

Mooreland, OK, Mooreland Muni, GPS Rwy 17, Orig, Cancelled  
 Muskogee, OK, Muskogee/Davis Field, RNAV (GPS) Rwy 4, Orig  
 Muskogee, OK, Muskogee/Davis Field, RNAV (GPS) Rwy 31, Orig  
 Muskogee, OK, Muskogee/Davis Field, NDB Rwy 31, Amdt 10  
 Muskogee, OK, Muskogee/Davis Field, VOR Rwy 31, Amdt 4  
 Muskogee, OK, Muskogee/Davis Field, GPS Rwy 4, Orig-B, Cancelled  
 Muskogee, OK, Muskogee/Davis Field, GPS Rwy 31, Orig, Cancelled  
 Bloomsburg, PA, Bloomsburg Muni, VOR-A, Orig  
 Bloomsburg, PA, Bloomsburg, Muni, VOR OR GPS Rwy 8, Amdt 2, Cancelled  
 Bloomsburg, PA, Bloomsburg, Muni, RNAV (GPS)-B Orig  
 Philadelphia, PA, Wings Field, VOR/DME RNAV Rwy 6, Amdt 4, Cancelled  
 Philadelphia, PA, Wings Field, NDB Rwy 6, Amdt 9  
 Philadelphia, PA, Wings Field, GPS Rwy 24, Orig, Cancelled  
 Philadelphia, PA, Wings Field, RNAV (GPS) Rwy 6, Orig  
 Philadelphia, PA, Wings Field, RNAV (GPS) Rwy 24, Orig  
 Dallas-Fort Worth, TX, Dallas-Fort Worth International, ILS Rwy 35C, Amdt 5  
 Dallas-Fort Worth, TX, Dallas-Fort Worth International, Converging ILS Rwy 35C, Amdt 5  
 Dallas-Fort Worth, TX, Dallas-Fort Worth International, RNAV (GPS) Rwy 35C, Orig  
 Dallas-Fort Worth, TX, Dallas-Fort Worth International, GPS Rwy 35C, Orig-A, Cancelled  
 Blanding, UT, Blanding Muni, RNAV (GPS) Rwy 35, Orig  
 Blanding, UT, Blanding Muni, GPS Rwy 35, Orig, Cancelled  
 Franklin, VA, Franklin Muni-John Beverly Rose, RNAV (GPS) Rwy 9, Orig  
 Franklin, VA, Franklin Muni-John Beverly Rose, RNAV (GPS) Rwy 27, Orig  
 Gordonsville, VA, Gordonsville Muni, NDB OR GPS Rwy 23, Orig, Cancelled  
 Wakefield, VA, Wakefield Muni, NDB Rwy 20, Amdt 4C  
 Wakefield, VA, Wakefield Muni, RNAV, (GPS) Rwy 20, Orig  
 Bellingham, WA, Bellingham Intl, ILS Rwy 16, Amdt 4  
 Bellingham, WA, Bellingham Intl, NDB Rwy 16, Amdt 1  
 Prairie Du Chien, WI, Prairie Du Chien Muni, VOR/DME Rwy 29, Amdt 8  
 Prairie Du Chien, WI, Prairie Du Chien Muni, RNAV (GPS) Rwy 14, Orig  
 Prairie Du Chien, WI, Prairie Du Chien Muni, RNAV (GPS) Rwy 32, Orig  
 Prairie Du Chien, WI, Prairie Du Chien Muni, RNAV (GPS) Rwy 29, Orig  
 Prairie Du Chien, WI, Prairie Du Chien Muni, GPS Rwy 29, Orig, Cancelled  
 [FR Doc. 02-25309 Filed 10-7-02; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30333; Amdt. No. 3026]

### 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.

**EFFECTIVE DATE:** This rule is effective October 8, 2002. The compliance date for each SIAP 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 October 8, 2002.

**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.
4. The Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC

#### 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), 1 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 date 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 SIAP 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, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on September 27, 2002.

