

An interim final rule concerning this action was published in the **Federal Register** on July 9, 2004. Copies of the rule were mailed by the Board's staff to all Board members and tart cherry handlers. In addition, the Office of the Federal Register and USDA made the rule available through the Internet. That rule provided for a 60-day comment period which ended September 7, 2004. No comments were received.

After consideration of all relevant material presented, including the Board's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (69 FR 41383, July 9, 2004) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

#### PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

■ Accordingly, the interim final rule amending 7 CFR part 930 which was published at 69 FR 41383 on July 9, 2004, is adopted as a final rule without change.

Dated: October 14, 2004.

A.J. Yates,

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-23417 Filed 10-19-04; 8:45 am]

BILLING CODE 3410-02-P

#### NUCLEAR REGULATORY COMMISSION

##### 10 CFR Part 72

RIN 3150-AH50

#### List of Approved Fuel Storage Casks: NAC-MPC Revision, Confirmation of Effective Date

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule: Confirmation of effective date.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is confirming the effective date of October 27, 2004, for the direct final rule that was published in the **Federal Register** on August 13, 2004 (69 FR 50053). This direct final rule amended the NRC's regulations to revise the NAC-MPC cask system listing to include Amendment No. 4 to Certificate of Compliance (CoC) No. 1025.

**EFFECTIVE DATE:** The effective date of October 27, 2004, is confirmed for this direct final rule.

**ADDRESSES:** Documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. These same documents may also be viewed and downloaded electronically via the rulemaking Web site (<http://ruleforum.llnl.gov>). For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher (301) 415-5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On August 13, 2004 (69 FR 50053), the NRC published a direct final rule amending its regulations in 10 CFR part 72 to revise the NAC-MPC cask system listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 4 to CoC No. 1025. This amendment increases vacuum drying time limits, deletes canister removal from concrete cask requirements, revises surface contamination removal time limits, and revises allowable contents fuel assembly limits. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on October 27, 2004. The NRC did not receive any comments that warranted withdrawal of the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 14th day of October, 2004.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

*Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.*

[FR Doc. 04-23426 Filed 10-19-04; 8:45 am]

BILLING CODE 7590-01-P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 97

[Docket No. 30426; Amdt. No. 3107]

#### 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.

**DATES:** This rule is effective October 20, 2004. 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 October 20, 2004.

**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 Flight Inspection Area Office which originated the SIAP; 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).

**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 (AMCAFS-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 part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes 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 (FAR). 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 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 (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.

### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) 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 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 are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some 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 October 8, 2004.

**James J. Ballough,**

*Director, Flight Standards Service.*

### 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 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:

\* \* \* *Effective November 25, 2004*

Huntsville, AL, Huntsville Intl-Carl T. Jones Field, RNAV (GPS) Z RWY 18L, Orig  
Huntsville, AL, Huntsville Intl-Carl T. Jones Field, RNAV (GPS) Y RWY 18L, Orig  
Teller, AK, Teller, RNAV (GPS) RWY 7, Orig  
Teller, AK, Teller, RNAV (GPS) RWY 25, Orig

