

frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. 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, Navigation (Air).

Issued in Washington, DC, on December 27, 1996.

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 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); 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 Upon Publication

FORT LAUDERDALE-HOLLYWOOD INTL, FORT LAUDERDALE, FL. VOR OR GPS RWY 27R AMDT 10C
FORT LAUDERDALE-HOLLYWOOD INTL, FORT LAUDERDALE, FL. RADAR-1 AMD 3B12/17/96
FORT LAUDERDALE-HOLLYWOOD INTL, FORT LAUDERDALE, FL. ILS RWY 27R AMDT 5
ST AUGUSTINE, ST AUGUSTINE, FL. VOR RWY 31 ORIG

ST AUGUSTINE, ST AUGUSTINE, FL. VOR OR GPS RWY 13 AMDT 5
FAIRFIELD COUNTY, WINNSBORO, SC. GPS RWY 22 ORIG
PORTLAND INTL, PORTLAND, OR. ILS RWY 10R AMDT 30A
CRAIG MUNI, JACKSONVILLE, FL. ILS RWY 32 AMDT 3A
MONROE, MONROE, NC. VOR OR GPS-A AMDT 11
MONROE, MONROE, NC. VOR/DME OR GPS-B AMDT 6
MONROE, MONROE, NC. NDB OR GPS RWY 5 AMDT 2
MONROE, MONROE, NC. ILS RWY 5 ORIG
METROPOLITAN OAKLAND INTL, OAKLAND, CA. ILS RWY 29 ‘CAT II’ AMDT 23...ILS RWY 29 ‘CAT III’ AMDT 23
STUART/WITHAM FIELD, STUART, FL. GPS RWY 29, ORIG
CHARLOTTE/DOUGLAS INTL, CHARLOTTE, NC. LOC BC RWY 23 AMDT 10
BURLINGTON-ALAMANCE REGIONAL, BURLINGTON, NC. NDB OR GPS RWY 6, AMDT 3
BURLINGTON-ALAMANCE REGIONAL, BURLINGTON, NC. VOR/DME OR GPS-A, ORIG
TAMPA INTL, TAMPA, FL. ILS RWY 18L, AMDT 38D
TAMPA INTL, TAMPA, FL. VOR OR GPS RWY 9, AMDT 7A
CRAIG FIELD, SELMA, AL. ILS RWY 33, ORIG-C
FI/P AUBURN-OPELIKA ROBERT G. PITTS, AUBURN, AL. RNAV OR GPS RWY 36, AMDT 3
AUBURN-OPELIKA ROBERT G. PITTS, AUBURN, AL. VOR/DME OR GPS-A, AMDT 6
AUBURN-OPELIKA ROBERT G. PITTS, AUBURN, AL. VOR OR GPS RWY 28, AMDT 9
AUBURN-OPELIKA ROBERT G. PITTS, AUBURN, AL. NDB RWY 36, ORIG
AUBURN-OPELIKA ROBERT G. PITTS, AUBURN, AL. LOC RWY 36, AMDT 2
BEAUMONT-PORT AUTHUR/ JEFFERSON COUNTY, BEAUMONT-PORT AUTHUR, TX. GPS RWY 34, ORIG

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BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 28765; Amdt. No. 1773]

RIN 2120-AA65

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: 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 Area 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 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 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, and 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 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 “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. 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.

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* * *Effective January 30, 1997

Anvik, AK, Anvik, GPS RWY 35, Orig
Noatak, AK, Noatak, NDB/DME RWY 36, Amdt 1
Harrisburg, IL, Harrisburg-Raleigh, NDB RWY 24, Amdt 10
Newberry, MI, Luce County, VOR or GPS RWY 11, Amdt 10
Newberry, MI, Luce County, VOR or GPS RWY 29, Amdt 10
Weslaco, TX, Mid Valley, VOR/DME-A, Orig
Weslaco, TX, Mid Valley, VOR/DME OR GPS-A, Orig, cancelled

