

*B. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

*C. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 20, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action to approve revisions to Pennsylvania's 2005 ROP plan for its portion of the Philadelphia area to reflect the use of MOBILE6 may not be challenged later in proceedings to enforce their requirements. (See section 307(b)(2).)

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

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 10, 2004.

**Donald S. Welsh,**  
*Regional Administrator, Region III.*

■ 40 CFR part 52 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 NN—Pennsylvania**

■ 2. Section 52.2037 is amended by revising the section heading,

redesignating the existing paragraph (i) as (i)(1) and adding paragraph (i)(2), and revising paragraph (k) to read as follows:

**§ 52.2037 Control strategy plans for attainment and rate-of-progress: Ozone.**

\* \* \* \* \*

(i)(1) \* \* \*

(2) EPA approves revisions to the Pennsylvania State Implementation Plan, submitted by the Secretary of the Pennsylvania Department of the Environmental Protection on February 23, 2004. These revisions amend Pennsylvania's rate-of-progress (ROP) plan for year 2005 for its Pennsylvania portion of the Philadelphia-Wilmington-Trenton 1-hour ozone nonattainment area. These revisions update the 2005 ROP plan's 1990 and 2005 motor vehicle emissions inventories and motor vehicle emissions budgets to reflect the use of the MOBILE6 emissions model, and establish revised motor vehicle emissions budgets of 79.69 tons per day (tpd) of volatile organic compounds and 144.73 tpd of nitrogen oxides.

\* \* \* \* \*

(k) EPA approves the following mobile budgets of the post-1996 rate of progress plans and the 2005 attainment plan:

**TRANSPORTATION CONFORMITY BUDGETS FOR THE PHILADELPHIA AREA**

Type of control strategy SIP	Year	VOC (tpd)	NO <sub>x</sub> (tpd)	Date of adequacy determination or SIP approval date
Post-1996 ROP Plan .....	1999	88.6	109.6	June 23, 2000 (65 FR 36438, June 8, 2000).
Post-1996 ROP Plan .....	2002	69.52	93.13	June 23, 2000 (65 FR 36438, June 8, 2000).
Post-1996 ROP Plan .....	2005	79.69	144.73	June 21, 2004 (May 21, 2004, Insert Federal Register page citation).
Attainment Demonstration .....	2005	79.69	144.73	June 12, 2003 (68 FR 31700, May 28, 2003).

- (1) [Reserved]
- (2) [Reserved]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 287-0455; FRL-7665-9]

**Withdrawal of Direct Final Rule Revising the California State Implementation Plan, South Coast Air Quality Management District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On March 22, 2004 (69 FR 13225), EPA published a direct final approval of a revision to the California

State Implementation Plan (SIP). This revision concerned South Coast Air Quality Management District (SCAQMD) Rules 1133—Composting and Related Operations—General Administrative Requirements, 1133.1—Chipping and Grinding Activities, and 1133.2—Emission Reductions from Co-Composting Operations. The direct final action was published without prior proposal because EPA anticipated no adverse comment. The direct final rule stated that if adverse comments were received by April 21, 2004, EPA would publish a timely withdrawal in the **Federal Register**. EPA received timely adverse comments and, therefore, is withdrawing the direct final approval. EPA will address the comments in a subsequent final action based on the parallel proposal also published on March 22, 2004 (69 FR 13272). As stated in the parallel proposal, EPA will not

institute a second comment period on this action.

**DATES: Effective Date:** The direct final rule published on March 22, 2004, at 69 FR 13225 is withdrawn as of May 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jerald S. Wamsley, EPA Region IX, at either (415) 947-4111, or [wamsley.jerry@epa.gov](mailto:wamsley.jerry@epa.gov).

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

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 7, 2004.

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

■ Accordingly, the amendment to 40 CFR 52.220, published in the **Federal**

Register on March 22, 2004 (69 FR 13227), which was to become effective on May 21, 2004, is withdrawn.

[FR Doc. 04-11555 Filed 5-20-04; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-1199; MM Docket No. 01-271; RM-10278; 10380]

#### Radio Broadcasting Services; O'Donnell, Post and Roaring Springs, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Maurice Salsa, allots Channel 249A at O'Donnell and Roaring Springs, Texas, as each community's first local aural transmission service (RM-10380). At the request of Katherine Pyeatt, we also dismiss the petition for rule making proposing the allotment of Channel 249C2 at Post, Texas (RM-10278). See 66 FR.52734, October 17, 2001. Channel 249A can be allotted to O'Donnell in compliance with the Commission's minimum distance separation requirement with a site restriction of 14.6 kilometers (9.1 miles) east to avoid a short-spacing to the vacant allotment site for Channel 248C2, Denver City, Texas, and the licensed site for Station KODM(FM), Channel 250C1, Texas. The coordinates for Channel 249A at O'Donnell are 32-55-32 North Latitude and 101-40-59 West Longitude. Likewise, Channel 249A can be allotted to Roaring Springs with a site restriction of 14.8 kilometers (9.2 miles) northeast to avoid a short-spacing to the proposed allotment for Channel 250C3 at Crowell, Texas. The coordinates for Channel 249A at Roaring Springs are 33-57-42 North Latitude and 100-42-53 West Longitude.

**DATES:** Effective June 18, 2004. A filing window for Channel 249A at O'Donnell and Roaring Springs, Texas, will not be opened at time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-271, adopted April 30, 2004, and released May 4, 2004. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 54, 303, 334, 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding O'Donnell, Channel 249A; and by adding Roaring Springs, Channel 249A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-1200; MB Docket No. 02-212; RM-10516 & 10618]

#### Radio Broadcasting Services; Crystal Beach, TX, Lumberton, TX, Vinton, LA and Winnie, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a petition filed by Charles Crawford requesting the allotment of Channel 287A at Vinton, Louisiana, the Commission issued a Notice of Proposed Rule Making. See 67 FR 53903, August 20, 2002. This document grants a counterproposal filed by Tichenor License Corporation requesting the following: reallocation of Channel 264C from Winnie, Texas, to Lumberton, Texas, and modification of the license for Station KOBT to specify operation at Lumberton, and substitution of Channel 287C2 for Channel 287A at Crystal Beach, Texas, reallocation of Channel 287C2 to Winnie, Texas, and modification of the license for Station KLTO to specify operation on Channel 287C2 at Winnie, Texas. The coordinates for Channel 264C at Lumberton are 30-03-05 and 94-31-37 and the coordinates for Channel 287C2 at Winnie are 29-41-45 and 94-19-35. The petition filed by Charles Crawford has been dismissed. With this action this proceeding is terminated.

**DATES:** Effective June 18, 2004.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 02-212, adopted April 30, 2004, and released May 4, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, and 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 287A at Crystal Beach, by removing Channel 264C and