

(d) *Failure to respond.* Where the Office of Foreign Assets Control receives no response to a prepenalty notice within the applicable time period set forth in paragraph (a) of this section, a penalty notice generally will be issued, taking into account the mitigating and/or aggravating factors present in the record. If there are no mitigating factors present in the record, or the record contains a preponderance of aggravating factors, the proposed prepenalty amount generally will be assessed as the final penalty.

(e) *Informal settlement.* In addition to or as an alternative to a written response to a prepenalty notice, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. However, the requirements set forth in paragraph (f) of this section as to oral communication by the representative must first be fulfilled. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent will not be required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the time limit specified in paragraph (a) of this section for written response to the prepenalty notice will remain in effect unless additional time is granted by the Office of Foreign Assets Control.

(f) *Representation.* A representative of the respondent may act on behalf of the respondent, but any oral communication with the Office of Foreign Assets Control prior to a written submission regarding the specific allegations contained in the prepenalty notice must be preceded by a written letter of representation, unless the prepenalty notice was served upon the respondent in care of the representative.

§ 592.604 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director shall notify the respondent in writing of that

determination and of the cancellation of the proposed monetary penalty.

(b) *Violation.* (1) If, after considering any written response to the prepenalty notice, or default in the submission of a written response, and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director is authorized to issue a written penalty notice to the respondent of the determination of the violation and the imposition of the monetary penalty.

(2) The penalty notice shall inform the respondent that payment or arrangement for installment payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice by the Office of Foreign Assets Control.

(3) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

(4) The issuance of the penalty notice finding a violation and imposing a monetary penalty shall constitute final agency action. The respondent has the right to seek judicial review of that final agency action in federal district court.

§ 592.605 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of the penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a federal district court.

Subpart G—Procedures

§ 592.701 Procedures.

For procedures relating to rulemaking and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

§ 592.702 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 13312 (FR vol. 68, No. 147, July 31, 2003) and any further Executive orders relating to the Clean Diamond Trade Act (Pub. L. 108-19)

may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart H—Paperwork Reduction Act

§ 592.801 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of the information collections relating to the recordkeeping and reporting requirements of §§ 592.301(a)(1), subpart C, § 592.501, subpart E, and 592.603, subpart F, see § 501.901 of this chapter. The information collection requirements in §§ 592.301(a)(3) and (a)(4), subpart C, have been approved by the OMB and assigned control numbers 1505-0198 and 0607-0152, respectively. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Dated: August 20, 2004.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: September 2, 2004.

Juan Zarate,

Assistant Secretary (Terrorist Financing), Department of the Treasury.

[FR Doc. 04-21329 Filed 9-20-04; 10:11 am]

BILLING CODE 4810-25-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA-191-1191; FRL-7812-5]

Approval and Promulgation of Air Quality Implementation Plans; Iowa Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is updating the materials submitted by Iowa that are incorporated by reference (IBR) into the state implementation plan (SIP). The regulations affected by this update have been previously submitted by the state agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register (OFR), Office of Air and Radiation Docket and Information Center, and the Regional Office.

DATES: This action is effective September 23, 2004.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, KS 66101; or at the EPA, Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460, or 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.

FOR FURTHER INFORMATION CONTACT: Evelyn VanGoethem at (913) 551-7659, or by e-mail at vangoethem.evelyn@epa.gov.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of Federal Register (OFR). The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On February 12, 1999, EPA published a document in the **Federal Register** (64 FR 7091) beginning the new IBR procedure for Iowa. In today's document EPA is updating the IBR material.

EPA is also making a minor correction to the table in § 52.820(c). On February 2, 1998 (63 FR 5269), EPA updated regulations for Linn County Health Department. The table is being updated to include information in the "Explanation" column that was inadvertently omitted. EPA is also making a minor correction to the table in § 52.820(d). On March 11, 1999 (64 FR 12090), EPA approved an administrative consent order for IES Utilities. The title of the order, which was identified as "98-AQ-20", is corrected to read "97-AQ-20."

On November 22, 1999 (64 FR 63694), paragraph (b) of § 52.824 Original identification of plan section was updated instead of paragraph (b) of § 52.820 Identification of plan section.

We are correcting paragraph (b) of § 52.824.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by updating citations.

Statutory and Executive Order Reviews

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. This action is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a good cause finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA.

This action also does 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), nor will it 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 also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This action does not involve technical standards; 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. The action also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). With this action, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of this action in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This action does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rules are discussed in previous actions taken on the State's rules.

