

97 of the Federal Aviation Regulations under section 97.29. The last entry for *Ketchikan, AK, Ketchikan Intl*, effective September 25, 2008, is hereby corrected to read as follows: Ketchikan, AK, Ketchikan Intl, ILS OR LOC/ DME Z RWY 11, Amdt 7, RESCINDED

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## DEPARTMENT OF TRANSPORTATION

### 14 CFR Part 97

[Docket No. 30637; Amdt. No. 3295]

#### 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 November 17, 2008. 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 November 17, 2008.

**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 DOT Regulatory 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 October 31, 2008.

**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.

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended].**

■ 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
10/15/08 .....	KY	FRANKFORT .....	CAPITAL CITY .....	8/4014	RNAV (GPS) RWY 24, AMDT 1.
10/15/08 .....	KY	FRANKFORT .....	CAPITAL CITY .....	8/4015	LOC RWY 24, AMDT 2.
10/22/08 .....	CO	GUNNISON .....	GUNNISON-CRESTED BUTTE REGIONAL.	8/4212	GPS B, ORIG.
10/22/08 .....	CO	GUNNISON .....	GUNNISON-CRESTED BUTTE REGIONAL.	8/4213	VOR OR GPS A, AMDT 3B.
10/17/08 .....	SC	HARTSVILLE .....	HARTSVILLE REGIONAL .....	8/4646	NDB RWY 3, ORIG.
10/17/08 .....	SC	HARTSVILLE .....	HARTSVILLE REGIONAL .....	8/4647	NDB RWY 21, ORIG.
10/17/08 .....	SC	HARTSVILLE .....	HARTSVILLE REGIONAL .....	8/4649	GPS RWY 3, ORIG.
10/17/08 .....	SC	HARTSVILLE .....	HARTSVILLE REGIONAL .....	8/4654	GPS RWY 21, ORIG.
08/25/08 .....	AK	BARTER ISLAND .....	BARTER ISLAND LRRS .....	8/4744	RNAV (GPS) RWY 25, ORIG.
08/25/08 .....	AK	BARTER ISLAND .....	BARTER ISLAND LRRS .....	8/4745	RNAV (GPS) RWY 7, ORIG.
10/20/08 .....	IL	CHICAGO/ROCKFORD ..	CHICAGO/ROCKFORD INTL .....	8/4913	LOC BC RWY 19, AMDT 15A.
10/20/08 .....	IL	CHICAGO/ROCKFORD ..	CHICAGO/ROCKFORD INTL .....	8/4924	ILS OR LOC RWY 1, AMDT 28B.
10/20/08 .....	CQ	TINIAN ISLAND/N MARIANA ISLAND.	TINIAN INTL .....	8/4983	NDB-A, AMDT 1B.
10/21/08 .....	CO	GUNNISON .....	GUNNISON-CRESTED BUTTE REGIONAL.	8/5219	GPS B, ORIG.
10/21/08 .....	CO	GUNNISON .....	GUNNISON-CRESTED BUTTE REGIONAL.	8/5220	VOR OR GPS A, AMDT 7B.
10/21/08 .....	MN	MINNEAPOLIS .....	MINNEAPOLIS-ST PAUL INTL/WOLD-CHAMBERLAIN.	8/5234	CONVERGING ILS RWY 35, AMDT 1.
10/21/08 .....	MN	MINNEAPOLIS .....	MINNEAPOLIS-ST PAUL INTL/WOLD-CHAMBERLAIN.	8/5240	RNAV (GPS) RWY 30R, AMDT 1.
10/22/08 .....	NC	STATESVILLE .....	STATESVILLE REGIONAL .....	8/5501	ILS OR LOC/DME RWY 28, ORIG-A.
10/22/08 .....	CO	COLORADO SPRINGS ..	CITY OF COLORADO SPRINGS MUNI.	8/5547	NDB RWY 35L, AMDT 25B.
10/22/08 .....	CO	COLORADO SPRINGS ..	CITY OF COLORADO SPRINGS MUNI.	8/5548	ILS OR LOC RWY 35R, ORIG.
10/22/08 .....	CO	COLORADO SPRINGS ..	CITY OF COLORADO SPRINGS MUNI.	8/5549	ILS OR LOC RWY 17L, ORIG-A.
10/22/08 .....	CO	COLORADO SPRINGS ..	CITY OF COLORADO SPRINGS MUNI.	8/5550	ILS RWY 35L, AMDT 36A.
10/23/08 .....	OH	CINCINNATI .....	CINCINNATI MUNI AIRPORT-LUNKEN FIELD.	8/5849	RNAV (GPS) RWY 25, ORIG.
10/23/08 .....	AR	MENA .....	MENA INTERMOUNTAIN MUNI .....	8/5860	ILS OR LOC RWY 27, AMDT 1.
10/23/08 .....	MI	KALAMAZOO .....	KALAMAZOO/BATTLE CREEK INTL ..	8/5861	VOR RWY 17, AMDT 18.
10/23/08 .....	NM	SILVER CITY .....	GRANT COUNTY .....	8/5914	LOC/DME RWY 26, AMDT 5.
10/23/08 .....	LA	PATTERSON .....	HARRY P WILLIAMS MEMORIAL .....	8/5947	VOR/DME A, AMDT 10A.
10/23/08 .....	SC	HARTSVILLE .....	HARTSVILLE REGIONAL .....	8/5987	GPS RWY 3, ORIG.
10/24/08 .....	PA	HARRISBURG .....	HARRISBURG INTL .....	8/6092	ILS RWY 31, AMDT 1.
10/24/08 .....	MN	GRAND MARAIS .....	GRAND MARAIS/COOK COUNTY .....	8/6116	NDB RWY 27, ORIG-A.
10/24/08 .....	IA	PERRY .....	PERRY MUNI .....	8/6135	NDB RWY 14, AMDT 2A.
10/24/08 .....	IA	PERRY .....	PERRY MUNI .....	8/6136	GPS RWY 14, ORIG-A.
10/24/08 .....	IA	PERRY .....	PERRY MUNI .....	8/6137	NDB RWY 32, AMDT 5A.
10/24/08 .....	TN	TULLAHOMA .....	TULLAHOMA REGIONAL/WM NORTHERN FLD.	8/6165	RNAV (GPS) RWY 24, ORIG-A.
10/24/08 .....	OR	PORTLAND .....	PORTLAND INTL .....	8/6260	VOR/DME RWY 21, ORIG-C.
10/24/08 .....	MI	KALAMAZOO .....	KALAMAZOO/BATTLE CREEK INTL ..	8/6281	GPS RWY 5, ORIG.
10/29/08 .....	CA	LONG BEACH .....	LONG BEACH/DAUGHERTY FIELD ..	8/6395	ILS OR LOC RWY 30, AMDT 32C.
10/28/08 .....	FL	LAKELAND .....	LAKELAND LINDER REGIONAL .....	8/6567	NDB RWY 5, AMDT 4.
09/18/08 .....	TX	DALLAS .....	DALLAS LOVE FIELD .....	8/7951	ILS OR LOC RWY 31L, AMDT 21.
09/30/08 .....	MA	BOSTON .....	GEN EDWARD LAWRENCE LOGAN INTL.	8/9727	RNAV (GPS) RWY 33L, ORIG-A.