De Queen, AR, J. Lynn Helms Sevier County, RNAV (GPS) RWY 8, Orig  
De Queen, AR, J. Lynn Helms Sevier County, GPS RWY 8, Orig-B, CANCELLED  
Hot Springs, AR, Memorial Field, RNAV (GPS) RWY 5, Amdt 1  
Mena, AR, Mena Intermountain Muni, RNAV (GPS) RWY 17, Orig-A  
North Little Rock, AR, North Little Rock Muni, RNAV (GPS) RWY 35, Orig  
North Little Rock, AR, North Little Rock Muni, GPS RWY 35, Orig, CANCELLED  
Paragould, AR, Kirk Field, RNAV (GPS) RWY 4, Orig-A  
Paragould, AR, Kirk Field, RNAV (GPS) RWY 22, Orig-A  
Pine Bluff, AR, Grider Field, RNAV (GPS) RWY 18, Orig  
Russellville, AR, Russellville Rgnl, RNAV (GPS) RWY 25, Orig-A  
Carlsbad, CA, McClellan-Palomar, RNAV (GPS) RWY 24, Amdt 1  
Inyokern, CA, Inyokern, RNAV (GPS) Y RWY 2, Orig-A  
Palm Springs, CA, Bermuda Dunes, RNAV (GPS) RWY 10, Orig-B  
Colorado Springs, CO, City of Colorado Springs Muni, RNAV (GPS) RWY 17L, Orig-A  
Grand Junction, CO, Walker Field, RNAV (GPS) RWY 29, Amdt 1A  
Longmont, CO, Vance Brand, RNAV (GPS)–B, Orig-A  
Longmont, CO, Vance Brand, RNAV (GPS) RWY 29, Orig-A  
Meeker, CO, Meeker, RNAV (GPS)–B, Orig-A  
Meeker, CO, Meeker, RNAV (GPS) RWY 3, Orig-A  
Trinidad, CO, Perry Stokes, RNAV (GPS) RWY 3, Orig-A  
Crestview, FL, Bob Sikes, RNAV (GPS) RWY 17, Orig  
Carrollton, GA, West Georgia Regional-OV Gray Field, NDB RWY 35, Amdt 3  
Carrollton, GA, West Georgia Regional-OV Gray Field, ILS OR LOC/NDB RWY 35, Orig  
Carrollton, GA, West Georgia Regional-OV Gray Field, LOC RWY 34, Amdt 2, CANCELLED  
Kailua-Kona, HI, Kona Intl at Keahole, VOR OR TACAN RWY 35, Amdt 7  
Kailua-Kona, HI, Kona Intl at Keahole, VOR/DME OR TACAN RWY 17, Amdt 4  
Kailua-Kona, HI, Kona Intl at Keahole, RNAV (GPS) RWY 17, Orig-B  
Kailua-Kona, HI, Kona Intl at Keahole, RNAV (GPS) Z RWY 35, Orig-B  
Kamuela, HI, Waimea-Kohala, RNAV (GPS) RWY 4, Orig-A  
Kamuela, HI, Waimea-Kohala, RNAV (GPS) RWY 22, Orig-A  
Elkhart, KS, Elkhart-Morton County, RNAV (GPS) RWY 17, Orig-A  
Elkhart, KS, Elkhart-Morton County, RNAV (GPS) RWY 22, Orig-A  
Elkhart, KS, Elkhart-Morton County, RNAV (GPS) RWY 35, Orig-A  
Eureka, KS, Eureka Muni, RNAV (GPS) 18, Orig-A  
Kingman, KS, Kingman Airport-Clyde Cessna Field, RNAV (GPS) RWY 18, Orig-A  
Kingman, KS, Kingman Airport-Clyde Cessna Field, RNAV (GPS) RWY 36, Orig-A  
Lawrence, KS, Lawrence Muni, RNAV (GPS) RWY 15, Orig-A

Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 18, Orig-A  
 Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 36, Orig-A  
 Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 4, Orig-A  
 Norton, KS, Norton Muni, RNAV (GPS) RWY 16, Orig-A  
 Wichita, KS, Cessna Aircraft Field, RNAV (GPS)-D, Orig-A  
 Beverly, MA, Beverly Muni, VOR RWY 16, Amdt 5  
 Beverly, MA, Beverly Muni, LOC RWY 16, Amdt 6  
 Beverly, MA, Beverly Muni, NDB-A, Amdt 13  
 Beverly, MA, Beverly Muni, RNAV (GPS) RWY 16, Orig  
 Beverly, MA, Beverly Muni, GPS RWY 16, Orig-A, CANCELLED  
 Frederick, MD, Frederick Muni, ILS OR LOC RWY 23, Amdt 5  
 Ocean City, MD, Ocean City Muni, RNAV (GPS) RWY 14, Orig-C  
 Portland, ME, Portland Intl Jetport, NDB RWY 11, Amdt 16  
 Portland, ME, Portland Intl Jetport, ILS OR LOC RWY 11, Amdt 1  
 Portland, ME, Portland Intl Jetport, RNAV (GPS) RWY 11, Amdt 1  
 Broken Bow, NE, Broken Bow Muni, RNAV (GPS) RWY 32, Orig  
 Broken Bow, NE, Broken Bow Muni, VOR/DME RWY 32, Orig  
 Wayne, NE, Wayne Muni, RNAV (GPS) RWY 22, Orig  
 Wayne, NE, Wayne Muni, NDB RWY 17, Orig  
 Wayne, NE, Wayne Muni, NDB RWY 22, Orig  
 Wayne, NE, Wayne Muni, NDB RWY 35, Orig  
 Gallup, NM, Gallup Muni, RNAV (GPS) RWY 6, Orig  
 Gallup, NM, Gallup Muni, RNAV (GPS) RWY 24, Orig  
 Gallup, NM, Gallup Muni, GPS RWY 6, Orig-A, CANCELLED  
 Gallup, NM, Gallup Muni, GPS RWY 24, Orig-A, CANCELLED  
 Ely, NV, Ely Airport-Yelland Field, RNAV (GPS) RWY 18, Orig-B  
 Olean, NY, Cattaraugus County-Olean, RNAV (GPS) RWY 4, Orig  
 Olean, NY, Cattaraugus County-Olean, RNAV (GPS) RWY 22, Orig  
 Olean, NY, Cattaraugus County-Olean, LOC RWY 22, Amdt 5B  
 Olean, NY, Cattaraugus County-Olean, GPS RWY 4, Orig-A, CANCELLED  
 Olean, NY, Cattaraugus County-Olean, GPS RWY 22, Orig-A, CANCELLED  
 Olean, NY, Cattaraugus County-Olean, VOR/DME RNAV RWY 22, Amdt 4B, CANCELLED  
 Potsdam, NY, Potsdam Muni (Damon Field), NDB RWY 24, Amdt 4  
 Potsdam, NY, Potsdam Muni (Damon Field), NDB OR GPS RWY 24, Amdt 3A, CANCELLED  
 Potsdam, NY, Potsdam Muni (Damon Field), RNAV (GPS) RWY 24, Orig  
 Rochester, NY, Greater Rochester Intl, ILS OR LOC RWY 22, Amdt 6  
 Seneca Falls, NY, Finger Lakes Regional, RNAV (GPS) RWY 1, Amdt 2  
 Syracuse, NY, Syracuse Hancock Intl, ILS RWY 28, Amdt 33A  
 Syracuse, NY, Syracuse Hancock Intl, RNAV (GPS) RWY 28, Orig-A

