

*Time of designation.* Intermittent by NOTAM 24 hours in advance not to exceed 20 days per year from 0600 to 2400 local time and not more than 90 days per year between 0001 and 0600 local.

*Controlling agency.* FAA, Southern California TRACON.

*Using agency.* U.S. Marine Corps, Commanding General, MCB Camp Pendleton, CA.

\* \* \* \* \*

Issued in Washington, DC, August 27, 2004.

**Reginald C. Matthews,**

*Manager, Airspace and Rules.*

[FR Doc. 04-20173 Filed 9-2-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30423; Amdt. No. 3104]

#### 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 September 3, 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 September 3, 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 August 27, 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 September 30, 2004*

Greenville, AL, Mac Crenshaw Memorial, RNAV (GPS) RWY 14, Orig  
 Greenville, AL, Mac Crenshaw Memorial, RNAV (GPS) RWY 32, Orig  
 Greenville, AL, Mac Crenshaw Memorial, GPS RWY 14, Orig–A, CANCELLED  
 Greenville, AL, Mac Crenshaw Memorial, GPS RWY 32, Orig–A, CANCELLED  
 Anchorage, AK, Ted Stevens Anchorage Intl, RNAV (GPS) RWY 6R, Amdt 1  
 San Francisco, CA, San Francisco Intl, LDA PRM RWY 28R, Orig, (Simultaneous Close Parallel)  
 San Francisco, CA, San Francisco Intl, ILS PRM RWY 28L, Orig (Simultaneous Close Parallel)  
 San Jose, CA, Norman Y. Mineta San Jose Intl, VOR RWY 12R, Amdt 4  
 San Jose, CA, Norman Y. Mineta San Jose Intl, VOR/DME RWY 30L, Amdt 2  
 San Jose, CA, Norman Y. Mineta San Jose Intl, VOR–A, Orig, CANCELLED  
 San Jose, CA, Norman Y. Mineta San Jose Intl, NDB/DME RWY 30L, Amdt 6  
 San Jose, CA, Norman Y. Mineta San Jose Intl, ILS OR LOC RWY 12R, Amdt 6  
 San Jose, CA, Norman Y. Mineta San Jose Intl, ILS OR LOC/DME RWY 30L, Amdt 22  
 San Jose, CA, Norman Y. Mineta San Jose Intl, LOC/DME RWY 30L, Amdt 11A, CANCELLED  
 Crestview, FL, Bob Sikes, VOR–A, Amdt 12  
 Crestview, FL, Bob Sikes, NDB RWY 17, Amdt 3  
 Crestview, FL, Bob Sikes, ILS OR LOC RWY 17, Orig–B  
 Crestview, FL, Bob Sikes, RNAV (GPS) RWY 35, Orig  
 Fernandina Beach, FL, Fernandina Beach Muni, RNAV (GPS) RWY 13, Orig  
 Fernandina Beach, FL, Fernandina Beach Muni, GPS RWY 13, Orig–A, CANCELLED  
 Augusta, GA, Augusta Regional at Bush Field, RNAV (GPS) RWY 17, Amdt 1

