zone description, however, has been withdrawn from this final rule. The terminal airspace reclassification docket which became effective on October 15, 1992, contains the same legal description that was proposed in the notice of proposed rulemaking. The coordinates for this airspace docket are based on North American Datum 83. Transition areas are published in Section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations modifies the transition area near Brookings, SD, to accommodate a new ILS/DME runway 30 instrument approach procedure to Brookings Municipal Airport, Brookings, SD.

The development of a new instrument approach procedure requires that the FAA alter the designated airspace to ensure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

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. 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.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.181 Designation of Transition Areas

* * * * *

AGL SD TA Brookings, SD [Revised]
Brookings Municipal Airport, SD
(lat. 44° 18′ 15″ N., long. 90° 48′ 58″ W.)
BARTT Outer Marker
(lat. 44° 14′ 20″ N., long. 96° 42′ 06″ W.)

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Brookings Municipal Airport and within 4 miles northeast and 8 miles southwest of the 129° bearing from the BARTT outer marker extending from the outer marker to 16 miles southeast of the outer marker and within 8 miles north and 4 miles south of the 118° bearing from the airport to 16 miles east of the airport, and within 8 miles southwest and 4 miles northeast of the 322° bearing from the airport extending from the airport to 16 miles northwest of the airport, excluding that airspace within the Brookings, SD, Control Zone during the specific dates and times that it is effective.

* * * * *

Issued in Des Plaines, Illinois, on February 23, 1993.

Harold G. Hale,

Acting Manager, Air Traffic Division.

[FR Doc. 93–6490 Filed 3–19–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 27203; Amdt. No. 1537]

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 SIAP's, 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 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 March 12, 1993.

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 and 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 May 27, 1993*

San Luis Obispo, CA, San Luis Obispo County-McChesney Field, LOC RWY 11, Amdt. 4

Tulare, CA, Mefford Field, VOR/DME RWY 13, Orig. Crystal River, FL, Crystal River-Homosassa Air Terminal, VOR/DME–A, Orig.

Asheville, NC, Asheville Regional, NDB RWY 34, Amdt. 18 Stillwater, OK, Stillwater Muni, VOR/DME RWY 35, Orig.

* * * *Effective April 29, 1993*

Little Rock, AR, Adams Field, VOR/DME RNAV RWY 22R, Amdt. 10

Burbank, CA, Burbank-Glendale-Pasadena, VOR RWY 8, Amdt. 10

Burbank, CA, Burbank-Glendale-Pasadena, LOC RWY 8, Amdt. 2

Burbank, CA, Burbank-Glendale-Pasadena, NDB RWY 8, Amdt. 2

Burbank, CA, Burbank-Glendale-Pasadena, ILS RWY 8, Amdt. 35

Stockton, VA, Stockton Metropolitan, VOR RWY 29R, Amdt. 18

Taylorville, IL, Taylorville Muni, NDB RWY 18, Amdt. 3

Roswell, NM, Roswell Industrial Air Center, LOC BC RWY 3, Amdt. 8

* * * *Effective April 1, 1993*

Spencer, IA, Spencer Muni Airport, NDB RWY 12, Orig.

Spencer, IA, Spencer Muni Airport, ILS RWY 12, Orig.

Nantucket, MA, Nantucket Memorial, VOR RWY 24, Amdt. 12

Nantucket, MA, Nantucket Memorial, LOC BC RWY 6, Amdt. 7

Nantucket, MA, Nantucket Memorial, NDB RWY 24, Amdt. 10

Nantucket, MA, Nantucket Memorial, ILS RWY 24, Amdt. 14

Worcester, MA, Worcester Muni, LOC RWY 29, Orig.

Grand Marais, MN, Devils Track Municipal, NDB RWY 27, Amdt. 6, Cancelled

Grand Marais, MN, Grand Marais-Cook County, NDB RWY 27, Orig. Orr, MN, Orr Regional, NDB RWY 13, Amdt. 7

New Richmond, WI, New Richmond Muni, NDB RWY 13, Amdt. 2, Cancelled

New Richmond, WI, New Richmond Muni, NDB RWY 14, Orig.

[FR Doc. 93–6489 Filed 3–19–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 27204; Amdt. No. 1538]

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 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 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 Aviation 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 on 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 contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice 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

Approaches, Standard Instrument, Incorporation by reference.

Issued in Washington, DC, on March 12 1993.

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 PROCEDURE

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).

