

**§ 39.13 [Amended]**

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**2006–03–01 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**  
Amendment 39–14465. Docket No. FAA–2006–23703; Directorate Identifier 2005–NM–052–AD.

**Effective Date**

(a) This AD becomes effective February 13, 2006.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all EMBRAER Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes, certificated in any category.

**Unsafe Condition**

(d) This AD results from reports of variable calibration values of certain sensors of the Air Data SmartProbes, which could result in the transmission of erroneous information to the air data system. This was caused by contamination during the manufacturing process. We are issuing this AD to prevent reduced controllability of the airplane.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Revision of Airplane Flight Manual (AFM)**

(f) As of 30 days after the effective date of this AD: During any time period when any SmartProbe part number 2015G2H2H–4, 2015G2H2H–4A, 2015G2H2H–5, or 2015G2H2H–5A is installed, before further flight, revise the Limitations section of the AFM to include the following operational limitations (this may be done by inserting a copy of this AD into the AFM):

- Reduce the calculated MTOW by 110 kgf whenever it is defined by obstacle clearance on the final segment.
- Increase the reference speed (VREF) by 1 kt when landing with Flap 5.”

**Alternative Methods of Compliance (AMOCs)**

(g)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Related Information**

(h) Brazilian airworthiness directive 2005–02–01, dated March 3, 2005, also addresses the subject of this AD.

Issued in Renton, Washington, on January 19, 2006.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 06–782 Filed 1–26–06; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 97**

[Docket No. 30476; Amdt. No. 3151]

**Standard Instrument Approach Procedures; Miscellaneous Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment amends Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed 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.

**DATES:** This rule is effective January 27, 2006. The compliance date for each SIAP 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 January 27, 2006.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Ave, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

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/](http://www.archives.gov/federal_register/)

*code\_of\_federal\_regulations/ibr\_locations.html.*

*For Purchase—*Individual SIAP 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.

*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 P. Pate, 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 amendment to Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) amends Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260, as modified by the the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), which is incorporated by reference in the amendment under 5 U.S.C. 552(a), 14 CFR part 51, and § 97.20 of the Code of Federal Regulations. Materials incorporated by reference are available for examination or purchase as stated above.

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. The provisions of this amendment state the affected CFR 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.

**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 chart changes to SIAPs, the TERPS criteria were applied to only these 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.

Further, the SIAPs contained in this amendment are based on the criteria contained in TERPS. 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 January 13, 2006.

**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:

■ 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 number	Subject
12/27/05 ...	MA	FITCHBURG .....	FITCHBURG MUNI .....	5/2086	NDB RWY 20, AMDT 6
12/27/05 ...	MA	FITCHBURG .....	FITCHBURG MUNI .....	5/2087	RNAV (GPS) RWY 14, ORIG
12/27/05 ...	MA	FITCHBURG .....	FITCHBURG MUNI .....	5/2088	RNAV (GPS) RWY 20, ORIG
12/27/05 ...	MA	FITCHBURG .....	FITCHBURG MUNI .....	5/2089	RNAV (GPS) RWY 32, ORIG
12/27/05 ...	MA	FITCHBURG .....	FITCHBURG MUNI .....	5/2090	NDB-A, AMDT 4
12/29/05 ...	GU	AGANA .....	GUAM INTL .....	5/2144	VOR-A, ORIG
12/29/05 ...	AK	SHUNGNAC .....	SHUNGNAC .....	5/2168	RNAV (GPS) RWY 27, ORIG
12/29/05 ...	AK	SHUNGNAC .....	SHUNGNAC .....	5/2169	RNAV (GPS) RWY 9, ORIG-A
12/30/05 ...	NC	CHARLOTTE .....	CHARLOTTE/DOUGLAS INTL .....	5/2215	ILS OR LOC RWY 36L, ILS RWY 36L (CAT II, III), AMDT 15
01/04/06 ...	KY	COVINGTON .....	CINCINNATI/NORTHERN KENTUCKY INTL .....	6/0082	RNAV (GPS) RWY 36L, ORIG
01/11/06 ...	MT	BILLINGS .....	BILLINGS LOGAN INTL .....	6/0367	VOR/DME RWY 28R, AMDT 13A
01/11/06 ...	MT	BILLINGS .....	BILLINGS LOGAN INTL .....	6/0368	ILS RWY 10L, AMDT 24A
1/11/06 .....	MT	BILLINGS .....	BILLINGS LOGAN INTL .....	6/0370	ILS RWY 28R, ORIG-A
01/11/06 ...	AK	NENANA .....	NENANA MUNI .....	6/0381	RNAV (GPS) RWY 4L, ORIG
01/11/06 ...	IN	INDIANAPOLIS .....	INDIANAPOLIS INTL .....	6/0396	ILS RWY 25, AMDT 2A
01/11/06 ...	ND	GARRISON .....	GARRISON MUNI .....	6/0399	RNAV (GPS) RWY 13, ORIG
01/11/06 ...	ND	GARRISON .....	GARRISON MUNI .....	6/0400	RNAV (GPS) RWY 31, ORIG