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

### Adoption of the Amendment

According, 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 and 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 No.	Subject
08/15/02 .....	NJ	Teterboro .....	Teterboro .....	2/8518	VOR RWY 24, Orig.
09/11/02 .....	WV	Clarksburg .....	Harrison/Marion Regional .....	2/9616	VOR or GPS Rwy 3, AMDT 15A.
09/11/02 .....	NJ	Teterboro .....	Teterboro .....	2/9624	ILS Rwy 6, Amdt 29A.
09/11/02 .....	NJ	Teterboro .....	Teterboro .....	2/9626	VOR/DME Rwy 6, Orig-B.
09/11/02 .....	NJ	Teterboro .....	Teterboro .....	2/9627	COPTER ILS Rwy 6, AMDT 1B.
09/11/02 .....	NJ	Teterboro .....	Teterboro .....	2/9639	VOR/DME RNAV Rwy 24, Orig-B.
09/12/02 .....	NY	Newburgh .....	Stewart Intl .....	2/9643	ILS Rwy 27, Orig.
09/13/02 .....	TX	Houston .....	Sugar Land Muni/Hull Field .....	2/9673	ILS Rwy 35, Amdt 3.
09/13/02 .....	TX	Houston .....	Sugar Land Muni/Hull Field .....	2/9675	VOR/DME-A, Amdt 1.
09/13/02 .....	TX	Houston .....	Sugar Land Muni/Hull Field .....	2/9676	NDB Rwy 17, Amdt 9.
09/13/02 .....	TX	Houston .....	Sugar Land Muni/Hull Field .....	2/9677	VOR/DME RNAV Rwy 35, Amdt 8.
09/13/02 .....	TX	Houston .....	Sugar Land Muni/Hull Field .....	2/9682	RNAV (GPS) Rwy 17, Orig-A.
09/13/02 .....	TX	Houston .....	Sugar Land Muni/Hull Field .....	2/9687	RNAV (GPS) Rwy 35, Orig.
09/13/02 .....	TX	Houston .....	Sugar Land Muni/Hull Field .....	2/9688	NDB Rwy 35, Amdt 5.
09/16/02 .....	TX	Center .....	Center Muni .....	2/9766	GPS Rwy 17, Amdt 1.
09/16/02 .....	TX	Center .....	Center Muni .....	2/9767	GPS Rwy 35, Orig.
09/18/02 .....	KY	Louisville .....	Louisville Intl-Standiford Field .....	2/9810	ILS Rwy 35L (Cat I, II, III), Amdt 1A.
09/18/02 .....	IL	Chicago/Prospect Heights/Wheeling	Chicago/Palwaukee Muni .....	2/9811	VOR Rwy 16, Orig-A.
09/19/02 .....	OH	Marion .....	Marion Muni .....	2/9847	LOC/DME Rwy 24, Orig.
09/19/02 .....	OH	Marion .....	Marion Muni .....	2/9848	GPS Rwy 24, Orig-A.
09/19/02 .....	CA	Vacaville .....	Nut Tree .....	2/9852	GPS Rwy 20, Amdt 1A.
09/19/02 .....	MN	Winona .....	Winona Muni-Conrad Field .....	2/9857	VOR Rwy 29, Amdt 16.
09/19/02 .....	MN	Winona .....	Winona Muni-Conrad Field .....	2/9858	RNAV (GPS) Rwy 29, Orig.
09/23/02 .....	FM	Yap Island .....	Yap Intl .....	2/9977	NDB Rwy 7, Amdt 1.
09/24/02 .....	WI	Sturgeon Bay .....	Door County Cherryland .....	2/0071	NDB or GPS Rwy 1, Amdt 10.
09/24/02 .....	WI	Sturgeon Bay .....	Door County Cherryland .....	2/0072	SDF Rwy 1, Amdt 6.
09/25/02 .....	OH	Cleveland .....	Cleveland Hopkins Intl .....	2/0123	NDB or GPS Rwy 24L, Amdt 1C.
09/25/02 .....	WI	Madison .....	Dane County Regional Truax Field .....	2/0136	VOR Rwy 13, Orig.
09/25/02 .....	WI	Madison .....	Dane County Regional Truax Field .....	2/0138	RNAV (GPS) Rwy 13, Orig.
09/25/02 .....	WI	Madison .....	Dane County Regional Truax Field .....	2/0139	RNAV (GPS) Rwy 31, Orig.

FDC date	State	City	Airport	FDC No.	Subject
09/25/02 .....	WI	Madison .....	Dane County Regional Truax Field .....	2/0140	VOR/DME or Tacan Rwy 13, Orig.
09/25/02 .....	WI	Madison .....	Dane County Regional Truax Field .....	2/0141	VOR/DME or Tacan Rwy 31, Orig.
09/26/02 .....	MI	Grand Rapids .....	Gerald R. Ford Intl .....	2/0116	ILS Rwy 8R, Amdt 5C

[FR Doc. 02-25310 Filed 10-7-02; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Parts 1 and 39

**RIN 2900-AJ77**

#### Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Department of Veterans Affairs (VA) regulations governing eligibility for interment or memorialization in national cemeteries and in State cemeteries receiving State cemetery grants from VA. The final rule concerns statutory provisions designed to ensure that the remains of certain persons who committed Federal or State capital crimes are not interred in such cemeteries and that the memory of such persons is not memorialized in such cemeteries.