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

2. Part 97 is amended to read as follows:

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 Nos.	SIAP
02/18/93	LA	New Orleans	New Orleans INTL/ MOISANT FLD.	3/0846	ILS RWY 10 (CAT III) AMDT ORIG-A...
02/26/93	AL	Selma	Craig Field	3/1042	NDB RWY 32 AMDT 2...
02/26/93	AL	Selma	Craig Field	3/1043	ILS RWY 32 ORIG...
02/26/93	KS	Phillipsburg	Phillipsburg Muni	3/1033	NDB RWY 31 AMDT 5...
02/26/93	LA	Slidell	Slidell	3/1030	VOR/DME RWY 17 AMDT 2...
02/26/93	LA	Slidell	Slidell	3/1031	NDB RWY 17 ORIG...
02/26/93	PA	Monongahela	Rostraver	3/1024	VOR-A AMDT 4...
02/26/93	SC	North Myrtle Beach	Grand Strand	3/1025	NDB RWY 23 AMDT 10...
02/26/93	SC	North Myrtle Beach	Grand Strand	3/1026	ILS RWY 23 AMDT 9...
03/02/93	AL	Butler	Butler-Choctaw County.	3/1100	NDB RWY 11, AMDT 2...
03/02/93	AL	Centre	Centre Muni	3/1099	VOR/DME RWY 27, AMDT 1...
03/02/93	IA	Perry	Perry Muni	3/1106	NDB RWY 31 AMDT 4...
03/02/93	IA	Perry	Perry Muni	3/1147	NDB RWY 13 AMDT 1...
03/02/93	MA	Bedford	Laurence G. Hanscom Field.	3/1112	ILS RWY 29 AMDT 3...
03/02/93	MA	Bedford	Laurence G. Hanscom Field.	3/1113	NDB RWY 29 AMDT 5...
03/02/93	MA	New Bedford	New Bedford Muni	3/1114	NDB RWY 5, AMDT 11...
03/03/93	TX	Houston	William P. Hobby	3/1129	VOR/DME RWY 22 AMDT 23...
03/03/93	TX	Houston	William P. Hobby	3/1132	ILS RWY 12R AMDT 11..
03/03/93	TX	Houston	William P. Hobby	3/1133	LOC BC RWY 22 AMDT 3
03/05/93	AK	Delta Junction/Ft. Greely.	Allen AAF	3/1202	VOR/DME OR TACAN RWY 18 AMDT 2B
03/05/93	AK	Delta Junction/Ft. Greely.	Allen AAF	3/1203	VOR RWY 18 AMDT 7A...
03/05/93	AK	Delta Junction/Ft. Greely.	Allen AAF	3/1204	NDB-A AMDT 3A...
03/05/93	AL	Montgomery	Dannelly Field	3/1190	RNAV RWY 3 AMDT 5...
03/05/93	AL	Montgomery	Dannelly Field	3/1191	NDB RWY 9 AMDT 18...
03/05/93	AL	Montgomery	Dannelly Field	3/1192	ILS RWY 9 AMDT 23...
03/05/93	AL	Montgomery	Dannelly Field	3/1193	ILS RWY 27, AMDT 8...
03/05/93	AL	Montgomery	Dannelly Field	3/1194	VOR-A, AMDT 3...
03/05/93	IA	Harlan	Harlan Muni	3/1175	NDB RWY 33 AMDT 3...
03/05/93	IN	Nappanee	Nappanee Muni	3/1198	VOR/DME-A AMDT 3...
03/05/93	NJ	Newark	Newark Intl	3/1180	ILS RWY 4R AMDT 8...
03/05/93	NJ	Newark	Newark Intl	3/1181	ILS RWY 4L AMDT 11...
03/10/93	OH	Cincinnati	Cincinnati Muni Airport-Lunken Field.	3/1243	ILS RWY 20L AMDT 14...
03/10/93	OH	Cincinnati	Cincinnati Muni Airport-Lunken Field.	3/1244	NDB RWY 20L AMDT 11...

[FR Doc. 93-6488 Filed 3-19-93; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 27182; Amdt. No. 1535]

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 Aviation 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 contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice 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

Approaches, Standard Instrument, Incorporation by reference.

Issued in Washington, DC, on February 26, 1993.

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).

