

Greenwood, MS, Greenwood-LeFlore, VOR/  
DME RNAV RWY 18, Amdt 6A  
Wahpeton, ND, Harry Stern, RNAV (GPS)  
RWY 15, Orig  
Wahpeton, ND, Harry Stern, RNAV (GPS)  
RWY 33, Orig  
Wahpeton, ND, Harry Stern, NDB RWY 33,  
Amdt 5  
Wahpeton, ND, Harry Stern, GPS RWY 33,  
Orig-A, CANCELLED  
Grand Island, NE, Central Nebraska Regional,  
RNAV (GPS) RWY 13, Amdt 1  
Grand Island, NE, Central Nebraska Regional,  
RNAV (GPS) RWY 17, Amdt 1  
Grand Island, NE, Central Nebraska Regional,  
RNAV (GPS) RWY 31, Amdt 1  
Grand Island, NE, Central Nebraska Regional,  
RNAV (GPS) RWY 35, Amdt 1  
Hobbs, NM, Lea County Rgnl, RNAV (GPS)  
RWY 3, Orig  
Hobbs, NM, Lea County Rgnl RNAV (GPS)  
RWY 21, Orig  
Hobbs, NM, Lea County Rgnl RNAV (GPS)  
RWY 30, Orig  
Hobbs, NM, Lea County Rgnl ILS OR LOC  
RWY 3, Amdt 6  
Hobbs, NM, Lea County Rgnl LOC/DME BC  
RWY 21, Amdt 6  
Hobbs, NM, Lea County Rgnl VOR/DME OR  
TACAN RWY 21, Amdt 9  
Hobbs, NM, Lea County Rgnl VOR OR  
TACAN RWY 3, Amdt 21  
Hobbs, NM, Lea County Rgnl GPS RWY 3,  
Orig-B, CANCELLED  
Hobbs, NM, Lea County Rgnl GPS RWY 21,  
Orig-B, CANCELLED  
Hobbs, NM, Lea County Rgnl GPS RWY 30,  
Orig-B, CANCELLED  
Las Vegas, NV, Henderson Executive, VOR-  
C, Orig  
Las Vegas, NV, North Las Vegas, ILS OR LOC  
RWY 12L, Orig  
Fort Worth, TX, Fort Worth Spinks, RNAV  
(GPS) RWY 17R, Orig  
Fort Worth, TX, Fort Worth Spinks, RNAV  
(GPS) RWY 35L, Orig  
Fort Worth, TX, Fort Worth Spinks, VOR/  
DME RNAV RWY 35L, Orig-B,  
CANCELLED  
Houston, TX, George Bush Intercontinental/  
Houston, RNAV (GPS) Z RWY 8L, Amdt 1  
Houston, TX, George Bush Intercontinental/  
Houston, RNAV (GPS) Z RWY 9, Amdt 2  
Houston, TX, George Bush Intercontinental/  
Houston, RNAV (GPS) Z RWY 27, Amdt 1  
Houston, TX, George Bush Intercontinental/  
Houston, RNAV (GPS) Z RWY 26R, Amdt  
1  
Houston, TX, George Bush Intercontinental/  
Houston, ILS OR LOC RWY 8L, ILS RWY  
8L, (CAT II), ILS RWY 8L (CAT III), Amdt  
1  
Houston, TX, George Bush Intercontinental/  
Houston, ILS OR LOC RWY 9, Amdt 7  
Houston, TX, George Bush Intercontinental/  
Houston, ILS OR LOC RWY 27, ILS RWY  
27, (CAT II), ILS RWY 27 (CAT III), Amdt  
6  
Houston, TX, George Bush Intercontinental/  
Houston, ILS OR LOC RWY 26R, ILS RWY  
26R, (CAT II), ILS RWY 26R (CAT III),  
Amdt 1  
Longview, TX, East Texas Regional, ILS OR  
LOC RWY 13, Amdt 12  
Longview, TX, East Texas Regional, VOR/  
DME OR TACAN RWY 31, Amdt 7

