

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

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

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113–40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's effective at 0901 UTC on the dates specified:

\* \* \* *Effective September 9, 1999*

Fort Yukon, AK, Fort Yukon, VOR/DME or TACAN or GPS Rwy 3, Amdt 1A, Canceled

Fort Yukon, AK, Fort Yukon, VOR/DME or TACAN Rwy 3, Amdt 1A

Fort Yukon, AK, Fort Yukon, VOR/DME or TACAN or GPS Rwy 21, Amdt 1A, Canceled

Fort Yukon, AK, Fort Yukon, VOR/DME or TACAN Rwy 21, Amdt 1A

Redding, CA, Redding Muni, VOR or GPS Rwy 34, Amdt 10C, Canceled  
Redding, CA, Redding Muni, VOR Rwy 34, Amdt 10C

Akron, CO, Akron-Washington County, VOR or GPS Rwy 29 Orig, Canceled  
Akron, CO, Akron-Washington County, VOR Rwy 29 Orig

Fort Myers, FL, Southwest Florida Intl, NDB or GPS Rwy 6, Amdt 4A, Canceled

Fort Myers, FL, Southwest Florida Intl, NDB Rwy 6, Amdt 4A

Fort Myers, FL, Southwest Florida Intl, VOR/DME or TACAN or GPS Rwy 24, Amdt 1, Canceled

Fort Myers, FL, Southwest Florida Intl, VOR/DME or TACAN Rwy 24, Amdt 1

St. Petersburg-Clearwater, FL, St. Petersburg-Clearwater Intl, VOR or GPS Rwy 17L, Amdt 11B, Canceled  
St. Petersburg-Clearwater, FL, St. Petersburg-Clearwater Intl, VOR Rwy 17L, Amdt 11B

Paducah, KY West Kentucky Airpark, VOR or GPS Rwy 4, Amdt 16A, Canceled

Paducah, KY, West Kentucky Airpark, VOR Rwy 4, Amdt 16A

Paducah, KY, West Kentucky Airpark, NDB or GPS Rwy 22 Amdt 2, Canceled

Paducah, KY, West Kentucky Airpark NDB Rwy 22, Amdt 2

Van Wert, Van Wert County, NBD or GPS Rwy 9, Amdt 1, Canceled

Van Wert, OH, Van Wert County, NBD Rwy 9, Amdt 1

Van Wert, OH, Van Wert County, NBD or GPS Rwy 27, Orig, Canceled

Van Wert, OH, Van Wert County, NBD Rwy 27, Orig

Norman, OK, University of Oklahoma Westheimer, VOR/DME or RNAV or GPS Rwy 3, Orig-C, Canceled  
Norman, OK, University of Oklahoma Westheimer, VOR/DME or RNAV Rwy 3, Orig-C

Tahlequah, OK, Tahlequah Muni, NDB or GPS Rwy 17, Amdt 1, Canceled  
Tahlequah, OK, Tahlequah Muni, NDB Rwy 17, Amdt 1

Jackson, TN, McKeller-Sipes Regional, NDB or GPS Rwy 2, Amdt 6, Canceled  
Jackson, TN, McKeller-Sipes Regional, NDB Rwy 2, Amdt 6

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 97**

[Docket No. 29665; Amdt. No. 1941]

**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:**

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-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 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 (NFDC) 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 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.

### 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 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 July 23, 1999.

**L. Nicholas Lacey,**

*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. 106(g), 40103, 40113, 40120, 44701; 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 August 12, 1999*

Escanaba, MI, Delta County, ILS/DME RWY 9, Amdt 4A, CANCELLED  
Escanaba, MI, Delta County, ILS RWY 9, Orig  
Iron Mountain/Kingsford, MI, Ford, VOR OR GPS RWY 31, Amdt 15  
Iron Mountain/Kingsford, MI, Ford, LOC/DME BC RWY 19, Amdt 12  
Iron Mountain/Kingsford, MI, Ford, NDB RWY 1, Orig  
Iron Mountain/Kingsford, MI, Ford, ILS RWY 1, Amdt 11  
Newark, NJ, Newark Intl, ILS RWY 22R, Amdt 2  
Memphis, TN, Memphis International, ILS RWY 9, Amdt 26  
Nashville, TN, John C. Tune, LOC/DME RWY 19, Amdt 2A, CANCELLED  
Nashville, TN, John C. Tune, ILS/DME RWY 19, Orig

