

**List of Subjects in 7 CFR Part 922**

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

**PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON**

■ Accordingly, the interim final rule amending 7 CFR part 922, which was published at 74 FR 37496 on July 29, 2009, is adopted as a final rule without change.

Dated: October 9, 2009.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E9-25121 Filed 10-16-09; 8:45 am]

**BILLING CODE 3410-02-P**

**NUCLEAR REGULATORY COMMISSION****10 CFR Part 50**

**RIN 3150-AI53**

**[NRC-2008-0663]**

**Industry Codes and Standards; Amended Requirements; 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 19, 2009, for the direct final rule that was published in the **Federal Register** on August 5, 2009. This direct final rule amended the NRC's regulations on governing vessel head inspection requirements. This amendment revised the upper range of the percentage of axial flaws permitted in a specimen set used for the qualification of nondestructive examination systems (procedures, personnel and equipment), which are used in the performance of inservice inspection (ISI) of pressurized water reactor (PWR) upper vessel head penetrations. This amendment was made as a result of the withdrawal of a stakeholder's recommendation necessitated by a typographical error in the original recommendation with respect to the maximum percentage of flaws that should be oriented axially.

**DATES:** The effective date of October 19, 2009, is confirmed for the direct final rule published August 5, 2009 (74 FR 38890).

**ADDRESSES:** Documents related to this rulemaking, including comments

received, may be examined at the NRC Public Document Room, Room O-1F23, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:**

Manash K. Bagchi, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-2905, e-mail [manash.bagchi@nrc.gov](mailto:manash.bagchi@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On August 5, 2009 (74 FR 38890), the NRC published in the **Federal Register** a direct final rule amending its regulations in 10 CFR Part 50 governing vessel head inspection requirements. This amendment revises the upper range of the percentage of axial flaws from 40 percent to 60 percent permitted in a specimen set used for the qualification of nondestructive examination systems (procedures, personnel and equipment), which are used in the performance of ISI of PWR upper vessel head penetrations. This amendment is being made as a result of the withdrawal of a stakeholder's recommendation necessitated by a typographical error in the original recommendation with respect to the maximum percentage of flaws that should be oriented axially. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on October 19, 2009. 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 13th day of October, 2009.

For the Nuclear Regulatory Commission.

**Michael T. Lesar,**

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

[FR Doc. E9-25049 Filed 10-16-09; 8:45 am]

**BILLING CODE 7590-01-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

**[Docket No. FAA-2009-0504; Airspace Docket No. 09-AGL-7]**

**Amendment of Class E Airspace; Tioga, ND**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Tioga, ND. Additional controlled airspace is necessary to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) at Tioga Municipal Airport, Tioga, ND. This action also amends the geographic coordinates of Tioga Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Tioga Municipal Airport.

**DATES:** Effective 0901 UTC, December 17, 2009. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:**

Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321-7716.

**SUPPLEMENTARY INFORMATION:****History**

On July 31, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Tioga, ND, reconfiguring controlled airspace at Tioga Municipal Airport, Tioga, ND. (74 FR 38142, Docket No. FAA-2009-0504). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace at Tioga, ND, adding additional controlled airspace extending upward from 700 feet above the surface at Tioga Municipal Airport, Tioga, ND, for the safety and management of IFR operations. This action also amends the geographic coordinates of Tioga Municipal Airport.

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. Therefore, this regulation: (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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Tioga Municipal Airport, Tioga, ND.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR Part 71.1 of the Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface.*

\* \* \* \* \*

#### AGL ND E5 Tioga, ND [Amended]

Tioga, Tioga Municipal Airport, ND  
(Lat. 48°22′49″ N., long. 102°53′51″ W.)  
Minot AFB, ND  
(Lat. 48°24′57″ N., long. 101°21′29″ W.)  
Williston VORTAC  
(Lat. 48°15′12″ N., long. 103°45′02″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Tioga Municipal Airport and within 4 miles either side of the 133° bearing from the Tioga Municipal Airport extending from the 6.7-mile radius to 10.2 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 49°00′00″ N, on the east by the 47-mile radius of Minot AFB, on the south by V-430, on the southwest by the 21.8-mile radius of the Williston VORTAC, and on the west by the North Dakota/Montana state boundary.

\* \* \* \* \*

Issued in Fort Worth, Texas, on Oct 1, 2009.

**Walter L. Tweedy,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. E9–24619 Filed 10–16–09; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2009–0541; Airspace  
Docket No. 09–ACE–7]

#### Amendment of Class E Airspace; St. Louis, MO

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace for the St. Louis, MO area. Additional controlled airspace is necessary to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) at Spirit of St. Louis Airport, St. Louis, MO. Also, this action makes minor adjustments to the geographic coordinates for the Lambert-St. Louis International Airport, St. Louis VORTAC, and the Foristell VORTAC. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Spirit of St. Louis Airport. **DATES:** Effective 0901 UTC, December 17, 2009. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:**  
Scott Enander, Central Service Center,

Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321–7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On July 31, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at St. Louis, MO, reconfiguring controlled airspace at Spirit of St. Louis Airport, St. Louis, MO (74 FR 38146, Docket No. FAA–2009–0541). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

##### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace at St. Louis, MO, adding additional controlled airspace at Spirit of St. Louis Airport, St. Louis, MO, for the safety and management of IFR operations. This action also makes minor adjustments to the geographic coordinates for the Lambert-St. Louis International Airport, St. Louis VORTAC, and the Foristell VORTAC.

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. Therefore, this regulation: (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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more