Augusta, GA, Augusta Regional at Bush Field, RNAV (GPS) RWY 35, Amdt 1  
 Marion, IN, Marion Muni, ILS OR LOC RWY 4, Amdt 7  
 Marion, IN, Marion Muni, VOR RWY 4, Amdt 13  
 Marion, IN, Marion Muni, VOR RWY 15, Amdt 10  
 Marion, IN, Marion Muni, VOR RWY 22, Amdt 16  
 Marion, IN, Marion Muni, RNAV (GPS) RWY 15, Orig  
 Marion, IN, Marion Muni, RNAV (GPS) RWY 22, Orig  
 Marion, IN, Marion Muni, RNAV (GPS) RWY 33, Orig  
 Owensboro, KY, Owensboro-Daviess County, ILS OR LOC RWY 36, Amdt 11  
 Owensboro, KY, Owensboro-Daviess County, RNAV (GPS) RWY 5, Orig  
 Owensboro, KY, Owensboro-Daviess County, RNAV (GPS) RWY 18, Orig  
 Owensboro, KY, Owensboro-Daviess County, RNAV (GPS) RWY 23, Orig  
 Owensboro, KY, Owensboro-Daviess County, RNAV (GPS) RWY 36, Orig  
 Owensboro, KY, Owensboro-Daviess County, NDB RWY 36, Amdt 9  
 Owensboro, KY, Owensboro-Daviess County, VOR RWY 5, Amdt 1  
 Owensboro, KY, Owensboro-Daviess County, VOR RWY 18, Amdt 9  
 Owensboro, KY, Owensboro-Daviess County, VOR RWY 36, Amdt 17  
 Owensboro, KY, Owensboro-Daviess County, GPS RWY 5, Orig, CANCELLED  
 Orange, MA, Orange Muni, VOR–A, Amdt 6B  
 Orange, MA, Orange Muni, NDB RWY 32, Orig  
 Orange, MA, Orange Muni, NDB OR GPS–B, Amdt 4C, CANCELLED  
 Minneapolis, MN, Minneapolis-St Paul Intl/Wold Chamberlain, ILS OR LOC RWY 12L, Amdt 6A, ILS RWY 12L (CAT II) Amdt 6A, ILS RWY 12L (CAT III) Amdt 6A  
 Omaha, NE, Eppley Airfield, ILS OR LOC RWY 32R, Orig; ILS RWY 32R (CAT II), Orig; ILS RWY 32R (CAT III), Orig  
 Las Vegas, NV, McCarran Intl, ILS OR LOC/DME RWY 1L, Orig  
 Atlantic City, NJ, Atlantic City International, ILS OR LOC/DME RWY 31, Orig  
 Tucumcari, NM, Tucumcari Muni, VOR RWY 26, Amdt 6  
 Buffalo, NY, Buffalo Niagara Intl, ILS OR LOC/DME RWY 32, Orig  
 Massena, NY, Massena Intl-Richards Field, VOR–A, Orig  
 Massena, NY, Massena Intl-Richards Field, VOR OR GPS RWY 27, Amdt 4A, CANCELLED  
 Massena, NY, Massena Intl-Richards Field, VOR/DME RNAV OR GPS RWY 5, Amdt 5A, CANCELLED  
 Massena, NY, Massena Intl-Richards Field, VOR/DME RNAV OR GPS RWY 23, Amdt 7A, CANCELLED  
 Massena, NY, Massena Intl-Richards Field, RNAV (GPS) Y RWY 5, Orig  
 Massena, NY, Massena Intl-Richards Field, RNAV (GPS) Z RWY 5, Orig  
 Massena, NY, Massena Intl-Richards Field, RNAV (GPS) RWY 9, Orig  
 Massena, NY, Massena Intl-Richards Field, RNAV (GPS) RWY 23, Orig

Massena, NY, Massena Intl-Richards Field, RNAV (GPS) RWY 27, Orig  
 Cleveland, OH, Cleveland-Hopkins Intl, ILS OR LOC RWY 6R, Amdt 19A, ILS RWY 6R (CAT II) Amdt 19A, ILS RWY 6R (CAT III), Amdt 19A  
 Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) Y RWY 6L, Orig–A, CANCELLED  
 Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) RWY 6L, Amdt 1  
 San Antonio, TX, San Antonio Intl, NDB RWY 12R, Amdt 21  
 San Antonio, TX, San Antonio Intl, NDB RWY 30L, Amdt 12  
 San Antonio, TX, San Antonio Intl, VOR/DME RNAV RWY 30L, Amdt 11, CANCELLED  
 San Antonio, TX, San Antonio Intl, RNAV (GPS) RWY 3, Amdt 1  
 Charlottesville, VA, Charlottesville-Albemarle, ILS OR LOC RWY 3, Amdt 13  
 Charlottesville, VA, Charlottesville-Albemarle, NDB RWY 3, Amdt 16  
 \* \* \* *Effective October 28, 2004*  
 Belleville, IL, Scott AFB/Midamerica, NDB RWY 32L, Orig  
 Indianapolis, IN, Indianapolis Metropolitan, NDB RWY 15, Amdt 2  
 Indianapolis, IN, Indianapolis Metropolitan, VOR RWY 33, Amdt 9  
 Indianapolis, IN, Indianapolis Metropolitan, GPS RWY 33, Orig–A, CANCELLED  
 Indianapolis, IN, Indianapolis Metropolitan, RNAV (GPS) RWY 15, Orig  
 Indianapolis, IN, Indianapolis Metropolitan, RNAV (GPS) RWY 33, Orig  
 Kalamazoo, MI, Kalamazoo/Battle Creek Intl, VOR RWY 5, Orig–B  
 Hibbing, MN, Chisholm-Hibbing, RNAV (GPS) RWY 22, Orig–A  
 Oshkosh, WI, Wittman Regional, RNAV (GPS) RWY 36, Amdt 1B  
 \* \* \* *Effective November 25, 2004*  
 Sandersville, GA, Kaolin Field, VOR/DME–A, Amdt 5  
 Sandersville, GA, Kaolin Field, RNAV (GPS) RWY 12, Orig  
 Sandersville, GA, Kaolin Field, RNAV (GPS) RWY 30, Orig  
 Northwood, ND, Northwood Muni-Vince Fld, RNAV (GPS) RWY 26, Orig  
 Philadelphia, PA, Philadelphia International, RNAV (GPS) RWY 35, AMDT 1  
 Philadelphia, PA, Philadelphia International, RNAV (GPS) Y RWY 9R, AMDT 1  
 Philadelphia, PA, Philadelphia International, RNAV (GPS) Z RWY 9R, AMDT 1  
 Tullahoma, TN, Tullahoma Regional Arpt/Wm Northern Field, RNAV (GPS) RWY 6, Orig  
 Tullahoma, TN, Tullahoma Regional Arpt/Wm Northern Field, RNAV (GPS) RWY 18, Orig  
 Tullahoma, TN, Tullahoma Regional Arpt/Wm Northern Field, RNAV (GPS) RWY 24, Orig  
 Tullahoma, TN, Tullahoma Regional Arpt/Wm Northern Field, RNAV (GPS) RWY 36, Orig  
 Tullahoma, TN, Tullahoma Regional Arpt/Wm Northern Field, NDB RWY 18, Amdt 2

