

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
29-Jul-10 .....	CA	San Diego .....	Montgomery Field .....	0/4634	6/9/10	TAKEOFF MINIMUMS AND OBSTACLE DP, AMDT 3.
29-Jul-10 .....	CQ	Saipan .....	Francisco C. Ada/Saipan Intl ..	0/9757	3/16/10	ILS OR LOC/DME RWY 7, AMDT 5A.

[FR Doc. 2010-14980 Filed 6-22-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30729 ; Amdt. No. 3378]

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

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

**ACTION:** Final rule.

**SUMMARY:** This 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 June 23, 2010. 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 June 23, 2010.

**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;

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 and Takeoff Minimums and ODPs are available online free of charge. Visit <http://www.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 Divisions, 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 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead

refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. 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, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a 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 and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, 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, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPs, Takeoff Minimums and ODPs 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, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on June 11, 2010.

**John M. Allen,**

*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 establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 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:

#### Effective 29 JUL 2010

Atka, AK, Atka, ATKA RNAV ONE Graphic Obstacle DP, CANCELLED  
 Atka, AK, Atka, EIVRS ONE Graphic Obstacle DP, CANCELLED  
 Atka, AK, Atka, HIMKI ONE Graphic Obstacle DP  
 Atka, AK, Atka, INOTY ONE Graphic Obstacle DP  
 Atka, AK, Atka, Takeoff Minimums and Obstacle DP, Amdt 1  
 Marshall, AK, Marshall Don Hunter SR, BIBNE TWO Graphic Obstacle DP  
 Marshall, AK, Marshall Don Hunter SR, Takeoff Minimums and Obstacle DP, Amdt 1  
 Dothan, AL, Dothan Rgnl, RNAV (GPS) RWY 18, Amdt 1  
 Dothan, AL, Dothan Rgnl, RNAV (GPS) RWY 36, Orig  
 Benton, AR, Saline County Rgnl, ILS OR LOC/DME RWY 2, Orig

Benton, AR, Saline County Rgnl, LOC/DME RWY 2, Orig, CANCELLED  
 Flagstaff, AZ, Flagstaff Pulliam, GPS RWY 3, Orig-B, CANCELLED  
 Flagstaff, AZ, Flagstaff Pulliam, RNAV (GPS) RWY 3, Orig  
 Mesa, AZ, Falcon Fld, GPS RWY 4R, Orig, CANCELLED  
 Mesa, AZ, Falcon Fld, NDB-A, Amdt 1  
 Mesa, AZ, Falcon Fld, RNAV (GPS) RWY 4L, Orig  
 Mesa, AZ, Falcon Fld, RNAV (GPS) RWY 4R, Orig  
 Mesa, AZ, Falcon Fld, RNAV (GPS)-B, Orig  
 Mesa, AZ, Falcon Fld, Takeoff Minimums and Obstacle DP, Amdt 4  
 Daggett, CA, Barstow-Daggett, DAGGETT ONE Graphic Obstacle DP  
 Hanford, CA, Hanford Muni, RNAV (GPS) RWY 32, Amdt 1  
 Hanford, CA, Hanford Muni, RNAV (GPS)-A, Orig  
 San Carlos, CA, San Carlos, RNAV (GPS) Y RWY 30, Orig  
 San Carlos, CA, San Carlos, RNAV (GPS) Z RWY 30, Amdt 1  
 Upland, CA, Cable, GPS RWY 6, Orig-A, CANCELLED  
 Upland, CA, Cable, RNAV (GPS) RWY 6, Orig  
 Upland, CA, Cable, Takeoff Minimums and Obstacle DP, Amdt 3  
 Orlando, FL, Orlando Intl, ILS OR LOC RWY 18R, Amdt 9  
 Winter Haven, FL, Winter Haven's Gilbert, RNAV (GPS) RWY 5, Amdt 1  
 Winter Haven, FL, Winter Haven's Gilbert, Takeoff Minimums and Obstacle DP, Amdt 1  
 Greensboro, GA, Greene County Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3  
 Honolulu, HI, Honolulu Intl, LOC RWY 8L, Orig-A  
 West Union, IA, George L Scott Muni, GPS RWY 17, Orig, CANCELLED  
 West Union, IA, George L Scott Muni, GPS RWY 35, Orig, CANCELLED  
 West Union, IA, George L Scott Muni, RNAV (GPS) RWY 17, Orig  
 West Union, IA, George L Scott Muni, RNAV (GPS) RWY 35, Orig  
 West Union, IA, George L Scott Muni, Takeoff Minimums and Obstacle DP, Amdt 2  
 West Union, IA, George L Scott Muni, VOR/DME-A, Amdt 4  
 Belleville, IL, Scott AFB/Midamerica, GPS RWY 14L, Orig-B, CANCELLED  
 Belleville, IL, Scott AFB/Midamerica, GPS RWY 32R, Orig-B, CANCELLED  
 Belleville, IL, Scott AFB/Midamerica, RNAV (GPS) RWY 14L, Orig  
 Belleville, IL, Scott AFB/Midamerica, RNAV (GPS) RWY 32R, Orig  
 Casey, IL, Casey Muni, Takeoff Minimums and Obstacle DP, Amdt 4  
 Chicago/West Chicago, IL, DuPage, ILS OR LOC RWY 2L, Amdt 2  
 Chicago/West Chicago, IL, DuPage, RNAV (GPS) RWY 10, Orig  
 Chicago/West Chicago, IL, DuPage, VOR RWY 10, Amdt 12  
 Coffeyville, KS, Coffeyville Muni, Takeoff Minimums and Obstacle DP, Amdt 1  
 Coffeyville, KS, Coffeyville Muni, VOR/DME-A, Amdt 7

