

**§ 3430.205 Funding restrictions.**

Funds made available under this subpart shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing facility (including site grading and improvement, and architect fees). Indirect costs are subject to NARETPA section 1462(a) limiting indirect costs to 22 percent of the total Federal funds provided under each award unless superseded by another authority. The maximum allowed indirect cost of 22 percent may be claimed under the Federal portion of the award budget, or the maximum allowed indirect cost of 22 percent may be claimed as a matching contribution (if no indirect costs are requested on the Federal portion of the budget). However, the maximum allowed indirect cost of 22 percent may not be claimed on both the Federal portion of the budget for the award and as a matching contribution; but a grantee may, for example, request 11 percent of indirect costs on both the Federal portion of the budget for the award and as a matching contribution. Or, a grantee may request any other, similar percentage combination that, when combined, does not exceed a maximum indirect cost rate of 22 percent.

**§ 3430.206 Matching requirements.**

Grantees are required to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal government. The matching contribution must be provided from non-Federal sources except when authorized by statute. The matching requirements under this subpart cannot be waived.

Signed at Washington, DC, on July 28, 2008.

**Colien Hefferan,**

*Administrator, Cooperative State Research, Education, and Extension Service.*

[FR Doc. E8-17594 Filed 7-31-08; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****14 CFR Part 97**

[Docket No. 30621; Amdt. No. 3281]

**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 August 1, 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 August 1, 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 [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 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 July 25, 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.

■ 2. Part 97 is amended to read as follows:

#### §§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 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 No.	Subject
07/10/08 .....	CT	DANIELSON .....	DANIELSON .....	8/6791	VOR–A, AMDT 6B.
07/10/08 .....	FL	FORT LAUDERDALE .....	FORT LAUDERDALE/HOLLYWOOD INTL.	8/6793	RNAV (GPS) RWY 13, ORIG–A.
07/10/08 .....	NY	ROCHESTER .....	GREATER ROCHESTER INTL .....	8/6804	ILS OR LOC RWY 4, AMDT 18.
07/10/08 .....	CT	WINDSOR LOCKS .....	BRADLEY INTL .....	8/6807	VOR OR TACAN RWY 33, ORIG–B.
07/10/08 .....	VA	RICHMOND/ASHLAND .....	HANOVER COUNTY MUNI .....	8/6823	VOR RWY 16, AMDT 2.
07/11/08 .....	NH	PORTSMOUTH .....	PORTSMOUTH INTERNATIONAL AT PEASE.	8/7037	ILS OR LOC RWY 34, AMDT 2.
07/11/08 .....	VA	MARTINSVILLE .....	BLUE RIDGE .....	8/7042	TAKEOFF MINS AND OBSTACLE DP, AMDT 2.
07/11/08 .....	VA	MARTINSVILLE .....	BLUE RIDGE .....	8/7043	RNAV (GPS) RWY 30, AMDT 1.
07/11/08 .....	MN	WILLMAR .....	WILLMAR MUNI—JOHN L RICE FIELD.	8/7083	RNAV (GPS) RWY 13, ORIG.
07/11/08 .....	MN	ST. PAUL .....	ST PAUL DOWNTOWN HOLMAN FLD.	8/7119	ILS OR LOC RWY 32, AMDT 4A.
07/11/08 .....	MN	ST. PAUL .....	ST PAUL DOWNTOWN HOLMAN FLD.	8/7120	ILS RWY 14, ORIG–A.
07/11/08 .....	MN	ST. PAUL .....	ST PAUL DOWNTOWN HOLMAN FLD.	8/7121	COPTER ILS RWY 32, ORIG.
07/11/08 .....	OH	JACKSON .....	JAMES A. RHODES .....	8/7131	RNAV (GPS) RWY 1, AMDT 1.
07/11/08 .....	OH	JACKSON .....	JAMES A. RHODES .....	8/7132	RNAV (GPS) RWY 19, AMDT 1.
07/11/08 .....	OH	JACKSON .....	JAMES A. RHODES .....	8/7133	VOR/DME A, AMDT 2
07/11/08 .....	AK	NOME .....	NOME .....	8/7169	ILS OR LOC/DME Y RWY 28, AMDT 3.
07/11/08 .....	AK	NOME .....	NOME .....	8/7170	ILS OR LOC/DME Z RWY 28, AMDT 3.
07/11/08 .....	NE	LEXINGTON .....	JIM KELLY FIELD .....	8/7183	RNAV (GPS) RWY 14, AMDT 1.
07/12/08 .....	MI	OSCODA .....	OSCODA–WURTSMITH .....	8/7241	ILS OR LOC/DME RWY 24, AMDT 2.
07/12/08 .....	MI	FLINT .....	BISHOP INTL .....	8/7242	RNAV (GPS) RWY 9, ORIG.
07/12/08 .....	MI	FLINT .....	BISHOP INTL .....	8/7243	RNAV (GPS) RWY 18, ORIG.
07/12/08 .....	PA	PITTSBURGH .....	PITTSBURGH INTL .....	8/7266	RNAV (GPS) RWY 14, AMDT 3.
07/13/08 .....	NE	GRANT .....	GRANT MUNI .....	8/7318	NDB RWY 15, AMDT 3.
07/13/08 .....	NE	GRANT .....	GRANT MUNI .....	8/7319	NDB RWY 33, AMDT 3.
07/13/08 .....	NE	GRANT .....	GRANT MUNI .....	8/7320	VOR/DME RWY 15, ORIG.
07/14/08 .....	NC	WADESBORO .....	ANSON COUNTY .....	8/7439	RNAV (GPS) RWY 16, ORIG.
07/14/08 .....	OK	TULSA .....	TULSA INTL .....	8/7489	RNAV (GPS) RWY 36L, ORIG.
07/14/08 .....	OK	BUFFALO .....	BUFFALO MUNI .....	8/7490	NDB A, AMDT 2A.
07/14/08 .....	OK	BUFFALO .....	BUFFALO MUNI .....	8/7491	RNAV (GPS) RWY 17, ORIG.
07/16/08 .....	AK	YAKUTAT .....	YAKUTAT .....	8/7878	RNAV (GPS) RWY 29, AMDT 2.
07/16/08 .....	OR	NORTH BEND .....	SOUTHWEST OREGON RGNL .....	8/7879	TAKEOFF MINS AND OBSTACLE DP, AMDT 4.
07/16/08 .....	KS	FORT LEAVENWORTH ..	SHERMAN AAF .....	8/7885	RNAV (GPS) RWY 15, ORIG.
07/16/08 .....	KS	FORT LEAVENWORTH ..	SHERMAN AAF .....	8/7888	VOR/DME A, ORIG–A.
07/16/08 .....	KS	FORT LEAVENWORTH ..	SHERMAN AAF .....	8/7889	RNAV (GPS) RWY 33, ORIG.

