

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9668; Amdt. No. 97-696]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Incorporation by Reference of Standard Instrument Approach Procedures

The purpose of these amendments to Part 97 of the Federal Aviation Regulations is to eliminate the need for the publication of Standard Instrument Approach Procedures (SIAPs) in the FEDERAL REGISTER.

These amendments were proposed in Notice No. 69-28 issued on June 20, 1969 (34 F.R. 9875). Several comments were received in response to the notice and all of them favored the amendments. One of these comments also recommended that the FAA make photocopies of the SIAPs available by mail. Such copies have always been available upon written request of interested persons. They will continue to be available in the same manner after the adoption of these amendments. One other comment recommended that the proposal also include those forms sometimes designated as "panels" or "511's". These forms are used for procedures that are not revised in accordance with TERPS criteria. However, to clarify this matter all FAA Forms used for the amendment of those SIAPs not yet revised to conform with TERPS criteria will be designated as FAA Form 3139 and specifically referred to in § 97.10 of the amendments adopted herein.

At the present time, SIAPs are adopted as amendments to Part 97, and are published in their entirety in the FEDERAL REGISTER, on a weekly basis. Contemporaneously with publication in the FEDERAL REGISTER, the SIAPs are made available to the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts where they are published as approach procedure charts or "approach plates". These charts are made available to the members of the aviation community and are read by pilots to ascertain instrument approach requirements.

The large volume of amendments to the SIAPs, their complex technical nature, and the need for a special publication format, makes their publication in the FEDERAL REGISTER expensive and cumbersome. For this reason, and because most airmen use the charts printed by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts, the FAA is taking advantage of the recently adopted provision for incorpora-

tion by reference in 5 U.S.C. 552(a)(1), set out in greater detail in 1 CFR Part 20, which makes the publication of the SIAPs in the FEDERAL REGISTER in their entirety unnecessary.

Under this amendment Subparts B and C of Part 97 are amended to provide for incorporation by reference into Part 97 those SIAPs adopted by the FAA and described as FAA Form 8260-3, 8260-4, 8260-5 or 3139. In addition, the FAA would continue to promulgate, revise, and cancel SIAPs by adopting amendments to Part 97. Notices of proposed rule making in cases where safety in air commerce does not require immediate action, and amendments revising Part 97 would continue to be published in the FEDERAL REGISTER on a weekly basis. The amendments would identify the SIAPs and incorporate them by reference by incorporating by reference FAA Form 8260-3, 8260-4, 8260-5 or 3139.

All incorporated SIAPs would be available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW, 20590. The National Flight Data Center would also maintain an historical file of all SIAPs. Copies of SIAPs adopted in a particular FAA Region would also be available for examination at the headquarters of that region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office would be available for examination at that office. The incorporated SIAPs would continue to be portrayed on instrument approach procedure charts that can be obtained from the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts. Finally, on payment of a fee, individual copies of SIAPs may be obtained from the Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW, 20590, or from the applicable FAA Regional Office. A weekly transmittal of all copies of weekly issuances of new, revised, and canceled SIAPs is obtainable on a subscription basis from the Superintendent of Documents.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is hereby amended effective May 7, 1970, to read as follows:

1. Subpart B is amended by adding a new § 97.10 to read as follows:

§ 97.10 General.

This subpart prescribes standard instrument approach procedures other than those based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). Standard instrument approach procedures adopted by the FAA and described on FAA Form 3139 are incorporated into this part and made a part

hereof as provided in 5 U.S.C. 552(a)(1) and pursuant to 1 CFR Part 20. The incorporated standard instrument approach procedures are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW, Washington, D.C. 20590. Copies of SIAPs adopted in a particular FAA Region are also available for examination at the headquarters of that region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office are available for examination at that office. Based on the information contained on FAA Form 3139, standard instrument approach procedures are portrayed on charts prepared for the use of pilots by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts.

2. Section 97.20 of Subpart C is amended to read as follows:

§ 97.20 General.

This subpart prescribes standard instrument approach procedures based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). The standard instrument approach procedures adopted by the FAA and described on FAA Form 8260-3, 8260-4, or 8260-5 are incorporated into this Part and made a part hereof as provided in 5 U.S.C. 552(a)(1) and pursuant to 1 CFR Part 20. The incorporated standard instrument approach procedures are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW, Washington, D.C. 20590. Copies of SIAPs adopted in a particular FAA Region are also available for examination at the headquarters of that Region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office are available for examination at that Office. Based on the information contained on FAA Form 8260-3, 8260-4, and 8260-5, standard instrument approach procedures are portrayed on charts prepared for the use of pilots by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts.

(Secs. 307, 313, 601, 602, 603, 902, 1110, 1202, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1422, 1423, 1472, 1510, 1522; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 31, 1970.

J. H. SHAFFER,
Administrator.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by Director of the Federal Register on May 12, 1969.

(As published in the Federal Register 35 F.R. 5609 on April 7, 1970)