compliance with this AD, if any, may be obtained from the Standardization Branch.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(i) The installation, inspections, and modifications shall be done in accordance with the following Short Brothers, Ltd., service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
SD3-25-30, January 8, 1992	1-7	Original	January 8, 1982.
SD3-53-01 Revision 2, January 19, 1977	1, 25	2	January 19, 1977.
	2-24, 26-60	1	November 27, 1976.
SD3-53-18, November 25, 1977	1-5	Original	November 25, 1977
SD3-53-41, May 21, 1980	1-8	Original	May 21, 1980.
SD3-53-48, Revision 1, January 5, 1983	1-7	1	January 5, 1983.
SD3-55-16, Revision 3, November 1987	1-8	3	November 1987.
SD3-57-10, Revision 1, October 11, 1982	1-12	1	October 11, 1982.
SD3-76-01, September 8, 1981	1-7	Original	September 8, 1981.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1CFR part 51. Copies may be obtained from Short Brothers, PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3719. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on November 17, 1992.

Issued in Renton, Washington, on August 21, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-24753 Filed 10-9-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26984; Amdt. No 1511]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standard Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight

safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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 "major rule" under Executive Order 12291; (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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC on September 25, 1992.

Thomas C. Accardi,

Director, Flight Standard Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective December 10, 1992*

Denver, CO—Centennial, NDB RWY 35R, Amdt. 9
Denver, CO—Centennial, ILS RWY 35R, Amdt. 7
Denver, CO—Centennial, RNAV RWY 28, Amdt. 5, CANCELLED
Denver, CO—Centennial, VOR/DME RNAV RWY 28, Orig.
Denver, CO—Front Range, NDB RWY 26, Amdt. 2
Denver, CO—Front Range, ILS RWY 26, Amdt. 2
Destin, FL—Destin-Ft. Walton Beach, VOR-A, Amdt. 5, CANCELLED
Lake City, FL—Lake City Muni, NDB RWY 28, Amdt. 1
Manahawkin, NJ—Manahawkin, VOR-A, Amdt. 1, CANCELLED
Albany, OR—Albany Muni, VOR/DME-A, Amdt. 3
Norfolk, VA—Norfolk Intl, NDB/DME RWY 23
Casper, WY—Natrona County Intl, LOC BC RWY 26, Amdt. 17, CANCELLED

** * * Effective November 12, 1992*

Mount Joy/Marietta, PA—Donegal Springs Airpark, VOR RWY 27, Amdt. 1, CANCELLED
Mount Joy/Marietta, PA—Donegal Springs Airpark, VOR/DME RWY 27
Pickens, SC—Pickens County, VOR/DME-A, Orig.
Lumberton, NC—Lumberton Muni, NDB RWY 05, Orig.
Moundsville, WV—Marshall County, VOR/DME-A, Amdt. 1

** * * Effective October 15, 1992*

Mobile, AL—Mobile Downtown, ILS RWY 32, Orig.
Nome, AK—Nome, LOC/DME BC RWY 9, Orig.
Nome, AK—Nome, ILS-1 RWY 27, Orig.
Nome, AK—Nome, ILS-2 RWY 27, Orig.
Los Angeles, CA—Los Angeles Intl, ILS RWY 24L, Amdt. 20
San Francisco, CA—San Francisco Intl, LDA/DME RWY 28R, Amdt. 1
Denver, CO—Stapleton Intl, LOC RWY 18, Amdt. 5
Denver, CO—Stapleton Intl, NDB RWY 26L, Amdt. 39
Denver, CO—Stapleton Intl, NDB RWY 26R, Amdt. 9
Denver, CO—Stapleton Intl, ILS/DME-1 RWY 17L, Amdt. 7
Denver, CO—Stapleton Intl, CONVERGING ILS/DME-2, RWY 17L, Amdt. 3
Denver, CO—Stapleton Intl, ILS RWY 26L, Amdt. 47
Denver, CO—Stapleton Intl, ILS RWY 35L, Amdt. 29
Denver, CO—Stapleton Intl, ILS RWY 35R, Amdt. 13
Denver, CO—Stapleton Intl, ILS RWY 36, Amdt. 4
Effingham, IL—Effingham County Memorial, VOR RWY 1, Amdt. 8
Effingham, IL—Effingham County Memorial, LOC RWY 29, Orig.
Lincoln, IL—Logan County, NDB RWY 21, Amdt. 5, CANCELLED
Lincoln, IL—Logan County, NDB RWY 21, Orig.
Lincoln, ME—Lincoln Regional, NDB RWY 17, Orig.
North Kingstown, RI—Quonset State, VOR-A, Amdt. 3
North Kingstown, RI—Quonset State, VOR RWY 34, Amdt. 5, CANCELLED
North Kingstown, RI—Quonset State, ILS RWY 16, Amdt. 4
North Kingstown, RI—Quonset State, RADAR-1, Amdt. 4, CANCELLED
North Kingstown, RI—Quonset State, VOR/DME RNAV RWY 34, Orig.
Phillips, WI—Price County, NDB RWY 6, Orig.
Phillips, WI—Price County, NDB RWY 24, Amdt. 2
Shell Lake, WI—Shell Lake Muni, NDB RWY 31, Amdt. 2, CANCELLED
Shell Lake, WI—Shell Lake Muni, NDB RWY 32, Orig.
Waukesha, WI—Waukesha County, VOR-A, Amdt. 15
Waukesha, WI—Waukesha County, LOC RWY 10, Amdt. 5
Waukesha, WI—Waukesha County, NDB RWY 28, Amdt. 3

