

entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. 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 airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class D and Class E airspace at Reading Regional/Carl A. Spaatz Field, Reading, PA.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

Lists 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, 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 Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 5000 Class D Airspace

AEA PA D Reading, PA [Amended]

Reading Regional/Carl A. Spaatz Field,
Reading, PA
(Lat. 40°22'42" N., long. 75°57'55" W.)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.8-mile radius of Reading Regional/Carl A. Spaatz Field. This Class D airspace

area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002 Class E Airspace Designated as Surface Areas

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AEA PA E2 Reading, PA [Amended]

Reading Regional/Carl A. Spaatz Field,
Reading, PA
(Lat. 40°22'42" N., long. 75°57'55" W.)

That airspace extending from the surface within a 4.8-mile radius of Reading Regional/Carl A. Spaatz Field, and within 4 miles either side of the 172° bearing from the airport, extending from the 4.8-mile radius, to 10.1-miles south of the airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

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AEA PA E4 Reading, PA [Amended]

Reading Regional/Carl A. Spaatz Field,
Reading, PA
(Lat. 40°22'42" N., long. 75°57'55" W.)

That airspace extending from the surface within 4-miles either side of the 172° bearing from Reading Regional/Carl A. Spaatz Field extending from the 4.8-mile radius to 10.1 miles south of the airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

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AEA PA E5 Reading, PA [Amended]

Reading Regional/Carl A. Spaatz Field,
Reading, PA
(Lat. 40°22'42" N., long. 75°57'55" W.)

That airspace extending upward from 700 feet above the surface within a 10.3-mile radius of Reading Regional/Carl A. Spaatz Field.

Issued in College Park, Georgia, on January 18, 2013.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2013–01719 Filed 1–25–13; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA–2012–0066]

RIN 0960–AH52

Change in Terminology: “Mental Retardation” to “Intellectual Disability”

AGENCY: Social Security Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to replace the term “mental retardation” with “intellectual disability” in our Listing of Impairments (listings) that we use to evaluate claims involving mental disorders in adults and children under titles II and XVI of the Social Security Act (Act) and in other appropriate sections of our rules. This change would reflect the widespread adoption of the term “intellectual disability” by Congress, government agencies, and various public and private organizations.

DATES: To ensure that your comments are considered, we must receive them no later than February 27, 2013.

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–2012–0066, 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 Social Security numbers 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–2012–0066. 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: Address your comments to the Office of Regulations and Reports Clearance, 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: Cheryl Williams, Office of Medical Listings Improvement, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–1020. 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

The term “intellectual disability” is gradually replacing the term “mental retardation” nationwide. Advocates for individuals with intellectual disability have rightfully asserted that the term “mental retardation” has negative connotations, has become offensive to many people, and often results in misunderstandings about the nature of the disorder and those who have it.

In October 2010, partly in response to these concerns, Congress passed Rosa’s Law, which changed references to “mental retardation” in specified Federal laws to “intellectual disability,” and references to “a mentally retarded individual” to “an individual with an intellectual disability.”¹ Rosa’s Law also required the Federal agencies that administer affected laws to make conforming amendments to their regulations.

Rosa’s Law did not specifically include titles II and XVI of the Act within its scope, and therefore, did not require us to make any changes to our existing regulations. However, consistent with the concerns expressed by Congress when it enacted Rosa’s Law, and in response to numerous inquiries from advocate organizations, we propose to revise our rules to use the term “intellectual disability” in the name of our current listings and in our other regulations. In so doing, we would join other agencies that have responded to the spirit of the law, even though Rosa’s Law did not require them to change their terminology.²

However, unlike other agencies that adopted the use of the term “intellectual disability,” we are bound by a legal definition of the word “disability.” The Act and our regulations define

“disability” in specific terms and outline the requirements that an individual must meet in order to establish entitlement or eligibility to receive disability benefits.³ As a result, a person who has a medically determinable intellectual impairment, including intellectual disability, is not “under a disability” within the meaning of the Act until we have determined that the impairment satisfies all of the statutory and regulatory requirements for establishing disability; that is, until we find that the impairment results in an inability to do any substantial gainful activity, or, in a child under title XVI, results in marked and severe functional limitations. Consequently, the use of the term “intellectual disability” would not mean that we will necessarily find an individual disabled within the meaning of the Act.

Under this proposed change, an individual would be able to file a claim based on having “intellectual disability” under our rules. We may find the individual to have a medically determinable intellectual impairment that is severe at the second step of our sequential evaluation process, but that does not meet or equal the requirements of our current listings. At the fourth and fifth steps of our sequential evaluation process, we may find that an individual with a medically determinable intellectual impairment has the residual functional capacity to perform his or her past relevant work, or has the capacity to perform a significant number of jobs in the national economy, and is therefore not “under a disability” as defined in the Act.

What changes are we proposing?

We propose to replace the term “mental retardation” with “intellectual disability” wherever it appears in the listings and in our other rules. The proposed changes would affect listings 12.05 and 112.05; the introductions to 10.00, the Part A adult listings, and 110.00, the Part B child listings for impairments that affect multiple body systems; the introductions to 12.00, the Part A adult listings, and 112.00, the Part B child listings for mental disorders; and sections 404.1513(a)(2) and 416.913(a)(2). We also propose to replace the words “mentally retarded children” with “children with intellectual disability” in the examples in sections 404.2045(a) and 416.645(a).

As part of our ongoing commitment to update and improve our listings, we published a Notice of Proposed Rulemaking (NPRM) on August 19,

2010, in which we proposed to revise the criteria in the listings that we use to evaluate claims involving mental disorders in adults and children under titles II and XVI of the Act.⁴ We are currently considering the comments received in response to the NPRM in our revision of the mental disorders listings. The proposed language change in this rule is not in response to that NPRM. Additionally, this nomenclature change would not make any other changes to our current listings or other rules and therefore would not affect how we evaluate a claim based on “intellectual disability.”

