

Issued in Washington, DC, on June 12, 1996.

Harold W. Becker,

*Acting Program Director for Air Traffic,  
Airspace Management.*

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#### 14 CFR Part 73

[Airspace Docket No. 96-ASO-4]

#### Subdivision of Restricted Areas R-2104A and R-2104C, Huntsville, AL

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

**ACTION:** Final rule.

**SUMMARY:** This action subdivides Restricted Areas 2104A (R-2104A) and R-2104C, Huntsville, AL, into two areas to permit more efficient use of the airspace. Specifically, the altitudes of subareas R-2104A and R-2104C, are redesignated from the current "surface to FL 300" to "surface to 12,000 feet mean sea level (MSL)." Additionally, the remaining restricted airspace, from 12,000 feet MSL to FL 300, is redefined as subareas R-2104D and R-2104E. No new restricted airspace is established by this amendment and the existing subarea R-2104B is not affected by this action.

**EFFECTIVE DATE:** 0901 UTC, August 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

##### The Rule

This amendment to 14 CFR part 73 subdivides R-2104A and R-2104C, Huntsville, AL, to enable more efficient utilization of airspace. Currently, R-2104A and R-2104C extend from the surface to Flight Level 300 (FL 300). The using agency frequently conducts activities within R-2104A and R-2104C which require restricted airspace only up to 12,000 feet MSL. However, due to the current configuration of the areas, airspace is actually restricted up to FL 300 whenever R-2104A and/or R-2104C are activated. This unnecessarily limits public access to a portion of the airspace. This amendment subdivides R-2104A and R-2104C by redesignating their altitudes to extend from the surface to 12,000 feet MSL, and by redefining the remaining restricted airspace, between 12,000 feet MSL and

FL 300, as new subareas R-2104D and R-2104E. The time of designation for subareas R-2104D and R-2104E is "By Notice to Airmen (NOTAM) 6 hours in advance. This amendment enables the using agency to accomplish its mission while improving the capability to activate only the minimum amount of restricted airspace necessary for that mission. No additional restricted airspace is designated by this action. Further, the existing R-2104B is not affected by this amendment. This action involves the further subdivision of existing restricted areas and enhances efficient airspace utilization. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary since this action is a minor amendment in which the public would not be particularly interested. The coordinates for this airspace docket are based on North American Datum 83. Section 73.21 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8C dated June 19, 1995.

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. 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### Environmental Review

This action further subdivides existing restricted airspace to permit more efficient airspace utilization. There are no changes to air traffic control procedures or routes as a result of this action. Therefore, this action is not subject to environmental assessments and procedures under FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts," and the National Environmental Policy Act.

##### List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

##### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 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; 14 CFR 11.69.

##### § 73.21 [Amended]

2. Section 73.21 is amended as follows:

R-2104A Huntsville, AL [Amended]

By removing the current "Designated altitudes. Surface to FL 300" and substituting the following:

"Designated altitudes. Surface to 12,000 feet MSL."

R-2104C Huntsville, AL [Amended]

By removing the current "Designated altitudes. Surface to FL 300" and substituting the following:

"Designated altitudes. Surface to 12,000 feet MSL."

R-2104D Huntsville, AL [New]

Boundaries. Beginning at lat. 34°38'40" N., long. 86°43'00" W.; to lat. 34°38'40" N., long. 86°41'00" W.; to lat. 34°38'00" N., long. 86°40'53" W.; to lat. 34°37'35" N., long. 86°37'40" W.; to lat. 34°37'00" N., long. 86°37'00" W.; to lat. 34°36'27" N., long. 86°36'38" W.; to lat. 34°34'50" N., long. 86°36'38" W.; thence west along the Tennessee River to lat. 34°35'02" N., long. 86°43'25" W.; to lat. 34°37'19" N., long. 86°43'20" W.; to lat. 34°37'19" N., long. 86°43'05" W.; thence to the point of beginning.

Designated altitudes. 12,000 feet MSL to FL 300.

Time of designation. By NOTAM 6 hours in advance.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Commanding General, U.S. Army Missile Command, Redstone Arsenal, AL.