** * * Effective September 23, 1992*

Delano, CA—Delano Muni, VOR RWY 32, Amdt. 6

** * * Effective September 17, 1992*

Augusta, ME—Augusta State, ILS RWY 17, Amdt. 2
Medford, OR—Medford-Jackson County, ILS/DME RWY 14, Amdt. 14

** * * Effective September 09, 1992*

Indianapolis, IN—Indianapolis Intl, RADAR-1, Amdt. 30

** * * Effective September 03, 1992*

Phoenix, AZ—Phoenix Sky Harbor Intl, LOC BC RWY 26L, Amdt. 7

[FR Doc. 92-24769 Filed 10-9-92; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26985; Amdt. No. 1512]

Standard Instrument Approach Procedures: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC) /Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the US Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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 "major rule" under Executive Order 12291; (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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC on September 25, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (revised Pub. L. 97-449, January 12, 1983), and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
09/09/92	RI	Block Island	Block Island State	FDC 2/5458	VOR/DME Rwy 10 Amdt 3.
09/10/92	ST	Charlotte Amalie	Cyril E. King	FDC 2/5438	Thomas, VI. VOR-A Amdt 14A.
09/14/92	MI	Detroit	Detroit Metropolitan Wayne County	FDC 2/5521	ILS Rwy 3R Amdt 12.
09/14/92	PA	Allentown	Allentown Queen City Muni	FDC 2/5529	VOR-B Amdt 4.
09/14/92	PA	Pottstown	Pottstown Muni	FDC 2/5528	VOR-B Amdt 4.
09/15/92	WI	Green Bay	Austin Straubel Intl	FDC 2/5556	ILS Rwy 6R Amdt 19.
09/15/92	WI	Green Bay	Austin Straubel Intl	FDC 2/5557	RADAR-1 Amdt 7.
09/15/92	WI	Green Bay	Austin Straubel Intl	FDC 2/5558	NDB Rwy 6R Amdt 15.
09/15/92	WI	Green Bay	Austin Straubel Intl	FDC 2/5559	VOR/DME or Tacan Rwy 36L Amdt 6.
09/15/92	WI	Green Bay	Austin Straubel Intl	FDC 2/5560	LOC BC Rwy 24L Amdt 16.
09/15/92	WI	Green Bay	Austin Straubel Intl	FDC 2/5561	ILS Rwy 36L Amdt 5.
09/17/92	AL	Anniston	Anniston Metropolitan	FDC 2/5582	ILS Rwy 5, Amdt 1.
09/21/92	NJ	Caldwell	Caldwell/Essex County	FDC 2/5655	NDB-A Amdt 4.
09/21/92	NJ	Sussex	Sussex	FDC 2/5658	VOR-A Amdt 5.
09/21/92	NJ	Woodbine	Woodbine Muni	FDC 2/5659	VOR-A Amdt 1.
09/22/92	MD	Salisbury	Salisbury-Wicomico Co Regional	FDC 2/5700	RNAV Rwy 5 Amdt 3A
09/22/92	MD	Salisbury	Salisbury-Wicomico Co Regional	FDC 2/5701	VOR Rwy 23 Amdt 8.
09/22/92	MD	Salisbury	Salisbury-Wicomico Co Regional	FDC 2/5702	VOR Rwy 5 Amdt 8.
09/22/92	MD	Salisbury	Salisbury-Wicomico Co Regional	FDC 2/5703	VOR Rwy 14 Amdt 1.
09/22/92	MD	Salisbury	Salisbury-Wicomico Co Regional	FDC 2/5704	VOR Rwy 32 Amdt 8.
09/22/92	MD	Salisbury	Salisbury-Wicomico Co Regional	FDC 2/5705	ILS Rwy 32 Amdt 4.
09/22/92	MO	Columbia	Columbia Regional	FDC 2/5685	ILS Rwy 2 Amdt 12.
09/23/92	MO	Columbia	Columbia Regional	FDC 2/5711	LOC BC Rwy 20 Amdt 11.

