

City	Airport	Subject
Duluth, MN .....	Duluth Intl .....	COPTER ILS RWY 27, Orig
Youngstown/Warren .....	Youngstown-Warren Regional .....	VOR OR GPS RWY 19, Amdt 18A (CANCELLED)
Youngstown/Warren .....	Youngstown-Warren Regional .....	VOR-A, Orig
Harlingen, TX .....	Valley Intl .....	RNAV (GPS) RWY 13, Orig
Harlingen, TX .....	Valley Intl .....	RNAV (GPS) RWY 17L, Orig
Harlingen, TX .....	Valley Intl .....	RNAV (GPS) RWY 17R, Orig
Harlingen, TX .....	Valley Intl .....	RNAV (GPS) RWY 31, Orig
Harlingen, TX .....	Valley Intl .....	RNAV (GPS) RWY 35L, Orig
Harlingen, TX .....	Valley Intl .....	VOR OR GPS RWY 13, Amdt 11, (CANCELLED)
Mosinee, WI .....	Central Wisconsin .....	VOR/DME RWY 35, Amdt 7B
Mosinee, WI .....	Central Wisconsin .....	NDB RWY 17, Orig-B

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30241; Amdt. No. 2045]

#### 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, 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: 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 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 incorporated 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 Date 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 April 3, 2001.

**L. Nicholas Lacey,**

*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).

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, identified as follows:

*Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
03/07/01 .....	KS	INDEPENDENCE .....	INDEPENDENCE MUNI .....	1/2397	VOR OR GPS—A, AMDT 1B
03/09/01 .....	TX	CLEBURNE .....	CLEBURNE MUNI .....	1/2436	VOR/DME—A, ORIG LOC/DME RWY 15
03/09/01 .....	TX	CLEBURNE .....	CLEBURNE MUNI .....	1/2437	ORIG—A ILS/DME RWY 27R, ORIG
03/14/01 .....	FL	MIAMI .....	OPA LOCKA .....	1/2557	A
03/15/01 .....	IL	CHICAGO .....	CHICAGO O'HARE INTL .....	1/2605	ILS RWY R4, AMDT 6E
3/16/01 .....	NE	MINDEN .....	BIONEER VILLAGE FIELD .....	1/2653	VOR RWY 34, AMDT 1B
03/16/01 .....	NE	MINDEN .....	PIONEER VILLAGE FIELD .....	1/2655	GPS RWY 34, ORIG
03/16/01 .....	OR	MEDFORD .....	ROGUE VALLEY INTL—MEDFORD.	1/2657	LOC/DME BC—B, AMDT 6
03/16/01 .....	NM	ALBUQUERQUE .....	ALBUQUERQUE INTL SUNPORT.	1/2663	ILS RWY 3, ORIG—A
03/16/01 .....	LA	MARKSVILLE .....	MARKSVILLE MUNI .....	1/2664	VOR/DME—A, AMDT 3A
06/16/01 .....	SC	BEAUFORT .....	BEAUFORT COUNTY .....	1/2675	GPS RWY 24, ORIG
03/16/01 .....	SC	BEAUFORT .....	BEAUFORT COUNTY .....	1/2678	RADAR—1, AMDT 2
03/16/01 .....	TN	CHATTANOOGA .....	LOVELL FIELD .....	1/2679	ILS RWY 2, AMDT 6A
03/20/01 .....	NH	WHITEFIELD .....	MOUNT WASHINGTON REGIONAL.	1/2735	NDB RWY 10 AMDT 7
03/20/01 .....	NH	WHITEFIELD .....	MOUNT WASHINGTON REGIONAL.	1/2736	LOC RWY 10 AMDT 4A VOR OR GPS RWY 32
03/20/01 .....	NE	HASTINGS .....	HASTINGS MUNI .....	1/2741	AMDT 13B
03/20/01 .....	NE	HASTINGS .....	HASTINGS MUNI .....	1/2743	NDB RWY 14, AMD 12C
03/20/01 .....	NE	HASTINGS .....	HASTINGS MUNI .....	1/2744	VOR RWY 14, AMDT 16C NDB OR GPS RWY 23L
03/20/01 .....	OH	COLUMBUS .....	RICKENBACKER INTL .....	1/2750	ORIG—A NDB OR GPS RWY 5R
03/20/01 .....	OH	COLUMBUS .....	RICKENBACKER INTL .....	1/2751	ORIG—A
03/20/01 .....	OH	COLUMBUS .....	RICKENBACKER INTL .....	1/2752	ILS RWY 23L ORIG—C
03/21/01 .....	NC	FAYETTEVILLE .....	FAYETTEVILLE REGIONAL/GRANNI S FIELD.	1/2791	NDB OR GPS RWY 4, AMDT 14B
03/22/01 .....	TX	HOUSTON .....	WILLIAM P. HOBBY .....	1/2821	VOR RWY 12R, AMDT 18A
03/22/01 .....	TX	HOUSTON .....	WILLIAM P. HOBBY .....	1/2823	VOR RWY 12R, AMDT 18A
03/22/01 .....	TX	HOUSTON .....	WILLIAM P. HOBBY .....	1/2824	VOR/DME RWY 30L, AMDT 16B
03/22/01 .....	TX	HOUSTON .....	WILLIAM P. HOBBY .....	1/2825	ILS RWY 30L, AMDT 5
03/22/01 .....	TX	HOUSTON .....	WILLIAM P. HOBBY .....	1/2826	ILS RWY 12R, AMDT 11B
03/22/01 .....	WA	SPOKANE .....	SPOKANE INTL .....	1/2829	RNAV (GPS RWY 21, ORIG 3
03/22/01 .....	AK	ANIAK .....	ANIAK .....	1/2837	3
03/22/01 .....	AK	ANIAK .....	ANIAK .....	1/2838	ILS/DME RWY 10, AMDT 7
03/22/01 .....	UT	SALT LAKE CITY .....	SALT LAKE CITY INTL .....	1/2842	RNAV (GPS) RWY 34L, ORIG
03/22/01 .....	FL	MIAMI .....	KENDALL—TAMIAMI EXECUTIVE.	1/2853	ILS RWY 9R, AMDT 8A
03/22/01 .....	SC	GREENVILLE .....	DONALDSON CENTER .....	1/2854	ILS RWY 5, AMDT 4A
03/22/01 .....	SC	GREENVILLE .....	DONALDSON CENTER .....	1/2855	NDB OR GPS RWY 5, AMDT 5B
03/22/01 .....	FL	MIAMI .....	KENDALL—TAMIAMI EXECUTIVE.	1/2856	NDB OR GPS RWY 9R, AMDT 1
03/22/01 .....	TN	MEMPHIS .....	MEMPHIS INTL .....	1/2858	ILS RWY 18C, ORIG

FDC date	State	City	Airport	FDC No.	Subject
03/22/01 .....	TX	ROBSTOWN .....	NUECES COUNTY .....	1/2866	VOR/DME-A, AMDT 3
03/22/01 .....	TX	ROBSTOWN .....	NUECES COUNTY .....	1/2867	GPS RWY 12, ORIG-B
03/22/01 .....	UT	SALT LAKE CITY .....	SALT LAKE CITY INTL .....	1/2870	RNAV (GPS) RWY 35, ORIG
03/22/01 .....	PA	PITTSBURGH .....	PITTSBURGH INTL .....	1/2877	2
03/22/01 .....	NE	HASTINGS .....	HASTINGS MUNI .....	1/2882	GPS RWY 14, ORIG-B
03/22/01 .....	OK	EL RENO .....	EL RENO MUNI AIR PARK .....	1/2894	VOR/DME RWY 35, AMDT 1A
03/23/01 .....	FL	KEY WEST .....	KEY WEST INTL .....	1/2898	RADAR-1, AMDT 4A
03/23/01 .....	FL	KEY WEST .....	KEY WEST INTL .....	1/2899	GPS RWY 9, ORIG-A
03/23/01 .....	FL	KEY WEST .....	KEYWEST INTL .....	1/2900	GPS RWY 27, ORIG-A NDB OR GPS-A, AMDT
03/23/01 .....	FL	KEYWEST .....	KEYWEST INTL .....	1/2902	15A
03/23/01 .....	OK	NORMAN .....	UNIVERSITY OF OKLAHOMA WESTHEIMER.	1/2918	LOC RWY 3, AMDT 3C
03/23/01 .....	OK	NORMAN .....	UNIVERSITY OF OKLAHOMA WESTHEIMER.	1/2919	VOR/DME RNAV RWY 3, ORIG-D
03/26/01 .....	FL	ORMOND BEACH .....	ORMOND BEACH MUNI .....	1/2974	VOR OR GPS RWY 17, AMDT 1B
03/26/01 .....	FL	ORMOND BEACH .....	ORMOND BEACH MUNI .....	1/2976	GPS RWY 8, ORIG
03/26/01 .....	FL	ORMOND BEACH .....	ORMOND BEACH MUNI .....	1/2977	RADAR-1, AMDT 2B
03/26/01 .....	WA	SPOKANE .....	SPOKANE INTL .....	1/2992	RNAV (GPS) RWY 3, ORIG GPS RWY 28, ORIG-B (Replaces FDC 1/2274)
03/26/01 .....	NM	SANTA FE .....	SANTA FE MUNI .....	1/2993	
03/27/01 .....	FL	NEW SMYRNA BEACH .....	NEW SMYRNA BEACH MUNI .....	1/3020	AMDT 1
03/27/01 .....	FL	NEW SMYRNA BEACH .....	NEW SMYRNA BEACH MUNI .....	1/3023	RADAR-1, AMDT 3
03/27/01 .....	AK	NOME .....	NOME .....	1/3025	GPS RWY 27, ORIG-B
03/27/01 .....	AK	NOME .....	NOME .....	1/3026	GPS RWY 9, ORIG-B
03/27/01 .....	AK	NOME .....	NOME .....	1/3027	GPS RWY 2, ORIG-B
03/27/01 .....	CO	ASPEN .....	ASPEN-PITKIN COUNTY/ SARDY. FIELD .....	1/3034	VOR/DME OR GPS-C AMDT 4B
03/27/01 .....	GA	SAVANNAH .....	SAVANNAH INTL .....	1/3037	VOR OR TACAN OR GPS RWY 27, AMDT 15C
03/27/01 .....	GA	SAVANNAH .....	SAVANNAH INTL .....	1/3038	ILS RWY 9, AMDT 25D
03/27/01 .....	GA	SAVANNAH .....	SAVANNAH INTL .....	1/3039	HI-ILS RWY 9, AMDT 5
03/27/01 .....	GA	SAVANNAH .....	SAVANNAH INTL .....	1/3040	HI-TACAN RWY 27, AMDT 3