* * *Effective February 27, 1997

San Diego, CA, Brown Field Muni, VOR OR GPS-A, Amdt 4
Houston, TX, Houston Intercontinental, ILS RWY 9, Amdt 4
Houston, TX, Houston Intercontinental, ILS RWY 26, Amdt 15
Houston, TX, Houston Intercontinental, GPS RWY 27, Orig
Leesburg, VA, Leesburg Muni/Godfrey Field, RNAV RWY 17, Amdt 9, Cancelled
Manassas, VA, Manassas Muni/Harry P. Davis Field, VOR-B, Amdt 3, Cancelled

* * *Effective March 27, 1997

Lake Village, Lake Village Muni AR, GPS RWY 1, Orig
Lake Village, Lake Village Muni AR, GPS RWY 19, Orig
Magnolia, AR, Magnolia Muni, NDB RWY 36, Amdt 1
Magnolia, AR, Magnolia Muni, GPS RWY 18, Amdt 1
Magnolia, AR, Magnolia Muni, GPS RWY 36, Amdt 1
Monticello, AR, Monticello Muni/Ellis Field, VOR-A, Amdt 5
Monticello, AR, Monticello Muni/Ellis Field, GPS RWY 3, Orig
San Diego, CA, Brown Field Muni, GPS RWY 8L, Orig
Hays, KS, Hays Muni, GPS RWY 16, Orig
New Orleans, LA, New Orleans (Moisant Field), GPS RWY 10, Orig
New Orleans, LA, New Orleans (Moisant Field), GPS RWY 19, Orig
Bedford, MA, Laurence G. Hanscom, GPS RWY 23, Orig
Adrian, MI, Lenawee County, GPS RWY 5, Orig
Jefferson City, MO, Jefferson City Memorial, GPS RWY 12, Orig
Jefferson City, MO, Jefferson City Memorial, GPS RWY 30, Orig
Albany, NY, Albany County, ILS RWY 19, Amdt 20
Hudson, NY, Columbia County, NDB OR GPS-A, Amdt 3
Hudson, NY, Columbia County, GPS RWY 21, Orig
Penn Yan, NY, Penn Yan, NDB RWY 28, Amdt 6
Penn Yan, NY, Penn Yan, NDB RWY 1, Orig
Penn Yan, NY, Penn Yan, NDB RWY 19, Orig
Hazen, ND, Mercer County Regional, GPS RWY 14, Orig
Hazen, ND, Mercer County Regional, GPS RWY 32, Orig
Chandler, OK, Chandler Muni, GPS RWY 17, Orig
Chandler, OK, Chandler Muni, GPS RWY 35, Orig
Providence, RI, Theodore Frances Green State, GPS RWY 16, Orig
Hondo, TX, Hondo Muni, NDB OR GPS RWY 35R, Amdt 4
Hondo, TX, Hondo Muni, VOR RWY 17L, Orig, Cancelled
Hondo, TX, Hondo Muni, GPS RWY 17L, Amdt 1
Houston, TX, Ellington Field, NDB RWY 22, Orig
Houston, TX, Ellington Field, GPS RWY 4, Orig
Houston, TX, Ellington Field, GPS RWY 17R, Orig

Houston, TX, Ellington Field, GPS RWY 35L,
Orig
Waco, TX, McGregor Muni, GPS RWY 17,
Orig
Waco, TX, McGregor Muni, GPS RWY 35,
Orig
Blacksburg, VA, Virginia Tech, NDB OR
GPS-A, Amdt 2

[FR Doc. 97-314 Filed 1-7-97; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulations No. 16]

RIN 0960-AE61

Reduction in Supplemental Security Income (SSI) Payable to Institutionalized Children Whose Medical Costs Are Covered by Private Insurance

AGENCY: Social Security Administration.

ACTION: Interim final rules with request for comments.