NFDC Transmittal Letter Attachment

Anniston

Anniston Metropolitan
Alabama
ILS RWY 5, AMDT 1...
Effective: 09/17/92

FDC 2/5582/ANB/FI/P Anniston Metropolitan, Anniston, AL ILS RWY 5, Amdt 1...ALTN Mins Cats A/B 900-2, Cat C/D 900-2 3/4. This becomes ILS RWY 5, Amdt 1A.

Salisbury

Salisbury-Wicomico Co Regional
Maryland
RNAV RWY 5 AMDT 3A...
Effective: 09/22/92

FDC 2/5700/SBY/ FI/P Salisbury-Wicomico Co Regional, Salisbury, MD. RNAV Rwy 5 Amdt 3A...Circling Cat A MDA/HAT 460/408. This becomes RNAV Rwy 5 Amdt 3A.

Salisbury

Salisbury-Wicomico Co Regional
Maryland
VOR RWY 23 AMDT 8...
Effective: 09/22/92

FDC 2/5701/SBY/ FI/P Salisbury-Wicomico Co Regional, Salisbury, MD. VOR Rwy 23 Amdt 8...DMEMIN... Circling Cat A MDA/HAT 460/408. This becomes VOR Rwy 23 Amdt 8A.

Salisbury

Salisbury-Wicomico Co Regional
Maryland
VOR RWY 5 AMDT 8...
Effective: 09/22/92

FDC 2/5702/SBY/ FI/P Salisbury-Wicomico Co Regional, Salisbury, MD. VOR Rwy 5 Amdt 8...Circling Cat A MDA/HAT 460/408. This becomes VOR Rwy 5 Amdt 8A.

Salisbury

Salisbury-Wicomico Co Regional
Maryland
VOR RWY 14 AMDT 1...
Effective: 09/22/92

FDC 2/5703/SBY/ FI/P Salisbury-Wicomico Co Regional, Salisbury, MD. VOR Rwy 14 Amdt 1...DME MIN... Circling Cat A MDA/HAT 460/408. This becomes VOR Rwy 14 Amdt 1A.

Salisbury

Salisbury-Wicomico Co Regional
Maryland
VOR RWY 32 AMDT 8...
Effective: 09/22/92

FDC 2/5704/SBY/ FI/P Salisbury-Wicomico Co Regional, Salisbury, MD. VOR Rwy 32 Amdt 8...Circling Cat A MDA/HAT 460/408. This becomes VOR Rwy 32 Amdt 8A.

Salisbury

Salisbury-Wicomico Co Regional
Maryland
ILS RWY 32 AMDT 4...
Effective: 09/22/92

FDC 2/5705/SBY/ FI/P Salisbury-Wicomico Co Regional, Salisbury, MD. ILS Rwy 32 Amdt 4...S-LOC 32 MDA/HAT 400/438 All Cats; Circling Cat A MDA/HAT 460/408. This becomes ILS Rwy 32 Amdt 4A.

Block Island

Block Island State
Rhode Island
VOR/DME RWY 10 AMDT 3...
Effective: 09/22/92

FDC 2/5458/BID FI/P Block Island State, Block Island, RI. VOR/DME 10 Amdt 3...DLT DSTC FAF to Map. Chg

Map from "5NM after Rhina INT/SEY 5.3 DME or at SEY 0.3 DME" TO "SYE 0.3 DME", This is VOR/DME Rwy 10 Amdt 3A.

Detroit

Detroit Metropolitan Wayne County
Michigan
ILS RWY 3R AMDT 12...
Effective: 09/14/92
FDC 2/5521/DTW/ FI/P Detroit Metropolitan Wayne County, Detroit, MI, ILS Rwy 3R Amdt 12...Delete profile note...Loc unusable inside runway threshold. This is ILS Rwy 3R Amdt 12A.

Columbia

Columbia Regional
Missouri
ILS RWY 2 AMDT 12...
Effective: 09/22/92
FDC 2/5685/COU/ FI/P Columbia Regional, Columbia, MO, ILS Rwy 2 Amdt 12...Add Note... ADF or DME Required. This becomes ILS Rwy 2 Amdt 12A.

Columbia

Columbia Regional
Missouri
LOC BC RWY 20 AMDT 11...
Effective: 09/23/92
FDC 2/5711/COU FI/P Columbia Regional, MO. LOC BC Rwy 20 Amdt 11...Add note...ADF or DME required. This becomes LOC BC Rwy 20 Amdt 11A.

Caldwell

Caldwell/Essex County, NJ.
NDB-A AMDT 4...
Effective: 09/21/92
FDC 2/5655/CDW/ FI/P Caldwell/Essex County, Caldwell, NJ. NDB-A Amdt 4...Circling MDA/HAA Cat A940/767, Cat B 960/787, Cat C 980/807, Cat D1040/867. This becomes NDA-A Amdt 4A.

