

emissions shall be as specified by in Appendices 3 and 5 to the International Civil Aviation Organization (ICAO) Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 26, 1993, through Amendment 3 (March 20, 1997). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514-954-8022, or <http://icaodsu.openface.ca/mainpage.ch2>. Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781-238-7101, or at 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).

■ 4. Revise § 34.71 to read as follows:

**§ 34.71 Compliance with gaseous emission standards.**

Compliance with each gaseous emission standard by an aircraft engine shall be determined by comparing the pollutant level in grams/kilonewton/thrust/cycle or grams/kilowatt/cycle as calculated in § 34.64 with the applicable emission standard under this part. An acceptable alternative to testing every engine is described in Appendix 6 to ICAO Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 26, 1993, including all amendments through Amendment 3 (March 20, 1997). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514-954-8022, or <http://icaodsu.openface.ca/mainpage.ch2>. Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781-238-7101, or at 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/](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). Other methods of demonstrating compliance may be approved by the FAA Administrator with the concurrence of the Administrator of the EPA.

■ 5. Revise § 34.82 to read as follows:

**§ 34.82 Sampling and analytical procedures for measuring smoke exhaust emissions.**

The system and procedures for sampling and measurement of smoke emissions shall be as specified by Appendix 2 to ICAO Annex 2 to ICAO Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 26, 1993, through Amendment 3 (March 20, 1997). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514-954-8022, or <http://icaodsu.openface.ca/mainpage.ch2>. Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781-238-7101, or at 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).

■ 6. Revise § 34.89 to read as follows:

**§ 34.89 Compliance with smoke emission standards.**

Compliance with each smoke emission standard shall be determined by comparing the plot of SN as a function of power setting under the applicable emission standard under this part. The SN at every power setting must be such that there is a high degree of confidence that the standard will not be exceeded by any engine of the model being tested. An acceptable alternative to testing every engine is described in Appendix 6 to ICAO Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 16, 1993, including all amendments through Amendment 3 of March 20, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation

Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514-954-8022, or <http://icaodsu.openface.ca/mainpage.ch2>. Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781-238-7101, or at 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). Other methods of demonstrating compliance may be approved by the FAA Administrator with the concurrence of the Administrator of the EPA.

Issued in Washington, DC on April 20, 2009.

Lynne A. Osmus,

Acting Administrator.

[FR Doc. E9-9433 Filed 4-27-09; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION**

**14 CFR Part 97**

[Docket No. 30664; Amdt. No. 3319]

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

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

**ACTION:** Final rule.

**SUMMARY:** This rule 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 April 28, 2009. 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 April 28, 2009.

**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 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 are available online free of charge. Visit [nfdc.faa.gov](http://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 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 rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1

CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

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. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. 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 as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P-NOTAMs.

The SIAPs, as modified by FDC P-NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC 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.

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 April 17, 2009.

**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 amending 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:

**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, 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,

FDC date	State	City	Airport	FDC No.	Subject
04/14/09 .....	OR	Portland .....	Portland-Hillsboro .....	9/2206	ILS or LOC RWY 12, AMDT 8B.
04/02/09 .....	CA	Oakland .....	Metropolitan Oakland Intl .....	9/2209	ILS RWY 29 (CAT II) AMDT 24 * * * ILS RWY 29 (CAT III) AMDT 24.

