

section 97.23, 97.33 effective December 27, 2001 is hereby rescinded.

Springfield, MO, Springfield-Branson Regional, VOR/DME OR TACAN RWY 2, Orig is hereby rescinded.

Springfield, MO, Springfield-Branson Regional, RNAV (GPS) RWY 32, Orig is hereby rescinded.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30296; Amdt. No. 2094]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in 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: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

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 affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP 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.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-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 amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 14 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). 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 of 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 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and

timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for 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 chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) 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 all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. 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, Navigation (air).

Issued in Washington, DC on February 15, 2002.

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 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

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, Identified as follows:

. . . **EFFECTIVE UPON PUBLICATION**

FDC date	State	City	Airport	FDC Number	Subject
01/30/02 ...	UT	Salt Lake City	Salt Lake City Intl	2/0835	ILS Rwy 34R, Amdt 1
01/30/02 ...	UT	Salt Lake City	Salt Lake City Intl	2/0836	ILS Rwy 34L, Orig
01/30/02 ...	UT	Salt Lake City	Salt Lake City Intl	2/0837	ILS Rwy 16R, Amdt 1
01/30/02 ...	UT	Salt Lake City	Salt Lake City Intl	2/0838	ILS Rwy 16L, Amdt 1
02/01/02 ...	UT	Delta	Delta Muni	2/0908	VOR/DME or GPS Rwy 16, Amdt 1A
02/05/02 ...	SD	Mitchell	Mitchell Muni	2/0979	VOR or GPS Rwy 12, Amdt 10A
02/05/02 ...	SD	Mitchell	Mitchell Muni	2/0985	VOR or GPS Rwy 30, Amdt 4A
02/06/02 ...	AZ	Yuma	Yuma MCAS-Yuma Intl	2/0989	VOR/DME or TACAN-1 Rwy 17, Amdt 1B
02/06/02 ...	AZ	Yuma	Yuma MCAS-Yuma Intl	2/0991	VOR/DME RNAV Rwy 21R, Amdt 4
02/06/02 ...	AZ	Yuma	Yuma MCAS-Yuma Intl	2/0994	GPS Rwy 21R, Orig
02/06/02 ...	AZ	Yuma	Yuma MCAS-Yuma Intl	2/0995	VOR Rwy 17, Amdt 5
02/06/02 ...	AZ	Yuma	Yuma MCAS-Yuma Intl	2/0996	GPS Rwy 17, Orig-A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1044	VOR/DME Rwy 36L, Amdt 4B
02/08/02 ...	FL	Orlando	Orlando Intl	2/1045	VOR/DME or GPS Rwy 36R, Amdt 9A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1048	GPS Rwy 36L, Amdt 1A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1049	VOR Rwy 18R, Amdt 3A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1050	VOR Rwy 18L, Amdt 3A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1051	VOR/DME or GPS Rwy 18L, Amdt 5A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1052	ILS Rwy 18R, Amdt 5A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1053	ILS Rwy 17 (Cat I, II), Amdt 2A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1054	ILS Rwy 35 (Cat I, II, III), Amdt 3A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1055	ILS Rwy 36R (Cat I, II, III), Amdt 6A
02/08/02 ...	FL	Orlando	Orlando Intl	2/1057	VOR/DME or GPS Rwy 18R, Amdt 5A
02/08/02 ...	TN	Oneida	Scott Muni	2/1098	SDF Rwy 23, Amdt 4A
02/08/02 ...	TN	Oneida	Scott Muni	2/1099	VOR/DME-A, Amdt 5
02/11/02 ...	NE	Grand Island	Central Nebraska Regional	2/1155	VOR Rwy 13, Amdt 19
02/11/02 ...	NE	Grand Island	Central Nebraska Regional	2/1156	RNAV (GPS) Rwy 31, Orig
02/11/02 ...	NE	Grand Island	Central Nebraska Regional	2/1157	RNAV (GPS) Rwy 13, Orig
02/11/02 ...	AR	Fort Smith	Fort Smith Regional	2/1169	VOR or TACAN Rwy 25, Amdt 20B
02/12/02 ...	IA	Pella	Pella Muni	2/1220	NDB or GPS Rwy 34, Amdt 7
02/12/02 ...	IA	Pella	Pella Muni	2/1221	RNAV (GPS) Z Rwy 34, Orig
02/12/02 ...	IA	Pella	Pella Muni	2/1222	RNAV (GPS) Z Rwy 16, Orig
02/13/02 ...	AZ	Yuma	Yuma MCAS-Yuma Intl	2/1245	ILS Rwy 21R, Amdt 5

