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DEPARTMENT OF TRANSPORTATION

14 CFR Part 97

[Docket No. 30764; Amdt. No. 3409]

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 January 24, 2011. 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 January 24, 2011.

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.*

Availability—All SIAPs are available online free of charge. Visit 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 January 7, 2011.

John McGraw,

Deputy 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
10-Feb-11 ...	OH	Ashland	Ashland County	0/0448	12/6/10	NDB RWY 19, Amdt 11.
10-Feb-11 ...	OH	Ashland	Ashland County	0/0449	12/6/10	VOR A, Amdt 9.
10-Feb-11 ...	OH	Ashland	Ashland County	0/0450	12/6/10	RNAV (GPS) RWY 19, Orig.
10-Feb-11 ...	IL	Kewanee	Kewanee Muni	0/1242	12/17/10	RNAV (GPS) RWY 27, Orig.
10-Feb-11 ...	IL	Kewanee	Kewanee Muni	0/1243	12/17/10	RNAV (GPS) RWY 19, Orig.
10-Feb-11 ...	IL	Kewanee	Kewanee Muni	0/1245	12/17/10	RNAV (GPS) RWY 9, Orig.
10-Feb-11 ...	LA	Natchitoches	Natchitoches Rgnl	0/1309	12/13/10	LOC RWY 35, Amdt 3E.
10-Feb-11 ...	TX	Weslaco	Mid Valley	0/1310	12/13/10	GPS RWY 13, Orig.
10-Feb-11 ...	NM	Farmington	Four Corners Rgnl	0/1316	12/13/10	ILS OR LOC RWY 25, Amdt 7C.
10-Feb-11 ...	LA	Lake Charles	Chennault Intl	0/1703	12/13/10	RNAV (GPS) RWY 15, Orig.
10-Feb-11 ...	MT	Lewistown	Lewistown Muni	0/1707	12/18/10	Takeoff Minimums and (Obstacle) DP, Amdt 3.
10-Feb-11 ...	LA	Lake Charles	Chennault Intl	0/1731	12/13/10	ILS OR LOC RWY 15, Amdt 5.
10-Feb-11 ...	LA	Bastrop	Morehouse Memorial	0/1929	12/14/10	RNAV (GPS) RWY 16, Amdt 1.
10-Feb-11 ...	LA	Bastrop	Morehouse Memorial	0/1930	12/14/10	RNAV (GPS) RWY 34, Orig.
10-Feb-11 ...	LA	Bastrop	Morehouse Memorial	0/1931	12/14/10	NDB RWY 34, Amdt 6.
10-Feb-11 ...	LA	Bastrop	Morehouse Memorial	0/1932	12/14/10	VOR/DME A, Amdt 9.
10-Feb-11 ...	OH	Toledo	Toledo Express	0/2155	12/20/10	RNAV (GPS) RWY 7, Amdt 1.
10-Feb-11 ...	PA	Quakertown	Quakertown	0/2366	12/27/10	NDB RWY 29, Amdt 10.
10-Feb-11 ...	PA	Quakertown	Quakertown	0/2367	12/27/10	RNAV (GPS) RWY 29, Orig.
10-Feb-11 ...	MO	St Louis	Lambert-St Louis Intl	0/2654	12/23/10	ILS PRM RWY 11 (Sim. Close Parallel), Orig-B; ILS PRM RWY 11 (CAT II) (Sim Close Parallel), Orig-B; ILS PRM RWY 11 (CAT III) (Sim Close Parallel), Orig-B.
10-Feb-11 ...	MO	St Louis	Lambert-St Louis Intl	0/2655	12/23/10	ILS PRM RWY 12L (Sim. Close Parallel), Amdt 1; ILS PRM RWY 12L (CAT II) (Sim Close Parallel), Amdt 1; ILS PRM RWY 12L (CAT III) (Sim Close Parallel), Amdt 1.
10-Feb-11 ...	MO	St Louis	Lambert-St Louis Intl	0/2656	12/23/10	ILS PRM RWY 29 (Sim. Close Parallel), Amdt 1A.
10-Feb-11 ...	MO	St Louis	Lambert-St Louis Intl	0/2657	12/23/10	ILS PRM RWY 30R (Sim. Close Parallel), Amdt 1A; ILS PRM RWY 30R (CAT II) (Sim Close Parallel), Amdt 1A; ILS PRM RWY 30R (CAT III) (Sim Close Parallel), Amdt 1A.
