

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### 14 CFR Part 97

[Docket No. 30623; Amdt. No. 3283]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures 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, adding new obstacles, or changing 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:** This rule is effective September 2, 2008. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 2, 2008.

**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;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169, or;

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

*Availability—*All SIAPs are available online free of charge. Visit [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP 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.

**FOR FURTHER INFORMATION CONTACT:**

Harry J. Hodges, Flight Procedure Standards Branch (AFS-420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

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. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P-NOTAMs.

The SIAPs, as modified by FDC P-NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC 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.

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 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 “significant regulatory action” under DOT Regulatory 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, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on August 8, 2008.

**James J. Ballough,**  
Director, Flight Standards Service.

**Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of

Federal regulations, Part 97, 14 CFR part 97, is amended by amending 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. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 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/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

\* \* \* *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
07/10/08	WV	SUMMERSVILLE	SUMMERSVILLE	8/6325	GPS RWY 22, AMDT 2
07/24/08	VA	RICHMOND	RICHMOND INTL	8/9150	RNAV (GPS) RWY 34, ORIG-B 0
07/24/08	CA	SANTA MONICA	SANTA MONICA MUNI	8/9214	VOR OR GPS-A, AMDT 10C
07/24/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/9241	NDB/DME RWY 9, AMDT 4
07/24/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/9242	NDB OR GPS-C, AMDT 3
07/24/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/9244	RNAV (GPS) RWY 27, ORIG
07/24/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/9246	NDB OR GPS-B, AMDT 3
07/24/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/9249	NDB/DME OR GPS-A, AMDT 1A
07/24/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/9250	RNAV (GPS) RWY 9, ORIG
07/25/08	FL	MIAMI	KENDALL-TAMIAMI EXECUTIVE	8/9372	RNAV (GPS) RWY 9R, ORIG-A
07/25/08	FL	MIAMI	KENDALL-TAMIAMI EXECUTIVE	8/9373	ILS OR LOC RWY 9R, AMDT 9
07/28/08	TN	NASHVILLE	JOHN C. TUNE	8/9579	ILS/DME RWY 20, ORIG
07/28/08	TN	NASHVILLE	JOHN C. TUNE	8/9580	RNAV (GPS) RWY 2, ORIG
07/29/08	OR	PORTLAND	PORTLAND INTL	8/9657	RNAV (GPS) RWY 10L, ORIG
07/29/08	FL	DAYTONA BEACH	DAYTONA BEACH INTL	8/9690	RNAV (GPS) Y RWY 7L, ORIG-A
07/29/08	FL	DAYTONA BEACH	DAYTONA BEACH INTL	8/9691	RNAV (GPS) RWY 7R, ORIG-A
07/29/08	FL	DAYTONA BEACH	DAYTONA BEACH INTL	8/9692	RNAV (GPS) RWY 34, AMDT 1A
07/29/08	FL	DAYTONA BEACH	DAYTONA BEACH INTL	8/9693	RNAV (GPS) Z RWY 7L, ORIG
07/29/08	FL	DAYTONA BEACH	DAYTONA BEACH INTL	8/9694	RNAV (GPS) RWY 16, AMDT 1
07/29/08	FL	DAYTONA BEACH	DAYTONA BEACH INTL	8/9696	RADAR-1, AMDT 8A
07/29/08	AK	IGIUGIG	IGIUGIG	8/9747	RNAV (GPS) RWY 23, ORIG-A
07/29/08	AK	IGIUGIG	IGIUGIG	8/9748	RNAV (GPS) RWY 5, ORIG-A
07/29/08	NV	LOVELOCK	DERBY FIELD	8/9782	VOR OR GPS-C, ORIG-A
07/29/08	NV	LOVELOCK	DERBY FIELD	8/9783	VOR/DME OR GPS-A, ORIG-A
07/30/08	NJ	WILDWOOD	CAPE MAY COUNTY	8/9934	RNAV (GPS) RWY 19, ORIG-A
07/30/08	NJ	WILDWOOD	CAPE MAY COUNTY	8/9935	LOC RWY 19, AMDT 6B
07/30/08	SC	GREENVILLE	GREENVILLE DOWNTOWN	8/9970	RADAR-1, AMDT 13
07/30/08	NH	LACONIA	LACONIA MUNI	8/9971	TAKEOFF MINS AND OBSTACLE DP, AMDT 3
07/30/08	MS	GREENVILLE	MID DELTA REGIONAL	8/9983	ILS OR LOC RWY 18L, AMDT 9C
07/30/08	CA	ALTURAS	ALTURAS MUNI	8/0021	RNAV (GPS) RWY 31, ORIG
07/30/08	VA	MANASSAS	MANASSAS RGNL/HARRY P. DAVIS FIELD.	8/0042	ILS OR LOC RWY 16L, AMDT 4C
07/30/08	PA	BUTLER	BUTLER COUNTY/K W SCHOLTER FLD.	8/0043	RNAV (GPS) RWY 8, ORIG-A
07/31/08	CA	LOS ANGELES	LOS ANGELES INTL	8/0215	RNAV (GPS) Y RWY 6L, AMDT 1
07/31/08	CA	LOS ANGELES	LOS ANGELES INTL	8/0216	RNAV (GPS) Y RWY 6R, AMDT 1
07/31/08	CA	LOS ANGELES	LOS ANGELES INTL	8/0217	RNAV (GPS) Y RWY 7R, AMDT 2
07/31/08	CA	LOS ANGELES	LOS ANGELES INTL	8/0218	RNAV (GPS) Y RWY 7L, AMDT 2
07/31/08	ME	GREENVILLE	GREENVILLE MUNI	8/0528	NDB OR GPS RWY 14, AMDT 4B
07/31/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/0533	NDB OR GPS-B, AMDT 3
07/31/08	FM	POHNPEI ISLAND	POHNPEI INTL	8/0535	NDB/DME RWY 9, AMDT 4
07/31/08	PA	WEST CHESTER	BRANDYWINE	8/0570	RNAV (GPS) RWY 27, ORIG
07/31/08	PA	WEST CHESTER	BRANDYWINE	8/0577	RNAV (GPS) RWY 9, ORIG
08/01/08	CA	LONG BEACH	LONG BEACH/DAUGHERTY FIELD	8/0689	VOR OR TACAN RWY 30, AMDT 8

