

Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. 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 (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 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) 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 some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, 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 SIAPs, 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 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 some 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 April 22, 2005.

James J. Ballough,

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 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:

* * * *Effective 09 Jun 2005*

Eugene, OR, Mahlon Sweet Field, GPS RWY 3, Orig-B, CANCELLED
Eugene, OR, Mahlon Sweet Field, VOR/DME OR TACAN RWY 3, Amdt 3B, CANCELLED

* * * *Effective 07 Jul 2005*

Manila, AR, Manila Muni, NDB RWY 18, Amdt 1, CANCELLED
Monroe, LA, Monroe Regional, ILS OR LOC RWY 4, Amdt 22
Baudette, MN, Baudette Intl, RNAV (GPS) RWY 30, Amdt 1
Taos, NM, Taos Rgnl, RNAV (GPS) RWY 4, Orig

Taos, NM, Taos Rgnl, VOR/DME–B, Amdt 3
Taos, NM, Taos Rgnl, GPS RWY 4, ORIG–A, CANCELLED
Batavia, OH, Clermont County, RNAV (GPS) RWY 4, Orig
Batavia, OH, Clermont County, RNAV (GPS) RWY 22, Orig
Batavia, OH, Clermont County, NDB RWY 22, Amdt 1
Batavia, OH, Clermont County, VOR–B, Amdt 7
Batavia, OH, Clermont County, GPS RWY 4, Orig-A, CANCELLED
Cleveland, OH, Cleveland-Hopkins Intl, NDB RWY 6R, Amdt 6
Okmulgee, OK, Okmulgee Regional, RNAV (GPS) RWY 17, Orig
Okmulgee, OK, Okmulgee Regional, ILS OR LOC RWY 17, Amdt 1
Okmulgee, OK, Okmulgee Regional, GPS RWY 17, Orig-A, CANCELLED
Okmulgee, OK, Okmulgee Regional, NDB RWY 17, Amdt 4
Okmulgee, OK, Okmulgee Regional, VOR–A, Amdt 1
Perkasie, PA, Pennridge, VOR RWY 8, Amdt 2, CANCELLED
Selinsgrove, PA, Penn Valley, RNAV (GPS)–B, Orig-A
Dyersburg, TN, Dyersburg Muni, VOR/DME RWY 4, Amdt 3
Houston, TX, George Bush Intercontinental Arpt/Houston, NDB RWY 26L, Amdt 3, CANCELLED
Mount Vernon, TX, Franklin County, RNAV (GPS) RWY 13, Orig
Mount Vernon, TX, Franklin County, RNAV (GPS) RWY 31, Orig
Rutland, VT, Rutland State, RNAV (GPS) RWY 19, Orig-A
Boyceville, WI, Boyceville Muni, RNAV (GPS) RWY 8, Amdt 1
Boyceville, WI, Boyceville Muni, RNAV (GPS) RWY 26, Amdt 1

The FAA published an Amendment in Docket No. 30443, Amdt No. 3120 to Part 97 of the Federal Aviation Regulations (Vol 70, No.72, page 19880; dated April 15, 2005) under section 97.33 effective 12 MAY 2005, which is hereby rescinded:

Cleveland, OH, Cleveland-Hopkins Intl, LDA PRM RWY 24L, Orig
Cleveland, OH, Cleveland-Hopkins Intl, ILS PRM RWY 24R, Orig

[FR Doc. 05–8725 Filed 5–2–05; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

19 CFR Part 122

[CBP Dec. 05–16]

Technical Amendment to List of User Fee Airports

AGENCY: Customs and Border Protection, Homeland Security.

ACTION: Technical amendment.

SUMMARY: This document amends the Customs and Border Protection (CBP) Regulations to reflect the withdrawal of the user fee airport designation at Ocala International Airport in Ocala, Florida. A user fee airport is one which, while not qualifying for designation as an international or landing rights airport, has been approved by the Commissioner of Customs and Border Protection (CBP) to receive, for a fee, the services of a CBP officer for the processing of aircraft entering the United States and their passengers and cargo.

