

who themselves melt the recovered aluminum.

If we were to construe the definition in any other way, this would permit other sources to evade the applicability of emission controls required by the rule by merely moving those operations which melt the recovered secondary aluminum to another site. This result would violate our established requirement that sources may not fragment an operation in order to avoid regulation under an applicable standard. See 40 CFR 63.4(b)(3). We decline to construe the definitions in subpart RRR in a manner which would allow secondary aluminum production facilities to fragment their operations to evade emission control requirements.

Based on this analysis, we conclude that the delamination chambers operated by the U.S. Granules Plymouth and Henrietta facilities, and any similar secondary aluminum operations which may be conducted now or in the future at other sources, are governed by subpart RRR. Although this interpretative rule will take effect on November 1, 2004, we note that subpart RRR itself is already in effect. That is why the letters that we sent to U.S. Granules vacating the two previous conflicting applicability determinations stated that, if we were to adopt a construction of subpart RRR resulting in a new positive applicability determination for the affected facilities, we would afford U.S. Granules a reasonable period to undertake any activities required to come into compliance or to establish continued compliance with subpart RRR. Consequently, U.S. Granules will be required to comply with subpart RRR within 240 days of the effective date of this Interpretative Rule.

### III. Other Review Requirements

Under Executive Order 12866, (58 FR 51736, October 4, 1993), this interpretative rule is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget.

Section 553(b)(3)(A) of the Administrative Procedure Act provides that interpretative rules are not subject to notice-and-comment requirements under the Administrative Procedure Act. Interpretative rules which do not involve the internal revenue laws of the United States are not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because notice-and-comment requirements do not apply to this interpretative rule, this rule is also not subject to sections 202 and 205 of the

Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532 and 1535).

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 interpretative rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This interpretative rule will not have significant 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 interpretative rule is also 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. This interpretative rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

In issuing this interpretative rule, 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). The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the interpretative rule 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 interpretative 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.*). Our compliance with statutes and Executive Orders in promulgating the rule which is interpreted herein (40 CFR part 63, subpart RRR) is discussed in the **Federal Register** notice concerning the original promulgated rule (63 FR 15690, March 23, 2000), and in the **Federal Register** notice concerning subsequent amendments to that rule (67 FR 79808, December 30, 2002).

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. We have established an effective date of November 1, 2004. The 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).

Dated: August 18, 2004.

**Thomas V. Skinner,**

*Acting Assistant Administrator, Office of Enforcement and Compliance Assurance.*

[FR Doc. 04-22084 Filed 9-30-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7822-7]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion for the Dubose Oil Products Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Dubose Oil Products Site in Cantonment, Florida, from the National Priorities List (NPL), which is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA requests comments on this deletion. The EPA and the State have determined that all appropriate Fund-financed responses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, the EPA and the State have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment. However, this deletion does not preclude future actions under Superfund.

**DATES:** Effective October 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Caroline Robinson, Remedial Project Manager, U.S. Environmental Protection

Agency, Region 4, South Site Management Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30365, (404) 562-8930.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Dubose Oil Products Superfund Site, Cantonment, Florida.

A Notice of Intent to Delete for this site was published August 4, 2004, 69 FR 47072. The closing date for comments on the notice of Intent to Delete was September 3, 2004. The EPA received no comments.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 23, 2004.

**J. I. Palmer, Jr.,**

*Regional Administrator, Region 4.*

■ For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

■ 2. Table 1 of Appendix B to Part 300 is amended by removing the site Dubose Oil Products Superfund Site, Cantonment, Florida.

[FR Doc. 04–22083 Filed 9–30–04; 8:45 am]

**BILLING CODE 6560–50–U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[FCC 04–150]

#### Schedule of Charges for Application Fees; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a correction to the final rule, which was published in the *Federal Register* of Wednesday, July 7, 2004 (69 FR 41130). The final rule related to the Amendment of the Schedule of Application Fees.

**DATES:** Effective on October 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Claudette E. Pride, 202–418–1995; E-mail: *Claudette.Pride@fcc.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Background

The final rule that is the subject of these corrections amends the Schedule of Applications Fees, 47 CFR 1.1102 *et seq.*, to adjust its fees for processing applications and other filings. Section 8(b) of the Communications Act, as amended, requires that the Commission review and adjust its application fees every two years after October 1, 1991.

##### Need for Correction

As published, the final rule contains an error which provides the wrong fee amount and payment type code for a license to operate a direct broadcast satellite in § 1.1107, Schedule of Charges for Applications and Other Filings for the International Service.

#### List of Subjects in 47 CFR Part 1

Practice and procedure.

■ Accordingly, 47 CFR part 1 is corrected by making the following correcting amendment:

#### PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

##### § 1.1107 [Amended]

■ 2. In § 1.1107, in column 11.c., the fee amount is revised to read: “\$28,920.00”. Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 04–21086 Filed 9–30–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04–2908, MB Docket No. 03–144, RM–10733, RM–10788, RM–10789]

#### Radio Broadcasting Services; Breckenridge, Crawford, Eagle, Fort Morgan, Greenwood Village, and Gunnison, CO; Laramie, WY; Loveland, Olathe and Strasburg, CO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document denies a petition filed by Dana J. Puopolo requesting the allotment of Channel 299C3 at Gunnison, Colorado. *See* 68 FR 42663, published July 18, 2003. This document also denies a petition jointly filed by Lenora Alexander, former licensee of FM Station KAGM, KAGM Joint Venture, proposed licensee of Station KAGM, and On-Air Family, LLC, licensee of Station KBRU–FM proposing the reallocation of Channel 272A from Strasburg to Greenwood Village, Colorado, as its first local service, among other changes in Fort Morgan, Breckenridge, Eagle, and Loveland, Colorado and Laramie, Wyoming. This document also grants a counterproposal filed by Mayflower-Crawford Broadcasting requesting the allotment of Channel 272C2 at Crawford, Colorado, as its first local service. *See* **SUPPLEMENTARY INFORMATION.**

**DATES:** Effective November 5, 2004.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Report and Order*, MB Docket No. 03–144 adopted September 15, 2004, and released September 20, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission’s Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20054, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>. The Commission will send a copy of the Report and Order in this proceeding in a report to