

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA-121-CORR; FRL-7807-2]

**Approval and Promulgation of Implementation Plans for California—San Joaquin Valley PM-10****AGENCY:** U.S. Environmental Protection Agency (EPA).**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects language in Title 40 of the Code of Federal Regulations that appeared in a final rule published in the **Federal Register** on May 26, 2004, relating to the particulate matter (PM-10) State Implementation Plan (SIP) for the San Joaquin Valley portion of California.

**DATES:** *Effective Date:* This action is effective October 4, 2004.

**FOR FURTHER INFORMATION CONTACT:** Doris Lo, EPA Region IX, (415) 972-3959, *lo.doris@epa.gov*.

**SUPPLEMENTARY INFORMATION:** On May 26, 2004 (69 FR 30006), EPA published a final rule approving the “2003 PM10 Plan, San Joaquin Valley Plan to Attain Federal Standards for Particulate Matter 10 Microns and Smaller,” submitted on August 19, 2003, and amendments to that plan submitted on December 30, 2003 (collectively, “2003 PM-10 Plan”), as meeting the Clean Air Act (CAA) requirements applicable to the San Joaquin Valley (SVJ) nonattainment area for particulate matter of ten microns or less (PM-10). The final rule contained amendments to 40 CFR part 52, subpart F. The final rule, which incorporated material by reference in Sec. 52.220, Identification of plan, inadvertently omitted a paragraph relating to the following submittal, which was incorporated by reference in the 2003 PM-10 Plan and approved by EPA in the May 26, 2004 action: Appendix E (“Regional Transportation Planning Agency Commitments for Implementation”) to the “Amended 2002 and 2005 Ozone Rate of Progress Plan for San Joaquin Valley,” adopted on December 19, 2002, and submitted by the California Air Resources Board on April 10, 2003.<sup>1</sup> In the May 26, 2004

<sup>1</sup> The San Joaquin Valley Unified Air Pollution Control District mistakenly identified these materials as “Appendix F” in the Table of Contents to the April 10, 2003 submittal, but the document itself is titled “Appendix E.” In the May 26, 2004 final rule, EPA refers to the ozone ROP plan in some places as the “2002 Ozone ROP Plan” and in other places as the “2003 Ozone ROP Plan.” The SVJ Ozone ROP Plan, was originally adopted in May 2002 and submitted in September 2002, but this submittal was wholly replaced by the amended

action, EPA approved these materials as Transportation Control Measures (TCMs), which were explicitly included by reference in the 2003 PM-10 Plan in order to address the Best Available Control Measure (BACM) provisions for PM-10 with respect to TCMs. See 69 FR 30020-21, and 30035. In today’s action, Appendix E of the April 10, 2003 submittal is being added in its entirety to 40 CFR 52, subpart F, as new paragraph (c)(330)(i)(A)(1). This action makes no other corrections to the May 26, 2004 final rule.

In this action, EPA is simply correcting an omission and amending the regulatory language accordingly. The affected provisions were previously subject to notice and comment prior to EPA approval. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment.

**Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule

plan referenced above. The two plans contain an identical version of Appendix E. Because the ROP plan submitted in September 2002 has been replaced by the ROP plan submitted in 2003, EPA is incorporating Appendix E as included in the 2003 submittal. EPA determined that the April 10, 2003 SIP submittal was complete on September 4, 2003, pursuant to CAA section 110(k)(1)(B) and 40 CFR 51, Appendix V.

and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today’s **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 13, 2004.

**Laura Yoshii,***Acting Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

**Subpart F—California**

■ 2. Section 52.220 is amended by adding paragraph (c)(330) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(330) The following plan was submitted on April 10, 2003 by the Governor’s designee.

(i) Incorporation by reference.  
(A) San Joaquin Valley Unified Air Pollution Control District.

(1) Amended 2002 and 2005 Ozone Rate of Progress Plan for San Joaquin Valley, adopted on December 19, 2002.

(i) Appendix E, “Regional Transportation Planning Agency Commitments for Implementation.”

\* \* \* \* \*

[FR Doc. 04-20136 Filed 9-2-04; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 64**

[Docket No. FEMA-7843]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, Emergency

Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Mike Grimm, Mitigation Division, 500 C Street, SW.; Room 412, Washington, DC 20472, (202) 646-2878.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation

of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

#### **National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

#### **Regulatory Flexibility Act**

The Administrator has determined that this rule is exempt from the

requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

#### **Regulatory Classification**

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### **Paperwork Reduction Act**

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### **Executive Order 12612, Federalism**