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

2. Part 97 is amended to read as follows:

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 Nos.	SIAP
02/12/93	AK	Nome	Nome	3/0739	VOR/DME RWY 9 ORIG...
02/12/93	ME	Pittsfield	Pittsfield Muni	3/0738	NDB RWY 1 AMDT 3...
02/12/93	TN	Columbia/Mt Pleasant.	Maury County	3/0748	NDB RWY 23 AMDT 3A... this corrects NOTAM 3/0527.
02/16/93	MO	St. Louis	Spirit of St. Louis	3/0793	NDB RWY 26L ORIG A...
02/16/93	MO	St. Louis	Spirit of St. Louis	3/0794	LOC RWY 26L AMDT 3A...
02/18/93	ST	Charlotte Amalie	Cyril E. King	3/0843	THOMAS, VI. ILS RWY 10 ORIG A...
02/19/93	AR	Walnut Ridge	Walnut Ridge Regional.	3/0867	LOC RWY 17 AMDT 2A...
02/19/93	AR	Walnut Ridge	Walnut Ridge Regional.	3/0868	NDB RWY 17 AMDT 3A...

NFDC TRANSMITTAL LETTER—Continued

Effective	State	City	Airport	FDC Nos.	SIAP
02/19/93	NY	Dunkirk	Dunkirk/Chautauqua County.	3/0858	VOR RWY 24 AMDT 6...
02/19/93	NY	Dunkirk	Dunkirk/Chautauqua County.	3/0859	VOR RWY 6 AMDT 1...
02/22/93	IN	Lowell	Lowell	3/0912	VOR–A ORIG...
02/22/93	IN	Rensselaer	Jasper County	3/0911	NDB RWY 18 AMDT 3...
02/22/93	IN	South Bend	Michina Regional	3/0910	VOR RWY 18 AMDT 7...
02/22/93	IN	Valparaiso	Porter County Muni	3/0907	RNAV RWY 9 AMDT 2...
02/22/93	IN	Valparaiso	Porter County Muni	3/0908	NDB RWY 27 AMDT 5...
02/22/93	IN	Valparaiso	Porter County Muni	3/0909	ILS RWY 27 AMDT 2A...
02/22/93	NJ	Linden	Linden Airport	3/0922	VOR/DME–D ORIG...
02/23/93	NJ	Linden	Linden Airport	3/0968	VOR–C ORIG...
02/23/93	PA	Johnstown	Johnstown-Cambria County.	3/0987	ILS RWY 33 AMDT 2...
02/24/93	NE	Aurora	Aurora Muni	3/0991	NDB RWY 16 AMDT 1...
02/24/93	NE	Aurora	Aurora Muni	3/0992	VOR–A AMDT 4...
02/24/93	TN	Savannah	Savannah-Hardin County.	3/0996	SDF RWY 18 AMDT 3...
02/24/93	TN	Savannah	Savannah-Hardin County.	3/0997	VOR/DME RWY 18 AMDT 5...
02/24/93	TN	Savannah	Savannah-Hardin County.	3/0998	NDB RWY 18 AMDT 3...
02/25/93	IN	Gary	Gary Regional	3/1004	VOR/DME RWY 2 AMDT 5...
02/25/93	IN	Gary	Gary Regional	3/1006	NDB RWY 30 AMDT 6...
02/25/93	IN	Gary	Gary Regional	3/1008	ILS RWY 30 AMDT 3...

[FR Doc. 93–6487 Filed 3–19–93; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 27181; Amdt. No. 1534]

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 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 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 in 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 February 26, 1993.

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:

* * * *Effective May 27, 1993*

Scottsdale, AZ, Scottsdale, VOR–B, Orig.
Torrance, CA, Zamperini Field, ILS RWY 29R, Amdt. 2
Bainbridge, GA, Decatur County Industrial Airpark, VOR–A, Amdt. 3
Kenton, OH, Hardin County, VOR/DME RNAV RWY 22, Amdt. 1
Mansfield, OH, Mansfield Lahm Nuni, RADAR–1 Amdt. 4
North Kingstown, RI, Quonset State, ILS RWY 16, Amdt. 5
Rapid City, SD, Rapid City Regional, VOR or TACAN RWY 32, Amdt. 24
Rapid City, SD, Rapid City Regional, VOR/DME or TACAN RWY 14, Amdt. 15, CANCELLED
Rapid City, SD, Rapid City Regional, VOR or TACAN RWY 14, Orig.
Rapid City, SD, Rapid City Regional, NDB RWY 32, Amdt 3
Rapid City, SD, Rapid City Regional, ILS RWY 32, Amdt. 17
Madisonville, TN, Monroe County, NDB RWY 5, Amdt. 4
Follett, TX, Follett-Lipscomb County, NDB RWY 35, Amdt. 1, Cancelled