R-2104E Huntsville, AL [New]

Boundaries. Beginning at lat. 34°41'25" N., long. 86°42'57" W.; to lat. 34°42'00" N., long. 86°41'35" W.; to lat. 34°38'40" N., long. 86°41'00" W.; to lat. 34°38'40" N., long. 86°43'00" W.; thence to the point of beginning.

Designated altitudes. 12,000 feet MSL to FL 300.

Time of designation. By NOTAM 6 hours in advance.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Commanding General, U.S. Army Missile Command, Redstone Arsenal, AL.

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 Harold W. Becker,  
*Acting Program Director for Air Traffic  
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#### 14 CFR Part 73

[Airspace Docket No. 96-ASO-8]

#### Change in Using Agency for Restricted Area R-2905A and R-2905B, Tyndall AFB, FL

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

**ACTION:** Final rule.

**SUMMARY:** This action changes the using agency for Restricted Area 2905A (R-2905A) and R-2905B, Tyndall Air Force Base (AFB), FL, from "Air Defense Weapons Center, Tyndall AFB, FL" to "325 Fighter Wing (FW), Tyndall AFB, FL."

**EFFECTIVE DATE:** 0901 UTC, August 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

##### The Rule

This amendment to 14 CFR part 73 changes the using agency for R-2905A and R-2905B, Tyndall AFB, FL, from "Air Defense Weapons Center, Tyndall AFB, FL" to "325 FW, Tyndall AFB, FL." This is an administrative change to reflect a reorganization of responsibilities within the United States Air Force. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within the affected restricted areas. Because this action is a minor technical amendment in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Section 73.29 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8C dated June 29, 1995.

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. 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

This action changes the using agency of the affected restricted areas. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within these restricted areas. Further, this action will not require any changes to existing air traffic procedures. Accordingly, this action is not subject to environmental assessments and procedures as set forth in FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts."

#### List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 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; 14 CFR 11.69.

##### § 73.29 [Amended]

2. R-2905A Tyndall AFB, FL [Amended]

By removing "Using agency. Air Defense Weapons Center, Tyndall AFB, FL" and substituting the following:  
 "Using agency. 325 FW, Tyndall AFB, FL."

3. R-2905B Tyndall AFB, FL [Amended]

By removing "Using agency. Air Defense Weapons Center, Tyndall AFB, FL" and substituting the following:  
 "Using agency. 325 FW, Tyndall AFB, FL."

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 Harold W. Becker,  
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#### SOCIAL SECURITY ADMINISTRATION

#### 20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

RIN 0960-AD39

#### Payment for Vocational Rehabilitation Services Furnished Individuals During Certain Months of Nonpayment of Supplemental Security Income Benefits

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

**ACTION:** Final rules.

**SUMMARY:** We are amending our regulations relating to payment for vocational rehabilitation (VR) services provided to recipients of supplemental security income (SSI) benefit payments based on disability or blindness under title XVI of the Social Security Act (the Act). These regulations reflect section 5037 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990). Section 5037 of OBRA 1990 added section 1615(e) to the Act which authorizes the Commissioner of Social Security (the Commissioner) to pay a State VR agency for costs incurred in furnishing VR services to an individual during certain months for which the individual did not receive SSI payments based on disability or blindness as well as during months for which the individual did receive such payments. We also are amending our regulations on VR payments to clarify certain rules and remove some outdated rules.

**EFFECTIVE DATE:** These regulations are effective June 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Regarding this Federal Register document—Richard M. Bresnick, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1758; regarding eligibility or filing for benefits—our national toll-free number, 1-800-772-1213.

**SUPPLEMENTARY INFORMATION:** We are amending our regulations on payment for VR services provided to individuals receiving SSI benefits based on disability or blindness. These amended regulations reflect section 5037 of OBRA 1990, Public Law (Pub. L.) 101-508, which added paragraph (e) to section 1615 of the Act. Our existing regulations concerning payment for such services carry out the provisions of section 1615(d) of the Act.

In general, section 1615(d) of the Act authorizes the Commissioner to reimburse a State VR agency for the costs incurred in providing VR services