

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the ADDRESSES section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, 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 that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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, Navigation (Air).

Issued in Washington, DC, on September 15, 2023.

Thomas J. Nichols,

Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, 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(f), 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 name	FDC No.	FDC date	Procedure name
2–Nov–23 .....	IA	Clarinda .....	Schenck Fld .....	3/0220	9/5/23	RNAV (GPS) RWY 2, Amdt 1.
2–Nov–23 .....	IA	Clarinda .....	Schenck Fld .....	3/0224	9/5/23	RNAV (GPS) RWY 20, Amdt 1.
2–Nov–23 .....	MN	Crookston .....	Crookston Muni/Kirkwood Fld	3/0392	8/9/23	VOR/DME RWY 13, Orig-C.
2–Nov–23 .....	TX	Wink .....	Winkler County .....	3/5962	9/11/23	RNAV (GPS) RWY 13, Amdt 1B.
2–Nov–23 .....	WI	Wisconsin Rapids ...	Alexander Fld South Wood County.	3/6966	9/8/23	RNAV (GPS) RWY 2, Orig-B.

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BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31508; Amdt. No. 4079]

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 removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) 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 25, 2023. 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 25, 2023.

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

For Examination

1. U.S. Department of Transportation, Docket Ops–M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 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, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

#### Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at [nfdc.faa.gov](https://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954-1139.

**SUPPLEMENTARY INFORMATION:** This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPs, Takeoff Minimums and/or ODPs. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, 8260-15B, when required by an entry on 8260-15A, and 8260-15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This

amendment provides the affected CFR sections and specifies the typed of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

#### Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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.

#### Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on September 15, 2023.

**Thomas J. Nichols,**

*Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure 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(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

##### *Effective 2 November 2023*

Jackson, CA, KJAQ, Takeoff Minimums and Obstacle DP, Amdt 2  
Albemarle, NC, KVUJ, RADAR-1, Orig-A  
Greensboro, NC, KGSO, RNAV (GPS) RWY 5R, Amdt 2F  
Greensboro, NC, KGSO, RNAV (GPS) RWY 23L, Amdt 2F  
Grand Forks, ND, KGFK, RNAV (GPS) RWY 17R, Amdt 1A  
Towanda, PA, N27, RNAV (GPS)–A, Amdt 1

##### *Effective 30 November 2023*

Unalakleet, AK, PAUN, LOC RWY 15, Amdt 6  
Greensboro, AL, 7A0, RNAV (GPS) RWY 18, Orig  
Greensboro, AL, 7A0, RNAV (GPS) RWY 36, Orig  
Greensboro, AL, 7A0, Takeoff Minimums and Obstacle DP, Orig  
Texarkana, AR, KTXK, ILS OR LOC RWY 22, Amdt 17  
Texarkana, AR, KTXK, LOC BC RWY 4, Amdt 13A, CANCELED  
Tucson, AZ, KTUS, Takeoff Minimums and Obstacle DP, Amdt 6

San Francisco, CA, KSFO, GLS RWY 19L, Amdt 1  
 San Francisco, CA, KSFO, GLS RWY 19R, Amdt 1  
 San Francisco, CA, KSFO, ILS OR LOC RWY 19L, Amdt 23  
 San Francisco, CA, KSFO, RNAV (GPS) RWY 19L, Amdt 4  
 San Francisco, CA, KSFO, RNAV (GPS) Y RWY 19R, Amdt 4  
 San Francisco, CA, KSFO, RNAV (GPS) Z RWY 19R, Orig  
 Ankeny, IA, KIKV, ILS OR LOC RWY 36, Amdt 3A  
 Des Moines, IA, KDSM, RNAV (GPS) RWY 5, Amdt 4  
 Des Moines, IA, KDSM, RNAV (GPS) RWY 23, Amdt 3  
 Des Moines, IA, KDSM, Takeoff Minimums and Obstacle DP, Amdt 13  
 Indianapolis, IN, KUMP, Takeoff Minimums and Obstacle DP, Amdt 4  
 Flemingsburg, KY, KFGX, RNAV (GPS) RWY 7, Amdt 1  
 Flemingsburg, KY, KFGX, RNAV (GPS) RWY 25, Amdt 1  
 Flemingsburg, KY, KFGX, Takeoff Minimums and Obstacle DP, Amdt 1  
 Faribault, MN, KFBL, RNAV (GPS) RWY 12, Amdt 2  
 Marshall, MO, KMHL, Takeoff Minimums and Obstacle DP, Amdt 1  
 Nevada, MO, KNVD, RNAV (GPS) RWY 2, Orig-B  
 Nevada, MO, KNVD, RNAV (GPS) RWY 20, Orig-B  
 Rocky Mount, NC, KRWI, VOR RWY 22, Amdt 3C  
 Clovis, NM, KCVN, ILS RWY 4, Orig  
 Clovis, NM, KCVN, ILS OR LOC RWY 4, Amdt 1, CANCELED  
 Dayton, OH, KGDK, RNAV (GPS) RWY 7, Amdt 1A  
 Dayton, OH, KGDK, RNAV (GPS) RWY 25, Amdt 1B  
 Marysville, OH, KMRT, Takeoff Minimums and Obstacle DP, Amdt 3  
 Ardmore, OK, KADM, RNAV (GPS) RWY 31, Amdt 1G  
 Bellefonte, PA, N96, VOR-A, Amdt 2A, CANCELED  
 Ebensburg, PA, 9G8, RNAV (GPS) RWY 7, Orig-D  
 Ebensburg, PA, 9G8, RNAV (GPS) RWY 25, Orig-F  
 Ebensburg, PA, 9G8, VOR-A Amdt 7B, CANCELED  
 Mount Joy/Marietta, PA, N71, VOR RWY 28, Amdt 2  
 Punxsutawney, PA, N35, Takeoff Minimums and Obstacle DP, Amdt 3A  
 St Marys, PA, KOYM, RNAV (GPS) RWY 10, Amdt 1D  
 St Marys, PA, KOYM, RNAV (GPS) RWY 28, Amdt 1F  
 Wilkes-Barre/Scranton, PA, KAVP, ILS OR LOC RWY 22, Amdt 11  
 Arlington, TX, KGKY, RNAV (GPS) RWY 16, Orig  
 San Angelo, TX, KSJT, RADAR 1, Amdt 1C, CANCELED  
 Berkeley Springs, WV, W35, VOR RWY 29, Amdt 6B, CANCELED

