

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, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on March 28, 2003.

James J. Ballough,
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 INSTRUMENTS 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 Number	Subject
03/12/03	CA	Calipatria	Cliff Hatfield Memorial	3/2008	RNAV (GPS) Rwy 8, Orig.
03/13/03	WV	Huntington	Tri-State/Milton J. Ferguson Field	3/2029	ILS Rwy 30, Amdt 48.
03/17/03	SC	Columbia	Columbia Metropolitan	3/2104	RNAV (GPS) Rwy 11, Orig.
03/18/03	MD	Elkton	Cecil County	3/2137	RNAV (GPS) Rwy 31, Orig–A.
03/18/03	MD	Elkton	Cecil County	3/2138	VOR/DME Rwy 31, Orig–A.
03/19/03	OK	Tulsa	Richard Lloyd Jones, Jr.	3/2150	ILS Rwy 1L, Orig–A.
03/19/03	OK	Tulsa	Richard Lloyd Jones, Jr.	3/2151	VOR/DME–A, Amdt 6A.
03/19/03	OK	Tulsa	Richard Lloyd Jones, Jr.	3/2189	VOR Rwy 1L, Amdt 4A.
03/20/03	MN	Brainerd	Brainerd Lakes Regional	3/2235	ILS Rwy 23, Amdt 6.
03/20/03	OH	Cleveland	Cleveland–Hopkins Intl	3/2257	RNAV (GPS) Z Rwy 6L, Orig–A.
03/21/03	VT	Burlington	Burlington Intl	3/2273	ILS/DME Rwy 33, Orig–D.
03/21/03	NH	Portsmouth	Pease Intl Tradeport	3/2275	ILS Rwy 16, Orig.
03/21/03	NH	Portsmouth	Pease Intl Tradeport	3/2288	ILS Rwy 34, Amdt 1B.
03/24/03	NY	Plattsburgh	Plattsburgh Intl	3/2334	ILS Rwy 17, Amdt 1.
03/25/03	IL	Belleville	Scott AFB/Midamerica	3/2350	ILS Rwy 14R, Orig.
03/25/03	UT	Kanab	Kanab Muni	3/2356	RNAV (GPS) Rwy 1, Orig.
03/25/03	OK	Sand Springs	William R. Pogue Muni	3/2370	GPS Rwy 35, Orig–A.
03/26/03	PA	Johnstown	John Murtha Johnstown-Cambria County.	3/2401	RNAV (GPS) Rwy 33, Orig.
03/27/03	IL	Chicago	Chicago Midway Intl	3/2411	ILS Rwy 4R, Amdt 9B.

[FR Doc. 03–8138 Filed 4–3–03; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30360; Amdt. No. 3051]

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: This rule is effective April 4, 2003. 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 April 4, 2003.

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 Flight Inspection Area Office which originated the SIAP; or,

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, 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: PO 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 997) 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, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on March 28, 2003.

James J. Ballough,

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 continues to read as follows:

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

* * * *Effective April 17, 2003*

Buffalo, NY, Buffalo Niagara Intl, RNAV (GPS) RWY 14, Orig.
Portland, OR, Portland-Hillsboro, ILS RWY 12, Amdt 7.

* * * *Effective May 15, 2003*

Show Low, AZ, Show Low Muni, NDB-A, Amdt 1.
Show Low, AZ, Show Low Muni, RNAV (GPS) RWY 24, Orig.
Blythe, CA, Blythe, VOR/DME-A, Orig.
Blythe, CA, Blythe, VOR OR GPS-A, Amdt 6B, Cancelled.
Blythe, CA, Blythe, VOR/DME RWY 26, Amdt 6.
Blythe, CA, Blythe, RNAV (GPS) RWY 26, Orig.
Port Lauderdale, FL, Fort Lauderdale Executive, RNAV (GPS) RWY 26, Orig.
Orlando, FL, Orlando Sanford, NDB-B, Orig.
Orlando, FL, Orlando Sanford, NDB-C, Orig.
Orlando, FL, Orlando Sanford, NDB RWY 9L, Amdt 1, Cancelled.
Orlando, FL, Orlando Sanford, NDB RWY 27R, Amdt 1, Cancelled.
Agana, Guam, Guam International, ILS RWY 6L, Amdt 3
Agana, Guam, Guam International, RNAV (GPS) Y RWY 6L, Orig.
Agana, Guam, Guam International, RNAV (GPS) Z RWY 6L, Orig.
Agana, Guam, Guam International, RNAV (GPS) Y RWY 6R, Orig.