FDC date	State	City	Airport	FDC Number	Subject
02/14/02 ...	KS	Kingman	Kingman Muni	2/1252	GPS Rwy 18, Orig-A This Replaces FDC NOTAM 2/0313 Published in TL 02- 05.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

[KS-022-FOR]

Kansas Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Kansas regulatory program (Kansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The Kansas Department of Health and Environment, Surface Mining Section (Kansas) proposed to consolidate and revise its approved revegetation guidance document. The amendment is intended to revise the Kansas program to be consistent with the corresponding Federal regulations and to improve operational efficiency.

EFFECTIVE DATE: February 26, 2002.

FOR FURTHER INFORMATION CONTACT: John W. Coleman, Mid-Continent Regional Coordinating Center. Telephone: (618) 463-6460. Internet address: jcoleman@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Kansas Program
- II. Submission of the Proposed Amendment
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

I. Background on the Kansas Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, “* * * a State law which provides for the regulation of surface coal mining and reclamation operations in accordance

with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.” See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kansas program on January 21, 1981. You can find background information on the Kansas program, including the Secretary's findings, the disposition of comments, and conditions of approval in the January 21, 1981, **Federal Register** (46 FR 5892). You can also find later actions concerning Kansas' program and program amendments at 30 CFR 916.10, 916.12, 916.15, and 916.16.

II. Submission of the Proposed Amendment

By letter dated October 9, 2001 (Administrative Record No. KS-622), Kansas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Kansas sent the amendment in response to deficiencies that we identified in Kansas' revegetation guidance document in a previous final rule on August 19, 1992 (57 FR 37430). The amendment also included changes made at Kansas' own initiative. Kansas amended the Kansas revegetation guidance document entitled “Revegetation Standards for Success and Statistically Valid Sampling Techniques for Measuring Revegetation Success.”

We announced receipt of the amendment in the November 30, 2001, **Federal Register** (66 FR 59751). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on December 31, 2001. We received comments from one industry group and one Federal agency.

During our review of the amendment, we identified concerns at Part I, Section I.6.b, about other plant species (species not approved in the permit) that are allowed for determining the acceptable percentage of ground cover for various postmine land uses. The other plant species are listed in Appendix A of Kansas' revegetation success guidelines. We notified Kansas of this concern in a

telephone conference on November 6, 2001 (Administrative Record No. KS-622.1A).

By letter dated November 29, 2001 (Administrative Record No. KS-622.2), Kansas sent us a letter from the Natural Resources Conservation Service that stated it concurred with the use of the plant species listed in Appendix A for determining ground cover success. Appendix A lists the acceptable plant species by land use (including legume, grass, tree, shrub, and vine) that permittees may use to meet Kansas' productivity and ground cover success standards when reclaiming mined land.

Kansas also submitted revisions to its revegetation guidance document on January 8, 2002 (Administrative Record No. 622.7), in response to comments received from Triad Environmental Services and the Natural Resources Conservation Service. These revisions are discussed in section IV, “Summary and Disposition of Comments.”

Because the additional information and revisions merely clarified certain provisions of Kansas' amendment, we did not reopen the public comment period.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17.

The Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1) require that each regulatory authority select revegetation success standards and statistically valid techniques for determining revegetation success and include them in its approved regulatory program. Kansas sent us its revised revegetation guidance document to satisfy this requirement. As required by the Federal regulations at 30 CFR 816.116(a)(2), 817.117(a)(2), and 823.15(b), Kansas prescribed success standards in its guidance document that include criteria representative of unmined lands in the area being reclaimed, using parameters of ground cover, production, or stocking relevant to the approved postmining land use. The standards, criteria, and parameters reflect the extent of cover, species composition, and soil stabilization requirements of the Federal regulations at 30 CFR 816.111 and 817.111. The