DATES: *Effective Date:* May 3, 2005.

FOR FURTHER INFORMATION CONTACT: Dennis Dore, Office of Field Operations, 202-344-2776.

SUPPLEMENTARY INFORMATION:

Background

Generally, a civil aircraft arriving from a place outside of the United States is required to land at an airport designated as an international airport. Alternatively, the pilot of a civil aircraft may request permission to land at a specific airport and if landing rights are granted, the civil aircraft may land at that landing rights airport.

Section 236 of Pub. L. 98-573 (the Trade and Tariff Act of 1984), codified at 19 U.S.C. 58b, created an option for civil aircraft desiring to land at an airport other than an international or landing rights airport. A civil aircraft arriving from a place outside of the United States may ask for permission to land at an airport designated by the Secretary of the Treasury as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Secretary of the Treasury determines that the volume of business at the airport is insufficient to justify the availability of customs services at the airport and the governor of the state in which the airport is located approves the designation. Generally, the type of aircraft that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

As the volume of business anticipated at this type of airport is insufficient to justify its designation as an international or landing rights airport, the availability of customs services is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the user fee airport on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the

statute, shall be paid by each person using the customs services at the airport and shall be in the amount equal to the expenses incurred by the Secretary of the Treasury in providing customs services which are rendered to such person at such airport, including the salary and expenses of those employed by the Secretary of the Treasury to provide the customs services. To implement this provision, generally, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay a flat fee for which the users of the airport are to reimburse the airport/airport authority. The airport/airport authority agrees to set and periodically review the charges to ensure that they are in accord with the airport's expenses.

Sections 403(1) and 411 of the Homeland Security Act of 2002 ("the Act," Pub. L. 107-296) transferred the United States Customs Service and certain of its functions from the Department of the Treasury to the Department of Homeland Security; pursuant to section 1502 of the Act, the President renamed the "Customs Service" as the "Bureau of Customs and Border Protection," also referred to as "CBP."

The Commissioner of CBP, pursuant to § 122.15, CBP Regulations (19 CFR 122.15) designates airports as user fee airports pursuant to 19 U.S.C. 58b. Section 122.15 also sets forth the grounds for withdrawal of a user fee designation and sets forth the list of user fee airports as designated by the Commissioner.

This document revises the list of user fee airports in § 122.15(b) by removing Ocala International Airport. The Commissioner approved the termination of the User Fee Agreement between the airport and CBP on June 22, 2004. The airport had requested that the User Fee Agreement be terminated.

This document is limited to technical corrections of CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b).

Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Agency organization matters such as this amendment are exempt from consideration under Executive Order 12866.

Inapplicability of Public Notice and Delayed Effective Date Requirements

This amendment merely updates and corrects the list of user fee airports

already designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b. Accordingly, this document neither imposes any additional burdens on, nor takes away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B). Thus, notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3) a delayed effective date is not required.

Drafting Information

The principal author of this document was Steven Bratcher, Regulations Branch, Office of Regulations and Rulings, CBP. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs Duties and Inspection, Freight.

Amendments to the Regulations

■ Part 122, CBP Regulations (19 CFR Part 122) is amended as set forth below.

PART 122—AIR COMMERCE REGULATIONS

■ 1. The general authority citation for Part 122, CBP Regulations, continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

* * * * *

■ 2. The listing of user fee airports in § 122.15(b) is amended by removing, in the "Location" column, "Ocala, Florida" and by removing on the same line, in the "Name" column, "Ocala International Airport."

Dated: April 27, 2005.

Robert C. Bonner,

Commissioner, Customs and Border Protection.

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DEPARTMENT OF HOMELAND SECURITY

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19 CFR Part 122

[CBP Dec. 05-15]

Technical Amendment to List of User Fee Airports

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Technical amendment.