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the Congressional Review Act if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. Today's action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs (5 U.S.C. 808(2)). As previously stated, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of September 23, 2004. 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 action is not a "major rule" as defined by 5 U.S.C. 804(2).

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Iowa SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA does not believe that this action reopens the 60-day period for filing such petitions for judicial review for these "Identification of plan" actions for Iowa.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 31, 2004.
William Rice,
Acting Regional Administrator, Region 7.
 ■ Chapter I, title 40, 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 Q—Iowa

■ 2. In § 52.820 paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 52.820 Identification of plan.

* * * * *
 (b) Incorporation by reference.
 (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 10, 2004, was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA

approval dates after August 10, 2004, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of August 10, 2004.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; or at the EPA, Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, NW (Mail Code 6102T), Washington, DC 20460; or 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.

(c) EPA-approved regulations.

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
Chapter 20—Scope of Title-Definitions-Forms-Rule of Practice				
567-20.1	Scope of Title	5/13/98	5/22/00, 65 FR 32031.	
567-20.2	Definitions	7/21/99	3/4/02, 67 FR 9593	The definitions for anaerobic lagoon, odor, odorous substance, and odorous substance, and source, are not SIP approved.
567-20.3	Air Quality Forms Generally	4/24/02	3/7/03, 68 FR 10971.	
Chapter 21—Compliance				
567-21.1	Compliance Schedule	3/14/90	6/29/90, 55 FR 26690.	
567-21.2	Variances	7/21/99	3/04/02, 67 FR 9593.	
567-21.3	Emission Reduction Program	3/14/90	6/29/90, 55 FR 26690.	
567-21.4	Circumvention of Rules	3/14/90	6/29/90, 55 FR 26690.	
567-21.5	Evidence Used in Establishing That a Violation Has or Is Occurring.	11/16/94	10/30/95, 60 FR 55198.	
Chapter 22—Controlling Pollution				
567-22.1	Permits Required for New or Existing Stationary Sources.	7/17/02	3/7/03, 68 FR 10971	Subrules 22.1(2), 22.1(2) "g," 22.1(2) "i" have a state effective date of 5/23/01.
567-22.2	Processing Permit Applications	4/9/97	6/25/98, 63 FR 34600.	
567-22.3	Issuing Permits	4/24/02	3/7/03, 68 FR 10971	Subrule 22.3(6) is not SIP approved.
567-22.4	Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD).	3/14/01	3/04/02, 67 FR 9593.	
567-22.5	Special Requirements for Nonattainment Areas.	7/21/99	3/04/02, 67 FR 9593.	
567-22.8	Permit by Rule	7/21/99	3/04/02, 67 FR 9593.	

