

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2011-1435; Airspace  
Docket No. 11-ACE-28]

**Amendment of Class E Airspace;  
Perry, IA**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Perry, IA. Decommissioning of the Perry non-directional beacon (NDB) at Perry Municipal Airport has made reconfiguration necessary for standard instrument approach procedures and for the safety and management of Instrument Flight Rule (IFR) operations at the airport.

**DATES:** Effective date: 0901 UTC, January 10, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**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 August 22, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace for the Perry, IA, area, creating additional controlled airspace at Perry Municipal Airport (77 FR 50647) Docket No. FAA-2011-1435. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace extending upward from 700 feet above the surface to accommodate new standard

instrument approach procedures at Perry Municipal Airport, Perry, IA. Airspace reconfiguration is necessary due to the decommissioning of the Perry NDB and the cancellation of the NDB approach. Controlled airspace is necessary for the safety and management of IFR operations at the airport.

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 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.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, 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 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 regulation is within the scope of that authority as it amends controlled airspace at Perry Municipal Airport, Perry, IA.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

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

Airspace, Incorporation by reference, Navigation (Air)

**Adoption of the 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 14 CFR 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 Part 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, is amended as follows:

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

\* \* \* \* \*

**ACE IA E5 Perry, IA [Amended]**

Perry Municipal Airport, IA  
(Lat. 41°49'41" N., long. 94°09'35" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Perry Municipal Airport.

Issued in Fort Worth, Texas, on October 22, 2012.

**David P. Medina,**

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

[FR Doc. 2012-26837 Filed 10-31-12; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 9****RIN 2900-AO24****Veterans' Group Life Insurance (VGLI)  
No-Health Period Extension**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is issuing this final rule that amends the regulations governing eligibility for Veterans' Group Life Insurance (VGLI) to extend to 240 days the current 120-day "no-health" period during which veterans can apply for VGLI without proving that they are in good health for insurance purposes. The purpose of this rule is to increase the opportunities for disabled veterans to enroll in VGLI, some of whom would

not qualify for VGLI coverage under existing provisions. This document adopts as a final rule, without change, the proposed rule published in the **Federal Register** on June 25, 2012.

**DATES:** *Effective Date:* This rule is effective November 1, 2012.

*Applicability Date:* VA will apply this rule to veterans released from service on or after November 1, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Monica Keitt, Attorney/Advisor, Department of Veterans Affairs Regional Office and Insurance Center (310/290B), 5000 Wissahickon Avenue, P.O. Box 8079, Philadelphia, PA 19101, (215) 842-2000, ext. 2905. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On June 25, 2012, VA published in the **Federal Register** (77 FR 37839) a proposed rule that would amend 38 CFR 9.2(c) to extend the period during which no evidence of insurability is needed, known as the Veterans' Group Life Insurance (VGLI) "no-health" period, from 120 days to 240 days. This amendment is designed to increase the number of veterans who will qualify for VGLI, particularly disabled veterans who may not qualify for private life insurance due to their disabilities.

In addition, VA proposed to remove from § 9.2(c) the words "Servicemembers' Group Life Insurance (SGLI) or," which refer to Retired Reservist SGLI, which was discontinued by Public Law 104-275 as an independent program on October 9, 1996, when the program was merged into the VGLI program. As a result, reference to SGLI in § 9.2(c) is no longer applicable. VA also proposed to amend § 9.2 by revising the authority citation following § 9.2(b)(4) to read "(Authority: 38 U.S.C. 1977)" instead of "(Authority: 38 U.S.C. 1977(e))" to reflect the proper legal authority for § 9.2.

VA provided a 30-day comment period for the proposed rule that ended on July 25, 2012. We received two comments. One commenter stated that he supports the proposed rule because it would "greatly benefit" veterans, especially those with service-connected disabilities. Another commenter stated she agreed that the proposed VGLI "no-health" period extension was a good idea, noting her own experience with the "no-health" period. VA appreciates the fact that both commenters support the proposed rule.

Based on the rationale set forth in the proposed rule, we adopt the proposed rule without change as the final rule.

**Administrative Procedure Act**

The Secretary has determined that there is good cause to dispense with the 30-day delayed effective date and publish this rule with an effective date as the date of publication. This rule will increase the opportunity for veterans to obtain valuable insurance coverage that is needed to help ensure financial security for their families, while placing no additional burdens on veterans or their families. VA believes that implementation of this regulation is particularly urgent because, by extending the VGLI no-health eligibility period, VA will enable some of the most disabled veterans, who would not be eligible for private insurance due to their disabilities, to obtain insurance coverage. The immediate effective date will not result in any additional cost or negative impacts on the program, but will make the extended no-health period available to disabled veterans sooner.

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any year. This final rule will have no such effect on State, local, and tribal governments or on the private sector.

**Paperwork Reduction Act**

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

**Executive Orders 12866 and 13563**

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a "significant regulatory action," which requires review by the Office of Management and Budget (OMB), as "any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order."

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866.

**Regulatory Flexibility Act**

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This final rule will directly affect only individuals and will not directly affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

**Catalog of Federal Domestic Assistance Number and Title**

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.103, Life Insurance for Veterans.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this document on September 28, 2012, for publication.

**List of Subjects in 38 CFR Part 9**

Life insurance, Military personnel, Veterans.

Dated: October 24, 2012.

**William F. Russo,**

*Deputy Director, Office of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 9 as follows:

**PART 9—SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE**

■ 1. The authority citation for part 9 continues to read as follows:

**Authority:** 38 U.S.C. 501, 1965–1980A, unless otherwise noted.

■ 2. Amend § 9.2 by:

■ a. Revising the authority citation at the end of paragraph (b).

■ b. Revising paragraph (c).

■ c. Adding an authority citation at the end of the section.

The revisions and addition read as follows:

**§ 9.2 Effective date; applications.**

\* \* \* \* \*

(b) \* \* \*

(Authority: 38 U.S.C. 1977)

(c) If either an application or the initial premium has not been received by the administrative office within the

time limits set forth above, Veterans' Group Life Insurance coverage may still be granted if an application, the initial premium, and evidence of insurability are received by the administrative office within 1 year and 120 days following termination of duty, except that evidence of insurability is not required during the initial 240 days following termination of duty.

\* \* \* \* \*

(Authority: 38 U.S.C. 501, 1967, 1968, 1977)

[FR Doc. 2012-26580 Filed 10-31-12; 8:45 am]

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