

the United States shall be removed from the random testing pool upon the inception of such assignment.

(2) Each covered employee who is removed from the random testing pool under this paragraph shall be returned to the random testing pool when the employee resumes the performance of safety-sensitive functions wholly or partially within the territory of the United States.

(b) The provisions of this subpart shall not apply to any person who performs a safety-sensitive function by contract for an employer outside the territory of the United States.

#### **PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS**

■ 14. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 40113, 41721, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

#### **§ 121.429 [Removed and Reserved]**

■ 15. Section 121.429 is removed and reserved.

#### **§ 121.455 [Removed and Reserved]**

■ 16. Section 121.455 is removed and reserved.

#### **§ 121.457 [Removed and Reserved]**

■ 17. Section 121.457 is removed and reserved.

#### **§ 121.458 [Removed and Reserved]**

■ 18. Section 121.458 is removed and reserved.

#### **§ 121.459 [Removed and Reserved]**

■ 19. Section 121.459 is removed and reserved.

#### **Appendix I to Part 121 [Removed and Reserved]**

■ 20. Appendix I is removed and reserved.

#### **Appendix J to Part 121 [Removed and Reserved]**

■ 21. Appendix J is removed and reserved.

#### **PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT**

■ 22. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 45101–45105.

■ 23. Section 135.1(a)(5) is revised to read as follows:

#### **§ 135.1 Applicability**

(a) \* \* \*

(5) Nonstop Commercial Air Tour flights conducted for compensation or hire in accordance with § 119.1(e)(2) of this chapter that begin and end at the same airport and are conducted within a 25-statute-mile radius of that airport; provided further that these operations must comply only with the drug and alcohol testing requirements in §§ 120.31, 120.33, 120.35, 120.37, and 135.39 of this chapter; and with the provisions of part 136, subpart A, and § 91.147 of this chapter by September 11, 2007.

\* \* \* \* \*

#### **§ 135.249 [Removed and Reserved]**

■ 24. Section 135.249 is removed and reserved.

#### **§ 135.251 [Removed and Reserved]**

■ 25. Section 135.251 is removed and reserved.

#### **§ 135.253 [Removed and Reserved]**

■ 26. Section 135.253 is removed and reserved.

#### **§ 135.255 [Removed and Reserved]**

■ 27. Section 135.255 is removed and reserved.

#### **§ 135.353 [Removed and Reserved]**

■ 28. Section 135.353 is removed and reserved.

Issued in Washington, DC, on May 7, 2009.

**Lynne A. Osmus,**

*Acting Administrator.*

[FR Doc. E9–11289 Filed 5–13–09; 8:45 am]

**BILLING CODE 4910–13–P**

### **DEPARTMENT OF TRANSPORTATION**

#### **14 CFR Part 97**

**[Docket No. 30666; Amdt. No. 3321]**

#### **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 May 14, 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 May 14, 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 [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 May 1, 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:

