

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 December 6, 2024.

Thomas J. Nichols,
Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

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	FDC No.	FDC date	Procedure name
23-Jan-25 ...	MT	White Sulphur Springs	White Sulphur Springs	4/2442	11/12/2024	RNAV (GPS) RWY 1, Orig.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31580; Amdt. No. 4143]

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 December 16, 2024. 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 December 16, 2024.

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, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at 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, Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, 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 are 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, pilots 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 of 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 types 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 Air Missions (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 December 6, 2024.

Thomas J. Nichols,

Standards Section Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

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 20 February 2025

Morrilton, AR, BDQ, RNAV (GPS) RWY 27, Amdt 1
 Santa Monica, CA, SMO, RNAV (GPS) Y RWY 3, Amdt 2
 Santa Monica, CA, SMO, RNAV (GPS) Z RWY 3, Amdt 2
 Rifle, CO, RIL, ILS RWY 26, Amdt 6
 La Belle, FL, X14, RNAV (GPS) RWY 32, Amdt 1
 Melbourne, FL, MLB, ILS OR LOC RWY 9R, Amdt 13
 Melbourne, FL, MLB, LOC BC RWY 27L, Amdt 11
 Melbourne, FL, MLB, RNAV (GPS) RWY 9L, Amdt 2
 Melbourne, FL, MLB, RNAV (GPS) RWY 9R, Amdt 2
 Melbourne, FL, MLB, RNAV (GPS) RWY 27L, Amdt 2
 Melbourne, FL, MLB, RNAV (GPS) RWY 27R, Amdt 2
 Elberton, GA, EBA, Takeoff Minimums and Obstacle DP, Amdt 1A
 Lafayette, GA, 9A5, RNAV (GPS) RWY 2, Amdt 4
 Lafayette, GA, 9A5, RNAV (GPS) RWY 20, Amdt 4
 Lafayette, GA, 9A5, Takeoff Minimums and Obstacle DP, Amdt 2
 Honolulu, HI, HNL/PHNL, LOC RWY 8L, Amdt 2A
 Kailua-Kona, HI, KOA/PHKO, ILS OR LOC RWY 17, Amdt 2D
 Burley, ID, BYI, RNAV (GPS) RWY 20, Amdt 1
 Burley, ID, BYI, VOR–A, Amdt 6
 Ulysses, KS, ULS, Takeoff Minimums and Obstacle DP, Amdt 2C
 Frankfort, KY, FFT, Takeoff Minimums and Obstacle DP, Amdt 3A
 Frenchville, ME, FVE, RNAV (GPS) RWY 14, Amdt 1B
 Frenchville, ME, FVE, RNAV (GPS) RWY 32, Amdt 2A
 Houlton, ME, HUL, RNAV (GPS) RWY 23, Orig-A
 Machias, ME, MVM, RNAV (GPS) RWY 36, Amdt 1A
 Gideon, MO, M85, Takeoff Minimums and Obstacle DP, Orig-A
 Bozeman, MT, BZN, RNAV (RNP) Z RWY 12, Amdt 1A
 Missoula, MT, MSO, GRZLY FOUR, Graphic DP
 Hickory, NC, HKKY, HICKORY FOUR, Graphic DP, CANCELED
 Hickory, NC, HKKY, Takeoff Minimums and Obstacle DP, Amdt 5
 Casselton, ND, 5N8, Takeoff Minimums and Obstacle DP, Orig-A
 Wahpeton, ND, BWP, RNAV (GPS) RWY 15, Amdt 1
 Wahpeton, ND, BWP, RNAV (GPS) RWY 33, Amdt 2
 Gothenburg, NE, KGTE, Takeoff Minimums and Obstacle DP, Amdt 2
 Berlin, NH, BML, RNAV (GPS) RWY 18, Orig-D
 Ithaca, NY, ITH, ILS OR LOC RWY 32, Amdt 8A
 Ithaca, NY, ITH, RNAV (GPS) RWY 32, Orig-D

Clarion, PA, AXQ, Takeoff Minimums and Obstacle DP, Amdt 1
 Corry, PA, 8G2, Takeoff Minimums and Obstacle DP, Orig-B
 Georgetown, SC, GGE, Takeoff Minimums and Obstacle DP, Amdt 1A
 Coleman, TX, COM, Takeoff Minimums and Obstacle DP, Orig-A
 Dallas, TX, ADS, ILS OR LOC RWY 16, Amdt 11D
 Dallas, TX, ADS, RNAV (GPS) RWY 16, Amdt 1D
 Dallas-Fort Worth, TX, DFW, Takeoff Minimums and Obstacle DP, Amdt 8
 Shelton, WA, SHN, RNAV (GPS) RWY 5, Orig-B

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DEPARTMENT OF COMMERCE

Minority Business Development Agency

15 CFR Part 1400

[Docket No. 241121–0298]

RIN 0640–AA02

Removal of Racial and Ethnic Presumptions in Response to Court Ruling

AGENCY: Minority Business Development Agency, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Minority Business Development Agency (MBDA) amends their regulations to remove the list of racial and ethnic presumptions in order to comply with the Court’s decision in *Nuziard et al v. Minority Business Development Agency et al.*, which struck down those racial and ethnic presumptions.