Agana, Guam, Guam International, RNAV (GPS) Z RWY 6R, Orig.
 Agana, Guam, Guam International, RNAV (GPS) RWY 24L, Orig.
 Agana, Guam, Guam International, RNAV (GPS) RWY 24R, Orig.
 Agana, Guam, Guam International, GPS RWY 6L, Orig. Cancelled.
 Agana, Guam, Guam International, GPS RWY 24R, Orig. Cancelled.
 Lihue, HI, Lihue, ILS RWY 35, Amdt 6.
 Lihue, HI, Lihue, RNAV (GPS) RWY 17, Orig.
 Lihue, HI, Lihue, RNAV (GPS) RWY 21, Orig.
 Lihue, HI, Lihue, RNAV (GPS) RWY 35, Orig.
 Mansfield, MA, Mansfield Muni, NDB RWY 32, Amdt 7.
 Mansfield, MA, Mansfield Muni, RNAV (GPS) RWY 32, Orig.
 Mansfield, MA, Mansfield Muni, GPS RWY 32, Orig. Cancelled.
 Cheboygan, MI, Cheboygan County, VOR RWY 9, Amdt 8.
 Cheboygan, MI, Cheboygan County, RNAV (GPS) RWY 9, Orig.
 Cheboygan, MI, Cheboygan County, RNAV (GPS) RWY 27, Orig.
 Fargo, ND, Hector Intl, RNAV (GPS) RWY 13, Orig. Cancelled.
 Fargo, ND, Hector Intl, RNAV (GPS) RWY 31, Orig. Cancelled.
 Bradford, PA, Bradford Regional, VOR RWY 14, Orig.
 Bradford, PA, Bradford Regional, VOR/DME RWY 14, Amdt 9.
 Bradford, PA, Bradford Regional, ILS RWY 32, Amdt 11.
 Bradford, PA, Bradford Regional, RNAV (GPS) Y RWY 14, Orig.
 Bradford, PA, Bradford Regional, RNAV (GPS), Z WY 14, Orig.
 Bradford, PA, Bradford Regional, RNAV (GPS) RWY 32, Orig.
 Lock Haven, PA, William T. Piper Memorial, RNAV (GPS)-A Orig.
 Selinsgrove, PA, Penn Valley, RNAV (GPS) RWY 17, Orig. Cancelled.
 Babelthuap Island, PS, Babelthuap/Koror, GPS RWY 9, Amdt 1B, Cancelled.
 Babelthuap Island, PS, Babelthuap/Koror, GPS RWY 27, Amdt 1B, Cancelled.
 Fort Atkinson, WI, Fort Atkinson Muni, VOR-A, Orig-B.
 Fort Atkinson, WI, Fort Atkinson Muni, RNAV (GPS) RWY 3, Orig.
 Fort Atkinson, WI, Fort Atkinson Muni, GPS RWY 3, Orig. Cancelled.
 Fort Atkinson, WI, Fort Atkinson Muni, RNAV (GPS) RWY 21, Orig.

[FR Doc. 03-8137 Filed 4-3-03; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 310

Telemarketing Sales Rule

AGENCY: Federal Trade Commission.

ACTION: Stay of compliance date.

