

Parkersburg, WV, Mid-Ohio Valley Regional, RNAV (GPS) Y RWY 21, Orig, CANCELLED

Parkersburg, WV, Mid-Ohio Valley Regional, Takeoff Minimums and Obstacle DP, Amdt 2

Parkersburg, WV, Mid-Ohio Valley Regional, VOR RWY 21, Amdt 17

*Effective 09 APR 2009*

Courtland, AL, Lawrence County, GPS RWY 13, Orig, CANCELLED

Courtland, AL, Lawrence County, RNAV (GPS) RWY 13, Orig

Courtland, AL, Lawrence County, RNAV (GPS) RWY 31, Orig

Courtland, AL, Lawrence County, Takeoff and Minimums and Obstacle DP, Orig

Tuskegee, AL, Moton Field Muni, Takeoff and Minimums and Obstacle DP, Orig

Cedartown, GA, Polk County Airport-Cornelius Moore Field, Takeoff Minimums and Obstacle DP, Orig

West Milford, NJ, Greenwood Lake, VOR RWY 6, Orig, CANCELLED

South Bethlehem, NY, South Albany, Takeoff Minimums and Obstacle DP, Orig

Columbus, OH, Darby Dan, NDB-A, Orig, CANCELLED

Lancaster, PA, Lancaster, RNAV (GPS) RWY 8, Amdt 1A

Lafayette, TN, Lafayette Muni, NDB RWY 19, Amdt 3

Lafayette, TN, Lafayette Muni, RNAV (GPS) RWY 19, Orig

Lafayette, TN, Lafayette Muni, Takeoff Minimums and Obstacle DP, Orig

Lawrenceburg, TN, Lawrenceburg-Lawrence County, Takeoff Minimums and Obstacle DP, Orig

Warrenton, VA, Warrenton-Fauquier, Takeoff Minimums and Obstacle DP, Orig

*Effective 07 MAY 2009*

Lompoc, CA, Lompoc, RNAV (GPS) RWY 25, Amdt 1

Leesburg, FL, Leesburg Intl, Takeoff Minimums and Obstacle DP, Amdt 3

Plant City, FL, Plant City, Takeoff Minimums and Obstacle DP, Orig

Tampa, FL, Tampa Intl, ILS or LOC RWY 18R, Amdt 4A

Carrollton, GA, West Georgia Regional-O V Gray Field, Takeoff Minimums and Obstacle DP, Orig

Bunkie, LA, Bunkie Muni, RNAV (GPS) RWY 18, Orig

Bunkie, LA, Bunkie Muni, RNAV (GPS) RWY 36, Orig

Bunkie, LA, Bunkie Muni, Takeoff Minimums and Obstacle DP, Orig

Bunkie, LA, Bunkie Muni, VOR/DME-A, Amdt 6

Fryeburg, ME, Eastern Slopes Regional, GPS RWY 32, Orig, CANCELLED

Fryeburg, ME, Eastern Slopes Regional, RNAV (GPS) RWY 32, Orig

Saginaw, MI, Saginaw County H.W. Browne, NDB RWY 27, Orig-A, CANCELLED

Brainerd, MN, Brainerd Lakes Rgnl, RNAV (GPS) RWY 34, Orig

Grand Marais, MN, Grand Marais/Cook County, GPS RWY 27, Orig, CANCELLED

Grand Marais, MN, Grand Marais/Cook County, RNAV (GPS) RWY 27, Orig

Grand Rapids, MN, Grand Rapids/Itasca Co-Gordon Newstrom Fld, Takeoff Minimums and Obstacle DP, Amdt 4

Helena, MT, Helena Regional, RNAV (GPS) X RWY 27, Amdt 1A

Helena, MT, Helena Regional, RNAV (GPS) Y RWY 9, Amdt 1A

Jacksonville, NC, Albert J Ellis, ILS OR LOC RWY 5, Amdt 8A

Taos, NM, Taos Rgnl, NDB RWY 4, Amdt 1A, CANCELLED

Battle Mountain, NV, Battle Mountain, Takeoff Minimums and Obstacle DP, Amdt 3

Battle Mountain, NV, Battle Mountain, VOR/DME RWY 3, Amdt 6

Seneca Falls, NY, Finger Lakes Rgnl, Takeoff Minimums and Obstacle DP, Orig

Ada, OK, Ada Muni, GPS RWY 17, Orig-B, CANCELLED

Ada, OK, Ada Muni, GPS RWY 35, Orig-C, CANCELLED

Ada, OK, Ada Muni, RNAV (GPS) RWY 17, Orig

Ada, OK, Ada Muni, RNAV (GPS) RWY 35, Orig

Ada, OK, Ada Muni, Takeoff Minimums and Obstacle DP, Amdt 3

Corry, PA, Corry-Lawrence, Takeoff Minimums and Obstacle DP, Orig

McAllen, TX, McAllen Miller Intl, RNAV (GPS) RWY 31, Amdt 1A

Wallops Island, VA, Wallops Flight Facility, Takeoff Minimums and Obstacle DP, Orig

