

Wright AAF (Fort Stewart)/Midcoast Rgnl, RNAV (GPS) RWY 33R, Orig Fort Stewart (Hinesville), GA, Wright AAF (Fort Stewart)/Midcoast Rgnl, Takeoff Minimums and Obstacle DP, Orig Savannah, GA, Savannah/Hilton Head Intl, ILS OR LOC RWY 1, Amdt 8

Savannah, GA, Savannah/Hilton Head Intl, ILS OR LOC RWY 10, Amdt 27A

Savannah, GA, Savannah/Hilton Head Intl, RNAV (GPS) RWY 1, Amdt 2

Savannah, GA, Savannah/Hilton Head Intl, RNAV (GPS) RWY 10, Amdt 2

Savannah, GA, Savannah/Hilton Head Intl, RNAV (GPS) RWY 19, Amdt 2

Savannah, GA, Savannah/Hilton Head Intl, RNAV (GPS) Z RWY 28, Amdt 2

Savannah, GA, Savannah/Hilton Head Intl, Takeoff Minimums and Obstacle DP, Amdt 6

Savannah, GA, Savannah/Hilton Head Intl, VOR/DME-A, Orig-A

Savannah, GA, Savannah/Hilton Head Intl, VOR/DME OR TACAN RWY 1, Orig-B

Savannah, GA, Savannah/Hilton Head Intl, VOR/DME OR TACAN RWY 19, Orig-A

Richmond, IN, Richmond Muni, RNAV (GPS) RWY 33, Orig

Houma, LA, Houma-Terrebonne, COPTER VOR/DME RWY 12, Amdt 4

Houma, LA, Houma-Terrebonne, GPS RWY 12, Amdt 1A, CANCELLED

Houma, LA, Houma-Terrebonne, GPS RWY 18, Orig-A, CANCELLED

Houma, LA, Houma-Terrebonne, GPS RWY 36, Orig-A, CANCELLED

Houma, LA, Houma-Terrebonne, ILS OR LOC RWY 18, Amdt 4

Houma, LA, Houma-Terrebonne, RNAV (GPS) RWY 12, Orig

Houma, LA, Houma-Terrebonne, RNAV (GPS) RWY 18, Orig

Houma, LA, Houma-Terrebonne, RNAV (GPS) RWY 30, Orig

Houma, LA, Houma-Terrebonne, RNAV (GPS) RWY 36, Orig

Houma, LA, Houma-Terrebonne, Takeoff Minimums and Obstacle DP, Amdt 5

Houma, LA, Houma-Terrebonne, VOR/DME RWY 30, Amdt 12

Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 8R, Amdt 6

Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 26L, Amdt 21

Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 35, Amdt 1

Grand Rapids, MI, Gerald R. Ford Intl, RNAV (GPS) RWY 8L, Amdt 1

Grand Rapids, MI, Gerald R. Ford Intl, RNAV (GPS) RWY 8R, Amdt 1

Grand Rapids, MI, Gerald R. Ford Intl, RNAV (GPS) RWY 17, Amdt 1

Grand Rapids, MI, Gerald R. Ford Intl, RNAV (GPS) RWY 26L, Amdt 1

Grand Rapids, MI, Gerald R. Ford Intl, RNAV (GPS) RWY 26R, Amdt 1

Grand Rapids, MI, Gerald R. Ford Intl, RNAV (GPS) RWY 35, Amdt 1

Grand Rapids, MI, Gerald R. Ford Intl, Takeoff Minimums and Obstacle DP, Amdt 2

Grand Rapids, MI, Gerald R. Ford Intl, VOR RWY 35, Amdt 1

Maryville, MO, Northwest Missouri Rgnl, RNAV (GPS) RWY 14, Orig

Maryville, MO, Northwest Missouri Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3