* * * *Effective April 29, 1993*

Eagle Lake, TX, Eagle Lake, VOR RWY 17, Amdt. 4

* * * *Effective April 1, 1993*

Gulf Shores, AL, Jack Edwards, RADAR–1, Amdt. 1, CANCELLED
Bainbridge, GA, Decatur County Industrial Air Park, NDB RWY 27, Orig.
Angola, NY, Angola, VOR/DME–A, Orig.
Roxboro, NC, Person County, NDB RWY 6, Amdt. 2
North Myrtle Beach, SC, Grand Strand, VOR/DME or TACAN RWY 23, Amdt. 3, CANCELLED
North Myrtle Beach, SC, Grand Strand, VOR RWY 23, Amdt. 18
North Myrtle Beach, SC, Grant Strand, VOR/DME or TACAN RWY 5, Amdt. 4, CANCELLED
North Myrtle Beach, SC, Grand Strand, VOR RWY 5, Amdt. 19
Conroe, TX, Montgomery County, LOC RWY 14, Amdt. 1, CANCELLED
Conroe, TX, Montgomery County, ILS RWY 14, Orig.
Sinton, TX, San Patricio County, VOR/DME RWY 14, Orig.
Sinton, TX, San Patricio County, VOR RWY 32, Amdt. 7
Tacoma, WA, Tacoma Narrows, NDB RWY 35, Amdt. 5
Wenatchee, WA, Pangborn Field, VOR–B, Amdt. 4

* * * *Effective February 15, 1993*

St. Charles MO, St. Charles, VOR RWY 9, Amdt. 4.

[FR Doc. 93–6486 Filed 3–19–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 944

[Docket No. 930361–306]

Monterey Bay National Marine Sanctuary: Petition to Suspend, Reconsider and Repeal Those Portions of the Monterey Bay National Marine Sanctuary Regulations Restricting the Use of Motorized Personal Water Craft

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of decision on petition for rulemaking.

SUMMARY: NOS announces its decision to deny a petition for a rulemaking received pursuant to section 553(e) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) from the Personal Watercraft Industry Association (Petitioner). The petition requested NOS to "suspend, reconsider and repeal" those portions of the Monterey Bay National Marine Sanctuary (Sanctuary) regulations (57 FR 43310, to be codified at 15 CFR part 944) that restrict the use of motorized personal water craft (MPWC) to four areas within the Sanctuary. NOS has determined that, at present, there is no basis for suspending or repealing the MPWC regulation. If upon completion of an 18-month vessel traffic study, new findings arise with regard to the impact of MPWC on Sanctuary resources and qualities, NOS will at that time determine if it is necessary to revise the regulation.

EFFECTIVE DATE: March 16 1993.

FOR FURTHER INFORMATION CONTACT: Michael L. Weber, Deputy Chief, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOS, NOAA, 1825 Connecticut Avenue, NW., suite 714, Washington, DC 20235; (202/606-4122).

SUPPLEMENTARY INFORMATION: On September 18, 1992, NOS published final implementing regulations for the Monterey Bay National Marine Sanctuary (57 FR 43310, to be codified at 15 CFR part 944). The regulations became effective January 1, 1993 (57 FR 55444, November 25, 1992). One of the regulations restricts the operation of MPWC to four areas and access routes within the Sanctuary (57 FR 43325, 43328, 43329, to be codified at 15 CFR 944.5(a)(8) and Appendix III).

The regulations define MPWC as:

> Any motorized vessel that is less than fifteen feet as manufactured, is capable of exceeding a speed of fifteen knots, and has the capacity to carry not more than the operator and one other person while in operation. The term includes, but is not limited to, jet skis, wet bikes, miniature speed boats, air boats and hovercraft.

57 FR 43324, to be codified at 15 CFR 944.3(a).

On November 17, 1992, NOAA received a petition from Petitioner, whose member companies include Arctco, Inc., Kawasaki Motor Corp., U.S.A., Yamaha Motor Corp., U.S.A., WetJet International Ltd., and SurfJet International Ltd., requesting that NOAA:

> [i]nitiate rulemaking proceedings to reconsider and repeal those provisions of the recently-promulgated rule which restrict only the use of personal watercraft with the Monterey Sanctuary; [e]xpressly acknowledge that (1) there is currently no basis for distinguishing between personal watercraft and other motorized vessels with respect to any potential threat posed to Sanctuary resources, and (2) there is no basis for concluding that personal watercraft pose any actual threat to the Sanctuary; and [a]ct expeditiously to suspend the application of the recently-promulgated personal watercraft restrictions, pending completion of the requested rulemaking proceedings.

Petition, p. 2.