10-Feb-11 ...	MO	St Louis	Lambert-St Louis Intl	0/2660	12/23/10	LDA PRM RWY 30L (Sim. Close Parallel), Amdt 1A.
10-Feb-11 ...	MI	Detroit	Detroit Metropolitan Wayne County.	0/2668	12/23/10	ILS PRM RWY 3R (Sim. Close Parallel), Orig; ILS PRM RWY 3R (CAT II) (Sim. Close Parallel), Orig; ILS PRM RWY 3R (CAT III) (Sim. Close Parallel), Orig.
10-Feb-11 ...	MI	Detroit	Detroit Metropolitan Wayne County.	0/2669	12/23/10	ILS PRM RWY 4R (Sim. Close Parallel), Orig; ILS PRM RWY 4R (CAT II) (Sim. Close Parallel), Orig; ILS PRM RWY 4R (CAT III) (Sim. Close Parallel), Orig.
10-Feb-11 ...	MI	Detroit	Detroit Metropolitan Wayne County.	0/2670	12/23/10	ILS Y PRM RWY 4L (Sim. Close Parallel), Orig-A.
10-Feb-11 ...	MI	Detroit	Detroit Metropolitan Wayne County.	0/2671	12/23/10	ILS Y PRM RWY 22R (Sim. Close Parallel), Orig-A.
10-Feb-11 ...	NE	Hebron	Hebron Muni	0/2696	12/20/10	GPS RWY 12, Orig.
10-Feb-11 ...	NE	Hebron	Hebron Muni	0/2697	12/20/10	NDB RWY 12, Amdt 4.
10-Feb-11 ...	NE	Hebron	Hebron Muni	0/2698	12/20/10	GPS RWY 30, Orig.
10-Feb-11 ...	OH	Cleveland	Cleveland-Hopkins Intl	0/2702	12/23/10	ILS PRM RWY 24R (Sim. Close Parallel), Orig-B.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
10-Feb-11 ...	OH	Cleveland	Cleveland-Hopkins Intl	0/2704	12/23/10	LDA PRM RWY 6R (Sim. Close Parallel), Amdt 1B.
10-Feb-11 ...	OH	Cleveland	Cleveland-Hopkins Intl	0/2707	12/23/10	ILS PRM RWY 6L (Sim. Close Parallel), Orig-C.
10-Feb-11 ...	OH	Cleveland	Cleveland-Hopkins Intl	0/2708	12/23/10	LDA PRM RWY 24L (Sim. Close Parallel), Orig-B.
10-Feb-11 ...	MI	Detroit	Detroit Metropolitan Wayne County.	0/2710	12/23/10	ILS PRM RWY 22L (Sim. Close Parallel), Orig.
10-Feb-11 ...	MI	Detroit	Detroit Metropolitan Wayne County.	0/2711	12/23/10	ILS PRM RWY 21L (Sim. Close Parallel), Orig.
10-Feb-11 ...	IA	Sioux City	Sioux Gateway/Col Bud Day Field.	0/2714	12/23/10	VOR OR TACAN RWY 31, Amdt 26.
10-Feb-11 ...	IA	Sioux City	Sioux Gateway/Col Bud Day Field.	0/2715	12/23/10	ILS OR LOC RWY 13, Amdt 1F.
10-Feb-11 ...	PA	Philadelphia	Philadelphia Intl	0/3257	12/28/10	ILS PRM RWY 27L (Sim. Close Parallel), Amdt 3.
10-Feb-11 ...	PA	Philadelphia	Philadelphia Intl	0/3258	12/28/10	ILS PRM RWY 26 (Sim. Close Parallel), Amdt 3.
10-Feb-11 ...	TX	Pampa	Perry Lefors Field	0/4249	12/6/10	GPS RWY 17, Orig-A.
10-Feb-11 ...	IL	Champaign/Urbana	University of Illinois-Willard ...	0/7104	12/20/10	LOC/DME BC RWY 14L, Amdt 8.
10-Feb-11 ...	LA	Lake Charles	Lake Charles Rgnl	0/9701	12/13/10	RADAR-1, Amdt 5A.
10-Feb-11 ...	LA	Lake Charles	Lake Charles Rgnl	0/9702	12/13/10	LOC BC RWY 33, Amdt 19A.
10-Feb-11 ...	LA	Lake Charles	Lake Charles Rgnl	0/9703	12/13/10	RNAV (GPS) RWY 33, Amdt 1B.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 201, 202 and 240