Maryville, MO, Northwest Missouri Rgnl, VOR/DME OR GPS RWY 36, Amdt 4, CANCELLED

Blair, NE, Blair Muni, RNAV (GPS) RWY 13, Orig

Blair, NE, Blair Muni, RNAV (GPS) RWY 31, Orig

Blair, NE, Blair Muni, Takeoff Minimums and Obstacle DP, Orig

Reno, NV, Reno/Tahoe Intl, RNAV (RNP) Z RWY 16R, Orig-B

Cleveland, OH, Cuyahoga County, ILS OR LOC RWY 24, Amdt 14

Cleveland, OH, Cuyahoga County, LOC/DME BC RWY 6, Amdt 11

Cleveland, OH, Cuyahoga County, NDB OR GPS RWY 24, Amdt 8C, CANCELLED

Cleveland, OH, Cuyahoga County, RNAV (GPS) RWY 6, Orig

Cleveland, OH, Cuyahoga County, RNAV (GPS) RWY 24, Orig

Port Clinton, OH, Carl R Keller Field, GPS RWY 27, Amdt 1A, CANCELLED

Port Clinton, OH, Carl R Keller Field, NDB RWY 27, Amdt 13

Port Clinton, OH, Carl R Keller Field, RNAV (GPS) RWY 9, Orig

Port Clinton, OH, Carl R Keller Field, RNAV (GPS) RWY 27, Orig

Port Clinton, OH, Carl R Keller Field, Takeoff Minimums and Obstacle DP, Amdt 6

Port Clinton, OH, Carl R Keller Field, VOR/DME-A, Amdt 9

Erie, PA, Erie Intl/Tom Ridge Field, ILS OR LOC RWY 6, Amdt 16

Erie, PA, Erie Intl/Tom Ridge Field, ILS OR LOC/DME RWY 24, Amdt 8

Erie, PA, Erie Intl/Tom Ridge Field, NDB RWY 6, Amdt 1

Erie, PA, Erie Intl/Tom Ridge Field, NDB RWY 24, Amdt 18

Erie, PA, Erie Intl/Tom Ridge Field, RNAV (GPS) RWY 6, Orig

Erie, PA, Erie Intl/Tom Ridge Field, RNAV (GPS) RWY 24, Orig

Erie, PA, Erie Intl/Tom Ridge Field, Takeoff Minimums and Obstacle DP, Amdt 5

Erie, PA, Erie Intl/Tom Ridge Field, VOR RWY 6, Amdt 16

Erie, PA, Erie Intl/Tom Ridge Field, VOR/DME RWY 24, Amdt 12

Wilkes-Barre/Scranton, PA, Wilkes-Barre/Scranton Intl, ILS OR LOC/DME RWY 22, Amdt 6

Wilkes-Barre/Scranton, PA, Wilkes-Barre/Scranton Intl, RNAV (GPS) RWY 4, Orig

Wilkes-Barre/Scranton, PA, Wilkes-Barre/Scranton Intl, RNAV (GPS) RWY 22, Orig

North Kingstown, RI, Quonset State, ILS OR LOC RWY 16, Amdt 10

Greenville, SC, Greenville Downtown, RNAV (GPS) RWY 1, Orig

Greenville, SC, Greenville Downtown, RNAV (GPS) RWY 10, Orig

Newberry, SC, Newberry County, GPS RWY 22, Orig, CANCELLED

Newberry, SC, Newberry County, RNAV (GPS) RWY 4, Orig

Newberry, SC, Newberry County, RNAV (GPS) RWY 22, Orig

Memphis, TN, Memphis Intl, ILS OR LOC RWY 18R, Amdt 14

Memphis, TN, Memphis Intl, RNAV (GPS) Z RWY 18C, Amdt 2

Memphis, TN, Memphis Intl, RNAV (GPS) Z RWY 18L, Amdt 2

Memphis, TN, Memphis Intl, RNAV (GPS) Z RWY 18R, Amdt 2

Memphis, TN, Memphis Intl, RNAV (RNP) X RWY 18L, Orig

Memphis, TN, Memphis Intl, RNAV (RNP) X RWY 18R, Orig

Memphis, TN, Memphis Intl, RNAV (RNP) Y RWY 18C, Orig

Memphis, TN, Memphis Intl, RNAV (RNP) Y RWY 18L, Orig

Memphis, TN, Memphis Intl, RNAV (RNP) Y RWY 18R, Orig

Mountain City, TN, Johnson County, RNAV (GPS) RWY 6, Orig

Mountain City, TN, Johnson County, RNAV (GPS) RWY 24, Orig

Savannah, TN, Savannah-Hardin County, GPS RWY 1, Orig, CANCELLED

Savannah, TN, Savannah-Hardin County, GPS RWY 19, Orig, CANCELLED

Savannah, TN, Savannah-Hardin County, RNAV (GPS) RWY 1, Orig

Savannah, TN, Savannah-Hardin County, RNAV (GPS) RWY 19, Orig

Oak Harbor, WA, A.J. Eisenberg, RNAV (GPS) RWY 7, Amdt 2C

[FR Doc. E9-13872 Filed 6-12-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### 14 CFR Part 97

[Docket No. 30671; Amdt. No. 3325]

#### 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 June 15, 2009. 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 June 15, 2009.

**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 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 May 29, 2009.