The petition also states that:

> Petitioner requests that NOAA act to suspend the personal watercraft restrictions before the agency completes its report to Congress on vessel traffic generally. Specifically, Petitioner urges that a proposal to suspend the personal watercraft regulation be published in response to this petition, together with notice of NOAA's intent to reconsider the personal watercraft restrictions and to undertake a rulemaking regarding vessel traffic in general. Petitioner submits that final action on the suspension proposal would be appropriate after a public comment period, but before NOAA makes any determination whether general vessel traffic regulations are necessary.

Petition, p. 8, footnote 6.

On December 14, 1992, NOS published a notice of receipt of the petition (57 FR 59086).

NOS has reviewed the petition and denies it for the following reasons. First, the existing regulation was promulgated after consideration of the threat posed by MPWC operation to Sanctuary resources and qualities based upon the characteristics of these craft and incidents involving them and numerous comments in favor of prohibiting their operation in the Sanctuary. The combination of small size, maneuverability and high speed of these craft is what causes them to pose a threat to resources. NOS determined that these combined characteristics distinguish MPWC from other vessels and necessitated restrictions on MPWC to protect Sanctuary resources. Resources such as sea otters and seabirds either are unable to avoid these craft or are frequently alarmed enough to modify their behavior significantly, such as cessation of feeding or abandonment of young. In addition, other uses of the Sanctuary such as sailing, surfing and diving are interfered with during the operation of MPWC. Also, restriction of MPWC to specified zones and access routes reduces esthetic disturbance.

Further, the existing regulation does not ban MPWC from the Sanctuary. Rather, it regulates them by allowing their use in specified areas. Petitioner has introduced no new facts to warrant initiation of a rulemaking to suspend or repeal the existing regulation.

As Petitioner itself points out, Public Law 102-587 requires the Secretaries of Commerce and Transportation, by May 4, 1994, and in consultation with the State of California and with adequate opportunity for public comment, [to] report to Congress on measures for regulating vessel traffic in the Sanctuary if it is determined that such measures are necessary to protect sanctuary resources. Pub. L. 102-587 § 2203(d); see also Pub. L. 102-368, § 102(d). MPWC will be included in the study. If the study produces new facts with regard to MPWC, NOS will also determine if it is necessary to revise the MPWC regulation. It would be premature at this time to grant Petitioner's request to "reconsider and repeal" the existing regulation before the outcome of the study.

(Federal Domestic Assistance Catalog Number 11.429; National Marine Sanctuaries Program)

Dated: March 16, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93-6417 Filed 3-19-93; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301 and 1311

Registration and Reregistration Application Fees

AGENCY: Drug Enforcement Administration (DEA).

ACTION: Final rule.

SUMMARY: This final rule establishes the application fee schedule for DEA registration to adequately recover the Federal costs associated with the Diversion Control Program as mandated in the Department of Justice and Related Agencies Appropriations Act, 1993.

EFFECTIVE DATE: March 22, 1993. The new fee schedule will be in effect for all new applications postmarked on April 21, 1993 or later and on all renewal applications with an expiration date of May 21, 1993 or later.

FOR FURTHER INFORMATION CONTACT: Mr. Terrance Woodworth, Chief, Drug Operations Section, Office of Diversion Control, Washington, DC 20537, Telephone (202) 307-8569.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** on December 18, 1992 (57 FR 60148) to adjust the registration application fees as required by the Department of Justice and Related Agencies Appropriations Act, 1993 (Pub. L. 102-395). The Act requires that the Drug Enforcement Administration (DEA) collect fees to ensure the recovery of the full costs of operating the Diversion Control Program. Section 111(b) of that Act requires that there be established an account in the general fund of the Treasury, and in section 111(b)(1) there shall be deposited as offsetting receipts into that account all fees collected by the Drug Enforcement Administration, in excess of $15,000,000, for the operation of its diversion control program. In addition, section 111(b)(3) requires fees charged by the Drug Enforcement Administration under its diversion control program shall be set at a level that ensures the recovery of the full costs of operating the various aspects of that program.

There were 23 comments received, all objecting to the proposed rule. Twenty of the comments (18 of which were submitted by pharmacies and their associations) centered around four main points: (1) The increase was unreasonable and excessive, (2) DEA should look to violators and traffickers to cover the costs through fines and penalties, (3) DEA should look to administrative efficiencies rather than increased fees, and (4) any fee increase would be passed on to the patient which would add to health care costs in the United States. While the issues raised by the commentors are of concern to DEA, the comments relate to issues which are not within the scope of DEA's discretion in implementing the legislation upon which the rule was based.

The legislation specifically provides that fees charged by DEA shall be set at a level that ensures the recovery of the full costs of operating the various aspects of that program. The legislation does not give DEA discretion to set the fees at a lower level than that necessary to recover the full costs of the Diversion Program.