Wichita, KS, Colonel James Jabara, RNAV (GPS) RWY 18, Orig-C  
 Wichita, KS, Colonel James Jabara, RNAV (GPS) RWY 36, Orig-B  
 Churchville, MD, Harford County, GPS RWY 10, Orig, CANCELLED  
 Churchville, MD, Harford County, RNAV (GPS)-B, Orig  
 Auburn/Lewiston, ME, Auburn/Lewiston Muni, RNAV (GPS) RWY 4, Amdt 1  
 Auburn/Lewiston, ME, Auburn/Lewiston Muni, RNAV (GPS) RWY 22, Amdt 1  
 Lincoln, ME, Lincoln Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3  
 Waterville, ME, Waterville Robert Lafleur, ILS OR LOC/DME RWY 5, Amdt 3  
 Waterville, ME, Waterville Robert Lafleur, RNAV (GPS) RWY 5, Orig  
 Canby, MN, Myers Field, RNAV (GPS) RWY 12, Amdt 1  
 Canby, MN, Myers Field, RNAV (GPS) RWY 30, Amdt 1  
 Carson City, NV, Carson, RNAV (GPS)-A, Amdt 1  
 Glens Falls, NY, Floyd Bennett Memorial, ILS OR LOC RWY 1, Amdt 4  
 Glens Falls, NY, Floyd Bennett Memorial, RNAV (GPS) RWY 1, Amdt 1  
 Glens Falls, NY, Floyd Bennett Memorial, RNAV (GPS) RWY 19, Amdt 1  
 Fostoria, OH, Fostoria Metropolitan, RNAV (GPS) RWY 27, Amdt 1  
 Shawnee, OK, Shawnee Rgnl, Takeoff Minimums and Obstacle DP, Orig  
 North Bend, OR, Southwest Oregon Rgnl, ILS OR LOC RWY 4, Amdt 7  
 North Bend, OR, Southwest Oregon Rgnl, NDB RWY 4, Amdt 5  
 North Bend, OR, Southwest Oregon Rgnl, RNAV (GPS) Y RWY 4, Orig  
 North Bend, OR, Southwest Oregon Rgnl, RNAV (RNP) Z RWY 4, Orig  
 North Bend, OR, Southwest Oregon Rgnl, VOR-A, Amdt 5  
 North Bend, OR, Southwest Oregon Rgnl, VOR/DME-B, Amdt 4  
 Summerville, SC, Summerville, NDB RWY 6, Amdt 1  
 Summerville, SC, Summerville, RNAV (GPS) RWY 6, Orig  
 Summerville, SC, Summerville, RNAV (GPS) RWY 24, Orig  
 Summerville, SC, Summerville, Takeoff Minimums and Obstacle DP, Amdt 1  
 Big Spring, TX, Big Springs Mc Mahon-Wrinkle, RNAV (GPS) RWY 17, Amdt 1  
 Big Spring, TX, Big Springs Mc Mahon-Wrinkle, RNAV (GPS) RWY 35, Amdt 1  
 Big Spring, TX, Big Springs Mc Mahon-Wrinkle, Takeoff Minimums and Obstacle DP, Amdt 2  
 Brenham, TX, Brenham Muni, RNAV (GPS) RWY 16, Amdt 1  
 Brenham, TX, Brenham Muni, RNAV (GPS) RWY 34, Amdt 1  
 Brenham, TX, Brenham Muni, VOR/DME RWY 16, Amdt 2  
 College Station TX, Easterwood Field, ILS OR LOC RWY 34, Amdt 13A  
 Dallas-Fort Worth, TX, Dallas/Fort Worth Intl, Stadium Visual RWY 31R, Amdt 6, CANCELLED  
 Georgetown, TX, Georgetown Muni, Takeoff Minimums and Obstacle DP, Orig  
 Granbury, TX, Granbury Rgnl, GPS RWY 14, Orig-B, CANCELLED

