risks to the public and our employees against our service delivery obligations.

We are addressing concerns about security agency-wide, and many of the actions we are taking do not require regulatory changes. However, some of the actions we need to take require us to change the regulations that govern our hearing process.

#### Explanation of Changes

Agencies have the inherent authority to enforce reasonable restrictions on access to Federally owned property. In addition, courts have held that an individual's right of access to Federal property can reasonably be limited in the interest of public safety.<sup>1</sup> In developing these final rules, we are balancing the individual's right to obtain services against the threat that the individual poses to the safety of our employees and our visitors.

In these final rules, we describe the process we will follow when one of our hearing office employees requests that we provide additional security at a hearing because the claimant or another individual poses a threat to the safety of our employees or other participants in the hearing. When one of our employees makes such a request, the Hearing Office Chief Administrative Law Judge (HOCALJ) will determine whether the individual poses a reasonable threat to the safety of our employees or other participants in the hearing. The HOCALJ will make this finding when he or she determines that the individual has made a threat and there is a reasonable likelihood that the claimant or other individual could act on the threat. The threats that we will consider under these procedures would include, but are not limited to, a declaration of intent to injure another person, or deface or destroy property by some unlawful act. For example, we would use the procedures in these rules when a claimant or other individual makes a threat of physical harm or death against the ALJ, the ALJ's family, Social Security employees, the claimant's

<sup>1</sup> See *Downing v. Kunzig*, 454 F.2d 1230, 1232 (6th Cir. 1972) (noting that, "federal buildings housing federal courts and other governmental agencies are designed to be used strictly for governmental purposes. Although members of the public ordinarily have free access to such buildings, \* \* \* responsible agencies are free to adopt and enforce reasonable rules restricting such public use. \* \* \*"); cf. *United States v. Cassiagnol*, 420 F.2d 868, 875 (4th Cir. 1970) ("Even where government property is generally open to the public, reasonable nondiscriminatory regulation is appropriate to prevent interference with the designated and intended governmental use thereof.")