Fines and penalties collected as a result of DEA investigations are returned to the U.S. Treasury, not to DEA. Since DEA does not control the disposition of these funds, such an application is not within DEA's jurisdiction. Additionally, DEA is bound by the legislation in which Congress clearly directed DEA to recover the costs specifically through fees.

DEA works diligently to achieve administrative efficiencies. Through a scheduled, periodic review process, virtually all aspects of the Diversion Control Program are inspected to detect any waste, fraud or abuse. This process was instituted long before the proposed rule was published, and will continue in the future.

Three additional comments challenge the proposed rule on the basis that it imposes an unconstitutional tax on registrants to support activities which are not related to their registrations. One of these comments was submitted on behalf of the American Medical Association, the National Association of Retail Druggists, the National Wholesale Druggists Association, the Pharmaceutical Manufacturers Association and the American Pharmaceutical Association. This comment contended that the rule was arbitrary and capricious because it did not provide adequate information on how DEA arrived at the increased fee figures and what programs the fees would support. The comment called upon DEA to withdraw the proposal until an administrative hearing could be held on a reduced fee schedule. The commentor discusses in great detail the provisions of the Office of Management and Budget (OMB) Circular A–25 regarding "user fees" and the provisions of the Independent Offices Appropriations Act (IOAA) regarding the criteria to be applied when imposing a fee.

Regarding the latter comment, Circular A–25 establishes guidelines for Federal agencies to assess fees. The circular was not intended to override statutorily mandated charges. Despite the previous basis for the DEA registration application fee (21 U.S.C. 821) and the 1984 fee increase based on that authority, the current proposal is based upon a new statutory mandate in the Department of Justice and Related Agencies Appropriations Act and must be guided by the specific language of that act.

The commentor also represents that the rule imposes an unconstitutional tax on registrants to support activities which are not related to their registrations. The Congress obviously determined otherwise and would not intentionally promulgate unconstitutional legislation. The legislation identifies the funding basis as the "operation of the diversion control program." In light of the comment, DEA re-reviewed the costs associated with the registration and control of the manufacture, distribution and dispensing of controlled substances contained in the budget of the Attorney General as appropriated by Congress under the budget category "Diversion Control Program." Activities frequently associated with the Diversion Control Program, such as the chemical control efforts, clandestine laboratory efforts, overseas efforts, the support by the DEA Office of Chief Counsel and executive direction were also reexamined. This review confirmed that the above items, with the exception of certain chemical control costs, are not included in the Attorney General's budget delineation for the category of "Diversion Control," and were not included in the determination of the fees.

Diversion Investigators and other personnel of DEA which staff the Diversion Control Program are responsible for enforcing provisions of the Chemical Diversion and Trafficking Act (CDTA), and additional resources for this program have been proposed and adopted in the 1994 Department of Justice budget process. In the implementation of the domestic chemical control program, Diversion Control Program resources devoted to the registration and control of pharmaceutical controlled substances were assigned these additional investigative tasks. Although, in general, these resources were originally authorized for the control of pharmaceutical controlled substances, there is an identifiable segment of the current and 1994 resources which are now conducting reassigned duties separate from the control of controlled substances. This shift, although clearly established and documented in DEA internal policy and tracking systems, was not specifically addressed in the Congressionally adopted use of the Department of Justice budget category "Diversion Control Program."

Upon consideration of the comments, DEA determined that it was Congress' intention that DEA implement the legislatively mandated fee account in a Constitutionally consistent manner, i.e., that Congress did not intend for DEA to include the costs associated with the enforcement of the CDTA which had been reassigned within the budget category "Diversion Control Program" from activities associated with the registration and control of controlled substances. Therefore, DEA has conducted a review of all investigative work hours, support staff hours, and management hours related to the enforcement of the CDTA and their associated costs, i.e., rent, utilities, and equipment, for the current and 1994 projected efforts. It has been determined that the current costs associated with the enforcement of the CDTA are not funded through registration application fees. The amount associated with the 1994 projected efforts has been deducted from the calculation for the Diversion Control Program fee account and will not be included in the future. This amount is $8.1 million.

The activities contained in the program which give rise to the fees consist of Diversion Investigators, analysts, technicians, and clerical personnel salaries and expenses; and travel, rent, utilities, supplies, equipment and services associated with these positions for the registration and control of the manufacture, distribution and dispensing of controlled substances.