SUMMARY: In this document, the Federal Trade Commission (“FTC” or “Commission”) announces that in response to supplemental petitions from

the Direct Marketing Association (“DMA”) and the American Teleservices Association (“ATA”), the Commission has decided to extend the date by which it will require full compliance with the amended Telemarketing Sales Rule (“amended TSR” or “amended Rule”), until October 1, 2003.

DATES: The rule amending the TSR, published January 29, 2003 (68 FR 4580), became effective March 31, 2003. The Commission will require full compliance with §§ 310.4(b)(1)(iv) and § 310.4(b)(4) on October 1, 2003.

ADDRESSES: Requests for copies of the amended Rule and this document should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Catherine Harrington-McBride, (202) 326-2452, Karen Leonard, (202) 326-3597, Michael Goodman, (202) 326-3071, or Carole Danielson, (202) 326-3115, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On January 29, 2003, the Federal Trade Commission published the amended TSR, 16 CFR part 310, and its Statement of Basis and Purpose in the **Federal Register**.¹ The document stated that the Amended Rule would become effective March 31, 2003; that full compliance with § 310.4(a)(7), the caller identification transmission provision, would be required by January 29, 2004; and that the Commission would announce at a future time the date by which full compliance with § 310.4(b)(1)(iii)(B), the “do-not-call” registry provision, would be required.

In response to petitions filed February 27, 2003, by DMA and February 27, 2003, by ATA, the Commission determined to extend the date by which it will require full compliance with § 310.4(b)(4)(iii) (the recording requirement of the call abandonment safe harbor provision) until October 1, 2003. The Commission also stayed until October 1, 2003, the date by which it will require full compliance with the safe harbor record retention requirement, § 310.4(b)(4)(iv), to the extent it would require record keeping to document the use of a recorded message in instances of call abandonment.

At that time, the Commission determined not to stay the requirement of full compliance with the prohibition on call abandonment (§ 310.4(b)(1)(iv))

or the other requirements of the call abandonment safe harbor provision (§§ 310.4(b)(4)(i), (ii) & (iv)) because the petitioners had not demonstrated that telemarketers would be unable to comply with these call abandonment provisions.

Subsequently, on March 25, 2003, DMA renewed its request to stay the compliance date of the call abandonment provisions.² DMA submitted numerous affidavits from manufacturers and users of predictive dialers containing information not previously submitted to the Commission, either in the rulemaking proceeding or in the initial petitions to stay various provisions of the amended TSR. These affidavits stated that, as a practical matter, compliance with the call abandonment safe harbor by March 31, 2003, would be very difficult or impossible for some telemarketers. Specifically, these affidavits stated that it is difficult if not impossible to set some predictive dialer equipment currently in use to a maximum abandonment rate of 3% of answered calls, as required by § 310.4(b)(4)(i). According to the DMA petition and supporting affidavits, this equipment incorporates hardware or software designed to calculate the abandonment rate on the basis of all calls placed, not all calls answered. This means that the equipment cannot, or cannot easily, be set to abandon no more than 3% of all calls answered by the called consumer, as required by § 310.4(b)(i). According to DMA, additional time is therefore necessary for some telemarketers to comply with § 310.4(b)(4)(i), given this limitation on their current predictive dialer equipment. The ATA supplemental petition echoes similar arguments.

Based on information newly submitted by DMA, together with information obtained from other sources, the Commission has determined that full compliance with the requirement in the call abandonment safe harbor that no more than 3% of all calls answered by a consumer be abandoned (§ 310.4(b)(4)(i)) by March 31, 2003, may constitute an undue burden on some telemarketers and sellers, who need to

² On March 26, 2003, the United States District Court for the Western District of Oklahoma denied petitioner DMA’s motion for a preliminary injunction based on the same arguments and facts presented here. *U.S. Security v. FTC*, Case No. CIV-03-122-W. Although the Commission believes that this was the correct decision under the legal standards for obtaining a preliminary injunction, the Commission notes that it has broad discretionary authority to grant a stay where it believes that the goals of the rule making will be served.