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
04/22/09 .....	OH	Cleveland .....	Burke Lakefront .....	9/4657	TAKE-OFF MINIMUMS AND OBSTACLE DP, AMDT 4.
04/17/09 .....	KS	Olathe .....	Johnson County Executive ...	9/4658	LOC RWY 36, AMDT 1.
04/17/09 .....	KS	Olathe .....	Johnson County Executive ...	9/4659	LOC RWY 18, AMDT 7A.
04/17/09 .....	TX	Granbury .....	Granbury Rgnl .....	9/4696	GPS RWY 14, ORIG-A.
04/22/09 .....	ND	Bismarck .....	Bismarck Muni .....	9/4714	ILS OR LOC RWY 31, AMDT 32D.
04/22/09 .....	KY	Somerses .....	Lake Cumberland Rgnl .....	9/4761	ILS OR LOC/DME RWY 5, ORIG.
04/20/09 .....	OK	Altus .....	Altus/Quartz Mountain Rgnl ..	9/4847	VOR A, AMDT 4B.
04/22/09 .....	MI	Cadillac .....	Wexford County .....	9/4903	ILS or LOC RWY 7, ORIG.
04/20/09 .....	TX	Harlingen .....	Valley Intl .....	9/4923	ILS or LOC RWY 17R, ORIG-A.
04/20/09 .....	TX	Midland .....	Midland Intl .....	9/4924	ILS or LOC RWY 10, AMDT 14B.
04/20/09 .....	WA	Walla Walla .....	Walla Walla Rgnl .....	9/4951	NDB RWY 20, AMDT 5B.
04/22/09 .....	CA	Palmdale .....	Palmdale Rgnl/USAF Plant 42.	9/5301	RNAV (GPS) RWY 25, ORIG-C.
04/22/09 .....	MT	Baker .....	Baker Muni .....	9/5302	GPS RWY 31, ORIG-A.
04/22/09 .....	MT	Baker .....	Baker Muni .....	9/5303	NDB RWY 31, ORIG.
04/22/09 .....	MT	Baker .....	Baker Muni .....	9/5305	NDB RWY 13, ORIG.
04/23/09 .....	OR	Aurora .....	Aurora State .....	9/5489	RNAV (GPS) RWY 35, ORIG-A.
04/24/09 .....	AK	Kiana .....	Bob Baker Memorial .....	9/5711	TAKE-OFF MINIMUMS AND OBSTACLE DP, ORIG.
04/24/09 .....	AK	Kotlik .....	Kotlik .....	9/5745	RNAV (GPS) RWY 20, ORIG.
04/24/09 .....	AK	Kotlik .....	Kotlik .....	9/5746	RNAV (GPS) RWY 2, ORIG.
04/27/09 .....	GQ	Guam .....	Guam Intl .....	9/5900	RNAV (GPS) Y RWY 24L, AMDT 1A.
04/27/09 .....	GQ	Guam .....	Guam Intl .....	9/5901	RNAV (RNP) Z RWY 24L, ORIG-B.
04/27/09 .....	LA	Houma .....	Houma-Terrebonne .....	9/5912	VOR RWY 12, AMDT 5B.

FDC date	State	City	Airport	FDC No.	Subject
04/24/09 .....	AK	King Cove .....	King Cove .....	9/6056	TAKE-OFF MINIMUMS AND OBSTACLE DP, ORIG.
04/22/09 .....	MN	Grand Marais .....	Grand Marais/Cook County ..	9/6107	NDB RWY 27, ORIG-B.
04/22/09 .....	IL	Chicago .....	Chicago-O Hare Intl .....	9/6120	ILS OR LOC RWY 9L, ILS RWY 9L (CAT II), ILS RWY 9L (CAT III), ORIG-A.
04/22/09 .....	IL	Chicago .....	Chicago-O Hare Intl .....	9/6121	ILS OR LOC RWY 4R, AMDT 6K.
04/28/09 .....	CO	Denver .....	Front Range .....	9/6125	ILS RWY 35, ORIG.
04/28/09 .....	CO	Denver .....	Front Range .....	9/6126	ILS RWY 17, ORIG.
04/29/09 .....	MN	St Cloud .....	St Cloud Rgnl .....	9/6360	VOR/DME RWY 13, ORIG.
04/29/09 .....	MN	St Cloud .....	St Cloud Rgnl .....	9/6361	VOR RWY 31, ORIG.
04/29/09 .....	MN	St Cloud .....	St Cloud Rgnl .....	9/6362	RNAV (GPS) RWY 5, ORIG.
04/29/09 .....	MN	St Cloud .....	St Cloud Rgnl .....	9/6363	RNAV (GPS) RWY 23, ORIG.
04/29/09 .....	MN	St Cloud .....	St Cloud Rgnl .....	9/6367	ILS OR LOC RWY 31, AMDT 3.
04/29/09 .....	OK	El Reno .....	El Reno Rgnl .....	9/6368	NDB RWY 35, AMDT 3B.

[FR Doc. E9-10990 Filed 5-13-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30665 Amdt. No. 3320]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This 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 May 14, 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 May 14, 2009.

**ADDRESSES:** Availability of matters 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 and Takeoff Minimums and ODPs are available online free of charge. Visit <http://www.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 Divisions, 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 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or

revoking SIAPs, Takeoff Minimums and/or ODPs. The complete regulators 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 part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. 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, Takeoff Minimums and ODP as contained 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 Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the