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation	
567-22.105	Title V Permit Applications	11/16/94	10/30/95, 60 FR 55198	Only subparagraph (2)(5) is included in the SIP.	
567-22.200	Definitions for Voluntary Operating Permits.	10/18/95	4/30/96, 61 FR 18958.		
567-22.201	Eligibility for Voluntary Operating Permits.	4/24/02	3/7/03, 68 FR 10971.		
567-22.202	Requirement to Have a Title V Permit.	4/9/97	6/25/98, 63 FR 34601.		
567-22.203	Voluntary Operating Permit Applications.	10/14/98	3/04/02, 67 FR 9593.		
567-22.204	Voluntary Operating Permit Fees	12/14/94	4/30/96, 61 FR 18958.		
567-22.205	Voluntary Operating Permit Processing Procedures.	12/14/94	4/30/96, 61 FR 18958.		
567-22.206	Permit Content	10/18/95	4/30/96, 61 FR 18958.		
567-22.207	Relation to Construction Permits	12/14/94	4/30/96, 61 FR 18958.		
567-22.208	Suspension, Termination, and Revocation of Voluntary Operating Permits.	12/14/94	4/30/96, 61 FR 18958.		
567-22.300	Operating Permit by Rule for Small Sources.	4/24/02	3/7/03, 68 FR 10971		Subrule 22.300(7) "c" has a state effective date of 10/14/98.
Chapter 23—Emission Standards for Contaminants					
567-23.1	Emission Standards	10/14/98	5/22/00, 65 FR 32031		Subrules 23.1(2)–(5) are not SIP approved. Subrule 23.3(2) has a state effective date of 5/13/98. Subrule 23.3(3) "(d)" is not SIP approved. Subrule 23.4(10) is not SIP approved.
567-23.2	Open Burning	5/13/98	5/22/00, 65 FR 32031.		
567-23.3	Specific Contaminants	7/21/99	3/04/02, 67 FR 9593		
567-23.4	Specific Processes	7/21/99	3/04/02, 67 FR 9593		
Chapter 24—Excess Emissions					
567-24.1	Excess Emission Reporting	5/13/98	5/22/00, 65 FR 32031.		
567-24.2	Maintenance and Repair Requirements.	3/14/90	6/29/90, 55 FR 26690.		
Chapter 25—Measurement of Emissions					
567-25.1	Testing and Sampling of New and Existing Equipment.	4/24/02	3/7/03, 68 FR 10971.		
Chapter 26—Prevention of Air Pollution Emergency Episodes					
567-26.1	General	3/14/90	6/29/90, 55 FR 26690.		
567-26.2	Episode Criteria	3/14/90	6/29/90, 55 FR 26690.		
567-26.3	Preplanned Abatement Strategies ...	3/14/90	6/29/90, 55 FR 26690.		
567-26.4	Actions During Episodes	3/14/90	6/29/90, 55 FR 26690.		
Chapter 27—Certificate of Acceptance					
567-27.1	General	3/14/90	6/29/90, 55 FR 26690.		
567-27.2	Certificate of Acceptance	3/14/90	6/29/90, 55 FR 26690.		
567-27.3	Ordinance or Regulations	3/14/90	6/29/90, 55 FR 26690.		
567-27.4	Administrative Organization	3/14/90	6/29/90, 55 FR 26690.		
567-27.5	Program Activities	3/14/90	6/29/90, 55 FR 26690.		
Chapter 28—Ambient Air Quality Standards					
567-28.1	Statewide Standards	3/14/90	6/29/90, 55 FR 26690.		
Chapter 29—Qualification in Visual Determination of the Opacity of Emissions					
567-29.1	Methodology and Qualified Observer.	5/13/98	5/22/00, 65 FR 32031.		
Chapter 31—Nonattainment Areas					
567-31.1	Permit Requirements Relating to Nonattainment Areas.	2/22/95	10/23/97, 62 FR 55172.		

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
567–31.2	Conformity of General Federal Actions to the Iowa SIP or Federal Implementation Plan.	5/13/98	5/22/00, 65 FR 32031.	
Linn County				
Chapter 10	Linn County Code of Ordinance Providing for Air Quality Chapter 10.	3/7/97	2/2/98, 63 FR 5268	The following sections are not EPA-approved: 10.2, definition of federally enforceable; 10.4(1), 10.9(2), 10.9(3), 10.9(4), 10.11, and 10.15.
Polk County				
Chapter V	Polk County Board of Health Rules and Regulations Air Pollution Chapter V.	4/15/98, 10/4/00	1/9/04, 69 FR 1538	Article I, Section 5–2, definition of “variance”; Article VI, Sections 5–16(n), (o) and (p); Article VIII, Article IX, Sections 5–27(3) and (4); Article XIII, and Article XVI, Section 5–75(b) are not a part of the SIP.

(d) EPA-approved State source-specific orders/permits.

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(1) Archer-Daniels Midland Company.	90–AQ–10	3/25/91	11/1/91, 56 FR 56158.	
(2) Interstate Power Company	89–AQ–04	2/21/90	11/1/91, 56 FR 56158.	
(3) Grain Processing Corporation	74–A–015–S	9/18/95	12/1/97, 62 FR 63454.	
(4) Grain Processing Corporation	79–A–194–S	9/18/95	12/1/97, 62 FR 63454.	
(5) Grain Processing Corporation	79–A–195–S	9/18/95	12/1/97, 62 FR 63454.	
(6) Grain Processing Corporation	95–A–374	9/18/95	12/1/97, 62 FR 63454.	
(7) Muscatine Power and Water	74–A–175–S	9/14/95	12/1/97, 62 FR 63454.	
(8) Muscatine Power and Water	95–A–373	9/14/95	12/1/97, 62 FR 63454.	
(9) Monsanto Corporation	76–A–161S3	7/18/96	12/1/97, 62 FR 63454.	
(10) Monsanto Corporation	76–A–265S3	7/18/96	12/1/97, 62 FR 63454.	
(11) IES Utilities, Inc	97–AQ–20	11/20/98	3/11/99, 64 FR 12090	SO ₂ Control Plan for Cedar Rapids.
(12) Archer-Daniels-Midland Corporation.	SO ₂ Emissions Control Plan	9/14/98	3/11/99, 64 FR 12090	ADM Corn Processing SO ₂ Control Plan for Cedar Rapids.
(13) Linwood Mining and Minerals Corporation.	98–AQ–07	3/13/98	3/18/99, 64 FR 13346	PM ₁₀ control plan for Buffalo.
(14) Lafarge Corporation	98–AQ–08	3/13/98	3/18/99, 64 FR 13346	PM ₁₀ control plan for Buffalo.
(15) Holnam, Inc.	A.C.O. 1999–AQ–31	9/2/99	11/06/02, 67 FR 67565 ..	For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01.
(16) Holnam, Inc.	Consent Amendment to A.C.O. 1999–AQ–31.	5/16/01	11/06/02, 67 FR 67565 ..	For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01.
(17) Holnam, Inc.	Permits for 17–01–009, Project Nos. 99–511 and 00–468.	7/24/01	11/06/02, 67 FR 67565 ..	For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01.
(18) Lehigh Portland Cement Company.	A.C.O. 1999–AQ–32	9/2/99	11/06/02, 67 FR 67565 ..	For a list of the 41 permits issued for individual emission points see IDNR letters to Lehigh dated 7/24/01 and 2/18/02.