**John M. Allen,**

*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:

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

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*

FDC date	State	City	Airport	FDC No.	Subject
05/14/09 .....	CA	AVALON .....	CATALINA .....	9/9066	VOR/DME OR GPS-B, AMDT 2A.
05/14/09 .....	CA	AVALON .....	CATALINA .....	9/9067	VOR OR GPS-A, AMDT 4A.
05/15/09 .....	CA	OAKDALE .....	OAKDALE .....	9/0226	VOR-A, ORIG.
05/15/09 .....	CA	OAKDALE .....	OAKDALE .....	9/0227	RNAV (GPS) RWY 28, ORIG.
05/15/09 .....	CA	OAKDALE .....	OAKDALE .....	9/0228	RNAV (GPS) RWY 10, ORIG.

FDC date	State	City	Airport	FDC No.	Subject
05/26/09 .....	AZ	PHOENIX .....	PHOENIX SKY HARBOR INTL .....	9/0233	ILS OR LOC RWY 25L, AMDT 1C.
05/26/09 .....	CA	PALO ALTO .....	PALO ALTO ARPT OF SANTA CLARA CO.	9/0236	VOR/DME RWY 31, ORIG-A.

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 634

[FHWA Docket No. FHWA-2008-0157]

RIN 2125-AF28

#### Worker Visibility

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FHWA adopts as final an Interim Final Rule that amends its regulations to address safety concerns raised by the firefighting community regarding high-visibility safety apparel. The purpose of adopting the Interim Final Rule as final is to reflect the exemption of firefighters from the requirement to use high-visibility safety apparel, as defined in this rule, when they are exposed to hazardous conditions where the use of such apparel may increase the risk of injury to firefighter personnel.

**DATES:** *Effective Date:* June 15, 2009. The interim rule became effective November 24, 2008.

**FOR FURTHER INFORMATION CONTACT:** For technical information: Mr. Hari Kalla, Office of Transportation Operations, (202) 366-5915. For legal information: Mr. Raymond Cuprill, Office of Chief Counsel, (202) 366-0791, Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access and Filing

This document, the Interim Final Rule, and all comments received may be viewed online through <http://www.regulations.gov>. Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.archives.gov>

and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

#### Background

The FHWA published an Interim Final Rule on 23 CFR Part 634 on November 21, 2008, at 73 FR 70593. Interested persons were invited to submit comments to FHWA Docket No. FHWA-2008-0157. The Interim Final Rule revised existing regulations to address safety concerns raised by the firefighting community in order to provide an exemption for firefighters actively engaged in emergency operations where they are directly exposed to flame, fire, heat and/or hazardous materials. This rule has been in effect since November 24, 2008.

#### Summary of Comments

The FHWA received three comments to the docket from private individuals. The first commenter expressed his opinion that a statement contained in the background information of the Interim Rule created confusion and the false impression that a firefighter does not need to comply with the regulation if he is wearing an NFPA 1971 standard compliant garment. He recommended that this language be clarified to ensure the rule is interpreted correctly by all firefighters. The FHWA disagrees with this comment. The background information was included to justify the issuance of the Interim Final Rule due to safety concerns expressed by the firefighting community. However, the language in the Interim Final Rule is accurate and does not require modification.

The second commenter supported the concept of the Interim Final Rule, but also expressed concern about the confusion that has resulted from the existence of several standards for high visibility garments and how they are being referenced in this rulemaking as well as a separate rulemaking in Docket No. FHWA-2007-28977. This rulemaking proposes to revise the 2003 edition of the Manual on Uniform Traffic Control Devices. This comment does not require any response to this docket, but rather it will be considered in the analysis of comments to Docket No. FHWA-2007-28977.

The third commenter expressed the opinion that the Interim Final Rule should not have provided any

exemptions for firefighters under any circumstances. In his opinion, the requirements contained in 23 CFR 634 should, in the interest of safety, apply to all firefighters all the time. Prior to the issuance of this Interim Final Rule, the FHWA was made aware of several competing safety issues that could develop under certain conditions with the high visibility garments that are currently available, such as having the background material either catch fire or melt when exposed directly to fire. The FHWA, therefore, did issue the exemption for firefighters and other emergency workers when they are working under the conditions specifically listed in the Interim Final Rule. This exemption should provide a balance of increasing the visibility of the workers under most conditions, but not create a condition that could endanger them with other hazards.

#### Conclusion

For the reasons stated above, the FHWA adopts as final the Interim Final Rule published on November 21, 2008, at 73 FR 70593.

#### Rulemaking Analyses and Notices

*Executive Order 12866 (Regulatory Planning and Review) and DOT*

*Regulatory Policies and Procedures*

The FHWA has determined that this final rule is not a significant regulatory action within the meaning of Executive Order 12866 and is not significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. The economic impact of this rulemaking will be minimal. The final rule would not adversely affect, in a material way, any sector of the economy. In addition, the final rule would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

#### *Regulatory Flexibility Act*

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612) the FHWA has evaluated the effects of this action on small entities and has determined that the action would not have a significant economic impact on a substantial number of small