**DATES: Effective Date:** This final rule is effective November 7, 2002.

**Applicability Date.** The provisions of Public Law 105-116 were enacted on November 21, 1997, and subsequently codified at 38 U.S.C. 2408(d) and 2411. Consistent with the enabling legislation, the provisions to this regulation shall apply to requests for interment or memorialization made on or after November 21, 1997, and to State cemetery grants made on or after November 21, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Wright, Program Analyst, Office of Field Programs (401A2), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, or Karen Barber, Program Analyst, Legislative and Regulatory Division (402B3), (202) 273-5307 or (202) 273-5183, respectively. (These are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** On July 21, 2000, the National Cemetery Administration (NCA) published in the

**Federal Register** (65 FR 45332) a proposed rule which would implement the provisions of 38 U.S.C. 2408(d) and 2411. The final rule generally prohibits interment or memorialization in a VA national cemetery of a person who is convicted of a Federal capital crime and sentenced to death or life imprisonment, or is convicted of a State capital crime, and sentenced to death or life imprisonment without parole. The final rule, at 38 CFR 1.618, also addresses when Federal officials are authorized to deny burial in VA national cemeteries to persons who are shown by clear and convincing evidence to have committed a Federal or State capital crime but were not convicted of such crime because of flight to avoid prosecution or by death prior to trial. The Secretary is also authorized to provide aid to States for the establishment, expansion and/or improvement of State veterans cemeteries. Under 38 U.S.C. 2408(d)(1), State cemetery grants are conditioned on the application by the individual State of the prohibition against interment or memorialization of individuals convicted of Federal or State capital crimes, or found by clear and convincing evidence to have committed such crimes, without having been convicted of the crimes due to flight or death prior to trial. The final rule amends VA's regulation governing the State Cemetery Grants Program, 38 CFR 39.3(b), to note this requirement.

#### Comment on Proposed Rule

We provided a 60-day comment period that ended September 19, 2000. We received one written response by e-mail during this period. The response included three comments. First, it suggested improving the proposed rule by using a "delimiting" date to this regulation for consideration of veterans who were convicted prior to 1997. Congress specified that 38 U.S.C. 2411 would apply to applications for interment or memorialization made on or after November 21, 1997.

Accordingly, our implementing regulations must reflect this date of applicability. The second comment suggested that, for those cases where a person avoided conviction due to either flight or death, the standard for determining whether a person committed a capital crime should be

beyond a reasonable doubt, not preponderance of the evidence. Congress specified that the standard of review for making decisions of this nature is "clear and convincing evidence" (38 U.S.C. 2411) and we have no authority to deviate from this standard of review.

The third comment asked whether there was a problem, in cemeteries where Native Americans and Prisoners of War (POWs) were interred, that might require individuals in these categories who had committed capital crimes to be disinterred. VA is not aware of any problems caused by the interment of Native Americans and POWs that relate to its implementation of the capital crimes prohibition. While such individuals are buried in certain VA national cemeteries, Public Law 105-116, which established the capital-crimes burial prohibition, is not retroactive to interment or memorialization requests predating November 21, 1997. Further, 38 CFR 1.621 provides that, interment in national cemeteries is considered "permanent and final," and sets forth stringent prerequisites for disinterment. Further, it provides that disinterment proceedings are matters that VA may not initiate.

For these reasons, we believe it is not necessary to revise the rule based on the views expressed by the commenter.

#### Revisions to the Inquiry and Proceedings Process Contained in the Proposed Rule

Since November 1997, NCA cemetery directors have dealt with several benefit cases in which the capital crime ban came into play. The majority of the cases involved situations in which an individual avoided conviction either due to flight or death. Because of lessons learned through experience, we are amending § 1.618. Those modifications, which are described below, are procedural as opposed to substantive in nature.

First, when a cemetery director receives a request for burial and there is reason to believe that a capital crime may have taken place, the cemetery director is required to initiate an inquiry seeking information in order to make an initial decision on the case. Once made aware of this requirement, families often