The commentor was concerned that DEA did not provide adequate information on how it arrived at the increased fee figures. As stated in the proposed rule, the amount to be recovered is established by the Congressional appropriation process. The legislation specifically mandates that the amount to be recovered shall be in accordance with estimates made in the budget request of the Attorney General. Within that budget request, the budget category "Diversion Control Program" is clearly delineated. The budget figures are those listed in that category of the budget for the activities outlined above, minus the CDTA activities mentioned previously.

This final rule establishes the fee structure under the existing registration system to recover the costs mandated by the Justice Appropriation Act. The amount required to be recovered for fiscal year 1993 will be $12 million, and $57.1 million will be required for fiscal year 1994.

A correction is also being made to § 1301.11(d) to include reregistration which was inadvertently omitted in a previous change to the section.

Pursuant to sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this action has been submitted for review to the Office of Management and Budget, and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. *et seq.*

This rule is not a major rule for purposes of Executive Order (E.O.) 12291 of February 17, 1981. The vast majority of DEA registrants are considered to be small entities whose interests are to be considered under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* However, these registrants are predominantly practitioners and pharmacies whose individual registration fees would be increased by $150 once every three years. Therefore, the Administrator has concluded that the fee increase will have no significant impact on small entities.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that the rule has no implications which would warrant the preparation of a Federalism Assessment.

List of Subjects

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Security measures.

21 CFR Part 1311

Administrative practice and procedure, Drug traffic control, Exports, Imports.

For reasons set out above, 21 CFR part 1301 and 21 CFR part 1311 are amended as follows:

PART 1301—[AMENDED]

1. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 871(b), 875, 877.

2. Section 1301.11 is revised to read as follows:

§ 1301.11 Fee amounts.

(a) For each registration or reregistration to manufacture controlled substances, the registrant shall pay an application fee of $875 for an annual registration.

(b) For each registration or reregistration to distribute controlled substances, the registrant shall pay an application fee of $438 for an annual registration.

(c) For each registration or reregistration to dispense, or to conduct instructional activities with, controlled substances listed in Schedules II through V, the registrant shall pay an application fee of $210 for a three-year registration equating to an annualized fee of $70 per annum.

(d) For each registration or reregistration to conduct research or instructional activities with a controlled substance listed in Schedule I, or to conduct research with a controlled substance in Schedules II through V, the registrant shall pay an application fee of $70 for an annual registration.

(e) For each registration or reregistration to conduct chemical analysis with controlled substances listed in any schedule, the registrant shall pay an application fee of $70 for an annual registration.

(f) For each registration or reregistration to engage in a narcotic treatment program, including a compounder, the registrant shall pay an application fee of $70 for an annual registration.

PART 1311—[AMENDED]

1. The authority citation for part 1311 continues to read as follows:

Authority: 21 U.S.C. 952, 956, 957, 958, unless otherwise noted.

2. Section 1311.11 is revised to read as follows:

§ 1311.11 Fee amounts.

(a) For each registration or reregistration to import controlled substances, the registrant shall pay an application fee of $438 for an annual registration.

(b) For each registration or reregistration to export controlled substances, the registrant shall pay an application fee of $438 for an annual registration.

Dated: February 22, 1993.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 93-6437 Filed 3-19-93; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8449]

RIN 1545-AE26

Election, Revocation, Termination, and Tax Effect of Subchapter S Status; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to Treasury Decision 8449, which was published in the **Federal Register** for Wednesday, November 25, 1992 (57 FR 55445). The final regulations relate to small business corporations and the election, revocation, termination, and corporate effect of electing subchapter S treatment.

EFFECTIVE DATE: November 25, 1992.

FOR FURTHER INFORMATION CONTACT: Andrea Tucker (202) 622-3080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction provide rules under sections 1362 and 1363 of the Internal Revenue Code.

Need for Correction

As published, T.D. 8449 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8449), which was the subject of FR Doc. 92-28193, is corrected as follows:

1. On page 55450, column 1, in the middle of the column, the paragraph designated as § 1.1362-2(c)(4)(ii)(b) entitled "(b) *Sales of stock or securities*" is correctly designated as § 1.1362-2(c)(4)(ii)(B), to read "(B) *Sales of stock or securities*".

2. On page 55451, column 2, in the middle of the column, the paragraph designated as § 1.1362-2(c)(5)(iii)(c) entitled "(c) *Payment to a patron of a cooperative.*" is correctly designated as § 1.1362-2(c)(5)(iii)(C), to read "(C) *Payment to a patron of a cooperative.*".