FDC date	State	City	Airport	FDC No.	Subject
08/04/08	CA	TORRANCE	ZAMPERINI FIELD	8/1176	VOR OR GPS RWY 11L, AMDT 14A
08/04/08	CA	TORRANCE	ZAMPERINI FIELD	8/1177	ILS RWY 29R, AMDT 2
08/05/08	AK	KOBUK	KOBUK	8/1375	RNAV (GPS) RWY 27, ORIG
08/05/08	AK	KOBUK	KOBUK	8/1376	RNAV (GPS) RWY 9, ORIG
08/05/08	AL	BESSEMER	BESSEMER	8/1447	GPS RWY 23, ORIG
08/05/08	AL	BESSEMER	BESSEMER	8/1449	RNAV (GPS) RWY 5, ORIG
08/05/08	AL	BESSEMER	BESSEMER	8/1452	ILS OR LOC RWY 5, AMDT 1
08/01/08	MT	CONRAD	CONRAD	8/0707	NDB OR GPS RWY 24, AMDT 4A
08/01/08	MT	GREAT FALLS	GREAT FALLS INTL	8/0710	NDB RWY 34, AMDT 16A
08/05/08	WA	BURLINGTON/MT VERNON.	SKAGIT REGIONAL	8/1260	TAKEOFF MINIMUMS AND OBSTACLE DP, ORIG

[FR Doc. E8-19541 Filed 8-29-08; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 738 and 740**

[Docket No. 080717846-8879-01]

RIN 0694-AE34

**Addition of Kosovo in the Export Administration Regulations**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to establish export licensing requirements for Kosovo.

**DATES:** *Effective Date:* This rule is effective: September 2, 2008.

**ADDRESSES:** Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. You may submit comments, identified by RIN 0694-AE34, by any of the following methods:

- *E-mail:*

*publiccomments@bis.doc.gov.* Include "RIN 0694-AE34" in the subject line of the message.

- *Fax:* (202) 482-3355. Please alert the Regulatory Policy Division, by calling (202) 482-2440, if you are faxing comments.

- *Mail or Hand Delivery/Courier:* Jeffrey Lynch, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, Attn: RIN 0694-AE34.

Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to David Rostker, Office of Management and Budget

(OMB), by e-mail to *David\_Rostker@omb.eop.gov*, or by fax to (202) 395-7285; and to the U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230. Comments on this collection of information should be submitted separately from comments on the final rule (i.e. RIN 0694-AE34)—all comments on the latter should be submitted by one of the three methods outlined above.

**FOR FURTHER INFORMATION CONTACT:** Joan M. Maloney-Roberts, Foreign Policy Division, Office of Nonproliferation Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482-0171.

**SUPPLEMENTARY INFORMATION:** This final rule adds Kosovo to the EAR for export licensing purposes. The United States recognized Kosovo as a sovereign state on February 18, 2008. Specifically, this rule amends the EAR as follows:

1. In Supplement No. 1 to part 738 of the EAR, the Commerce Country Chart is amended by adding "Kosovo".

2. In Supplement No. 1 to part 740 of the EAR (Country Groups), Country Group B is amended by adding "Kosovo".

3. Section 740.7(d)(1) of the EAR (Computer Tier 3 destinations) is amended by adding "Kosovo" for License Exception APP purposes.

This rule does not amend Supplement No. 2 to part 745, "States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction," to include Kosovo, because Kosovo is not currently a State Party to the Convention.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended most recently by the Notice of July 23, 2008, 72 FR 43603 (July 25, 2008), has

continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

**Rulemaking Requirements**

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694-0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS-748. This rule is not expected to result in any change for collection purposes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to David Rostker, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the **ADDRESSES** section of this rule.

3. This rule does not contain policies with Federalism implications as this term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of