Seattle, WA, Boeing Field/King County Intl, RNAV (GPS) Y RWY 13R, Orig-C

Seattle, WA, Boeing Field/King County Intl, RNAV (RNP) Z RWY 13R, Orig-B

Monroe, WI, Monroe Muni, Takeoff Minimums and Obstacle DP, Amdt 2

[FR Doc. E9-4496 Filed 3-10-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### 14 CFR Part 97

[Docket No. 30655; Amdt. No. 3311]

#### 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 March 11, 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 March 11, 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>.

Availability—All SIAPs are available online free of charge. Visit [nfdc.faa.gov](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 February 20, 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, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs,

FDC date	State	City	Airport	FDC No.	Subject
01/23/09 .....	NY	CANANDAIGUA .....	CANANDAIGUA .....	9/2878	THIS NOTAM PUBLISHED IN TL09-06 IS HEREBY RE-SCINDED IN ITS ENTIRETY. RNAV (GPS) RWY 13, ORIG.
02/09/09 .....	IN	GREENSBURG .....	GREENSBURG-DECATUR COUNTY.	9/4397	RNAV (GPS) RWY 36, ORIG.
02/09/09 .....	IN	GREENSBURG .....	GREENSBURG-DECATUR COUNTY.	9/4398	VOR-A, AMDT 2B.
02/05/09 .....	CA	HAWTHORNE .....	JACK NORTHROP FIELD/HAWTHORNE MUNI.	9/4403	VOR OR GPS RWY 25, AMDT 15B.
02/05/09 .....	WA	OAK HARBOR .....	WES LUPIEN .....	9/4405	RNAV (GPS) RWY 7, AMDT 2.
02/05/09 .....	WA	OAK HARBOR .....	WES LUPIEN .....	9/4414	RADAR-1, AMDT 1.
02/09/09 .....	IN	GREENSBURG .....	GREENSBURG-DECATUR COUNTY.	9/4453	TAKEOFF MINIMUMS AND (OBSTACLE) DP, AMDT 1.
02/05/09 .....	WA	OAK HARBOR .....	WES LUPIEN .....	9/4454	TAKEOFF MINIMUMS AND (OBSTACLE) DP, ORIG.
02/06/09 .....	NY	LE ROY .....	LE ROY .....	9/4664	VOR OR GPS-A, ORIG.
02/06/09 .....	NY	ROCHESTER .....	GREATER ROCHESTER INTL .....	9/4803	ILS OR LOC RWY 22, AMDT 6A.
02/09/09 .....	PR	PONCE .....	MERCEDITA .....	9/4996	RNAV (GPS) RWY 12, ORIG.
02/10/09 .....	CA	CARLSBAD .....	MC CLELLAN-PALOMAR .....	9/5094	ILS OR LOC RWY 24, AMDT 8C.
02/10/09 .....	CA	CARLSBAD .....	MC CLELLAN-PALOMAR .....	9/5095	RNAV (GPS) RWY 24, AMDT 1.
02/11/09 .....	CA	LOS ANGELES .....	LOS ANGELES INTL .....	9/5297	ILS OR LOC RWY 7R, AMDT 6.
02/12/09 .....	PA	PHILADELPHIA .....	PHILADELPHIA INTL .....	9/5433	ILS OR LOC RWY 17, AMDT 7.
02/12/09 .....	CA	ARCATA/EUREKA .....	ARCATA .....	9/5477	ILS OR LOC/DME RWY 32, AMDT 1D.
02/13/09 .....	CT	HARTFORD .....	HARTFORD-BRAINARD .....	9/5768	LDA RWY 2, AMDT 1E.
02/17/09 .....	NV	ELY .....	ELY ARPT-YELLAND FLD .....	9/6034	RNAV (GPS) RWY 18, ORIG-B.

FDC date	State	City	Airport	FDC No.	Subject
02/18/09 .....	IA	ANKENY .....	ANKENY REGIONAL .....	9/6097	RNAV (GPS) RWY 22, ORIG.
02/18/09 .....	IA	ANKENY .....	ANKENY REGIONAL .....	9/6100	RNAV (GPS) RWY 18, ORIG.
02/18/09 .....	UT	OGDEN .....	OGDEN-HINCKLEY .....	9/6135	ILS OR LOC RWY 3, AMDT 4A.
02/18/09 .....	AK	DILLINGHAM .....	DILLINGHAM .....	9/6173	LOC/DME RWY 19, AMDT 6.