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 179

[Docket No. 94F-0008]

#### Irradiation in the Production, Processing and Handling of Food

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of a machine source of high energy x-rays to inspect cargo containers that may contain food. This action is in response to a petition filed by Analytical Systems Engineering Corp. (ASEC).

**DATES:** This rule is effective April 10, 2001. Submit written objections and request for a hearing by May 10, 2001.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3095.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

In a notice published in the **Federal Register** of February 24, 1994 (59 FR 8995), FDA announced that a food additive petition (FAP 4M4407) had been filed by Analytical Systems Engineering Corp., 5400 Shawnee Rd., suite 100, Alexandria, VA 22312. The petition proposed that the food additive regulations in § 179.21 *Sources of radiation used for inspection of food, for inspection of packaged food, and for controlling food processing* (21 CFR 179.21) be amended to provide for the

safe use of a machine source of high energy x-rays to inspect cargo containers that may contain food. In a letter dated October 12, 2000, ASEC (now ACS Defense, Inc., 2001 North Beauregard St., Alexandria, VA 22311) informed FDA of the transfer of their rights to FAP 4M4407 to R. F. Reiter and Associates, 850 Oak Chase Circle, Fairfax Station, VA 22039.

##### II. Evaluation of Safety

A source of radiation used for the purpose of inspection of foods meets the definition of a food additive under section 201(s) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(s)). Under section 409(c)(3)(A) of the act (21 U.S.C. 348(c)(3)(A)), a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. FDA's food additive regulations in § 170.3(i) (21 CFR 170.3(i)) define safe as "a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use."