Sussex

Sussex
NJ.
VOR-A AMDT 5...
Effective: 09/21/92
FDC 2/5658/N63/ FI/P Sussex, Sussex, NJ. VOR-A Amdt 5...DLT CAT D Mins. This becomes VOR-A Amdt 5A.

Woodbine

Woodbine Muni
NJ.
VOR-A AMDT 1...
Effective: 09/21/92
FDC 2/5659/1N4/ FI/P Woodbine Muni, Woodbine, NJ. VOR-A Amdt 1...DLT Cat D Mins. This becomes VOR-A Amdt 1A.

Pottstown

Pottstown Muni
Pennsylvania
VOR-B AMDT 4...
Effective: 09/14/92
FDC 2/5528/N47/ FI/P Pottstown Muni, Pottstown, PA. VOR-B Amdt 4...Cat D Mins NA. This becomes VOR-B Amdt 4A.

Allentown

Allentown Queen City Muni
Pennsylvania
VOR-B AMDT 4...
Effective: 09/14/92
FDC 2/5529/1N9/ FI/P Allentown Queen City Muni, Allentown, PA. VOR-B Amdt 4...CAT D Minimums NA. This becomes VOR-B Amdt 4A.

Charlotte Amalie

CYRIL E. KING
ST.
THOMAS, VI. VOR-A AMDT 14A...
Effective: 09/10/92
FDC 2/5438/STT/ FI/P Cyril E. King, Charlotte Amalie, St. Thomas, VI. VOR-A AMDT 14A...Procedure turn outbound min alt 2800. Missed approach...If unable to proceed visually to airport upon descent to 1160, climb to 2800 VIA HDG 180 then right turn direct STT VOR/DME and hold. This becomes VOR-A Amdt 14B.

Green Bay

Austin Straubel Intl
Wisconsin
ILS RWY 6R AMDT 19...
Effective: 09/15/92
FDC 2/5556/GRB/FI/P Austin Straubel Intl, Green Bay, WI. ILS Rwy 6R Amdt 19...Change all reference to Rwy 6R-24L to 6-24. This is ILS Rwy 6 Amdt 19A.

Green Bay

Austin Straubel Intl
Wisconsin
Radar-1 AMDT 7...
Effective: 09/15/92
FDC 2/5557/GRB/FI/P Austin Staubel Intl, Green Bay, WI. Radar-1 Amdt 7...Change all reference to Rwy 36L-18R and 24L-6R to Rwys 36-18 and 24-6. This is Radar-1 Amdt 7A.

Green Bay

Austin Straubel Intl
Wisconsin
NDB RWY 6R AMDT 15...
Effective: 09/15/92
FDC 2/5558/GRB/FI/P Austin Straubel Intl, Green Bay, WI. NDB Rwy 6R Amdt 15...Change all Reference to Rwy 6R-24L to 6-24. This is NDB Rwy 6 Amdt 15A.

Green Bay

Austin Straubel Intl
Wisconsin
VOR/DME OR TACAN RWY 36L
AMDT 6...
Effective: 09/15/92
FDC 2/5559/GRB/FI/P Austin Straubel Intl, Green Bay, WI. VOR/DME or TACAN Rwy 36L Amdt 6...Change all reference to Rwy 36L-18R to 36-18. This is VOR/DME Tacan Rwy 36 Amdt 6A.

Green Bay

Austin Straubel Intl
Wisconsin
VLOC BC RWY 24L AMDT 16...
Effective: 09/15/92
FDC 2/5560/GRB/FI/P Austin Straubel Intl, Green Bay, WI. Loc BC Rwy 24L Amdt 16...Change all reference to Rwy 24L-6R to 24-6. This is Loc BC Rwy 24 Amdt 16A.

Green Bay

Austin Straubel Intl
Wisconsin
ILS RWY 36L AMDT 5...
Effective: 09/15/92
FDC 2/5561/GRB/FI/P Austin Straubel Intl, Green Bay, WI. ILS Rwy 36L Amdt 5...Change all reference to Rwy 36L-18R to 36-18. This is ILS Rwy 36 Amdt 5A.

[FR Doc. 92-24768 Filed 10-09-92; 8:45 am]
BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. M08-1-5559; FRL-4510-2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA approves revisions to the Air Pollution Control State Implementation Plan (SIP) submitted by the state of Missouri, which pertain to the St. Louis vehicle inspection and maintenance (I/M) program. As a result of two EPA audits of the program, EPA requested that the state of Missouri submit a corrective action plan (CAP). This CAP consists of regulatory specifications for computerized emission analyzers which should facilitate correction of the problems experienced in the program. Improvements in the I/M program will reduce vehicle emissions which will ensure progress toward

attaining the ozone standard in St. Louis.

EFFECTIVE DATE: November 12, 1992.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at: the Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101; and the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Stanley A. Walker at (913) 551–7494.