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

#### **Executive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

#### **List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

#### **PART 64—[AMENDED]**

■ 1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### **§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
<b>Region V</b>				
Minnesota:				
Brooklyn Center, City of, Hennepin County.	270151	July 29, 1974, Emerg; February 17, 1982, Reg; September 2, 2004, Susp.	09/02/2004 .....	09/02/2004
Brooklyn Park, City of, Hennepin County.	270152	February 5, 1974, Emerg; May 17, 1982, Reg; September 2, 2004, Susp.	.....do .....	Do.
Camplin, City of, Hennepin County .....	270153	March 30, 1973, Emerg; July 18, 1977, Reg; September 2, 2004, Susp.	.....do .....	Do.
Corcoran, City of, Hennepin County .....	270155	September 8, 1975, Emerg; January 16, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Crystal, City of, Hennepin County .....	270156	May 13, 1974, Emerg; June 1, 1978, Reg; September 2, 2004, Susp.	.....do .....	Do.
Dayton, City of, Hennepin County .....	270157	September 25, 1973, Emerg; February 1, 1978, Reg; September 2, 2004, Susp.	.....do .....	Do.
Deephaven, City of, Hennepin County ..	270158	September 4, 1974, Emerg; December 26, 1978, Reg; September 2, 2004, Susp.	.....do .....	Do.
Eden Prairie, City of, Hennepin County	270159	May 16, 1975, Emerg; September 27, 1985, Reg; September 2, 2004, Susp.	.....do .....	Do.
Edina, City of, Hennepin County .....	270160	July 27, 1973, Emerg; May 1, 1980, Reg; September 2, 2004, Susp.	.....do .....	Do.
Excelsior, City of Hennepin County .....	270161	May 20, 1974, Emerg; March 20, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Greenfield, City of, Hennepin County ...	270673	December 26, 1974, Emerg; April 15, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Greenwood, City of, Hennepin County	270164	July 25, 1975, Emerg; December 26, 1978, Reg; September 2, 2004, Susp.	.....do .....	Do.
Hanover, City of, Hennepin and Wright Counties.	270540	October 25, 1974, Emerg; May 5, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Hopkins, City of, Hennepin County .....	270166	May 2, 1974, Emerg; May 5, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Independence, City of, Hennepin County.	270167	January 28, 1975, Emerg; January 6, 1983, Reg; September 2, 2004, Susp.	.....do .....	Do.
Long Lake, City of, Hennepin County ...	270168	May 2, 1975, Emerg; February 20, 1979, Reg; September 2, 2004, Susp.	.....do .....	Do.
Loretto, City of, Hennepin County .....	270659	May 29, 1975, Emerg; June 22, 1984, Reg; September 2, 2004, Susp.	.....do .....	Do.
Maple Plain, City of, Hennepin County	270170	October 24, 1975, Emerg; June 22, 1984, Reg; September 2, 2004, Susp.	.....do .....	Do.
Medicine Lake, City of, Hennepin County.	270690	December 21, 1978, Emerg; April 15, 1982, Reg; September 2, 2004, Susp.	.....do .....	Do.
Medina, City of, Hennepin County .....	270171	July 18, 1975, Emerg; September 3, 1980, Reg; September 2, 2004, Susp.	.....do .....	Do.
Minneapolis, City of, Hennepin County	270172	March 23, 1973, Emerg; February 18, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Minnetonka, City of, Hennepin County	270173	April 9, 1975, Emerg; May 19, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Minnetonka Beach, City of, Hennepin County.	270174	June 9, 1975, Emerg; June 22, 1984, Reg; September 2, 2004, Susp.	.....do .....	Do.
Minnetrissa, City of, Hennepin County ..	270175	September 12, 1978, Emerg; September 27, 1985, Reg; September 2, 2004, Susp.	.....do .....	Do.
New Hope, City of, Hennepin County ...	270177	July 2, 1975, Emerg; January 2, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Orono, City of, Hennepin County .....	270178	February 24, 1975, Emerg; October 17, 1978, Reg; September 2, 2004, Susp.	.....do .....	Do.
Plymouth, City of, Hennepin County .....	270179	April 15, 1974, Emerg; May 15, 1978, Reg; September 2, 2004, Susp.	.....do .....	Do.
Richfield, City of, Hennepin County .....	270180	April 22, 1975, Emerg; August 24, 1981, Reg; September 2, 2004, Susp.	.....do .....	Do.
Robbinsdale, City of, Hennepin County	270181	May 9, 1974, Emerg; August 1, 1977, Reg; September 2, 2004, Susp.	.....do .....	Do.
Rockford, City of, Hennepin County .....	270182	February 5, 1975, Emerg; November 1, 1979, Reg; September 2, 2004, Susp.	.....do .....	Do.
Shorewood, City of, Hennepin County ..	270185	April 8, 1975, Emerg; December 4, 1979, Reg; September 2, 2004, Susp.	.....do .....	Do.
Spring Park, City of, Hennepin County	270186	July 16, 1975, Emerg; May 1, 1979, Reg; September 2, 2004, Susp.	.....do .....	Do.
St. Anthony, City of, Hennepin County	270716	February 26, 1998, Emerg; September 2, 2004, Reg; September 2, 2004, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
St. Bonifacius, City of, Hennepin County.	270183	April 22, 1976, Emerg; December 26, City 1978, Reg; September 2, 2004, Susp.	.....do .....	Do.
St. Louis Park City, of, Hennepin County.	270184	December 22, 1972, Emerg; June 1, 1977, Reg; September 2, 2004, Susp.	.....do .....	Do.
Tonka Bay, City of, Hennepin County ...	270187	January 17, 1975, Emerg; May 1, 1979, Reg; September 2, 2004, Susp.	.....do .....	Do.
Wayzata, City of, Hennepin County .....	270188	November 25, 1974, Emerg; November, 1, 1979, Reg; September 2, 2004, Susp.	.....do .....	Do.
Woodland, City of, Hennepin County ....	270189	June 11, 1975, Emerg; August 1, 1979, Reg; September 2, 2004, Susp.	.....do .....	Do.

