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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule adds Regional Service Center Directors to the list of Service officers having authority to certify their decisions to the designated appellate authority. The delegation of this authority will improve the management efficiency of Service programs.

EFFECTIVE DATE: January 8, 1987.

FOR FURTHER INFORMATION CONTACT:

For general information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-3048

For specific information: Lloyd W. Sutherland, Sr., Immigration, Examiner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-3946

SUPPLEMENTARY INFORMATION: Regional commissioners, district directors and officers in charge in Districts 33, 35, and 37 now have authority to certify their decisions to the appropriate appellate authority. On October 3, 1985 (50 FR 40327) Title 8 of the Code of Federal Regulations, § 103.1(S) was amended to extend signature authority to directors of regional service centers.

This change merely extends the authority of service center directors to include the right to certify their

decisions to the appropriate appellate authority.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary as this rule relates to agency organization and management.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule does not have significant economic impact on a substantial number of small entities. This is not a rule within the definition of section 1(a) of E.O. 12291 as it relates to agency organization and management.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies).

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for Part 103 continues to read as follows:

Authority: Sec. 103 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103; 31 U.S.C. 9701; OMB Circular A-25.

2. Section 103.4 is revised to read as follows:

§ 103.4 Certifications.

The Commissioner or the Deputy Commissioner may direct that any case or classes of cases be certified for decision. Regional commissioners, district directors, regional service center directors, and officers in charge in Districts 33, 35, and 37 may certify their decisions to the appellate authority designated in this chapter when the case involves an unusually complex or novel question of law or fact. The party affected shall be given notice on Form I-290C of such certification and of the right to submit a brief within 10 days from receipt of the notice. Cases within the appellate jurisdiction of the Service shall be certified only after an initial decision has been made. Decisions for which no appeal procedure exists may be certified to the Commissioner in the same manner as decisions over which the Commissioner holds appellate authority. In cases within § 3.1(b) of this chapter, the decision of the officer to whom certified, whether made initially

or upon review, shall constitute the base decision of the Service from which an appeal may be taken to the Board in accordance with the applicable parts of this chapter. The decision of the Service officer to whom the case has been certified shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or the attorney or representative of record.

Dated: December 30, 1986.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 87-333 Filed 1-7-87; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 25167; Amdt. No. 1337]

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 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, 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.

EFFECTIVE 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 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; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), 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 K. Funai, Flight Procedures-Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The larger 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 document 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.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may 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 some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, 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 and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that 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 "major rule" under Executive Order 12291; (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

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on December 26, 1986.

John S. Kern,

Director of Flight Standards.

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 G.M.T. on the dates specified, as follows:

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

§§ 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, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

... Effective March 12, 1987

Brainerd, MN—Brainerd-Crow Wing Co/Walter F. Wieland Fld, VOR/DME RWY 12, Amdt. 6