Longview, TX, East Texas Regional, VOR/  
DME OR TACAN RWY 13, Amdt 1  
Wichita Falls, TX, Kickapoo Downtown  
Airport, RNAV (GPS) RWY 35, Orig  
Wichita Falls, TX, Kickapoo Downtown  
Airport, NDB RWY 35, Amdt 4  
Wichita Falls, TX, Kickapoo Downtown  
Airport, NDB-A, Amdt 6A  
Wichita Falls, TX, Kickapoo Downtown  
Airport, VOR/DME RNAV OR GPS RWY  
35, Amdt 3A, CANCELLED  
Sutton, WV, Braxton County, RNAV (GPS)  
RWY 1, Orig  
Sutton, WV, Braxton County, RNAV (GPS)  
RWY 19, Orig  
Sutton, WV, Braxton County, Takeoff  
Minimums and Textual DP, Orig

[FR Doc. 05-22494 Filed 11-14-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30465; Amdt. No. 3141]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment amends  
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:** This rule is effective November  
15, 2005. The compliance date for each  
SIAP 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 November  
15, 2005.

**ADDRESSES:** Availability of matter  
incorporated by reference in the  
amendment is as follows:

#### For Examination

1. FAA Rules Docket, FAA  
Headquarters Building, 800  
Independence Ave, SW., Washington,  
DC 20591;

2. The FAA Regional Office of the  
region in which affected airport is  
located; or

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).

#### 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 (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  
amendment to Title 14, Code of Federal  
Regulations, Part 97 (14 CFR part 97)  
amends Standard Instrument Approach  
Procedures (SIAPs). The complete  
regulatory description of each SIAP is  
contained in the appropriate FAA Form  
8260, as modified by the the National  
Flight Data Center (FDC)/Permanent  
Notice to Airmen (P-NOTAM), which is  
incorporated by reference in the  
amendment under 5 U.S.C. 552(a), 1  
CFR part 51, and § 97.20 of the Code of  
Federal Regulations. 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 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. The provisions of this amendment state the affected CFR 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 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 chart changes to SIAPs, 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 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.

Further, the SIAPs contained in this amendment are based on the criteria contained in 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, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on November 4, 2005.