3. On page 55451, column 3, § 1.1362-2(c)(6), in *Example 4*, third line from the bottom of the paragraph, the language "stock or securities held by PRS if PRS sold all" is corrected to read

"stock or securities held by PRS if PRS had sold all".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Maryland Abandoned Mine Lands Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Maryland Abandoned Mine Lands Reclamation Plan (hereinafter referred to as the Maryland Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231 *et seq.*, as amended. The amendment provides for a new program that will allow Maryland to expend up to ten percent of Title IV funds provided under sections 402(g)(1) and 402(g)(5) of the SMCRA for the abatement and treatment of acid mine drainage (AMD). The amendment was submitted in response to changes in the abandoned mine lands program that resulted from the Abandoned Mine Land (AML) Reclamation Act of 1990 (Pub. L. 101-508) enacted on November 5, 1990.

EFFECTIVE DATE: March 22, 1993.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, PA 17101, Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

The Secretary of the Interior approved the Maryland Plan effective July 16, 1982. Information on the background of the Maryland Plan including the Secretary's findings, and the disposition of comments can be found in the June 16, 1982, **Federal Register** (47 FR 25955-25957).

II. Submission of Amendment

By letter dated September 4, 1992, the Maryland Department of Natural Resources Bureau of Mines (BOM) submitted to OSM a proposed amendment to revise the Maryland Plan (Administrative Record No. MD-560). The proposal would change the Plan to allow for a program initiative made available under the AML Reclamation Act of 1990. This new initiative would allow for the establishment of an acid mine drainage (AMD) abatement and treatment fund under Maryland State law from which amounts (including all interest earned on such amounts) are expended to implement AMD abatement and treatment plans. In addition, the amendment proposes to update the organizational structure contained in the original plan.

The amendment consists of revisions to chapters 1, 5, and 11 of the original plan, as well as supplementary information in support of those changes. Chapter 1, Program Authority, provides information on the AMD abatement and treatment fund established under Maryland State law. Chapter 5, Maryland Ranking and Selection Procedures, provides information on the ranking, selection, and reclamation priorities of AML problems under the Maryland program. Chapter 11, Description of Bureau of Mines and Relationships to Other Participating State Organizations, contains a discussion and organizational charts showing the structure of Maryland State government, the Department of Natural Resources, the Water Resources Administration, and the Bureau of Mines.

Other information submitted in support of the amendment included an addition to appendix A containing Maryland House Bill 1263, an evaluation of the amendment with respect to AML program requirements under 30 CFR 884.13, a revised legal opinion by the Maryland Assistant Attorney General, and information on the public review opportunity provided by Maryland prior to submission of the amendment.

OSM announced the receipt of the proposed amendment in the October 28, 1992, **Federal Register** (57 FR 48762-48764) and in the same notice opened the public comment period and provided the opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on November 27, 1992. The public hearing scheduled for November 23, 1992, was not held because no one requested an opportunity to testify.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR part 884, are the Director's findings concerning the proposed amendment to the Maryland Plan. Nothing in the amendment affects the State's authorization to conduct the Maryland Plan as originally approved effective July 16, 1982 (47 FR 25955-25957). Only those revisions to the original plan approved by OSM that substantively amend the Maryland Plan will be discussed in this final rule. Minor revisions not specifically discussed are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions that are not discussed below contain language similar to the corresponding rules, concern non-substantive word changes, or revise cross-references and paragraph notation to reflect organizational changes resulting from this amendment. In addition to the information submitted in support of the new AMD program and the revisions in State government organization, Maryland provided an analysis of the proposed changes with respect to the requirements for plan amendments contained under 30 CFR part 884.13.

1. Acid Mine Drainage Abatement and Treatment Fund

Maryland is revising the AML Plan to enable the State to receive and retain up to 10 percent of its total grants awarded under paragraphs (1) and (5) of section 402(g) of SMCRA to be deposited in an Acid Mine Drainage Abatement and Treatment Fund (AMD Fund). To accomplish the revision, Maryland provided changes to Chapters 1 and 5, a revised legal opinion from the State Assistant Attorney General, and an addition to Appendix A containing Maryland House Bill 1263.

The changes to Chapter one, Program Authority, of the Maryland Plan consist of a discussion of the October 1990 amendment to SMCRA and the Maryland legislation that authorized the establishment of an AMD Fund. The changes to chapter 5, Maryland Ranking and Selection, consist of the addition of the AMD hydrologic unit plan criteria specified in the 1990 AML Reclamation Act (section 402(g)(7)(B)) and a redefining of the subpriorities under the Priority 3 category. The changes in the Priority 3 category provide for sub-categories that elevate the importance of addressing water quality impacts of mine drainage. The Director finds the