FDC date	State	City	Airport	FDC No.	Subject
04/02/09	KS	Scott City	Scott City Muni	9/2215	NDB RWY 35, AMDT 1.
04/02/09	KS	Junction City	Freeman Field	9/2216	RNAV (GPS) RWY 36, ORIG-B.
04/02/09	KS	Junction City	Freeman Field	9/2217	NDB or GPS B, AMDT 4A.
04/14/09	UT	Salt Lake City	Salt Lake City Muni 2	9/2333	RNAV (GPS) Z RWY 34, ORIG.
04/14/09	UT	Salt Lake City	Salt Lake City Muni 2	9/2337	RNAV (GPS) Y RWY 34, ORIG.
04/14/09	UT	Salt Lake City	Salt Lake City Muni 2	9/2339	TAKEOFF MINIMUMS AND OB- STACLE DP, AMDT 4.
04/03/09	AK	Gustavus	Gustavus	9/2341	RNAV (GPS) Y RWY 29, ORIG.
04/03/09	AK	Gustavus	Gustavus	9/2492	VOR/DME RWY 29, AMDT 1A.
04/14/09	NC	Erwin	Harnett Rgnl Jetport	9/2799	RNAV (GPS) RWY 23, AMDT 2.
04/14/09	NC	Erwin	Harnett Rgnl Jetport	9/2800	RNAV (GPS) RWY 5, AMDT 2.
04/07/09	IA	Atlantic	Atlantic Muni	9/2849	RNAV (GPS) RWY 2, ORIG.
04/07/09	IA	Atlantic	Atlantic Muni	9/2850	RNAV (GPS) RWY 20, ORIG.
04/07/09	IA	Atlantic	Atlantic Muni	9/2852	TAKEOFF MINIMUMS AND OB- STACLE DP, AMDT 6.
04/07/09	AK	Gustavus	Gustavus	9/2918	VOR/DME RWY 29, AMDT 1A.
04/07/09	KS	Wichita	Colonel James Jabara	9/2923	RNAV (GPS) E, ORIG.
04/07/09	KS	Wichita	Colonel James Jabara	9/2924	VOR A, AMDT 4.
04/07/09	KS	Wichita	Colonel James Jabara	9/2928	RNAV (GPS) RWY 18, ORIG-A.
04/07/09	KS	Wichita	Colonel James Jabara	9/2929	ILS or LOC/DME RWY 18, ORIG.
04/08/09	NE	Imperial	Imperial Muni	9/3068	NDB RWY 31, AMDT 3A.
04/08/09	KS	Belleville	Belleville Muni	9/3069	NDB or GPS RWY 36, AMDT 4.
04/08/09	IA	Decorah	Decorah Muni	9/3142	VOR RWY 29, AMDT 3A.
04/15/09	WY	Casper	Natrona County Intl	9/3165	VOR/DME or TACAN RWY 21, AMDT 8A.
04/15/09	WY	Casper	Natrona County Intl	9/3166	VOR/DME RWY 3, AMDT 4A.
04/15/09	WY	Casper	Natrona County Intl	9/3167	TAKEOFF MINIMUMS AND OB- STACLE DP, AMDT 3.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3279	RNAV (GPS) RWY 4, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3280	RNAV (GPS) RWY 22, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3281	RNAV (GPS) RWY 13, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3282	RNAV (GPS) RWY 31, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3283	VOR RWY 13, AMDT 16.
04/09/09	NY	Rochester	Greater Rochester Intl	9/3299	ILS OR LOC RWY 22, AMDT 6B.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3445	RNAV (GPS) Z RWY 19L, ORIG-A.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3446	RNAV (GPS) RWY 1R, ORIG.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3447	RNAV (GPS) RWY 19R, ORIG.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3449	RNAV (GPS) Z RWY 1L, ORIG.
04/14/09	GA	Bainbridge	Decatur Co Industrial Air Park	9/3505	RNAV (GPS) RWY 9, ORIG.
04/15/09	OR	Aurora	Aurora State	9/3562	RNAV (GPS) RWY 35, ORIG-A.
04/15/09	OR	Aurora	Aurora State	9/3564	RNAV (GPS) RWY 17, ORIG.
04/13/09	PA	Pittsburgh	Pittsburgh Intl	9/3694	ILS RWY 10R, AMDT 10B.
04/13/09	PA	Pittsburgh	Pittsburgh Intl	9/3695	ILS RWY 10R (CAT III), AMDT 10B.
04/13/09	PA	Pittsburgh	Pittsburgh Intl	9/3696	ILS RWY 10R (CAT II), AMDT 10B.
04/14/09	FL	Perry	Perry-Foley	9/3723	RNAV (GPS) RWY 36, ORIG-A.
04/15/09	OK	McAlester	McAlester Rgnl	9/3928	LOC RWY 1, AMDT 4.
04/15/09	OK	McAlester	McAlester Rgnl	9/3929	VOR/DME RWY 19, AMDT 2B.
04/15/09	OK	McAlester	McAlester Rgnl	9/3930	VOR-A, AMDT 13.
04/15/09	OK	McAlester	McAlester Rgnl	9/4003	TAKEOFF MINIMUMS AND OB- STACLE DP, ORIG.

[FR Doc. E9-9552 Filed 4-27-09; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 97**

[Docket No. 30663; Amdt. No 3318]

**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