SUMMARY: These regulations implement an amendment to section 1611(e)(1)(B) of the Social Security Act (the Act) made by section 214 of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 214 extends applicability of the reduced SSI benefit rate (currently \$30.00 per month) to children under age 18 in medical care facilities receiving payments on their behalf under a health insurance policy issued by a private provider. With these rule changes, children with private health insurance coverage will be treated the same as children with Medicaid coverage in terms of the amount of benefits for which they are eligible. While the major impact of these regulations will be to reduce benefits for those children described above, some children residing in public institutions, which receive private health insurance payments and which currently do not receive any SSI benefits on their behalf, will become eligible for SSI benefits up to \$30 per month.

DATES: These interim final rules are effective beginning January 8, 1997. To be sure that your comments are considered, we must receive them no later than March 10, 1997.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235; sent by telefax to (410) 966-2830; sent by E-mail to "regulations@ssa.gov"; or, delivered to the Division of Regulations and Rulings, Social Security Administration,

3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 A.M. and 4:30 P.M. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT:

Daniel T. Bridgewater, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3298 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION:

Background

Section 1611(e)(1)(A) of the Act generally precludes eligibility for SSI benefits when a claimant is a resident of a public institution throughout a month. Section 1611(e)(1)(B) provided an exception to that bar. Under that section, payments could be made at the reduced Federal benefit rate to individuals in institutions "receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX * * *." This language was implemented through regulations to mean that individuals in institutions would receive only the reduced benefit amount when "Medicaid (title XIX of the Social Security Act) pays a substantial part (more than 50 percent) of the cost of" the claimant's care (§ 416.211(b)).

Section 214 of Public Law 104-193, effective for benefits beginning with the month of December 1996, amends section 1611(e)(1)(B) of the Act by extending applicability of the reduced SSI benefit rate to children under age 18 in medical care facilities receiving payments on their behalf under a health insurance policy issued by a private provider (hereinafter referred to as private health insurance). Prior to the enactment of section 214, children under the age of 18 in private institutions with private health insurance generally could be eligible for a full SSI payment. Section 214 now restricts the SSI payment for such children to the Federal reduced benefit rate. Also, as is noted above, prior to this legislation, individuals in public institutions not receiving substantial Medicaid payments on their behalf generally were ineligible for SSI. However, as a result of this legislation, children under age 18 in public institutions receiving private health insurance on their behalf now are

eligible for SSI payments at the reduced Federal benefit amount.

Section 214 could be interpreted as requiring application of the reduced benefit amount where *any* amount of private health insurance payments is being made on behalf of an institutionalized child for the cost of the child's care in the institution. However, if the private health insurance is not paying for a significant amount of the cost of care, we believe that application of the reduced SSI payment would be at odds with the intent of the SSI program to help provide for the basic needs of the child for food, clothing, and shelter.

Moreover, the legislative history indicates that "[c]hildren in medical institutions whose medical costs are covered by private insurance would be treated the same as children whose bills are currently paid by Medicaid (that is, their monthly SSI cash benefit would be reduced to \$30 per month)." H.R. Conf. Rep. No. 725, 104th Cong., 2d Sess. 333 (1996). In addition, the legislative history references children whose costs are "covered," not children for whom any private insurance payments are being made. Since Congress used the same phrase, "receiving payments," in referring to cases where Medicaid is paying towards the cost of care and to cases where private health insurance is paying towards the cost of care, we believe that the extent of the medical coverage which would reduce the SSI payment to \$30 should be the same. Therefore, we have decided that the more equitable approach is to apply the reduced benefit amount to children under age 18 with private health insurance when it pays a substantial part (more than 50 percent) of the cost of their care in the institution. Similarly, since Congress apparently wanted to treat all children with significant medical coverage in the same manner, we also have decided that the reduced benefit amount will apply in those cases where children under age 18 are in medical care facilities receiving a combination of Medicaid and private health insurance payments which combined pay a substantial part (more than 50 percent) of the cost of their care.

Regulatory Changes

Section 416.211 explains the general prohibition against SSI eligibility for residents of public institutions, as well as the statutory exceptions to that prohibition. We have revised § 416.211(b) to include a reference to private health insurance as a factor in applying the exception that permits SSI payments at a reduced rate for certain individuals in medical care facilities. The introductory text of paragraph (b)