Brainerd, MN—Brainerd-Crow Wing Co/Walter F. Wieland Fld, VOR RWY 30, Amdt. 10

Brainerd, MN—Brainerd-Crow Wing Co/Walter F. Wieland Fld, NDB RWY 23, Amdt. 3

Brainerd, MN—Brainerd-Crow Wing Co/Walter F. Wieland Fld, ILS RWY 23, Amdt. 3

Thief River Falls, MN—Thief River Falls Regional, ILS RWY 31, Amdt. 1

... Effective February 12, 1987

Andreafsky/St. Marys, AK—St. Marys, NDB RWY 16, Amdt. 3, CANCELLED

Andreafsky/St. Marys, AK—St. Marys, NDB/DME RWY 16, Amdt. 3, CANCELLED

Andreafsky/St. Marys, AK—St. Marys, NDB RWY 34, Amdt. 2, CANCELLED

Andreafsky/St. Marys, AK—St. Marys, ILS/DME RWY 16, Amdt. 3, CANCELLED

St. Marys, AK—St. Marys, LOC/DME RWY 16, Orig

St. Marys, AK—St. Marys, NDB RWY 16, Orig

St. Marys, AK—St. Marys, NDB/DME RWY 16, Orig

St. Marys, AK—St. Marys, NDB RWY 34, Orig

Sacramento, CA—Sacramento Metropolitan, NDB RWY 34, Amdt. 3

Fort Lauderdale, FL—Ft Lauderdale-Hollywood Intl, LOC RWY 9R, Amdt. 2

Fort Lauderdale, FL—Ft Lauderdale-Hollywood Intl, NDB RWY 13, Amdt. 14

Fort Lauderdale, FL—Ft Lauderdale-Hollywood Intl, ILS RWY 9L, Amdt. 12
 Fort Lauderdale, FL—Ft Lauderdale-Hollywood Intl, ILS RWY 27R, Amdt. 3
 Sarasota (Bradenton), FL—Sarasota-Bradenton, RADAR-1, Amdt. 5
 Miami, FL—Miami Intl, VOR 12, Amdt. 27
 Miami, FL—Miami Intl, VOR RWY 30, Amdt. 6
 Miami, FL—Miami Intl, NDB RWY 9R, Amdt. 1
 Miami, FL—Miami Intl, NDB RWY 27L, Amdt. 17
 Miami, FL—Miami Intl, ILS RWY 9L, Amdt. 27
 Miami, FL—Miami Intl, ILS RWY 9R, Amdt. 6
 Miami, FL—Miami Intl, ILS RWY 27L, Amdt. 21
 Miami, FL—Miami Intl, ILS RWY 27R, Amdt. 11
 Miami, FL—Miami Intl, RNAV RWY 9L, Amdt. 9
 Miami, FL—Miami Intl, RNAV RWY 27R, Amdt. 5
 Miami, FL—Tamiami, NDB RWY 9R, Amdt. 7
 Miami, FL—Tamiami, ILS RWY 9R, Amdt. 6
 Twin Falls, ID—Twin Falls-Sun Valley Regional Joslin Field, NDB RWY 25, Amdt. 5
 Twin Falls, ID—Twin Falls-Sun Valley Regional Joslin Field, ILS RWY 25, Amdt. 6
 Battle Creek, MI—W.K. Kellogg Regional, VOR or TACAN RWY 5, Amdt. 18
 Battle Creek, MI—W.K. Kellogg Regional, VOR or TACAN RWY 23, Amdt. 16
 Battle Creek, MI—W.K. Kellogg Regional, VOR or TACAN RWY 31, Amdt. 13
 Battle Creek, MI—W.K. Kellogg Regional, NDB RWY 23, Amdt. 16
 Battle Creek, MI—W.K. Kellogg Regional, ILS RWY 23, Amdt. 16
 Battle Creek, MI—W.K. Kellogg Regional, RADAR-1, Amdt. 1
 Greenville, MI—Greenville Muni, VOR/DME A, Orig
 Atlantic City, NJ—Atlantic City, ILS RWY 13, Amdt. 3
 Battle Mountain, NV—Lander County, VOR—A Amdt. 3
 Battle Mountain, NV—Lander County, VOR/DME RWY 3, Amdt. 4
 Las Vegas, NV—McCarran Intl, VOR RWY 25, Amdt. 11
 Raton, NM—Crews Field, VOR/DME RWY 2, Amdt. 5
 Duncan, OK—Halliburton Field, VOR RWY 35, Amdt. 8
 Duncan, OK—Halliburton Field, LOC BC RWY 17, Amdt. 2
 Duncan, OK—Halliburton Field, VOR RWY 35, Amdt. 2
 Pauls Valley, OK—Pauls Valley Muni, NDB RWY 35, Orig
 Astoria, OR—Port of Astoria, COPTER LOC/DME 255, Orig
 Klamath Falls, OR—Kingsley Field, VOR—B, Amdt. 2
 Klamath Falls, OR—Kingsley Field, VOR/DME or TACAN RWY 14, Amdt. 1
 Klamath Falls, OR—Kingsley Field, VOR/DME or TACAN RWY 32, Amdt. 1
 Klamath Falls, OR—Kingsley Field, NDB—A, Amdt. 4, CANCELLED
 Klamath Falls, OR—Kingsley Field, NDB RWY 32, Orig
 Klamath Falls, OR—Kingsley Field, ILS RWY 32, Amdt. 18

San Antonio, TX—San Antonio Intl, VOR RWY 3, Orig, CANCELLED
 San Antonio, TX—San Antonio Intl, VOR RWY 21, Amdt. 1, CANCELLED
 Temple, TX—Draughon-Miller Muni, VOR RWY 15, Amdt. 14
 Temple, TX—Draughon-Miller Muni, VOR RWY 33, Orig
 Temple, TX—Draughon-Miller Muni, LOC/DME BC RWY 33, Amdt. 1
 Temple, TX—Draughon-Miller Muni, ILS RWY 15, Amdt. 8
 Winters, TX—Winters Muni, NDB RWY 35, Orig, CANCELLED
 Winters, TX—Winters Muni, NDB RWY 35, Orig
 Bellingham, WA—Bellingham Intl, ILS RWY 16, Amdt. 2

... Effective December 22, 1986

Akron, OH—Akron-Canton Regional, ILS RWY 23, Amdt. 7

... Effective December 18, 1986

Oakdale, CA—Oakdale, VOR RWY 10, Amdt. 4

Pueblo, CO—Pueblo Memorial, RADAR-1, Amdt. 6

St. Louis, MO—Lambert-St. Louis Intl, ILS RWY 12R, Amdt. 19

Akron, OH—Akron-Canton Regional, RADAR-1, Amdt. 18

Lancaster, OH—Fairfield County, RNAV RWY 10, Amdt. 5

... Effective December 11, 1986

Tacoma, WA—Tacoma Narrows, ILS RWY 17, Amdt. 6.

[FR Doc. 87-311 Filed 1-7-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 372 and 386

[Docket No. 60983-6183]

Clarification of Regulatory Provisions on Shipping Tolerances

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Commodities intended for export from the United States are licensed by Export Administration in terms of dollar value, in terms of number of units, or in terms of weight or measure. In certain cases, a shipping tolerance is allowed on the unshipped balance of a commodity or on the total dollar value shown on an export license.

This rule, which neither expands nor limits the provisions of the Export Administration Regulations, revises § 386.7 pertaining to shipping tolerances and how they are calculated. This revision is done solely for the sake of clarity and simplified language. In

addition, paragraph (c) of § 372.9, which treats the way commodities are listed on an export license (which, in turn, affects the shipping tolerance), is also revised for the sake of clarity.

EFFECTIVE DATE: This rule is effective January 8, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian or John Black, Office of Technology and Policy Analysis, Export Administration, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule mentions collections of information subject to the requirements of the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 et seq.). These collections have been approved by the Office of Management and Budget under