

Sumter, SC, Sumter, RNAV (GPS) Y RWY 23, Orig  
 Sumter, SC, Sumter, RNAV (GPS) Z RWY 23, Orig  
 Sumter, SC, Sumter, Takeoff Minimums and Obstacle DP, Amdt 1  
 Aberdeen, SD, Aberdeen Rgnl, VOR RWY 31, Amdt 21  
 Aberdeen, SD, Aberdeen Rgnl, VOR/DME RWY 13, Amdt 13  
 Rockwood, TN, Rockwood Muni, VOR/DME RWY 22, Amdt 6  
 Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, RNAV (RNP) Z RWY 13R, Orig-B  
 Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, RNAV (RNP) Z RWY 31L, Orig-B  
 Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, RNAV (RNP) Z RWY 31R, Amdt 1A  
 Eagle Pass, TX, Maverick County Memorial Intl, RNAV (GPS) RWY 13, Orig  
 Grand Prairie, TX, Grand Prairie Muni, Takeoff Minimums and Obstacle DP, Amdt 4  
 Brigham City, UT, Brigham City, Takeoff Minimums and Obstacle DP, Amdt 5  
 Huntington, UT, Huntington Muni, Takeoff Minimums and Obstacle DP, Amdt 2A  
 Eastsound, WA, Orcas Island, RNAV (GPS)-A, Orig  
 Eastsound, WA, Orcas Island, Takeoff Minimums and Obstacle DP, Orig  
 Ellensburg, WA, Bowers Field, RNAV (GPS) RWY 25, Amdt 1  
 Ellensburg, WA, Bowers Field, RNAV (GPS) RWY 29, Amdt 1  
 Hoquiam, WA, Bowerman, ILS OR LOC/DME RWY 24, Amdt 3  
 Port Angeles, WA, William R. Fairchild Intl, RNAV (GPS) RWY 26, Orig

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## DEPARTMENT OF TRANSPORTATION

### 14 CFR Part 97

[Docket No. 30686; Amdt. No. 3339]

#### 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 September 24, 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 September 24, 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 <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 September 4, 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:

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

\* \* \* *Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
22-Oct-09 ...	IA	COUNCIL BLUFFS .....	COUNCIL BLUFFS MUNI ...	9/5812	8/22/2009	RNAV (GPS) RWY 32, ORIG.
22-Oct-09 ...	OK	MC ALESTER .....	MC ALESTER RGNL .....	9/5892	8/24/2009	VOR/DME RWY 20, AMDT 20C.
22-Oct-09 ...	OK	MC ALESTER .....	MC ALESTER RGNL .....	9/5904	8/24/2009	LOC RWY 2, AMDT 4A.
22-Oct-09 ...	CO	HOLYOKE .....	HOLYOKE .....	9/6789	8/24/2009	RNAV (GPS) RWY 14, ORIG-A.
22-Oct-09 ...	WA	BELLINGHAM .....	BELLINGHAM INTL .....	9/6999	8/24/2009	RNAV (GPS) RWY 34, ORIG-A.
22-Oct-09 ...	AZ	FORT HUACHUCA/SIERRA VISTA.	SIERRA VISTA MUNI-LIBBY AAF.	9/7966	9/2/2009	RADAR-1, AMDT 4.
22-Oct-09 ...	AZ	FORT HUACHUCA/SIERRA VISTA.	SIERRA VISTA MUNI-LIBBY AAF.	9/7967	9/2/2009	RNAV (GPS) RWY 8, ORIG.

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**DEPARTMENT OF THE TREASURY**

**Alcohol and Tobacco Tax and Trade Bureau**

**27 CFR Parts 40, 41, and 45**

[Docket No. TTB-2009-0002; T.D. TTB-81; Re: Notice No. 99, T.D. TTB-78, Notice No. 95]

RIN 1513-AB75

**Extension of Package Use-Up Rule for Roll-Your-Own Tobacco and Pipe Tobacco (2009R-368P)**

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Temporary rule; Treasury decision.

**SUMMARY:** On June 22, 2009, the Alcohol and Tobacco Tax and Trade Bureau published T.D. TTB-78, which included amendments to the notice requirements applicable to packages of roll-your-own tobacco and pipe tobacco. The temporary regulations provided a use-up period, until August 1, 2009, for manufacturers and importers to continue to remove packages that did not meet the new notice requirements. Those temporary regulations also included a new rule governing when a

product in a package bearing the declaration “pipe tobacco” would be classified as roll-your-own tobacco for tax purposes. This temporary rule extends the use-up period and delays application of the new classification rule. It also corrects two minor errors in the previously published regulatory texts. We also are soliciting comments from all interested parties on these new amendments through a notice of proposed rulemaking published elsewhere in this issue of the **Federal Register**.

**DATES:** *Effective Date:* This temporary rule is effective *September 24, 2009* through June 22, 2012.

**FOR FURTHER INFORMATION CONTACT:** Amy R. Greenberg, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau (202-453-2265).

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 22, 2009, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published a temporary rule in the **Federal Register** (T.D. TTB-78, 74 FR 29401) to implement certain changes made to the Internal Revenue Code of 1986 by the Children’s Health Insurance Program Reauthorization Act of 2009 (Pub. L. 111-3; 123 Stat. 8) (the Act). The regulatory changes made by the temporary rule went into effect on June 22, 2009. In the same issue of the

**Federal Register**, TTB published a notice of proposed rulemaking (Notice No. 95, 74 FR 29433) inviting comments on the temporary regulations.

The temporary rule included new requirements regarding the packaging and labeling of pipe tobacco and roll-your-own tobacco to distinguish between these two products for tax purposes and to reflect the expansion of the statutory definition of roll-your-own tobacco generally to include cigar wrapper and filler. Specifically, the amendments adopted in the temporary rule resulted in the following regulatory standards:

- A package of processed tobacco that bears the notice required for pipe tobacco is deemed to be roll-your-own tobacco if the package does not bear the words “pipe tobacco” in direct conjunction with, parallel to, and in substantially the same conspicuousness of type and background as the brand name each time the brand name appears on the package, or if the package or accompanying materials bear any representation that would suggest a use other than as pipe tobacco. (See 27 CFR 40.25a(b) and 41.30(b)).

- Only the words “pipe tobacco” are acceptable as a designation on a package of pipe tobacco. The words “Tax Class L” are no longer authorized as an alternative designation. (See 27 CFR 40.216a(a), 41.72a(a), and 45.45a(a)). However, a manufacturer or importer