SUPPLEMENTARY INFORMATION: On January 1, 1984, the state of Missouri began implementing a motor vehicle I/M program in the St. Louis metropolitan area. The St. Louis I/M program is jointly administered by the Missouri State Highway Patrol (MSHP) and the Missouri Department of Natural Resources (MDNR). The MSHP oversees the vehicle inspection process, while MDNR provides technical assistance and tracks progress. On August 12, 1985, EPA approved the St. Louis I/M program as a SIP revision (50 FR 32411).

At that time, I/M programs were required to meet the minimum emission reduction requirements (MERR), as defined in House Report Number 95–294, 95th Congress, 1st Session, 281–291 (1977). A March 1985 audit indicated that the St. Louis I/M program experienced a significant shortfall in achieving the minimum required volatile organic compound (VOC) and carbon monoxide (CO) emission reductions necessary for an acceptable I/M program.

As a follow-up to the March 1985 audit, EPA conducted a second audit of the St. Louis I/M program in May 1987. The follow-up audit showed that the state had not made sufficient progress toward improving the program and once again failed to achieve a level of emission reduction consistent with MERR.

Because the St. Louis I/M program did not meet the minimum requirements, EPA requested the state to submit a CAP to rectify the St. Louis I/M program deficiencies. As part of the CAP, Missouri implemented new computerized emission analyzers on December 1, 1990. On June 28, 1991, the state of Missouri submitted the computerized I/M analyzer specifications as a SIP revision.

On June 23, 1992, EPA published a Notice of Proposed Rulemaking (NPR) to approve the revised I/M analyzer specifications as a SIP revision (57 FR 27959); no comments were received on the NPR. For a complete discussion of the state's submittal and EPA's rationale for approval, the reader is referred to the above mentioned Federal Register notice.

Section 182(b)(4) of the Act requires moderate ozone nonattainment areas to implement an I/M program. The program must be consistent with the requirements of section 182(a)(2)(B), which is the savings clause for vehicle I/M programs. The I/M savings clause requires implementation of an I/M program which is no less stringent than that of either the 1977 House Report or the program already included in the Sip, whichever is more stringent. Therefore, for St. Louis, the effect of the 1990 CAA is to maintain the I/M program requirements of the preamended Act. In accord with section 182(a)(2)(B)(ii) of the Act, EPA is presently revising its guidance for I/M programs (see Federal Register, June 13, 1992, 57 FR 31058). Based on the final guidance, EPA may require appropriate changes, as necessary, to the St. Louis I/M program.

EPA Action: In today's notice, EPA takes final action to approve revisions to the I/M analyzer specifications as a revision to the Missouri SIP. The St. Louis I/M program is incorporated into an existing statewide safety inspection program; consequently, the state submittal contains rule revisions pursuant to the safety portion of the inspection program. The applicable requirements of the CAA pertain only to I/M programs, not to vehicle safety programs. Therefore, EPA approves the state submittal only insofar as it pertains to the emissions portion of the Missouri vehicle inspection program.

Nothing in this action should be constructed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action the Regional Administrator under the procedures published in Federal Register on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for Tables 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 14, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: September 8, 1992.

Morris Kay,

Regional Administrator.

40 CFR part 52, subpart AA, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C 7401–7642.

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(80) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(80) On June 28, 1991, the Missouri Department of Natural Resources (MDNR) submitted revisions to the Missouri State Implementation Plan which pertain to the St. Louis vehicle inspection and maintenance program. The Missouri rules contain requirements which apply to both safety and emission testing; EPA takes action on these rules only insofar as they pertain to emissions testing.

(i) Incorporation by reference.

(A) New rules 11 CSR 50–2.401, General Specifications; 11 CSR 50–2.402, Missouri Analyzer System (MAS) Software Functions; 11 CSR 50–2.403, MAS Display and Program Requirements; 11 CSR 50–2.405, Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications; 11 CSR 50–2.406, Technical Specifications for the MAS; and 11 CSR 50–2.407 Documentation, Logistics and Warranty Requirements; (appendix A, B, C), effective June 28, 1990.

(B) New rule 11 CSR 50–2.404, Test Record Specifications, effective September 28, 1990.

(C) Amended rules 11 CSR 50–2.370 Inspection Station Licensing; 11 CSR 50–2.410, Vehicles Failing Reinspection; and 11 CSR 50–2.420 Procedures for Conducting Only Emission Tests; effective December 31, 1990.

(D) Rescinded rule 11 CSR 50–2.400, Emission Test Procedures; effective December 31, 1990.