[FR Doc. E9-4498 Filed 3-10-09; 8:45 am]

BILLING CODE 4910-13-P

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1500

#### Children's Products Containing Lead; Final Rule; Procedures and Requirements for a Commission Determination or Exclusion

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Consumer Product Safety Commission (Commission or CPSC) is issuing a final rule on procedures and requirements on requests for: a Commission determination that a commodity or class of materials or a specific material or product does not exceed the lead content limits specified under section 101(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314; or an exclusion of a commodity or class of materials or a specific material or product under section 101(b)(1) of the CPSIA, that exceeds the lead content limits under section 101(a) of the CPSIA, but which will not result in the absorption of any lead into the human body nor have any other adverse impact on public health or safety.

**DATES:** *Effective Date:* This regulation becomes effective on March 11, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Kristina Hatlelid, PhD, M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; e-mail [khathlelid@cpsc.gov](mailto:khathlelid@cpsc.gov); telephone 301-504-7254.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The CPSIA establishes specific limits on lead in children's products. Section 101(a) of the CPSIA provides that after February 10, 2009, products designed or intended primarily for children 12 years of age or younger may not contain more than 600 ppm of lead by weight for any part of the product. After August 14, 2009, products designed or intended primarily for children 12 years of age or

younger cannot contain more than 300 ppm of lead by weight for any part of the product. On August 14, 2011, the limit will be further reduced to 100 ppm unless the Commission determines that it is not technologically feasible to have this lower limit. Paint, coatings, or electroplating may not be considered a barrier that would make the lead content of a product inaccessible to a child or prevent the absorption of any lead in the human body through normal and reasonably foreseeable use and abuse of the product.

Consumer products designed or intended primarily for children 12 years of age or younger that do not contain more than 600 ppm or 300 ppm total lead by weight (as of August 14, 2009), are not considered to be banned hazardous substances under the Federal Hazardous Substances Act (FHSA). Children's products that meet the lead limits however, are still subject to the testing requirements of section 102 of the CPSIA (codified at section 14 of the Consumer Product Safety Act (CPSA)), unless specifically relieved of those requirements through Commission lead content determinations.<sup>1</sup>

Children's products that contain more than 600 ppm or 300 ppm lead in any component part (as of August 14, 2009) are considered to be banned hazardous substances under the FHSA. However, section 101(b)(1) of the CPSIA provides that the Commission may, by regulation, exclude a specific product or material that exceeds the lead limits established for children's products under section 101(a) of the CPSIA if "the Commission, after notice and a hearing, determines on the basis of the best-available, objective, peer-reviewed, scientific evidence that lead in such product or material will neither: (a) Result in the absorption of any lead into the human body, taking into account normal and reasonably foreseeable use and abuse of such product by a child, including

swallowing, mouthing, breaking, or other children's activities, and the aging of the product; nor (b) have any other adverse impact on public health or safety." Children's products that have lead containing accessible parts that are specifically excluded under this section would generally not be subject to the testing and certification requirements of section 102 of the CPSIA for lead content.

##### B. Statutory Authority

Section 3 of the CPSIA grants the Commission general rulemaking authority to issue regulations, as necessary, to implement the CPSIA. There may be certain commodities or classes of products or materials that inherently do not contain lead or contain lead at levels that would not exceed the lead content limits under section 101(a) of the CPSIA. Accordingly, the Commission will exercise its authority under section 3 of the CPSIA to make determinations regarding such commodities or classes of material or products that do not and would not exceed the lead limits of section 101(a) of the CPSIA.

In addition, the Commission may exercise its authority under section 101(b)(1) of the CPSIA to issue any regulations on a specific product or material that exceeds the lead limits established for children's products under section 101(a) of the CPSIA if the Commission, after notice and a hearing, determines on the basis of the best-available, objective, peer-reviewed, scientific evidence that lead in such product or material will neither: (a) result in the absorption of any lead into the human body, taking into account normal and reasonably foreseeable use and abuse of such product by a child, including swallowing, mouthing, breaking, or other children's activities, and the aging of the product; nor (b) have any other adverse impact on public health or safety.

##### C. Notice of Proposed Rulemaking

On January 15, 2009, the Commission published a notice of proposed rulemaking on procedures and requirements in the **Federal Register** (74 FR 2428) for future Commission determinations regarding certain materials or products that do not and would not exceed the lead limits. In the

<sup>1</sup> On February 9, 2009, the Commission published a stay of enforcement of testing and certification requirements of certain provisions of subsection 14(a) of the CPSA as amended by section 102(a) of the CPSIA until February 10, 2010. 74 FR 6396. However, absent a Commission determination that a commodity or class of materials or a specific material or product does not exceed the lead content limits specified under section 101(a) of CPSIA, such products will be subject to the testing requirements under section 102 of the CPSIA after February 10, 2010.