

Memphis, TN, Memphis Intl, NDB RWY 9,
Amdt 27

[FR Doc. 01-28866 Filed 11-16-01; 8:45 am]

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. |

[FR Doc. 01-28867 Filed 11-16-01; 845 am]

BILLING CODE 4910-13-M

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.

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 pre-

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.