FDC date	State	City	Airport	FDC No.	Subject
07/16/08 .....	KS	FORT LEAVENWORTH ..	SHERMAN AAF .....	8/7890	NDB RWY 33, AMDT 4.
07/21/08 .....	FL	ORLANDO .....	ORLANDO INTL .....	8/8597	RNAV (GPS) RWY 17L, ORIG-A.
07/21/08 .....	FL	ORLANDO .....	ORLANDO INTL .....	8/8598	ILS OR LOC RWY 17L, ORIG-A.
07/21/08 .....	CA	SAN DIEGO/EL CAJON	GILLESPIE FIELD .....	8/8677	LOC-D, AMDT 10A.
05/31/08 .....	MT	GREAT FALLS .....	GREAT FALLS INTL .....	8/9063	NDB RWY 34, AMDT 16A THIS NOTAM PUBLISHED IN TL 08-15 IS HEREBY RESCINDED.
05/31/08 .....	IN	RICHMOND .....	RICHMOND MUNI .....	8/9127	VOR OR GPS RWY 6, AMDT 11A. THIS NOTAM PUBLISHED IN TL 08-15 IS HEREBY RESCINDED IN ITS ENTIRETY.

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BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2008-0720]

RIN 1625-AA00

#### Safety Zone; Bollotta & Associates USS Midway Fireworks Display; San Diego Harbor, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone, on the navigable waters of the San Diego Bay in support of the Bollotta & Associates USS Midway Fireworks Display. This safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

**DATES:** This rule is effective from 9:30 p.m. through 10 p.m. on August 2, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0720 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying at two locations: The Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the U.S.

Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Petty Officer Kristen Beer, USCG, Waterways Management, U.S. Coast Guard Sector San Diego at (619) 278-7233. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it was impracticable since the logistical details of the fireworks show was not finalized nor presented to the Coast Guard in enough time to draft and publish an NPRM. As such, the event would occur before the rulemaking process was complete.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The issuance of the final approval and permitting was so recent that in order for the rule to be in effect at the time of the fireworks display it is necessary that the rule be made effective less than 30 days after publication. In addition, it would be contrary to the

public interest not to publish this rule due to protection from inherent dangers to the crew and public that are present from a fireworks display.

#### Background and Purpose

Fireworks & Stage FX America, Inc. is sponsoring the Bollotta & Associates USS Midway Fireworks Display, a fireworks presentation from an anchored barge located 250 yards from the USS Midway. The safety zone will be an area consisting of a 200 yard radius around the barge. This safety zone is necessary to provide for the safety of the crew, spectators, vessels and other users of the waterway.

#### Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from 9:30 p.m. to 10 p.m. on August 2, 2008. The limits of the safety zone will be an area consisting of a 200 yard radius around the anchored barge located at approximately 32°42'48" N, 117°10'43" W.

The safety zone is necessary to provide for the safety of the crews, spectators, and other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

#### Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

#### Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs