DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31141; Amdt. No. 3753]

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 removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. This regulatory action is 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 July 13, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

ADDRESSES: This rule amends Title 14 of the Code of Federal Regulations, part 97 (14 CFR part 97), by establishing, amending, suspending, or removing SIAPs, Takeoff Minimums and/or ODPs. The complete regulatory 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, their complex nature, and the need for a special format make publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead 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, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability of matters incorporated by reference describes SIAPs, Takeoff

The material incorporated by reference is publicly available as listed in the ADDRESSES section.

The material incorporated by reference describes SIAPs, Takeoff
Incorporation by reference, Navigation

**The Rule**

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textural 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 that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, 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, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), 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 “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, Navigation (air).
DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Parts 4, 10, 18, 113, 122, 123, 141, 191, and 192

[CBP Dec. 17–06]

Electronic Information for Cargo Exported From the United States; Technical Amendments

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: Final rule.

SUMMARY: This final rule amends U.S. Customs and Border Protection regulations regarding the requirements to provide data for certain exported cargo to conform to current requirements. Various CBP regulations regarding exported cargo refer to outdated regulations or requirements of the U.S. Census Bureau, including the requirement to submit a paper Shipper’s Export Declaration (SED). The U.S. Census Bureau’s Foreign Trade Regulations (FTR) have been amended to eliminate the SED and to require that the information that was previously provided on the paper SED be filed electronically through the Automated Export System. This rule amends the CBP regulations to incorporate the current requirements. The rule also makes related conforming changes as well as non-substantive editorial and nomenclature changes.

DATES: This final rule is effective on July 13, 2017.


SUPPLEMENTARY INFORMATION:

I. Background and Purpose

U.S. Customs and Border Protection (CBP) periodically reviews its regulations to ensure that they are up to date. As explained below, various provisions of the CBP regulations contain references to certain U.S. Census Bureau (Census Bureau) requirements and regulations which are out of date. CBP is updating the regulations so that they conform to current requirements.

In 2008, 2013, and 2016, the Census Bureau issued amendments to the Foreign Trade Regulations (FTR) codified at 15 CFR part 30 that require exporters to use the Automated Export System (AES) to file export commodity information, known as Electronic Export Information (EEI), directly with CBP and the Census Bureau. The amendments concurrently eliminated the use of the Shipper’s Export Declaration (SED), the paper form previously used by exporters to report export information. The amendments also revised some terminology and clarified some requirements. Because various CBP regulations refer to AES as a voluntary program, and refer to the SED and other outdated provisions and terminology in the FTR, it is necessary to amend the CBP regulations so that they are consistent with current requirements.

It should be noted that the Department of Homeland Security (DHS), through CBP, collects certain export information under its own authority pursuant to section 343(a) of the Trade Act of 2002, Public Law 107–210, 116 Stat. 981 (August 6, 2002), as amended, which mandates that the Secretary of Homeland Security collect information pertaining to cargo before the cargo is either brought into or sent from the United States by any mode of commercial transportation (sea, air, rail or truck). See 19 U.S.C. 2071 note. The cargo information required is that which is reasonably necessary to enable high-risk shipments to be identified for purposes of ensuring cargo safety and security pursuant to those laws enforced and administered by CBP. The above reporting requirements pertaining to exported cargo are set forth in 19 CFR part 192. These part 192 regulations make various references to the SED and other outdated Census Bureau requirements.

II. Explanation of Amendments

CBP has determined that it is necessary to update parts 4, 10, 18, 113, 122, 123, 141, 191 and 192 of the CBP regulations (19 CFR parts 4, 10, 18, 113, 122, 123, 141, 191 and 192) to conform them to the Census Bureau’s FTR. Accordingly, this rule amends the CBP regulations by incorporating current requirements for the filing of EEI in AES, deleting references to the SED, updating outdated terminology and by making other conforming changes. These changes are discussed in more detail below.

A. 19 CFR Part 4

Sections 4.61, 4.63, 4.75, 4.76, 4.81, 4.84 and 4.87 of the CBP regulations (19 CFR 4.61, 4.63, 4.75, 4.76, 4.81, 4.84 and 4.87) set forth various requirements pertaining to the exportation of cargo from the United States by vessel. These sections refer to the terms “shipper’s