**James J. Ballough,**

*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, 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 No.                     |
|---------------|-------|-------------------|---------------------------------------------|---------|---------------------------------|
| 10/21/05 .... | AK    | IGIUGIG .....     | IGIUGIG .....                               | 5/9658  | RNAV (GPS) RWY 5, ORIG-A.       |
| 10/21/05 .... | AK    | IGIUGIG .....     | IGIUGIG .....                               | 5/9659  | RNAV (GPS) RWY 23, ORIG-A.      |
| 10/21/05 .... | AK    | KING SALMON ..... | KING SALMON .....                           | 5/9660  | RNAV (GPS) Z RWY 29, ORIG-A.    |
| 10/21/05 .... | AK    | KING SALMON ..... | KING SALMON .....                           | 5/9661  | RNAV (GPS) RWY 11, ORIG-A.      |
| 10/21/05 .... | AK    | SHUNGNAG .....    | SHUNGNAG .....                              | 5/9662  | RNAV (GPS) RWY 9, ORIG-A.       |
| 10/24/05 .... | WA    | BELLINGHAM .....  | BELLINGHAM INTL .....                       | 5/9652  | ILS RWY 16, AMDT 4B.            |
| 10/24/05 .... | WA    | BELLINGHAM .....  | BELLINGHAM INTL .....                       | 5/9653  | NDB RWY 16, AMDT 1B.            |
| 10/25/05 .... | MN    | MINNEAPOLIS ..... | MINNEAPOLIS-ST. PAUL INTL/WOLD CHAMBERLAIN. | 5/9764  | ILS PRM RWY 12R, AMDT 3A.       |
| 10/26/05 .... | IL    | QUINCY .....      | QUINCY REGIONAL-BALDWIN FIELD               | 5/9835  | ILS OR LOC RWY 4, AMDT 17A.     |
| 10/28/05 .... | MN    | MINNEAPOLIS ..... | MINNEAPOLIS-ST. PAUL INTL/WOLD CHAMBERLAIN. | 5/9978  | ILS PRM RWY 30R, AMDT 6B.       |
| 10/28/05 .... | MN    | MINNEAPOLIS ..... | MINNEAPOLIS-ST. PAUL INTL/WOLD CHAMBERLAIN. | 5/9979  | ILS PRM RWY 30L, AMDT 5B.       |
| 10/31/05 .... | FL    | BUNNELL .....     | FLAGLER COUNTY .....                        | 5/9990  | RNAV (GPS) RWY 29, ORIG-A.      |
| 10/31/05 .... | IL    | CHICAGO .....     | CHICAGO-O'HARE INTL .....                   | 5/0115  | ILS RWY 27L (CATII), AMDT 13A.  |
| 10/31/05 .... | IL    | CHICAGO .....     | CHICAGO-O'HARE INTL .....                   | 5/0116  | ILS RWY 27L (CATIII), AMDT 13A. |
| 10/31/05 .... | IL    | CHICAGO .....     | CHICAGO-O'HARE INTL .....                   | 5/0117  | ILS OR LOC RWY 27L, AMDT 13A.   |
| 10/28/05 .... | FL    | MELBOURNE .....   | MELBOURNE INTL .....                        | 5/0032  | RNAV (GPS) RWY 9R, ORIG-A.      |
| 10/28/05 .... | FL    | BUNNELL .....     | FLAGLER COUNTY .....                        | 5/9988  | VOR-A, AMDT 1A.                 |
| 10/28/05 .... | FL    | BUNNELL .....     | FLAGLER COUNTY .....                        | 5/9989  | RNAV (GPS) RWY 6, ORIG-A.       |
| 10/28/05 .... | FL    | BUNNELL .....     | FLAGLER COUNTY .....                        | 5/9991  | RNAV (GPS) RWY 11, ORIG-A.      |
| 10/28/05 .... | FL    | BUNNELL .....     | FLAGLER COUNTY .....                        | 5/9992  | RNAV (GPS) RWY 24, ORIG-A.      |
| 10/28/05 .... | FL    | ORLANDO .....     | ORLANDO INTL .....                          | 5/9993  | RNAV (GPS) RWY 36R, ORIG-B.     |
| 10/24/05 .... | UT    | LOGAN .....       | LOGAN-CACHE .....                           | 5/9717  | RNAV (GPS) RWY 17, ORIG-A.      |
| 10/24/05 .... | UT    | LOGAN .....       | LOGAN-CACHE .....                           | 5/9720  | RNAV (GPS) RWY 35, AMDT 1A.     |
| 10/31/05 .... | UT    | ODGEN .....       | ODGEN-HINCKLEY .....                        | 5/9940  | VOR RWY 7, AMDT 5C.             |
| 10/28/05 .... | WA    | SEATTLE .....     | SEATTLE-TACOMA INTL .....                   | 5/0133  | VOR RWY 34L/R, AMDT 9B.         |
| 10/28/05 .... | WA    | MOSES LAKE .....  | GRANT COUNTY INTL .....                     | 5/0136  | VOR RWY 32R, AMDT 20A.          |
| 10/28/05 .... | WA    | MOSES LAKE .....  | GRANT COUNTY INTL .....                     | 5/0138  | RNAV (GPS) RWY 32R, ORIG-B.     |

| FDC Date      | State | City             | Airport                               | FDC No. | Subject No.                  |
|---------------|-------|------------------|---------------------------------------|---------|------------------------------|
| 11/01/05 .... | OH    | MARYSVILLE ..... | UNION COUNTY .....                    | 5/0174  | NDB RWY 27, AMDT 5B.         |
| 11/01/05 .... | WA    | YAKIMA .....     | YAKIMA AIR TERMINAL/MCALLISTER FIELD. | 5/0181  | ILS RWY 27, AMDT 26C.        |
| 11/01/05 .... | WA    | PORT ANGELES ... | WILLIAM R. FAIRCHILD INTL .....       | 5/0187  | ILS-1 RWY 8, AMDT 1C.        |
| 11/02/05 .... | MN    | ALEXANDRIA ..... | CHANDLER FIELD .....                  | 5/0218  | ILS OR LOC RWY 31, ORIG-A.   |
| 10/27/05 .... | TX    | AUSTIN .....     | AUSTIN-BERGSTROM INTL .....           | 5/9947  | ILS OR LOC RWY 35L, AMDT 3A. |
| 11/02/05 .... | OK    | ARDMORE .....    | ARDMORE MUNI .....                    | 5/0226  | ILS RWY 31, AMDT 4A.         |
| 11/02/05 .... | SC    | MYRTLE BEACH ... | MYRTLE BEACH INTL .....               | 5/0232  | ILS OR LOC RWY 36, AMDT 1C.  |
| 11/02/05 .... | SC    | MYRTLE BEACH ... | MYRTLE BEACH INTL .....               | 5/0233  | RNAV (GPS) RWY 36, AMDT 1A.  |
| 11/02/05 .... | SC    | MYRTLE BEACH ... | MYRTLE BEACH INTL .....               | 5/0234  | RADAR-1, AMDT 1C.            |
| 11/02/05 .... | SC    | MYRTLE BEACH ... | MYRTLE BEACH INTL .....               | 5/0235  | ILS OR LOC RWY 18, AMDT 1F.  |
| 11/02/05 .... | SC    | MYRTLE BEACH ... | MYRTLE BEACH INTL .....               | 5/0236  | RNAV (GPS) RWY 18, 1C.       |

