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BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30280; Amdt. No. 2079]

#### 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:** 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 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,

US 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 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), 14 CFR part 51, and § 97.20 of the Federal Aviation's 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 NOTAMs 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 canceled.

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the 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 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 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 November 9, 2001.

**Nicholas A. Sabatini,**

*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).

§§ 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/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 number	Subject
10/16/01	MD	Ocean City	Ocean City Muni	1/1293	VOR-A, Amdt 2.
10/16/01	MD	Baltimore	Baltimore-Washington Intl	1/1334	RNAV (GPS) RWY 33R, Orig.
10/16/01	MD	Baltimore	Baltimore-Washington Intl	1/1335	RNAV (GPS RWY 15L, Orig.
10/16/01	MD	Baltimore	Baltimore-Washington Intl	1/1336	ILS RWY 33R Orig-C.
10/16/01	MD	Baltimore	Baltimore-Washington Intl	1/1337	VOR/DME RWY 15L, Amdt 2.
10/16/01	MD	Baltimore	Baltimore-Washington Intl	1/1338	ILS RWY 15L, Orig-A.
10/17/01	MA	Southbridge	Southbridge Muni	1/1348	VOR/DME-B, Amdt 7.
10/17/01	CT	Danielson	Danielson	1/1349	VOR or GPS-A, Amdt 5.
10/17/01	RI	Pawtucket	North Central State	1/1350	LOC RWY 5, Amdt 5A.
10/17/01	RI	Pawtucket	North Central State	1/1351	VOR or GPS-B, Amdt 6.
10/18/01	CA	San Diego	Montgomery Field	1/1413	NDB or GPS RWY 28R, Amdt 1B.
10/18/01	CA	San Diego	Montgomery Field	1/1414	ILS RWY 28R, Amdt 2A.
10/20/01	KY	Louisville	Louisville Intl-Standiford Field	1/1450	ILS RWY 35L(CAT I, II, III), Amdt 1.
10/22/01	VA	Blacksburg	Virginia Tech	1/1525	NDB or GPS-A, Amdt 3.
10/23/01	MI	Detroit	Detroit Metropolitan Wayne County	1/1556	NDB or GPS RWY 3L, Amdt 12B.
10/26/01	SC	North Myrtle Beach	North Myrtle Beach Grand Strand	1/1659	ILS RWY 23, Amdt 10B.
10/31/01	OH	Lorain/Elyria	Lorain County Regional	1/1810	VOR or GPS-A, Amdt 2A.
10/31/01	VA	Manassas	Manassas Regional/Harry P. Davis Field	1/1817	VOR/DME RNAV or GPS RWY 16R, Amdt 7B.
11/01/01	NJ	Newark	Newark Intl	1/1873	VOR RWY 11, Amdt 2.
11/01/01	TX	Dallas-Fort Worth	Dallas-Fort Worth	1/1885	CONVERGING ILS RWY 31R, Amdt 5.
11/01/01	FL	Gainesville	Gainesville Regional	1/1886	VOR RWY 28, Orig.
11/01/01	FL	Gainesville	Gainesville Regional	1/1887	VOR/DME RWY 6, Orig.
11/01/01	FL	Gainesville	Gainesville Regional	1/1888	VOR RWY 24, Orig.
11/01/01	TX	Dallas-Fort Worth	Dallas-Fort Worth	1/1912	ILS RWY 31R, Amdt 11.
11/01/01	CA	Victorville	Southern California Logistics	1/1913	VOR/DME RWY 17, Orig-A.
11/01/01	NV	Las Vegas	McCarran Intl	1/1915	ILS RWY 25R, Amdt 16E.
11/01/01	CA	Victorville	Southern California Logistics	1/1916	ILS RWY 17, Amdt 1B.
11/01/01	CA	Victorville	Southern California Logistics	1/1918	GPS RWY 17, Orig-A.
11/01/01	WA	Seattle	Seattle-Tacoma Intl	1/1925	ILS RWY 16L, Amdt 1A.
11/01/01	WA	Seattle	Seattle-Tacoma Intl	1/1926	ILS RWY 16R (CAT I, II, III), Amdt 12A.
11/01/01	MD	Leonardtown	Capt. Walter Francis Duke Rgnl at St. Mary's County.	1/1972	VOR or GPS RWY 29, Amdt 6.
11/02/01	AK	Cold Bay	Cold Bay	1/1874	ILS RWY 14, Amdt 16B.
11/05/01	TN	Millington	Millington Muni	1/2094	ILS RWY 22, Amdt 2.
11/05/01	TN	Millington	Millington Muni	1/2109	GPS RWY 4, Orig.
11/06/01	FL	Gainesville	Gainesville Regional	1/2130	ILS RWY 28, Amdt 12.
11/06/01	FL	Gainesville	Gainesville Regional	1/2132	NDB RWY 28, Amdt 9.
11/06/01	FL	Gainesville	Gainesville Regional	1/2133	RNAV (GPS) RWY 6, Orig.
11/06/01	FL	Gainesville	Gainesville Regional	1/2134	VOR/DME RWY 10, Orig.
11/06/01	FL	Gainesville	Gainesville Regional	1/2137	RNAV (GPS) RWY 28, Orig.
11/06/01	AK	Cold Bay	Cold Bay	1/2138	LOC/DME BC RWY 32, Amdt 7B.
11/06/01	FL	Gainesville	Gainesville Regional	1/2140	RNAV (GPS) RWY 10, Orig.
11/06/01	FL	Gainesville	Gainesville Regional	1/2141	RNAV (GPS) RWY 24, Orig.
11/06/01	TN	Millington	Millington Muni	1/2148	VOR/DME RWY 22, Orig.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 121