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**CONSUMER PRODUCT SAFETY COMMISSION****16 CFR Part 1500****Labeling Requirement for Toy and Game Advertisements; Final Rule****AGENCY:** Consumer Product Safety Commission.**ACTION:** Final rule.

**SUMMARY:** The Consumer Product Safety Commission ("Commission" or "CPSC") is issuing a final rule for advertisements of certain toys and games. Section 105 of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, 122 Stat. 3016 (August 14, 2008), ("CPSIA"), directs the Commission to promulgate regulations to effectuate this section with respect to advertising for certain toys and games in catalogues and other printed materials not later than 90 days after enactment. The final rule details requirements regarding the size and placement of the cautionary labeling and the use of abbreviated warnings. The rule exempts catalogues circulated solely between businesses from the rule's requirements, except where the recipient business is one that could be expected to be purchasing the product for the use of children rather than for resale. There is a grace period of 180 days for distribution of catalogues and other printed materials printed prior to the effective date of February 10, 2009.

**DATE:** The effective date of this rule with respect to catalogues and other printed materials is February 10, 2009. The Commission is providing a grace period of 180 days, or until August 9, 2009, during which catalogues and other printed materials printed prior to February 10, 2009 may be distributed without the required cautionary statements. Catalogues and other printed materials that are printed on or after February 10, 2009 must have the required cautionary statements. All catalogues and other printed materials distributed on or after August 9, 2009 must comply with this rule, regardless of when they were printed. This rule addresses only catalogues and other printed materials; however, the CPSIA extends the requirements to Internet advertisements as well. Internet advertisements must comply with Section 24 of the Federal Hazardous Substances Act as amended by the CPSIA no later than December 12, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Barbara E. Parisi, Project Manager, Office of General Counsel, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland; telephone (301) 504-7879 or e-mail: bparisi@cpsc.gov.

**SUPPLEMENTARY INFORMATION:****A. Background**

Section 24(a) of the Federal Hazardous Substances Act (FHSA) prescribes cautionary labeling requirements for toys or games that are intended for use by children from 3 to 6 years old and contain small parts. The cautionary statement warns potential purchasers that these products are not for children under 3 years old due to choking hazards. Section 24(b) of the FHSA prescribes similar requirements for balloons, small balls, and marbles intended for children 3 years and older, or any toy or game which contains such a balloon, small ball, or marble.

Section 105 of the CPSIA amends section 24 of the FHSA to require that, when a product's packaging requires a cautionary statement, advertising for the product that provides a direct means for purchase or order of the product (including catalogues, other printed materials, and Internet Web sites) must bear the same cautionary statement. Section 105 provides some guidelines on the format of the cautionary statement. Specifically, it must be prominently displayed in the primary language used in the advertisement, in conspicuous and legible type in contrast by typography, layout, or color with other material printed or displayed in the advertisement, and in a manner consistent with 16 CFR part 1500.

Section 105 of the CPSIA also allows the Commission to provide a grace period of no more than 180 days for catalogues and other printed material printed prior to the effective date. In addition, the Commission is directed to determine the applicability of the requirements to catalogues and other printed material distributed solely between businesses and not to individual consumers.

Section 105(2) of the CPSIA exempts the Commission from conducting Regulatory Flexibility Act and Paperwork Reduction Act analyses for this rulemaking. On September 29, 2008, the Commission voted unanimously (2-0) to approve the publication in the **Federal Register** of a notice of proposed rulemaking (NPR) for advertising requirements. The notice was published Monday, October 6, 2008. 73 FR 58063.

**B. Response to Comments**

In response to the **Federal Register** notice proposing advertising labeling requirements, the Commission received approximately 52 comments.

**1. Hazards Required To Be Labeled in Advertisements**

*Comments:* Several commenters asked that the Commission clarify the scope of the advertising requirements. A couple of commenters questioned whether, now that the Standard Safety Specification for Toy Safety (ASTM F973) is becoming mandatory, the labeling requirements therein become part of the advertising labeling requirements.

*Response:* Section 24 of the Federal Hazardous Substances Act requires that packaging for toys and games intended for use by children between the ages of 3 to 6 that contain small balls, marbles, or small parts require a precautionary labeling warning that such items present choking hazards and are not appropriate for children under 3. Section 24 of the Federal Hazardous Substances Act also requires that packages for balloons have warnings related to the choking and suffocation hazards that balloons present to children less than 8 years of age. The rule requires that, when a product's packaging is required to have any of the cautionary statements regarding choking hazards required by section 24 of the Federal Hazardous Substances Act, advertising for the product that provides a direct means for the purchase or order by a consumer must have the appropriate cautionary statements. Thus, the rule only applies to warnings regarding choking hazards presented by small parts, small balls, marbles and balloons.

The labeling requirements of ASTM F963 are not required to be included in product advertisements under this rule. Again, the cautionary statements required in advertisements by this rule are those found in section 24 of the Federal Hazardous Substances Act—specifically, cautionary statements regarding choking hazards presented by small parts, small balls, marbles, and balloons.

**2. Permissibility of Additional Safety Warnings**

*Comments:* Several commenters asked whether businesses could include other safety warnings, statements or information in Internet, catalogue or other advertising in a form and format in the sole discretion of the advertiser.

*Response:* This rule does not preclude advertisers from including other safety warnings, statements or information in