[FR Doc. 92–24811 Filed 10–9–92; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 52

[GA 019–1–5414 and GA 020–1–5415; FRL–4506–2]

Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Volatile Organic Compound (VOC) Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the revisions submitted by Georgia to correct the deficiencies in Georgia's Volatile Organic Compound (VOC) regulations submitted to EPA in April 1987. These VOC regulations are being approved to satisfy the requirements of section 182(a)(2)(A) of the Clean Air Act (CAA) for states to correct deficiencies in VOC RACT regulations by May 21, 1991. The April 1987, submittal was in response to a February 1984 SIP call, and to the Agency's proposed disapproval of the 1985 SIP due to major deficiencies. The submittals were to revise the ozone attainment plan for the Atlanta metropolitan area, which is designated as an ozone nonattainment area. The revisions were to demonstrate attainment of the ozone National Ambient Air Quality Standards (NAAQS) by December 31, 1994. Modifications to the VOC regulations, Inspection and Maintenance program (I&M), control strategy, emission inventory, and modeling demonstration were included in the plan. The State of Georgia submitted additional information during 1988, and 1989, and on January 3, 1991, and September 30, 1991, Georgia submitted revisions incorporating changes to VOC regulations. However, it was not until April 3, 1991, and November 15, 1991, respectively, that all of the required elements were received for a complete submittal. The VOC regulations apply to all 25 tons per year or greater VOC emission sources in the ozone nonattainment counties of the Atlanta metropolitan area, and all 100 tons per year or greater VOC emission sources, statewide. These revisions correct all of Georgia's VOC deficiencies including capture efficiency.

EFFECTIVE DATES: This action will be effective December 14, 1992, unless notice is received by November 12, 1992, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's submittal are available during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Region IV Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 205 Butler Street, Southeast, Room 1162, East Tower, Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Diane Altsman of the EPA Region IV Air Programs Branch at (404) 347–2864 and at the above address.

SUPPLEMENTARY INFORMATION: On March 3, 1978, (43 FR 8962), EPA designated the Atlanta area as nonattainment for ozone. The State was subsequently required to revise its ozone State Implementation Plan (SIP) for the Atlanta area, pursuant to the Part D requirements of the Clean Air Act, as amended in 1977 (1977 Act). Georgia submitted information to satisfy the requirements for a Part D submittal as follows:

January 17, 1979, March 9, 1979, March 16, 1979, March 20, 1979, June 29, 1979, December 27, 1979, and April 8, 1980.

On November 24, 1981 (46 FR 57486), EPA announced final approval of the Georgia ozone SIP. The State had calculated that Georgia would achieve the ozone standard in the Atlanta metropolitan area by December 31, 1982.

However, the control strategy for ozone, referenced above, did not result in attainment of the NAAQS for ozone by December 31, 1982. Consequently on February 24, 1984, EPA notified the Governor of Georgia pursuant to Section 110(a)(2)(H) of the 1977 Act that the SIP was substantially inadequate to achieve the NAAQS for ozone in the Atlanta area and called upon the State to revise the SIP. The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources submitted the final SIP revision to EPA on November 21, 1985, in response to the 1984 SIP call.

During EPA's review of the submittal, it was determined that the SIP contained deficiencies and was not approvable. A revised and modified SIP was submitted on October 1, 1987. This SIP demonstrated attainment by December 31, 1994, and resolved many of the problems noted in the earlier submittal, but major deficiencies remained. Submittals on January 3, 1991, and April 3, 1991, corrected the VOC Reasonably Available Control Technology (RACT) deficiencies, and a submittal on September 30, 1991, included an EPA-approved capture efficiency protocol. EPA is approving the revisions to the RACT regulations to satisfy the requirements of section 182(a)(2)(A) for correction of deficiencies in those regulations.

EPA is today approving the following revisions:

391–3–1–.01 Definitions

Revised definition of VOC, (jjj), to conform with the EPA definition as contained in the pre-amendment guidance entitled "Issues Relating to VOC Regulation Cutpoints, Deficiencies, Clarification to Appendix D of November 24, 1987, **Federal Register** Notice." Since that time, EPA has published **Federal Register** notices that added other non-reactive compounds. Revisions to the definition to include these additional compounds will be submitted by the State in their RACT revisions pursuant to section 182(b)(2)(B).

391–3–1–.02(2) Emission Standards

The following existing subsections have been revised to be consistent with the CAA as interpreted in EPA guidance:

(t) VOC Emissions from Automobile and Light-Duty Truck Manufacturing
(u) VOC Emissions from Can Coating
(v) VOC Emissions from Coil Coating
(w) VOC Emissions from Paper Coating
(x) VOC Emissions from Fabric and Vinyl Coating
(y) VOC Emissions from Metal Furniture Coating
(z) VOC Emissions from Large Appliance Surface Coating
(aa) VOC Emissions from Wire Coating
(bb) Petroleum Liquid Storage
(cc) VOC Emissions from Bulk Gasoline Terminal
(ee) Petroleum Refineries
(ff) Solvent Metal Cleaning

(ii) VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products
(jj) VOC Emissions from Surface Coating of Flat Wood Paneling
(mm) VOC Emissions from Graphic Arts Systems

The following subsections have been added to be consistent with the CAA as interpreted in EPA guidance:

(pp) Bulk Gasoline Plants
(qq) VOC Emissions from Large Petroleum Dry Cleaners
(rr) Gasoline Dispensing Facility—Stage I
(ss) Gasoline Transport Vehicles and Vapor Collection Systems
(ww) Perchloroethylene Dry Cleaners

391–3–1–.02(3) Sampling

Revise subparagraph (3)(a) to reference the methods specified in the Georgia Department of Natural Resources Manual of Procedures for Testing and Monitoring Sources of Air Pollutants dated August 1, 1991.