FDC date	State	City	Airport	FDC number	Subject
01/11/06 ...	AK	YAKUTAT .....	YAKUTAT .....	6/0401	LOC/DME BC RWY 29, AMDT 4

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BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[CGD09-05-142]

RIN 1625-AA00

### Safety Zone; Chicago Sanitary and Ship Canal, Romeoville, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Chicago Sanitary and Ship Canal on the Illinois Waterway near Romeoville, Illinois. This safety zone is necessary to close the Chicago Sanitary and Ship Canal during safety testing of the permanent electrical dispersal barrier. This safety zone intended to restrict vessels from a portion of the Canal in Romeoville, IL, at various times over a 45 day period.

**DATES:** This rule is in effect during intermittent periods, as announced via Broadcast Notice to Mariners, from 7 a.m. (local) on January 30, 2006 until 7 a.m. (local) on February 28, 2006. Captain of the Port Lake Michigan or his on scene representative will inform mariners of enforcement periods via Broadcast Notice to Mariners.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket are part of the docket (CGD09-05-142), and are available for inspection or copying at Commanding Officer, U.S. Coast Guard Marine Safety Unit Chicago, 215 W. 83rd Street Suite D, Burr Ridge, IL, 60527, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** MST1 Kenneth Brockhouse, U.S. Coast Guard, Marine Safety Unit Chicago, at (630) 986-2155.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this

regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This safety zone is temporary in nature and limited time existed for an NPRM. The Coast Guard was not made aware that this operation was to take place with sufficient time to allow for publication of an NPRM followed by a final rule. 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**. Delaying this rule would be impracticable and immediate action is necessary to ensure the safety of personnel and vessels during the operational period. During the enforcement of this safety zone, comments will be accepted and reviewed and may result in a modification to the rule.

#### Background and Purpose

A temporary electrical dispersal barrier is in operation at mile marker 296.5 on the Chicago Sanitary Ship Canal to prevent Asian Carp from entering Lake Michigan.

A second permanent electrical dispersal barrier is being constructed and operational and safety testing must be completed prior to placing the permanent barrier in service. Also, additional safety tests need to be conducted for the temporary electrical dispersal barrier. These tests are scheduled to commence in January 2006. As such, the Captain of the Port Lake Michigan has determined that intermittent closures of the Chicago Sanitary and Ship Canal are necessary to ensure the integrity of the operational and safety tests, as well as the safety of the testing crews. Closures will occur between January 30, 2006 and February 28, 2006. Mariners will be notified of enforcement periods by Broadcast Notice to Mariners. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his designated on scene representative via VHF-FM radio Channel 16.

#### Discussion of Rule

Operational and safety tests are required to determine the electrical parameters of the permanent electrical dispersal barrier, and to evaluate the health and safety risks of the electrical fields generated by both barriers in this

portion of the Chicago Sanitary and Ship Canal. Restricting vessel movement through this portion of the Canal is necessary to ensure accurate test results, and to protect the equipment and crews conducting the tests.

The safety zone will encompass all waters of the Chicago Sanitary and Ship Canal from the Romeo Road Bridge at Mile Marker 296.1 to the aerial pipeline arch at Mile Marker 296.7. All commercial and recreational vessels will be prohibited from entering the zone during enforcement periods. Enforcement periods will be announced via Broadcast Notice to Mariners. Vessels may contact the Coast Guard via VHF-FM radio Channel 16 to request permission to transit through the safety zone.

#### Regulatory Evaluation

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 and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this established rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This finding is based on the relatively small percentage of vessels that would fall within the applicability of the regulation, the relatively small size of the limited area around the zone, the minimal amount of time that vessels will be restricted when the zone is being enforced. In addition, vessels that will need to enter the zone may request permission on a case-by-case basis from the Captain of the Port or the designated on-scene representative.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not