DATES: This rule is effective January 15, 2025.

FOR FURTHER INFORMATION CONTACT: Donald Smith, Chief Operating Officer, MBDA, dsmith5@mbda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce’s Minority Business Development Agency (MBDA) derives authority from the Minority Business Development Act of 2021 (“the Act”), 15 U.S.C. 9501, *et seq.*, to appoint an Under Secretary of Commerce for Minority Business Development to carry out the Act’s activities and initiatives. MBDA’s mission is to promote the growth and global competitiveness of minority business enterprises (MBEs) in order to unlock the country’s full economic potential. One of the ways MBDA

accomplishes this mission is through the funding of a network of Business Centers, Specialty Centers, and other technical assistance programs to provide MBEs with business assistance services and resources.

For a business to access MBDA technical assistance programs that serve MBEs, the individual seeking services must certify that their business is “a business enterprise (i) that is not less than 51 percent-owned by 1 or more socially or economically disadvantaged individuals; and (ii) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.” 15 U.S.C. 9501(9). “Socially or economically disadvantaged individual” is defined in the Act as “an individual who has been subjected to racial or ethnic prejudice or cultural bias (or the ability of whom to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area) because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity.” 15 U.S.C. 9501(15)(A). Additionally, the Act contains a presumption in which “the Under Secretary shall presume that the term ‘socially or economically disadvantaged individual’ includes any individual who is— (i) Black or African American; (ii) Hispanic or Latino; (iii) American Indian or Alaska Native; (iv) Asian; (v) Native Hawaiian or other Pacific Islander; or (vi) a member of a group that the Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance.” 15 U.S.C. 9501(15)(B). This presumption was also found in MBDA’s regulations at 15 CFR 1400.1(b) and (c), and members of these racial groups are presumed to be eligible for MBDA assistance.

Court Decision in Nuziard

The racial presumptions found in the Minority Business Development Act of 2021 and 15 CFR part 1400 were challenged in *Nuziard, et. al. v. Minority Business Development Agency, et. al.*, in which the Court found any “provision of the MBDA Statute that is contingent on the presumption in 15 U.S.C. 9501(15)(B)” unconstitutional and prohibited MBDA from “imposing the racial and ethnic classifications defined in 15 U.S.C. 9501 and implemented in 15 U.S.C. 9511, 9512, 9522, 9523, 9524,

and 15 CFR 1400.1 .-..” No. 4:23–cv–00278–P (N.D. Tex. March 5, 2024). The court’s injunction applies to the sections of the Minority Business Development Act and related regulations that require the Under Secretary of Commerce for Minority Business Development to presume that a “socially or economically disadvantaged individual” “includes any individual who is—(i) Black or African American; (ii) Hispanic or Latino; (iii) American Indian or Alaska Native; (iv) Asian; (v) Native Hawaiian or other Pacific Islander.” 15 U.S.C. 9501(15)(B). Similarly, the Court enjoined the application of 15 CFR 1400.1(b) to the extent that it imposes racial and ethnic classifications, and designates “Blacks, Puerto-Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts” as individuals who are socially or economically disadvantaged. Finally, the Court also enjoined 15 CFR 1400.1(c), which designates “Hasidic Jews, Asian-Pacific Americans, and Asian Indians” as socially or economically disadvantaged.

Updating Regulations

As a result of the Court’s decision, MBDA is updating their regulations at 15 CFR 1400.1(b) and (c) to remove the sections that contain the racial presumptions described in the decision above. MBDA also proposes to make a correction to 15 CFR 1400.2(a) pertaining to the definition of minority business enterprise and where it is defined in the Act. The last change pertains to striking out outdated language referring to Executive Order 11625 in 15 CFR 1400.3 because MBDA draws statutory authority directly from the Act and not from the Executive Order. See 15 U.S.C. 9597. These changes will clarify the eligibility requirements to qualify for MBDA technical assistance programs that serve MBEs.

Classification

Pursuant to 5 U.S.C. 553(a)(2), the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking and the opportunity for public participation are inapplicable to this final rule because this rule relates to “public property, loans, grants, benefits, or contracts.” In addition, 5 U.S.C. 553(b)(B) exempts rulemakings from prior notice and public comment procedures when an agency finds for good cause that such procedures “are impractical, unnecessary, or contrary to the public interest.” Here, MBDA has determined that there is good cause and that providing prior notice and opportunity