391–1–.02(6) Source Monitoring

Paragraph (6)(a) is amended by adding recordkeeping requirements to be consistent with the CAA is interpreted in EPA guidance.

Final Action

EPA is approving the Georgia VOC regulations listed in the SUPPLEMENTARY INFORMATION section of this notice and the incorporation of a revised test manual, which includes capture efficiency protocols.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. SS 7401–7671q. In the amended act Congress codified the requirement that States with areas classified as marginal or above revise their SIPs for these classified ozone nonattainment areas so that the SIPs conform with EPA's pre-amendment guidance.[1] Section 182(a)(2)(A). Section 182(a)(2)(A) established a deadline of May 15, 1991, for submittal of these RACT "fix-ups."

This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. If, however, notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a comment period.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989, (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 14, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. section 605(b), the Administrator certifies that SIP approvals under sections 107, 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. SIP approvals (or redesignations) do not create any new requirements but simply approve requirements that are already State law. SIP approvals (or redesignations), therefore, do not add any additional requirements for small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: August 31, 1992.

Patrick M. Tobin,

Acting, Regional Administrator.

Part 52 chapter I, title 40 of the Code of Federal Regulation is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows;

Authority: 42 U.S.C. 7401–7671q

Subpart L—Georgia

2. Section 52.570 is amended by adding paragraph (c) (37) to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(37) Revisions to the VOC regulations, to correct RACT deficiencies; Chapter 391–3–1–.01, and .02 of the Georgia Department of Natural Resources Rules for Air Quality Control, which was submitted on January 3, 1991, and April 3, 1991. Change to Chapter 391–3–1–.02(3) to reference a new version of the test manual which includes capture efficiency protocols, which was submitted on September 30, 1991, and November 15, 1991.

(i) Incorporation by reference.

(A) The following revised Rules of the Georgia Department of Natural Resources, Chapter 391–3–1, Air Quality Control, became State effective on January 9, 1991.

391–3–1–.01(jjj);
402–3–1–.02(2)(a)4.;
391–3–1–.02(2)(t);
391–3–1–.02(2)(u)2.(i) and (iii);
391–3–1–.02(2)(v)2.(i) and (iii);
391–3–1–.02(2)(w)2.(i) and (iii);
391–3–1–.02(2)(x)2.(i).(iii), and (x)3.(v);
391–3–1–.02(2)(y)2.(i) and (iii);
391–3–1–.02(2)(z)2.(i) and (iii)
391–3–1–.02(2)(aa)2.(i) and (iii);
391–3–1–.02(2)(bb)1.(ii);
391–3–1–.02(2)(cc);
391–3–1–.02(2)(ee)1.(iii);
391–3–1–.02(2)(ff)2.(ii)(V) and 3. (iii) (III);
391–3–1–.02(2)(ii)4.(i) and (iii);
391–3–1–.02(2)(jj)2.(i) and (iii);
391–3–1–.02(2)(mm)1.(i), (ii) and (iii);
391–3–1–.02(2)(pp);
391–3–1–.02(2)(qq);

[1] Among other things, the pre-amendment guidance consists of the Post-87 Policy, 52 FR 45044 (Nov. 24, 1987); the Blue Book, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice"; and the existing CTGs.

391-3-1-.02(2)(rr);
391-3-1-.02(2)(ss);
391-3-1-.02(2)(ww);
391-3-1-.02(6)(a)3.

(b) A revised Rule 391-3-1-.02(3)(a) "Sampling" which became State effective October 17, 1991.

(ii) Other material—None.

[FR Doc. 92-24807 Filed 10-9-92; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 205

RIN 0970-AA82

Aid to Families With Dependent Children; Adult Public Assistance: Revised Quality Control System

AGENCY: Administration for Children and Families, HHS.

ACTION: Final rule.

SUMMARY: This final rule establishes a revised quality control (QC) system for the Aid to Families with Dependent Children (AFDC) and the Adult assistance programs beginning in fiscal year 1991. Under the new system, we will impose disallowances in AFDC matching funds (Federal financial participation) on the States whose assistance payment error rates are above the national average; take into account both overpayments and underpayments made to AFDC recipients; provide incentives to States to improve their overpayment recoveries and their child support collections; use a Departmental Quality Control Review Panel to review differences between State and Federal AFDC review findings; and use the Departmental Appeals Board to review all other QC disallowance issues in dispute between the States and Federal government.