Tullahoma, TN, Tullahoma Regional Arpt/  
Wm Northern Field, SDF RWY 18, Amdt  
4

Tullahoma, TN, Tullahoma Regional Arpt/  
Wm Northern Field, VOR RWY 6, Orig  
Tullahoma, TN, Tullahoma Regional Arpt/  
Wm Northern Field, VOR RWY 24, Orig  
Tullahoma, TN, Tullahoma Regional Arpt/  
Wm Northern Field, VOR/DME A, Orig,  
CANCELLED

Tullahoma, TN, Tullahoma Regional Arpt/  
Wm Northern Field, VOR/DME OR GPS-  
B, Amdt 3B, CANCELLED

Tullahoma, TN, Tullahoma Regional Arpt/  
Wm Northern Field, VOR/DME RNAV  
OR GPS RWY 36, Amdt 4, CANCELLED

[FR Doc. 04-20060 Filed 9-2-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 342

[Docket No. RM93-11-002; Order No. 650]

#### Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992

Issued August 27, 2004.

**AGENCY:** Federal Energy Regulatory  
Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy  
Regulatory Commission is amending a  
certain regulation following a judicial  
determination that the Commission  
acted properly in establishing the oil  
pipeline rate index.

**EFFECTIVE DATE:** The rule will become  
effective September 3, 2004.

**FOR FURTHER INFORMATION CONTACT:**  
Harris Wood, Office of General Counsel,  
Federal Energy Regulatory Commission,  
888 First Street, NE., Washington, DC  
20426; (202) 502-8224.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Pat Wood, III,  
Chairman; Nora Mead Brownell, Joseph  
T. Kelliher, and Suedeem G. Kelly.  
Revisions to oil pipeline regulations  
pursuant to the Energy Policy Act of  
1992; Docket No. RM93-11-002.

1. The Federal Energy Regulatory  
Commission (Commission) is modifying  
a certain regulation pertaining to oil  
pipeline ratemaking following a judicial  
determination upholding the  
Commission's determination that the  
appropriate index for oil pipeline rate  
changes is the Producer Price Index,  
from and after July 2001.

#### Background and Discussion

2. On October 22, 1993, in response  
to the requirements of Title XVIII of the

Energy Policy Act of 1992,<sup>1</sup> the  
Commission issued Order No. 561,<sup>2</sup> in  
which the Commission  
comprehensively revised the  
Commission's regulation of the oil  
pipeline industry. Among other things,  
Order No. 561 established a price cap  
for oil pipeline rates, to be adjusted  
annually based upon changes in the  
Producer Price Index for Finished  
Goods (published each May by the U.S.  
Department of Labor, Bureau of Labor  
Statistics) minus one percent (PPI-1).  
Order No. 561 recognized that its  
responsibilities under the Interstate  
Commerce Act,<sup>3</sup> to both shippers and  
pipelines, required monitoring of the  
relationship between the change in the  
selected index and the actual cost  
changes experienced by the industry.  
Therefore, the Commission stated that it  
would review the choice of index every  
5 years.<sup>4</sup>