Regulatory Procedures

Executive Order 12866, as Supplemented by Executive Order 13563

We have consulted with the Office of Management and Budget (OMB) and determined that this proposed rule meets the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB reviewed it.

Regulatory Flexibility Act

We certify that this proposed rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Paperwork Reduction Act

While this proposed rule will not impose new public reporting burdens, it will require changes to existing OMB-approved information collections that contain the language referenced in this rule. We will make changes to the affected information collections via separate non-substantive change requests.

(Catalog of Federal Domestic Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and No. 96.006—Supplemental Security Income.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

⁴ 75 FR 51336. We also published a notice with a limited reopening of the NPRM comment period on November 24, 2010, at 75 FR 71632.

¹ Public Law 111–256.

² See 77 FR 29002, 77 FR 6022–01.

³ Sections 216(i)(1) and 1614(a)(3)(B)–(C) of the Act.

20 CFR Part 416

Administrative practice and procedure, Medicaid, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: January 18, 2013.

Michael J. Astrue,

Commissioner of Social Security.

For the reasons set out in the preamble, we propose to amend 20 CFR chapter III as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart P—Determining Disability and Blindness

- 1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a)–(b) and (d)–(h), 216(i), 221(a), (i), and (j), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a)–(b) and (d)–(h), 416(i), 421(a), (i), and (j), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189, sec 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

§ 404.1513 [Amended]

- 2. Amend § 404.1513(a)(2) by removing the words “mental retardation” and adding in their place “intellectual disability”.

Appendix 1 to Subpart P of Part 404 [Amended]

- 3. Amend Appendix 1 to subpart P of part 404 by:
 - a. Removing the words “mental retardation” and adding in their place “intellectual disability” wherever they occur;
 - b. Removing the words “Mental retardation” and adding in their place “Intellectual disability” wherever they occur; and
 - c. Removing the words “Mental Retardation” and adding in their place “Intellectual Disability” wherever they occur.

Subpart U—Representative Payment

- 4. The authority citation for subpart U of part 404 continues to read as follows:

Authority: Secs. 205(a), (j), and (k), and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), (j), and (k), and 902(a)(5)).

§ 404.2045 [Amended]

- 5. Amend the example in § 404.2045(a) by removing the words “mentally retarded children” and adding in their place “children with intellectual disability”.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart F—Representative Payment

- 6. The authority citation for subpart F of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1613(a)(2) and (d)(1) of the Social Security Act (42 U.S.C. 902(a)(5) and 1383(a)(2) and (d)(1)).

§ 416.645 [Amended]

- 7. Amend the example in § 416.645(a) by removing the words “mentally retarded children” and adding in their place “children with intellectual disability”.

Subpart I—Determining Disability and Blindness

- 8. The authority citation for subpart I of part 416 continues to read as follows:

Authority: Secs. 221(m), 702(a)(5), 1611, 1614, 1619, 1631(a), (c), (d)(1), and (p), and 1633 of the Social Security Act (42 U.S.C. 421(m), 902(a)(5), 1382, 1382c, 1382h, 1383(a), (c), (d)(1), and (p), and 1383b); secs. 4(c) and 5, 6(c)–(e), 14(a), and 15, Pub. L. 98–460, 98 Stat. 1794, 1801, 1802, and 1808 (42 U.S.C. 421 note, 423 note, and 1382h note).

§ 416.913 [Amended]

- 9. Amend § 416.913(a)(2) by removing the words “mental retardation” and adding in their place “intellectual disability”.

[FR Doc. 2013–01522 Filed 1–25–13; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF JUSTICE

28 CFR Part 25

[Docket No. FBI 152: AG Order No. 3362–2013]

RIN 1110–AA27

National Instant Criminal Background Check System

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Justice (the Department) proposes three amendments to part 25 of title 28 of the Code of Federal Regulations. These proposed changes are intended to promote public safety, to enhance the efficiency of the National Instant Criminal Background Check System (NICS) operations, and to resolve difficulties created by unforeseen processing conflicts within the system. The proposed amendments are for the following purposes: to add tribal criminal justice agencies to those

entities authorized to receive information in connection with the issuance of a firearm-related permit or license; to authorize access for criminal justice agencies to the FBI-maintained NICS Index to permit background checks for the purpose of disposing of firearms in the possession of those agencies; and to permit NICS to retain in a separate database its Audit Log records relating to denied transactions beyond 10 years, rather than transferring them to a Federal Records Center for storage.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before March 29, 2013. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by Docket No. FBI 152, by either of the following methods:

- **Federal Regulations Web site:** You may review this regulation on <http://www.regulations.gov> and use the comment form for this regulation to submit your comments. You must include Docket No. FBI 152 in the subject box of your message.
- **Mail:** You may use the U.S. Postal Service or other commercial delivery services to submit written comments to Section Chief Paul Wysopal, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, NICS Section, Module A3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306 or by facsimile to (304) 625–0550. To ensure proper handling, please reference Docket No. FBI 152 on your correspondence. You may view an electronic version of this proposed rule at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Patricia Traxler, NICS Strategy and Systems Unit, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, NICS Section, Module A3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone number (304) 625–7372.

SUPPLEMENTARY INFORMATION:

- I. Posting of Public Comments
- II. Background
- III. Regulatory Proposals
 - Proposal #1: Accessing Records in the System (28 CFR 25.6(j)(1))
 - Proposal #2: Accessing Records in the System (28 CFR 25.6(j)(3))
 - Proposal #3: Storage Location of NICS Audit Log records relating to denied transactions (28 CFR 25.9(b)(1)(i))
- IV. Regulatory Certifications