EFFECTIVE DATE: October 1, 1990, with the following exceptions.

Sections 205.41(c)(2), 205.41(d)(2)(iii), 205.41(d)(3)(iii), 205.41(d)(4)(iii), 205.41(d)(5), 205.42(b)(1), 205.42(e), 205.42(f), 205.42(g)(4), 205.42(i)(2), 205.42(i)(4), and 205.42(i)(5) are effective as of October 1, 1992; prior to October 1, 1992, applicable Federal policies set forth in Departmental issuances (e.g., regulations, action transmittals, etc.) govern.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Hurley, Office of Family Assistance, Division of Quality Control, room 559a, 370 L'Enfant Promenade, SW., Washington, DC 20447 telephone (202) 401-9296.

SUPPLEMENTARY INFORMATION:

Background

These final rules govern the revised QC system for the AFDC program established by section 408 of the Social Security Act (the Act), as added by section 8004 of the Omnibus Budget Reconciliation Act (OBRA) of 1989 (Pub. L. 101-239), as well as revised program rules governing quality control for the Adult assistance programs under titles I, X, XIV, and XVI (AABD) of the Act. The QC system is the major management tool for measuring the accuracy of payments and the level of Federal funding under the AFDC and Adult assistance programs, and for obtaining the data needed to analyze and improve performance in paying benefits. We accomplish these two objectives by a continuous review of statistically valid and reliable State samples of AFDC and Adult assistance cases and Federal samples of AFDC assistance cases. To the extent that Medicaid eligibility is based on AFDC eligibility, these regulations also affect the Medicaid program.

In accordance with the legislative mandate in section 408(h) of the Act, we have consulted with representatives of the National Governors' Association, the American Public Welfare Association and the States in developing the regulations in the following areas: sampling methodology; sample size and selection procedures; time frames for sample completion and reporting of QC data; resolution of differences between State and Federal review findings; notification of error rates; and disallowances.

While the QC operating Manuals do not constitute substantive rules subject to rulemaking in accordance with 5 U.S.C. 553, we have also included in the final regulations some of the major aspects contained in the various QC Manuals which we believe are fundamental and would not significantly change over time. For example, we include the policy of requiring minimum verification and documentation standards for each element of eligibility and payment amount in § 205.42(c)(2) of the regulations. However, we set forth implementing verification and documentation methods in the QC Manuals.

Further, we have also included in the final regulations the existing regulatory requirements for the review of: (1) AFDC negative case actions in the States and in Guam, Puerto Rico, and the Virgin Islands; and (2) active cases and negative case actions of the Adult assistance programs in Guam, Puerto Rico, and the Virgin Islands. While section 408 of the Act does not require a change in the policies governing negative case actions and the Adult assistance programs, we have changed these policies, where appropriate, to be consistent with the AFDC active case requirements. However, as required by section 408, the Department is currently conducting a study of the AFDC negative case action QC system and will make recommendations to Congress on the future design and use of the system.

The Adult assistance programs exist only in Guam, Puerto Rico, and the Virgin Islands. The Department's authority for requiring a QC system in these programs derives from the requirement that Federal matching funds be provided for proper assistance payments (sections 3, 1003, 1403, and 1603 of the Act) and from the authority in section 1102 of the Act to issue rules for proper and efficient administration. For the purpose of uniformity and consistency, we are applying, except as indicated, the same sampling and review requirements contained in §§ 205.40, 205.41, and 205.42 (a) through (f) to both the AFDC and the Adult assistance programs. Sections 205.42(g), (h) and (i) and 205.43 do not apply to the Adult assistance programs since we do not utilize the Federal re-review and the calculation of the regressed error rates for these programs.

We have revised §§ 205.40, 205.42 and 205.43, added § 205.41, and removed and reserved § 205.44.

Major Provisions of the Statute

OBRA of 1989, which became law on December 19, 1989, provides a revised QC system for AFDC beginning in fiscal year 1991. While Congress made changes in the error rate tolerance and method for calculating disallowances, the basic design and features of the system remain unchanged. The major provisions of the legislation include:

1. Waiver of all pending or potential QC disallowances for fiscal years 1981 through 1990, estimated at $2.4 billion;

2. Establishment of a new error rate tolerance set at the national average error rate each year, or at 4 percent, whichever is higher;

3. Exclusion of certain types of errors in computing a State's payment error rate;

4. Calculation of disallowances based on a sliding scale which reflects the degree to which a State's error rate exceeds the national average;

5. Adjustment of disallowances based on good performance in achieving other program goals (i.e., low underpayment