\*do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp—Suspension.

Dated: August 26, 2004.

**David I. Maurstad,**

*Acting Mitigation Division Director,  
Emergency Preparedness and Response  
Directorate.*

[FR Doc. 04–20099 Filed 9–2–04; 8:45 am]

BILLING CODE 9110–12–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Part 67

[USCG–2001–8825]

RIN 1625–AA28 (Formerly RIN 2115–AG08)

#### Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In the final rule with this same title published February 4, 2004, we noted that the Office of Management and Budget (OMB) had not approved a collection-of-information associated with the amendments by §§ 67.147 and 67.179 to the collection-of-information requirements for vessel owners and charterers applying to engage in the coastwise trade under the lease financing provisions of 46 U.S.C. 12106(e). OMB has since approved that collection-of-information and the portions of the rule with these requirements will become effective September 3, 2004.

**DATES:** 46 CFR 67.147 and 46 CFR 67.179, as published February 4, 2004 (69 FR 5390), are effective September 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call Patricia Williams, Deputy Director,

National Vessel Documentation Center, Coast Guard, telephone 304–271–2506. If you have questions on viewing the docket (USCG–2001–8825), call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202–366–0271.

**SUPPLEMENTARY INFORMATION:** Section 67.147 of title 46 of the Code of Federal Regulations (CFR) requires a vessel owner who seeks a coastwise endorsement to submit a certified application and in some cases supporting documentation. Section 67.179 of title 46 of the CFR requires a barge owner qualified to engage in coastwise trade under the lease-financing provisions of 46 U.S.C. 12106(e) to submit a certified application for the coastwise operation of a barge under a demise charter. Submitting applications is a collection-of-information under OMB control no. 1625–0016 (Formerly 2115–0054). The final rule that contained the provisions for applications was published in the **Federal Register** on February 4, 2004 (69 FR 5398), and is available electronically through the docket (USCG–2001–8825) Web site at <http://www.dms.dot.gov>. became effective on February 4, 2004, with the exception of § 67.147 and 67.179.

As required by 44 U.S.C. 3507(d), we submitted a copy of the final rule to OMB for its review. On July 30, 2004, after reviewing the rule, OMB approved the collection-of-information required by this final rule under OMB control no. 1625–0027.

Dated: August 27, 2004.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety, Security, and Environmental Protection, U.S. Coast Guard.*

[FR Doc. 04–20117 Filed 9–2–04; 8:45 am]

BILLING CODE 4910–15–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[MM Docket No. 93–25; FCC 04–44]

RIN 3060–AF39

#### Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Direct Broadcast Satellite Public Interest Obligations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Commission adopted new rules on Political Broadcasting Requirements and Guidelines concerning Commercialization of Children's Programming and public interest obligations for Direct Broadcast Satellite providers. Certain rules contained new and modified information collection requirements and were published in the **Federal Register** on April 28, 2004. This document announces the effective date of these published rules.

**DATES:** The amendments to 47 CFR 25.701(d)(1)(i), 25.701(d)(1)(ii), 25.701(d)(2), 25.701(d)(3), 25.701(e)(3), 25.701(f)(6)(i), and 25.701(f)(6)(ii) published at 69 FR 23155, April 28, 2004, are effective September 3, 2004.

**SUPPLEMENTARY INFORMATION:** On August 24, 2004, the Office of Management and Budget (OMB) approved the information collection requirements contained in §§ 25.701(d)(1)(i), 25.701(d)(1)(ii), 25.701(d)(2), 25.701(d)(3), 25.701(e)(3), 25.701(f)(6)(i), and 25.701(f)(6)(ii) pursuant to OMB Control No. 3060–1065. Accordingly, the information collection requirements contained in these rules become effective September 3, 2004.