

that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

*Unfunded Mandates Reform Act*

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

*Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

*Executive Order 13132: Federalism*

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

*Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

*National Technology Transfer Advancement Act*

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be

inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

*Paperwork Reduction Act*

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*Congressional Review Act*

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 September 27, 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 18, 2004.

**Norman Niedergang,**  
*Acting Regional Administrator, Region 5.*

■ Title 40 of the Code of Federal Regulations, chapter I, 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.*

■ 2. Section 52.720 is amended by adding paragraph (c)(173) to read as follows:

**§ 52.720 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(173) On March 11, 2004, Illinois submitted an Adjusted Standard for Argonne National Laboratory's degreasing operations. Pursuant to this Adjusted Standard from 35 Ill. Adm. Code 218.182, the applicable vapor pressure and other associated requirements of 35 Ill. Code 218.182 do not apply to cold cleaning involving the preparation of sample materials and associated apparatus used for research and development testing and analysis at Argonne. These revised requirements were adopted in the Illinois Pollution Control Board's December 18, 2003, Adjusted Standard AS 03-4.

(i) Incorporation by reference.

(A) The Illinois Pollution Control Board's December 18, 2003, Opinion and Order which granted the Argonne National Laboratory's degreasing operations an Adjusted Standard (AS 03-4) from 35 Ill. Code 218.182 for its cold cleaning involving the preparation of sample materials and associated apparatus used for research and development testing and analysis at Argonne.

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**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[CC Docket 98-67; DA 04-2061]

**Reminder Regarding Upcoming Deadlines for Waivers of Telecommunications Relay Service Rules for Captioned Telephone Providers**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; expiration of waivers.

**SUMMARY:** In this document, the Commission reminds Telecommunications Relay Service (TRS) providers who offer captioned telephone Voice Carry Over (VCO) service that the one-year waiver of the requirement that they offer access via

711 to captioned telephone VCO service for inbound calls made to a captioned telephone user expires at midnight on July 31, 2004. Providers are also reminded that the annual reports required for the various three-year waivers of TRS mandatory minimum standards set forth in the *Declaratory Ruling* are due on August 2, 2004.

**DATES:** One year VCO waivers expire July 31, 2004. Annual reports for various three-year waivers of TRS mandatory minimum standards are due on August 2, 2004.

**FOR FURTHER INFORMATION CONTACT:** Traci Randolph, (202) 418-0569 (voice), (202) 418-0537 (TTY), or e-mail [traci.randolph@fcc.gov](mailto:traci.randolph@fcc.gov).

**SUPPLEMENTARY INFORMATION:** On August 1, 2003, the Commission released a *Declaratory Ruling*, published at 68 FR 55898, September 29, 2003, in CC Docket No. 98-67; FCC 03-190. In the *Declaratory Ruling*, the Commission clarified that certain TRS mandatory minimum standards do not apply to captioned telephone VCO service, and waived other TRS mandatory standards for captioned telephone VCO service, for all current and future captioned telephone VCO service providers, for the same period of time beginning on the release date of the *Declaratory Ruling*. This is a summary of the Commission's *Public Notice*, DA 04-2061, released July 9, 2004. Annual reports required to be filed pursuant to the captioned telephone VCO service *Declaratory Ruling* should be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal mail). The Commission's contractor, Natek, Inc. will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications

Commission, 445 12th Street, SW., Room TW-B204, Washington, DC 20554. When filing annual reports, please reference CC Docket No. 98-67.

Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: [www.bcpiweb.com](http://www.bcpiweb.com) or call 1-800-378-3160.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb.dro>.

### Synopsis

As background, TRS, as mandated by Title IV of the Americans with Disabilities Act of 1990, makes the telephone system accessible to individuals with hearing or speech disabilities. See 47 U.S.C. 225. This is accomplished through TRS facilities that are staffed by specially trained CAs using special technology. The CA relays conversations between persons using various types of assistive communication devices and persons who do not require such assistive devices. On August 1, 2003, the Commission released the captioned telephone Voice Carry Over (VCO) service *Declaratory Ruling* finding that: (1) Captioned telephone VCO service is a type of TRS; (2) eligible providers of such service are eligible to recover their costs in accordance with section 225 of the Communications Act; (3) certain TRS mandatory minimum standards do not apply to the provision of captioned telephone VCO service; and (4) certain TRS mandatory minimum standards are waived for captioned telephone VCO service for certain time periods.

Federal Communications Commission.

### P. June Taylor,

Chief of Staff, Consumer & Governmental Affairs Bureau.

[FR Doc. 04-17238 Filed 7-27-04; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### 49 CFR Part 1

[Docket No. OST-1999-6189]

RIN 9991-AA41

### Organization and Delegation of Powers and Duties; Modification of Delegation to the Administrator, Research and Special Programs Administration, and Delegation of Authority to Director, Office of Intelligence and Security

**AGENCY:** Office of the Secretary of Transportation (OST), DOT.

**ACTION:** Final rule.

**SUMMARY:** The Secretary of Transportation (Secretary) modifies the currently delegated authority of the Administrator, Research and Special Programs Administration, to perform functions related to emergency preparedness and response vested in the Secretary and delegates authority to the Director of Intelligence and Security in the Office of the Secretary to review and coordinate the performance of these functions.

**DATES:** July 14, 2004.

**FOR FURTHER INFORMATION CONTACT:** David K. Tochen, Deputy Assistant General Counsel, Office of the Assistant General Counsel for Environmental, Civil Rights, and General Law, Department of Transportation, 400 Seventh Street, SW., Room 10102, Washington, DC 20590; Telephone: (202) 366-9153.

### SUPPLEMENTARY INFORMATION:

#### Availability of the Final Rule

An electronic copy of this document may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Boards Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov>. You can also view and download this document by going to the webpage of the Department's Docket Management System (<http://dms.dot.gov>). On that webpage, click on "search." On the next page, type in the four-digit docket number shown on the first page of this document. Then click on "search."

### Background

Title 49 of the Code of Federal Regulations (CFR), § 1.53(e), delegates to the Administrator of the Research and Special Programs Administration the authority to carry out functions and