Medford, OK, Medford Muni, RNAV (GPS) RWY 35, Orig-A  
 Clarion, PA, Clarion County, VOR-A, Amdt 2  
 Clarion, PA, Clarion County, RNAV (GPS) RWY 6, Orig  
 Clarion, PA, Clarion County, RNAV (GPS) RWY 24, Orig  
 Clarion, PA, Clarion County, VOR/DME RNAV OR GPS RWY 6, Orig-B, CANCELLED  
 Clarion, PA, Clarion County, VOR/DME RNAV OR GPS RWY 24, Orig-A, CANCELLED  
 Doylestown, PA, Doylestown, VOR RWY 23, Amdt 7  
 Doylestown, PA, Doylestown, RNAV (GPS) RWY 23, Orig  
 Rutland, VT, Rutland State, LOC Z RWY 19, Amdt 1  
 Rutland, VT, Rutland State, RNAV (GPS) RWY 19, Orig  
 Rutland, VT, Rutland State, GPS RWY 19, Amdt 2B, CANCELLED  
 Seattle, WA, Boeing Field/King County Intl, RNAV (GPS) RWY 13R, Orig  
 Walla Walla, WA, Walla Walla Regional, RNAV (GPS) RWY 2, Orig  
 Walla Walla, WA, Walla Walla Regional, GPS RWY 2, Orig-A, CANCELLED  
 \* \* *Effective December 23, 2004*  
 Frankfort, IN, Frankfort Muni, RNAV (GPS) RWY 27, Orig-A  
 Greencastle, IN, Putnam County, RNAV (GPS) RWY 36, Orig-A  
 Marion, IN, Marion Muni, ILS OR LOC RWY 4, Amdt 7A  
 Hibbing, MN, Chisholm-Hibbing, VOR RWY 13, Amdt 13

[FR Doc. 04-23374 Filed 10-19-04; 8:45 am]

BILLING CODE 4910-13-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Parts 404 and 416

[Regulation Nos. 4 and 16]

RIN 0960-AF92

#### Administrative Review Process; Incorporation-by-Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Final rules with request for comments.

**SUMMARY:** We are revising our regulations to provide an alternative procedure that an Administrative Law Judge (ALJ) may use, in certain situations, to satisfy the existing requirement for issuing a written decision that gives the findings of fact and the reasons for the decision. If an ALJ enters a wholly favorable, oral decision into the record of a hearing, the ALJ, in certain situations, may fulfill the existing requirement for issuing a

written decision that gives the findings and the reasons for the decision by issuing a written decision that incorporates by reference the findings of fact and the reasons stated orally at the hearing. Under the regulations as revised, this incorporation-by-reference procedure may not be used if the ALJ determines that the oral findings and reasons should be changed in the written decision. Where the ALJ determines that a change is required, the ALJ must issue a written decision that sets forth the findings of fact and the reasons for the decision under the existing procedure, without relying on the incorporation-by-reference procedure.

**DATES:** These rules are effective October 20, 2004. To be sure your comments are considered, we must receive them no later than December 20, 2004.

**ADDRESSES:** You may give us your comments by: using our Internet site facility (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs> or the Federal eRulemaking Portal at <http://www.regulations.gov>; e-mail to [regulations@ssa.gov](mailto:regulations@ssa.gov); telefax to (410) 966-2830; or letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235-7703. You may also deliver them to the Office of Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401 between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site, or you may inspect them on regular business days by making arrangements with the contact person shown in this preamble.

**Electronic Version:** The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office, <http://www.gpoaccess.gov/fr/index.html>. It is also available on our Internet site facility at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Augustine, Social Insurance Specialist, Office of Regulations, 100 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-0020 or TTY 410-966-5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:**