

#### H. Where Are the Revised State Rules Different From the Federal Rules?

In this authorization of the Fourth Program Revision for the State of Nebraska there are no provisions that are more stringent or broader in scope. Broader in scope requirements are not part of the authorized program and the EPA cannot enforce them.

#### I. Who Handles Permits After the Authorization Takes Effect?

Nebraska will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits which were issued prior to the effective date of this authorization. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Nebraska is not yet authorized.

#### J. What Is Codification and Is the EPA Codifying Nebraska's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the CFR. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart CC for this authorization of Nebraska's program changes until a later date.

#### K. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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.*). Because this action authorizes preexisting 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). For the same reason, this action also does not significantly or

uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will 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), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule 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.

Under RCRA 3006(b), the EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the 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 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.*).

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. The EPA will submit a report containing this document 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 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).

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 2, 2004.

**William Rice,**

*Acting Regional Administrator, Region 7.*

[FR Doc. 04-22252 Filed 10-1-04; 8:45 am]

**BILLING CODE 6560-50-P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### 42 CFR Part 71

#### Foreign Quarantine

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Amendment of February 4, 2004, order to embargo bird and bird products imported from Malaysia.

**SUMMARY:** On February 4, 2004, the Centers for Disease Control and Prevention (CDC) issued an order immediately banning the import of all birds (Class: *Aves*) from specified Southeast Asian countries, subject to limited exemptions for pet birds and certain bird-derived products. CDC took this step because birds from these countries potentially can infect humans with avian influenza (Influenza A (H5N1)). The February 4 order complemented a similar action taken by the U.S. Department of Agriculture (USDA), Animal and Plant Health

Inspection Service (APHIS). On March 10, 2004, CDC lifted the embargo of birds and bird products from Hong Kong Special Administrative Region because of the documented public health and animal health measures taken by Hong Kong officials to prevent spread of the outbreak within Hong Kong and the absence of avian influenza cases in Hong Kong's domestic and wild bird populations. APHIS took a similar action. CDC and APHIS are now imposing an embargo on birds and bird products from Malaysia because of the documented cases of Influenza A (H5N1) in poultry in Malaysia. All other portions of the February 4, 2004, order and March 10, 2004, amendment remain in effect until further notice.

**DATES:** This action is effective on September 28, 2004 and will remain in effect until further notice.

**FOR FURTHER INFORMATION CONTACT:** Paul Arguin, National Center for Infectious Diseases, Centers for Disease Control and Prevention, Mailstop C-14, 1600 Clifton Road, Atlanta, GA 30330, telephone, 404-498-1600.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 19, 2004, the Office of International Epizootics (OIE), an international organization that reports the occurrence of animal diseases detected worldwide, listed Malaysia among the countries in which an outbreak of avian influenza was occurring. According to the OIE emergency report, there was a laboratory-confirmed report of H5N1 influenza virus on one farm in Malaysia at Kelantan State, Tumpat district, Pasir Pekan village. The initial flock of village chickens consisted of 60 birds of mixed ages, reared free range. Within a 1-km radius of the affected flock there are another 103 village chickens, 62 birds of mixed species and 8 ducks (173 birds total). On September 9, 2004, OIE reported a second laboratory-confirmed occurrence of H5N1 influenza in a flock of birds located in an area 5 kilometers from the previously infected flock. The susceptible avian population within the village included 1,608 chickens, 68 bantam chickens, 4 turkeys, 93 ducks, 9 geese, 60 quail, and 193 other species (2,035 birds total).

The government of Malaysia has instituted a number of control measures, including depopulation of poultry and birds within a one-kilometer radius of the infective flock; quarantine and clinical surveillance within a 10-kilometer radius of the infected flock; and restrictions on the movement of

birds and their products to other states within Malaysia.

Introduction of influenza A (H5N1)-infected birds into the United States could lead to outbreaks of disease in the human population, a significant public health threat. Banning the importation of all avian species from affected countries, including Malaysia, is an effective means of limiting this threat. CDC is therefore taking this action to reduce the chance of introduction or spread of influenza A (H5N1).

**Immediate Action**

Therefore, pursuant to 42 CFR 71.32(b), the February 4, 2004, order is amended to add Malaysia to the list of countries subject to that order's embargo of birds and products derived from birds (including hatching eggs). All other portions of the February 4, 2004 order (69 FR 7165, Feb. 13, 2004) and the March 10, 2004 amendment (69 FR 12975, Mar. 19, 2004) shall remain in effect until further notice.

**Julie Louise Gerberding,**

*Director, Centers for Disease Control and Prevention.*

[FR Doc. 04-22258 Filed 10-1-04; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 0, 1, and 54**

[CC Docket No. 02-6; FCC 04-190]

**Schools and Libraries Universal Service Support Mechanism**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, correction.

**SUMMARY:** This document corrects an error in the dates and final rules sections of a **Federal Register** document regarding the Commission adopting measures to protect against waste, fraud, and abuse in the administration of the schools and libraries universal service support mechanism. In addition, the Commission resolved a number of issues that have arisen from audit activities conducted as part of ongoing oversight over the administration of the universal service fund, and the Commission addressed programmatic concerns raised by our Office of Inspector General. The summary was published in the **Federal Register** on September 13, 2004.

**DATES:** Effective October 4, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Schneider, Attorney, Telecommunications Access Policy

Division, Wireline Competition Bureau, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This summary contains a correction to the dates and final rules sections of a **Federal Register** summary, 69 FR 55097 (September 13, 2004). The full text of the Commission's Fifth Report and Order and Order in CC Docket No. 02-6, FCC 04-190 released on August 13, 2004 is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC 20554.

■ In rule FR Doc. 04-20363 published September 13, 2004 (69 FR 55097) make the following corrections.

■ 1. On page 55097, in the second column, in the dates section, remove "54.504(f)" and add in its place "54.504(h)."

**PART 54—[CORRECTED]**

■ 2. On page 55109, in the third column, in paragraph 8, third line, remove "(f)" and add in its place "(h)."

**§ 54.504 [Corrected]**

■ 3. On page 55110, in the third column, in the twentieth line, remove "(f)" and add in its place "(h)."

■ 4. On page 55110, in the third column, in paragraph 9, remove "E" and add in its place "F."

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04-22228 Filed 10-1-04; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 101**

[ET Docket No. 98-206; RM-9147; RM-9245; DA 04-3007]

**Amendment of the Commission's Rules Governing Multichannel Video Distribution and Data Service in the 12.2-12.7 GHz Band**

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendment.

**SUMMARY:** On April 11, 2002, the Commission adopted rules to establish technical, service and licensing rules governing Multichannel Video Distribution and Data Service (MVDDS) in the 12 GHz band. Because an error was made in the final rules, this document contains correcting amendments to the final rules that were published in the **Federal Register**.