3. On July 27, 2000, the Commission  
issued a notice of inquiry in Docket No.  
RM00-11-000 on its five-year review of  
the oil pricing index.<sup>5</sup> After receiving  
and considering comments of numerous  
parties, the Commission affirmed that  
the PPI-1 index closely approximated  
the actual cost changes in the oil  
pipeline industry as reported in FERC  
Form No. 6, and concluded that this  
index continued to satisfy the mandates  
of the Energy Policy Act of 1992.<sup>6</sup>  
Review of this order was sought by the  
Association of Oil Pipe Lines (AOPL),  
and on March 1, 2002, the U.S. Court of  
Appeals for the D.C. Circuit remanded  
the proceeding to the Commission for  
further review and explanation,  
particularly with respect to the choice of  
PPI-1 as the appropriate index for  
future oil pipeline rate changes.<sup>7</sup>

4. Two separate petitions for  
Commission action on the remand by  
the Court were filed, one by AOPL, and  
the other jointly by Sinclair Oil  
Corporation and Tesoro Refining and  
Marketing Company (Shippers). AOPL  
argued for the use of the PPI, while  
Shippers urged the Commission to  
reaffirm its decision to use PPI-1, as the

<sup>1</sup> 42 U.S.C.A. 7172 note (West Supp. 1993).  
References to the Energy Policy Act are to this note,  
indicating the section number of the statute.

<sup>2</sup> Revisions to Oil Pipeline Regulations Pursuant  
to the Energy Policy Act of 1992, FERC Stats. &  
Regs. (Regs. Preambles, 1991-1996), ¶ 30,985  
(1993); *order on reh'g.*, FERC Stats. & Regs. (Regs.  
Preambles, 1991-1996) ¶ 31,000; *aff'd.*, Association  
of Oil Pipe Lines v. Federal Energy Regulatory  
Commission, 83 F.3d 1424 (D.C. Cir. 1996).

<sup>3</sup> 49 U.S.C. app. 1 (1988).

<sup>4</sup> Order No. 561, ¶ 30,985 at 30,952.

<sup>5</sup> FERC Statutes & Regulations [Notices] ¶ 35,536  
(2000).

<sup>6</sup> 93 FERC ¶ 61,266 (2000).

<sup>7</sup> *Association of Oil Pipe Lines v. FERC*, 281 F.3d  
239 (D.C. Cir. 2002).

appropriate index to measure cost  
changes in the oil pipeline industry. On  
February 24, 2003, the Commission  
issued its order on remand, determining  
after further cost data analysis that the  
appropriate oil pricing index for the  
current five year period should be the  
PPI.<sup>8</sup> Review of this order was sought by  
the Shippers, and on April 9, 2004, the  
Court affirmed the Commission.<sup>9</sup>

5. In view of the Court's finding that  
the Commission had acted properly in  
establishing the PPI as the appropriate  
oil pricing index, the Commission  
amends 18 CFR part 342, section  
342.3(d)(2) by deleting “, and then  
subtracting 0.01” from the end of that  
section.

#### Information Collection Statement

6. There is no need for Office of  
Management and Budget review<sup>10</sup>  
under section 3507(d) of the Paperwork  
Reduction Act of 1995,<sup>11</sup> since this final  
rule does not affect information  
collection and recordkeeping  
requirements.

#### Environmental Analysis

7. The Commission is required to  
prepare an Environmental Assessment  
or an Environmental Impact Statement  
for any action that may have a  
significant adverse effect on the human  
environment.<sup>12</sup> However, the  
Commission has categorically excluded  
certain actions from this requirement as  
not having a significant effect on the  
human environment.<sup>13</sup> The clarifying  
and corrective nature of the change here  
promulgated qualifies for such an  
exclusion.<sup>14</sup>

#### Regulatory Flexibility Act Certification

8. The Regulatory Flexibility Act of  
1980 (RFA)<sup>15</sup> generally requires a  
description and analysis of final rules  
that will have significant economic  
impact on a substantial number of small  
entities. Inasmuch as the change here  
promulgated reduces the complexity of  
oil pipeline ratemaking, the change will  
have no significant economic impact on  
a substantial number of small entities.

<sup>8</sup> 102 FERC ¶ 61,195 (2003).

<sup>9</sup> *Flying J Inc.*, et al. v. *Federal Energy Regulatory  
Commission*, 363 F. 3d 495 (D.C. Cir. 2004).

<sup>10</sup> 5 CFR 1320.11.

<sup>11</sup> 44 U.S.C. 3507(d).

<sup>12</sup> Order No. 486, Regulations Implementing the  
National Environmental Policy Act, 52 FR 47897  
(Dec. 17, 1987), FERC Stats. & Regs. Preambles  
1986-1990 ¶ 30,783 (1987).

<sup>13</sup> 18 CFR 380.4.

<sup>14</sup> 18 CFR 380.4(a)(2)(ii).

<sup>15</sup> 5 U.S.C. 601-612