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(19) Lehigh Portland Cement Company.	Permits for plant No. 17-01-005, Project Nos. 99-631 and 02-037.	2/18/02	11/06/02, 67 FR 67565 ..	For a list of the 41 permits issued for individual emission points see IDNR letters to Lehigh dated 7/24/01 and 2/18/02.
(20) Blackhawk Foundry and Machine Company.	A.C.O. 03-AQ-51	12/4/2003	6/10/04, 69 FR 32456	Together with the permits listed below this order comprises the PM ₁₀ control strategy for Davenport, Iowa.
(21) Blackhawk Foundry and Machine Company.	Permit No. 02-A-116 (Cold Box Core Machine).	8/19/02	6/10/04, 69 FR 32456	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.
(22) Blackhawk Foundry and Machine Company.	Permit No. 02-A-290 (Wheelabrator #2 and Casting Sorting).	8/19/02	6/10/04, 69 FR 32456	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.
(23) Blackhawk Foundry and Machine Company.	Permit No. 02-A-291 (Mold Sand Silo).	8/19/02	6/10/04, 69 FR 32456	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.
(24) Blackhawk Foundry and Machine Company.	Permit No. 02-A-292 (Bond Storage).	8/19/02	6/10/04, 69 FR 32456	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.
(25) Blackhawk Foundry and Machine Company.	Permit No. 02-A-293 (Induction Furnace and Aluminum Sweat Furnace).	8/19/02	6/10/04, 69 FR 32456	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.
(26) Blackhawk Foundry and Machine Company.	Permit No. 77-A-114-S1 (Wheelabrator #1 & Grinding).	8/19/02	6/10/04, 69 FR 32456	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.
(27) Blackhawk Foundry and Machine Company.	Permit No. 84-A-055-S1 (Cupola ladle, Pour deck ladle, Sand shakeout, Muller, Return sand #1, Sand cooler, Sand screen, and Return sand #2).	8/19/02	6/10/04, 69 FR 32456	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.
(28) Blackhawk Foundry and Machine Company.	Permit No. 72-A-060-S5 (Cupola).	8/19/02	6/10/04, 69 FR 32457	Provisions of the permit that relate to pollutants other than PM ₁₀ are not approved by EPA as part of this SIP.

(e) The EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(1) Air Pollution Control Implementation Plan.	Statewide	1/27/72	5/31/72, 37 FR 10842.	
(2) Request for a Two Year Extension to Meet the NAAQS.	Council Bluffs	1/27/72	5/31/72, 37 FR 10842	Correction notice published 3/2/76.
(3) Revisions to Appendices D and G.	Statewide	2/2/72	5/31/72, 37 FR 10842	Correction notice published 3/2/76.
(4) Source Surveillance and Record Maintenance Statements.	Statewide	4/14/72	3/2/76, 41 FR 8960.	
(5) Statement Regarding Public Availability of Emissions Data.	Statewide	5/2/72	3/2/76, 41 FR 8960.	

EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(7) Letter Describing the Certificates of Acceptance for Local, Air Pollution Control Programs.	Linn County, Polk County ...	12/14/72	10/1/76, 41 FR 43407.	
(8) High Air Pollution Episode Contingency Plan.	Statewide	6/20/73	10/1/76, 41 FR 43407.	
(9) Summary of Public Hearing on Revised Rules Which Were Submitted on July 17, 1975.	Statewide	9/3/75	10/1/76, 41 FR 43407.	
(10) Air Quality Modeling to Support Sulfur Dioxide Emission Standards.	Statewide	3/4/77	6/1/77, 42 FR 27892.	
(11) Nonattainment Plans ...	Mason City, Davenport, Cedar Rapids, Des Moines.	6/22/79	3/6/80, 45 FR 14561.	
(12) Information on VOC Sources to Support the Nonattainment Plan.	Linn County	10/8/79	3/6/80, 45 FR 14561.	
(13) Information and Commitments Pertaining to Legally Enforceable RACT Rules to Support the Nonattainment Plan.	Linn County	11/16/79	3/6/80, 45 FR 14561.	
(14) Lead Plan	Statewide	8/19/80	3/20/81, 46 FR 17778.	
(15) Letter to Support the Lead Plan.	Statewide	1/19/81	3/20/81, 46 FR 17778.	
(16) Nonattainment Plans to Attain Secondary Standards.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	4/18/80	4/17/81, 46 FR 22372.	
(17) Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	9/16/80	4/17/81, 46 FR 22372.	
(18) Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	11/17/80	4/17/81, 46 FR 22372.	
(19) Schedule for Studying Nontraditional Sources of Particulate Matter and for Implementing the Results.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	6/26/81	3/5/82, 47 FR 9462.	
(20) Air Monitoring Strategy	Statewide	7/15/81	4/12/82, 47 FR 15583.	
(21) Letter of Commitment to Revise Unapprovable Portions of Chapter 22.	Statewide	5/14/85	9/12/85, 50 FR 37176.	
(22) Letter of Commitment to Submit Stack Height Regulations and to Implement the EPA's Regulations until the State's Rules Are Approved.	Statewide	4/22/86	7/11/86, 51 FR 25199.	
(23) Letter of Commitment to Implement the Stack Height Regulations in a Manner Consistent with the EPA's Stack Height Regulations with Respect to NSR/PSD Regulations.	Statewide	4/22/87	6/26/87, 52 FR 23981.	
(24) PM ₁₀ SIP	Statewide	10/28/88	8/15/89, 54 FR 33536.	

EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(25) Letter Pertaining to NO _x Rules and Analysis Which Certifies the Material Was Adopted by the State on October 17, 1990.	Statewide	11/8/90	2/13/91, 56 FR 5757.	
(26) SO ₂ Plan	Clinton	3/13/91	11/1/91, 56 FR 56158.	Correction notice published 1/26/93.
(27) Letter Withdrawing Variance Provisions.	Polk County	10/23/91	11/29/91, 56 FR 60924	
(28) Letter Concerning Open Burning Exemptions.	Statewide	10/3/91	1/22/92, 57 FR 2472.	
(29) Compliance Sampling Manual.	Statewide	1/5/93	5/12/93, 58 FR 27939.	
(30) Small Business Assistance Plan.	Statewide	12/22/92	9/27/93, 58 FR 50266.	
(31) Voluntary Operating Permit Program.	Statewide	12/8/94, 2/16/96, 2/27/96.	4/30/96, 61 FR 18958.	
(32) SO ₂ Plan	Muscatine	6/19/96, 5/21/97	12/1/97, 62 FR 63454.	
(33) SO ₂ Maintenance Plan	Muscatine	4/25/97	3/19/98, 63 FR 13343.	
(34) SO ₂ Control Plan	Cedar Rapids	9/11/98	3/11/99, 64 FR 12090.	
(35) PM ₁₀ Control Plan	Buffalo, Iowa	10/1/98	3/18/99, 64 FR 13346.	

■ 3. Section 52.824 is amended by revising paragraph (b) to read as follows:

§ 52.824 Original identification of plan section.

* * * * *

(b) The plan was officially submitted on January 27, 1972.

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[FR Doc. 04–21386 Filed 9–22–04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7817–6]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (“EPA” or “the Agency”) in determining which sites warrant further

investigation. These further investigations will allow EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds two new sites to the NPL; both to the General Superfund Section of the NPL.

DATES: Effective Date: The effective date for this amendment to the NCP shall be October 25, 2004.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see section II, “Availability of Information to the Public” in the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Yolanda Singer, phone (703) 603–8835, State, Tribal and Site Identification Branch; Assessment and Remediation Division; Office of Superfund Remediation and Technology Innovation (mail code 5204G); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue, NW; Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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