\* \* \* *Effective September 9, 1999*

Atkasuk, AK, Atkasuk Edward Burnell Sr. Memorial NDB RWY 6, Orig  
Atkasuk, AK, Atkasuk Edward Burnell Sr. Memorial NDB RWY 24, Orig  
Cold Bay, AK, Cold Bay, VOR/DME OR TACAN-A, Amdt 2  
Cold Bay, AK, Cold Bay, MLS RWY 32, Amdt 1  
Palmer, AK, Palmer Muni, GPS-A, Orig  
Arcata-Eureka, CA, Arcata, GPS RWY 2, Orig  
Arcata-Eureka, CA, Arcata, GPS RWY 14, Orig  
Arcata-Eureka, CA, Arcata, GPS RWY 32, Orig  
Colusa, CA, Colusa County, GPS RWY 13, Orig  
Colusa, CA, Colusa County, GPS RWY 31, Orig  
Washington, DC, Ronald Reagan Washington National, VOR RWY 1, Amdt 12  
Washington, DC, Ronald Reagan Washington National, VOR/DME OR GPS RWY 19, Amdt 9

Washington, DC, Ronald Reagan Washington National, LDA/DME RWY 19, Amdt 2  
Washington, DC, Ronald Reagan Washington National, ROSSLYN LDA RWY 19, Amdt 15  
Washington, DC, Ronald Reagan Washington National, NDB OR GPS RWY 1, Amdt 11  
Washington, DC, Ronald Reagan Washington National, ILS RWY 1, Amdt 40  
Emporia, KS, Emporia Muni, VOR OR GPS-A, Amdt 13  
Emporia, KS, Emporia Muni, VOR/DME RNAV RWY 19, Amdt 8  
Emporia, KS, Emporia Muni, GPS RWY 19, Orig  
Fort Leavenworth, KS, Sherman AAF, VOR/DME-A, Orig  
Somerset, KY, Somerset-Pulaski County-J.T. Wilson Field, GPS RWY 4, Orig  
Shreveport LA, Shreveport Regional, NDB OR GPS RWY 14, Amdt 20  
Shreveport LA, Shreveport Regional, ILS RWY 14, Amdt 22  
Augusta, ME, Augusta State, GPS RWY 8, Orig  
Augusta, ME, Augusta State, GPS RWY 17, Orig  
Augusta, ME, Augusta State, GPS RWY 35, Orig  
Frederick, MD, Frederick Muni, VOR OR GPS-A, Amdt 2  
Frederick, MD, Frederick Muni, ILS RWY 23, Amdt 4  
Frederick, MD, Frederick Muni, GPS RWY 5, Amdt 1  
Palmer, MA, Metropolitan, GPS RWY 4, Orig  
Glencoe, MN, Glencoe Muni, NDB RWY 31, Orig  
Rushford MN, Rushford Muni, GPS RWY 34, Orig  
Silver Bay, MN, Silver Bay Muni, GPS RWY 25, Amdt 1  
Butler, MO, Butler Memorial, VOR-A, Amdt 4  
Kansas City, MO, Kansas City Intl, VOR OR GPS RWY 27, Amdt 14, CANCELLED  
Kansas City, MO, Kansas City Intl, VOR/DME OR TACAN RWY 1L, Orig  
Kansas City, MO, Kansas City Intl, VOR/DME OR TACAN RWY 19R, Orig  
Kansas City, MO, Kansas City Intl, VOR/DME OR TACAN RWY 27, Orig  
Kansas City, MO, Kansas City Intl, GPS RWY 1R, Orig  
Kansas City, MO, Kansas City Intl, GPS RWY 9, Orig  
Kansas City, MO, Kansas City Intl, GPS RWY 19R, Orig  
Kansas City, MO, Kansas City Intl, GPS RWY 27, Orig  
Minden, NV, Minden-Tahoe, GPS-A, Orig  
Minden, NV, Minden-Tahoe, GPS-B, Orig  
Waverly, OH, Pike County, GPS RWY 7, Orig  
Waverly, OH, Pike County, GPS RWY 25, Orig  
Grants Pass, OR, Grants Pass, GPS-A, Amdt 1  
Allendale, SC, Allendale County, GPS RWY 17, Orig  
Allendale, SC, Allendale County, GPS RWY 35, Orig  
Britton, SD, Britton Muni, NDB OR GPS RWY 13, Amdt 1  
Britton, SD, Britton Muni, GPS RWY 31, Amdt 1  
Alice, TX, Alice Intl, VOR-A, Amdt 1

Alice, TX, Alice Intl, VOR RWY 31, Amdt 12  
 Alice, TX, Alice Intl, LOC RWY 31, Amdt 6  
 Alice, TX, Alice Intl, GPS RWY 13, Orig  
 Alice, TX, Alice Intl, GPS RWY 31, Amdt 1  
 Bremerton, WA, Bremerton National, NDB  
 RWY 1, Amdt 1  
 Bremerton, WA, Bremerton National, ILS  
 RWY 19, Amdt 13  
 Bremerton, WA, Bremerton National, GPS  
 RWY 1, Amdt 1  
 Burlington/Mount Vernon, WA, Skagit  
 Regional NDB RWY 10, Amdt 3  
 Burlington/Mount Vernon, WA, Skagit  
 Regional GPS RWY 10, Amdt 1  
 Friday Harbor, WA, Friday Harbor, NDB  
 RWY 34, Amdt 1  
 Friday Harbor, WA, Friday Harbor, GPS RWY  
 34, Amdt 1  
 Shelton, WA, Sanderson Field, NDB OR  
 GPS-A, Amdt 2  
 Shelton, WA, Sanderson Field, GPS RWY 5,  
 Amdt 1  
 Shelton, WA, Sanderson Field, GPS RWY 23,  
 Amdt 1  
 Tacoma, WA, Tacoma Narrows, NDB RWY  
 35, Amdt 7  
 Tacoma, WA, Tacoma Narrows, GPS RWY  
 17, Orig  
 Tacoma, WA, Tacoma Narrows, GPS RWY  
 35, Orig