Granbury, TX, Granbury Rgnl, RNAV (GPS) RWY 14, Orig  
 La Porte, TX, La Porte Muni, Takeoff Minimums and Obstacle DP, Amdt 5  
 Lago Vista, TX, Lago Vista TX—Rusty Allen, Takeoff Minimums and Obstacle DP, Orig  
 Seminole, TX, Gaines County, RNAV (GPS) RWY 35, Amdt 1  
 South Hill, VA, Mecklenburg-Brunswick Rgnl, GPS RWY 19, Orig, CANCELLED  
 South Hill, VA, Mecklenburg-Brunswick Rgnl, RNAV (GPS) RWY 1, Orig  
 South Hill, VA, Mecklenburg-Brunswick Rgnl, RNAV (GPS) RWY 19, Orig  
 South Hill, VA, Mecklenburg-Brunswick Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2  
 Burlington, VT, Burlington Intl, Takeoff Minimums and Obstacle DP, Amdt 13  
 Douglas, WY, Converse County, RNAV (GPS) RWY 11, Orig  
 Douglas, WY, Converse County, RNAV (GPS) RWY 29, Amdt 1  
 On June 09, 2010 (75 FR 32654) the FAA published an Amendment in Docket No. 30727, Amdt 3376 to Part 97 of the Federal Aviation Regulations under section 97.23 and 97.33. The following entry effective 29 July 2010 is hereby *rescinded*:  
 Childress, TX, Childress Muni, Takeoff Minimums and Obstacle DP, Amdt 1  
 [FR Doc. 2010-14983 Filed 6-22-10; 8:45 am]  
**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 904

[Docket No. 100216090-0205-02]

RIN 0648-AY66

#### Regulations to Amend the Civil Procedures

**AGENCY:** Office of General Counsel (OGC), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the procedures governing NOAA's administrative proceedings for the assessment of civil penalties; suspension, revocation, modification, or denial of permits; issuance and use of written warnings; and release or forfeiture of seized property. The principal change removes the requirement that an Administrative Law Judge state good reason(s) for departing from the civil penalty or permit sanction assessed by NOAA in its charging document. This revision eliminates any presumption in favor of the civil penalty or permit sanction assessed by NOAA. The other change corrects a clerical error in a citation to rules pertaining to

protective orders issued by Administrative Law Judges.