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### 15 CFR Part 231

[Docket Number: 230915-0220]

RIN 0693-AB70

### Preventing the Improper Use of CHIPS Act Funding

**AGENCY:** CHIPS Program Office, National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The CHIPS and Science Act of 2022, which amended Title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (collectively, the CHIPS Act or Act) established an incentives program to reestablish and sustain U.S. leadership across the semiconductor supply chain. The Department of Commerce, through the National Institute of Standards and Technology, is issuing this final rule to implement conditions in the Act that seek to prevent funding provided through the program from being used to directly or indirectly benefit foreign countries of concern. The rule defines terms related to these conditions, describes the types of activities that are prohibited by those conditions, and sets forth procedures for notifying the Secretary of Commerce (Secretary) of non-compliance and the process by which the Secretary will enforce these provisions.

**DATES:** This final rule is effective November 24, 2023.

**FOR FURTHER INFORMATION CONTACT:** Sam Marullo at (202) 482-3844 or [askchips@chips.gov](mailto:askchips@chips.gov). Please direct media inquiries to the CHIPS Press Team at [press@chips.gov](mailto:press@chips.gov).

**SUPPLEMENTARY INFORMATION:** On March 23, 2023, the National Institute of Standards and Technology published and requested public comment on a proposed rule that defined terms used in the Act (including terms that will be used in required agreements with covered entities), identified the types of transactions that are prohibited under the Expansion Clawback and Technology Clawback sections of the Act, and provided a description of the proposed process for notification of certain transactions to the Secretary (88 FR 17439). This final rule includes final definitions of terms, describes the types of conditions that will apply to expansion, joint research, and technology licensing activities,

establishes a process for notifying the Secretary of potentially impermissible activities, and articulates processes by which the Secretary will enforce these provisions.

### Background

The CHIPS Act, 15 U.S.C. 4651 *et seq.*, established a semiconductor incentives program (CHIPS Incentives Program) to provide funding via grants, cooperative agreements, loans, loan guarantees, and other transactions, to incentivize investments in facilities and equipment in the United States for the fabrication, assembly, testing, advanced packaging, production, or research and development of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment. The CHIPS Incentives Program is administered by the CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) of the Department.

To protect national security and the resiliency of supply chains, CHIPS funds may not be provided to a foreign entity of concern, such as an entity that is owned by, controlled by, or subject to the jurisdiction or direction of a country listed in 10 U.S.C. 4872(d). In addition, the Act establishes guardrails, including the Expansion Clawback (15 U.S.C. 4652(a)(6)) and the Technology Clawback (15 U.S.C. 4652(a)(5)(C)), to prevent the beneficiaries of CHIPS funds from supporting the semiconductor manufacturing and technology development of foreign countries of concern. To effectuate these conditions, and to prevent their circumvention, covered entities are required to enter into a binding agreement with the Department.

This final rule codifies the Expansion Clawback in Subpart B, including exceptions to the prohibition on semiconductor manufacturing capacity expansions that apply to existing facilities that manufacture legacy semiconductors and for significant transactions involving semiconductor manufacturing capacity expansion for new facilities producing legacy semiconductors that predominately serve the market of a foreign country of concern.

This final rule requires covered entities to fulfill certain obligations ahead of taking certain actions. A covered entity must notify the Secretary of any planned significant transaction by the covered entity or a member of its affiliated group involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern, including in cases where it believes the transaction may be