[Release No. 34-63723]

Rules of Practice

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: Section 916 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”) ¹ amended Section 19(b) of the Securities Exchange Act of 1934 (“Exchange Act”), ² which governs the handling of proposed rule changes submitted by self-regulatory organizations (“SROs”). Among other things, the Dodd-Frank Act’s amendments to Section 19 of the Exchange Act require the Securities and Exchange Commission (“Commission”) to promulgate rules setting forth the procedural requirements of proceedings to determine whether a proposed rule change should be disapproved. In satisfaction of this requirement, the Commission is adopting new Rules of Practice to formalize the process it will use when conducting proceedings to determine whether an SRO’s proposed rule change should be disapproved under Section 19(b)(2) of the Exchange Act. The new rules are intended to add transparency to the Commission’s

conduct of those proceedings and address the process the Commission will follow to institute proceedings and provide notice of the grounds for disapproval under consideration as well as provide interested parties with an opportunity to submit written materials to the Commission. In addition, the Commission is making conforming changes to Rule 19b-4 under the Exchange Act in recognition of the new Rules of Practice. Further, pursuant to Section 107 of the Sarbanes-Oxley Act of 2002 (“Sarbanes-Oxley Act”), the provisions of paragraphs (1) through (3) of Section 19(b) of the Exchange Act govern the proposed rules of the Public Company Accounting Oversight Board (“PCAOB”).³ The Commission is amending Regulation P to add a rule providing that these new Rules of Practice also formalize the process the Commission will use when conducting proceedings to determine whether a PCAOB proposed rule should be disapproved.

DATES: *Effective Date:* January 24, 2011.

FOR FURTHER INFORMATION CONTACT: Richard Holley III, Assistant Director, at (202) 551-5614, Kristie Diemer, Special Counsel, at (202) 551-5613, and Arisa Tinaves, Special Counsel, at (202) 551-5676, Division of Trading and Markets, or Jeffrey S. Cohan, Senior Special Counsel, at (202) 551-5300, Office of the Chief Accountant, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-7010.

SUPPLEMENTARY INFORMATION: The Commission is adding to its Rules of

Practice ⁴ to establish procedures for instituting proceedings to determine whether an SRO’s proposed rule change should be disapproved under Section 19(b) of the Exchange Act (§ 201.700 *et seq.*) and is making corresponding changes to Rule 19b-4 under the Exchange Act (15 U.S.C. 78f(b)(4)). The Commission is also adding Rule 170 to Regulation P ⁵ to provide that § 201.700 *et seq.* establishes procedures for instituting proceedings to determine whether a PCAOB proposed rule should be disapproved.

I. Discussion of Rule Amendments

A. Background

Section 916 of the Dodd-Frank Act amended Section 19(b) of the Exchange Act, which governs the Commission’s handling of proposed rule changes submitted by SROs, including national securities exchanges, the Financial Industry Regulatory Authority (“FINRA”), and registered clearing agencies.⁶ Notably, the amendments to Section 19(b) in Section 916 of the Dodd-Frank Act established new statutory deadlines applicable to the Commission’s publication and review of proposed SRO rule changes.⁷

⁴ 17 CFR 201 *et seq.*

⁵ 17 CFR 202.100 *et seq.*

⁶ Pursuant to Section 107 of the Sarbanes-Oxley Act, the provisions of paragraphs (1) through (3) of Section 19(b) of the Exchange Act also govern proposed rules of the PCAOB.

⁷ Pursuant to Rule 30-3(a) (17 CFR 200.30-3(a)), the Commission has delegated authority to the Division of Trading and Markets for certain functions related to the handling of proposed rule changes filed by SROs under Section 19 of the Exchange Act.

¹ Public Law 111-203 (July 21, 2010).

² 15 U.S.C. 78s(b)(2).

³ See 15 U.S.C. 7217.