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 98-7C]

#### Notice and Recordkeeping for Making and Distributing Phonorecords

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Interim regulations.

**SUMMARY:** The Copyright Office is announcing interim regulations which specify notice and recordkeeping requirements associated with the making of digital phonorecord deliveries. The Digital Performance Right in Sound Recordings Act of 1995 requires the Librarian of Congress to establish these regulations to insure proper payment to copyright owners for the use of their works.

**EFFECTIVE DATE:** The interim regulations shall become effective on August 30, 1999.

**FOR FURTHER INFORMATION CONTACT:**

David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel ("CARP"), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:**

### Background

On November 1, 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995 ("DPRA"), Pub. L. 104-39 (1995). Among other things, this law clarifies that the compulsory license for making and distributing phonorecords includes the distribution of a phonorecord of a nondramatic musical work by means of a digital phonorecord delivery. 17 U.S.C. 115(c)(3).

The DPRA requires the Librarian of Congress to "establish requirements by which copyright owners may receive reasonable notice of the use of their works under this section, and under which records of such use shall be kept and made available by persons making digital phonorecord deliveries." 17 U.S.C. 115(c)(3)(D).

The Copyright Office initiated the process to promulgate regulations on the subject of the notice and recordkeeping requirements on September 4, 1998, with the publication of a Notice of Inquiry. 63 FR 47215 (September 4, 1998). The notice sought comment on whether the existing regulations, 37 CFR 201.18 and 201.19, governing the administration of the section 115 compulsory license, could be amended to accommodate the additional notice and recordkeeping requirements. Comments were due on October 19, 1998, and reply comments were due on November 18, 1998.

On October 19, 1998, the Recording Industry Association of America ("RIAA") and the National Music Publishers' Association of America, Inc. ("NMPA") filed a joint petition with the Copyright Office. The petition requested a six-month extension of the filing period in order to allow these parties additional time to work out a joint proposal that would address the complex technical and business issues involved in the making of digital phonorecord deliveries ("DPDs"). In response to the parties' concerns expressed in the petition and a second request for additional time, the Copyright Office reopened the comment period twice. 63 FR 65567 (November 27, 1998); 63 FR 69251 (December 16, 1998).

### The Commenters

The Copyright Office received five comments from six parties: NMPA and the Songwriters Guild of America ("SGA"), jointly; RIAA; Digital Media Association ("DiMA"); Broadcast Music, Inc. ("BMI"), and the American Society of Composers, Authors, and Publishers ("ASCAP").

### The Scope of This Proceeding

BMI and ASCAP filed comments to underscore their understanding that the DPRA does not in any way diminish the right of public performance and that the current rulemaking does not involve the right of public performance, but rather is limited to the right of reproduction and the right of distribution. BMI's and ASCAP's assessment as to the scope of this proceeding is correct. It implicates only the rights of reproduction and distribution in the making and distribution of phonorecords, and not the right of public performance.

### A Request for Interim Regulations

NMPA/SGA, RIAA, and DiMA indicate a strong preference for delaying the adoption of final regulations on notice and recordkeeping because the industry is in its infancy and business models to handle the transactions involved in making DPDs are still evolving. These commenters encourage the Office to adopt interim regulations for a period of between six months to two years in order to allow continued negotiations among industry representatives. BMI and ASCAP also have no objections to adopting interim regulations so long as such amendments do not apply to the right of public performance. The Copyright Office agrees with the commenters and is adopting interim regulations for a period of two years; however, a party with a substantial interest in notice and recordkeeping requirements for DPDs may petition the Office to reopen the rulemaking for good cause before the expiration of this period. The interim regulations are promulgated without prejudice to the parties who, at the appropriate time, may propose final regulations that may differ significantly from the interim rules based upon the developing business trends in the industry.

### Proposed Amendments to 37 CFR 201.18 and 201.19

Section 115(b)(1) of the Copyright Act, title 17 of the United States Code, requires "[a]ny person who wishes to obtain a compulsory license under this section . . . [to] serve notice of intention to do so on the copyright owner." This section also requires the Copyright Office to prescribe regulations specifying the form, content, and manner of service of the notice of intention. Section 201.18 of title 37 of the Code of Federal Regulations meets this requirement. Similarly, the regulations in § 201.19 address the requirement that each compulsory licensee file monthly and annual