[Docket No. FAA-2000-8431; Amendment No. 121-287]

RIN 2120-AH15

#### Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The FAA is making minor technical amendments to its drug and alcohol regulations final rule, which was effective August 1, 2001. Since publication of the final rule, we have become aware of minor corrections that need to be made to avoid confusion. The effect of this technical amendment will be to correct the rule language to reflect the intent of the final rule.

**EFFECTIVE DATE:** November 19, 2001.

**FOR FURTHER INFORMATION CONTACT:** Diane J. Wood, Manager, AAM-800, Drug Abatement Division, Office of Aerospace Medicine, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone number (202) 267-8442.

#### SUPPLEMENTARY INFORMATION:

##### Availability of Rulemaking Documents

You can get an electronic copy using the Internet by taking the following steps:

- (1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>).
- (2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on "search."
- (3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number for the item you wish to view.

You can also get an electronic copy using the Internet through the Office of Rulemaking's Web page at <http://www.faa.gov/avr/armhome.htm> or the Federal Register's Web page at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the amendment number or docket number of this rulemaking.

#### Background

On April 29, 1996, the Department of Transportation (DOT) published an advance notice of proposed rulemaking (ANPRM) (61 FR 18713) asking for suggestions to change 49 CFR part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. Subsequently, on December 9, 1999, the DOT published a notice of proposed rulemaking (NPRM) (64 FR 69076) proposing a comprehensive revision to 49 CFR part 40, and the DOT published its final rule on December 29, 2000 (64 FR 79462). As a consequence of the DOT's final rule, on April 30, 2001, the FAA published an NPRM (66 FR 21494) proposing to revise its drug and alcohol regulations to integrate, as appropriate, the new DOT procedures and to be consistent with changes made to 14 CFR part 67. On August 9, 2001, we published a final rule (66 FR 41959) consistent with the new DOT procedures and the current 14 CFR part 67.

Since publication of our final rule, we have become aware of minor corrections that need to be made to avoid confusion. Unless these rule sections are revised, the FAA regulations will not be technically accurate.

In our final rule, we inadvertently retained language allowing, but not requiring, employers to follow certain recommendations for follow-up testing. Sections 40.297 and 40.309 of the DOT final rule require the employer to carry out the Substance Abuse Professional's (SAP) follow-up testing requirements. Therefore, the FAA is modifying 14 CFR part 121, appendix I, section V.G.3., to require the employer to direct the employee to have follow-up testing for alcohol, in addition to drugs, if the SAP determines that alcohol testing is necessary for the particular employee. Similarly, the FAA is modifying 14 CFR part 121, appendix J, section III.F.3. to require the employer to direct the employee to have follow-up testing for drugs, in addition to alcohol, if the SAP determines that drug testing is necessary for the particular employee. With the correction to these sections, the FAA requirements for following SAP recommendations are now consistent with the DOT requirements.

In addition, the FAA found an inadvertent omission regarding person-

employment alcohol testing. In our final rule, we adopted language that all the DOT modal administrations proposed. Our adoption provision inadvertently omitted previous language in 14 CFR part 121, appendix J, section III.A. that stated: "If a pre-employment test result under this paragraph indicates an alcohol concentration of 0.02 or greater but less than 0.04, the provisions of paragraph F of section V of this appendix apply." If the language is left as it appears in the final rule, employers might erroneously believe that persons with alcohol concentrations of between 0.02 and 0.04 on a pre-employment test could be put to work immediately. Therefore, we are restoring the missing language to 14 CFR part 121, appendix J, section III.A.

Finally, after publication of the final rule we became aware that some cross-references had become incorrect because of changes made in the final rule. Therefore, we are correcting these cross-references.

#### Agency Findings

The FAA is making minor technical amendments to its drug and alcohol regulations final rule, which was effective August 1, 2001, to correct minor omissions in the rule language. The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

The FAA has determined that this action does not warrant preparation of a regulatory evaluation since the anticipated impact is minimal. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures; (3) will not have a significant economic impact on a substantial number of small entities; (4) will not impose barriers to international trade; and (5) does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector.

In addition, this rule imposes no information collection requirements for which Paperwork Reduction Act approval is needed.