[FR Doc. 05-22493 Filed 11-14-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 25

[Docket No. 2004N-0461]

#### Environmental Assessment; Categorical Exclusions

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its regulation on environmental impact considerations to expand existing categorical exclusions to include approvals of humanitarian device exemptions (HDEs) and establishment of special controls as categories of actions that do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required. FDA is taking this action in accordance with the National Environmental Policy Act (NEPA).

**DATES:** This rule is effective December 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Rosa M. Gilmore, Center for Devices and Radiological Health (HFZ-215), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 240-276-2346.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

In the *Federal Register* of November 24, 2004 (69 FR 68280), FDA published a proposed rule (the November 2004 proposed rule) to amend its regulation on environmental impact considerations to expand existing categorical exclusions to include approvals of HDEs

and establishment of special controls as categories of actions that do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an EIS is required. Interested persons were given until December 27, 2004, to comment on the proposal. FDA received two comments on the proposed rule.

#### II. Summary of Comments and FDA's Response

(Comment 1) One comment opposed FDA's proposal to expand existing categorical exclusions to include approvals of HDEs and establishment of special controls on the basis that a more rigorous standard should be applied before approval of "dangerous devices."

(Response) This comment seemed to misunderstand the proposed rule. FDA is not excluding any products from the statutorily required safety review under the Federal Food, Drug, and Cosmetic Act. The rule excludes certain categories of actions from the need to prepare an EA or EIS under the NEPA.

(Comment 2) This comment did not express an opinion on the proposed rule.

#### III. Background and Regulatory Authorities

NEPA requires all Federal agencies to assess the environmental impacts of its actions and to ensure that the interested and affected public is informed of environmental analyses. The Counsel on Environmental Quality (CEQ) is responsible for overseeing Federal efforts to comply with NEPA. Both CEQ and FDA have issued regulations governing agency obligations and responsibilities under NEPA. CEQ's regulations implementing the procedural requirements of NEPA can be found at 40 CFR parts 1500 through 1508 and FDA's NEPA policies and procedures can be found at 21 CFR part 25.

CEQ's and FDA's regulations, 40 CFR 1508.4 and 21 CFR 25.5(a)(1), respectively, define "categorical

exclusion" to mean a category of actions which have been found by procedures adopted by the Federal agency not to individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an EA nor an EIS is required. When categorically excluding an action, an agency must determine that there are no extraordinary circumstances related to the action that may result in the action having significant environmental effects.

FDA published final regulations governing compliance with NEPA as implemented by the CEQ regulations in the *Federal Register* of July 29, 1997 (62 FR 40570). The July 29, 1997, final rule listed certain device actions as categories of actions that do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an EIS is required.

#### IV. Summary of the Final Rule

FDA received two comments on the proposed rule, however, neither comment related to the statutory and regulatory authority of that proposal. Therefore, the discussion of the statutory and regulatory authority set out in the preamble of the proposed rule (69 FR 68280 at 68281 through 68282) remains relevant to this final rule and will not be repeated here.

##### A. Special Controls

FDA is amending its environmental impact regulations under § 25.34 to include as a category of action that does not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor EIS is required, classification or reclassification of a device, including the establishment of special controls, if the action will not result in increases in the existing levels of use of the device or changes in the intended use of the device or its substitutes. FDA issues special controls in order to assure that class II devices provide a reasonable assurance of safety and effectiveness.