**DATES:** This rule becomes effective June 23, 2010.

**FOR FURTHER INFORMATION CONTACT:** Frank Sprtel, 301-427-2202.

**SUPPLEMENTARY INFORMATION:** A summary of the changes proposed for regulations at 15 CFR part 904 is found in the proposed rule that NOAA published in the *Federal Register* at 75 FR 13050 (March 18, 2010) and is not repeated here.

#### Public Comments Received

NOAA received two comments from the public during the comment period for the proposed rule. Those comments are summarized here, and are directly followed by NOAA's response to them.

*Comment 1:* One commenter wrote generally in support of the proposed changes. While the commenter felt that the proposed changes were a good start, the commenter offered the view that they do not go far enough in bringing greater balance into NOAA's civil administrative process. The commenter encouraged NOAA to examine what other Federal agencies do in similar proceedings, and to make further changes to its civil procedure regulations as a result of this review. Finally, the commenter addressed the enforcement provisions of pending Senate Bill 2870, the International Fisheries Stewardship and Enforcement Act.

*Response:* NOAA is not, at this time, changing its civil procedures beyond the revisions described in this rule. NOAA continues to evaluate whether other provisions in the civil procedures found at 15 CFR part 904 should be revised. As NOAA conducts this evaluation, it will consider as appropriate the processes and procedures of other Federal agencies. As for the comments concerning Senate Bill 2870, NOAA has no response here, as the comments are beyond the scope of this rulemaking.

*Comment 2:* Another commenter also offered support for the proposed changes, but stated that this one regulatory change was not enough to address other problems that the commenter perceived exist in NOAA's civil enforcement procedures under the Magnuson-Stevens Fishery Conservation and Management Act. The commenter asserted that NOAA enforcement attorneys should be available to testify as to the basis for penalty assessments in any particular case, because they are the individuals responsible for determining the penalty amount. The commenter expressed the view that, if NOAA continues to

authorize its enforcement attorneys to assess fines and permit sanctions, then they should be produced as witnesses in administrative proceedings, and it is up to the individual NOAA enforcement attorney involved in the case to decide whether or not to withdraw from the case based on that consideration.

The commenter also believes that the changes finalized by this rule will not address concerns the commenter expressed regarding NOAA's current penalty schedules, or language in NOAA's Notices of Violation Assessment (NOVAs) that suggests that the Administrative Law Judge may increase the proposed penalty assessments or permit sanctions. Finally, the commenter requested that NOAA address its seizure policies, permit restrictions, and several other approaches to law enforcement that the commenter believes should be changed.

*Response:* As noted above, NOAA is not, at this time, changing its civil procedures beyond the revisions described in this rule. NOAA continues to evaluate whether other provisions in the civil procedures found at 15 CFR part 904 should be revised. As for the comments concerning application of NOAA's penalty schedules, language in NOAA's NOVAs, seizure policies, permit restrictions, and other issues related to NOAA's approaches to law enforcement raised by the commenter, NOAA has no response here, as these comments are beyond the scope of this rulemaking.

With respect to the commenter's contention that NOAA attorneys should be available to testify at hearings before an Administrative Law Judge as to the basis for penalty assessments in any particular case, we disagree. NOAA is changing its regulations at 15 CFR part 904 to remove the requirement in 15 CFR § 904.204(m) that an Administrative Law Judge state good reason(s) for departing from the civil penalty or permit sanction, condition, revocation, or denial of permit application (collectively, "civil penalty or permit sanction") assessed by NOAA in its charging document. This revision eliminates any presumption in favor of the civil penalty or permit sanction assessed by NOAA in its charging document (see "In the Matter of: AGA Fishing Corp.," 2001 WL 34683852 (NOAA Mar. 17, 2001)). It requires instead that NOAA justify at a hearing provided for under this Part that its proposed penalty or permit sanction is appropriate, taking into account all the factors required by applicable law. Respondents have a full and fair opportunity to challenge the proposed Agency action as set forth in detail in