

## PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

■ 3. The authority citation for 21 CFR part 556 continues to read as follows:

**Authority:** 21 U.S.C. 342, 360b, 371.

■ 4. Section 556.286 is amended by revising the section heading; by revising paragraph (b); and by adding paragraph (c) to read as follows:

### § 556.286 Flunixin.

\* \* \* \* \*

(b) *Tolerances*—(1) *Cattle*. The tolerance for flunixin free acid (the marker residue) is:

(i) *Liver (the target tissue)*. 125 parts per billion (ppb).

(ii) *Muscle*. 25 ppb.

(iii) *Milk*. 2 ppb.

(2) [Reserved]

(c) *Related conditions of use*. See § 522.970 of this chapter.

Dated: September 27, 2004.

Stephen D. Vaughn,

Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 04-22606 Filed 10-7-04; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 151

[USCG-2002-14273]

RIN 1625-AA52

### Mandatory Ballast Water Management Program for U.S. Waters; Corrections

**AGENCY:** Coast Guard, DHS.

**ACTION:** Correcting amendments.

**SUMMARY:** The Coast Guard is correcting a final rule that appeared in the **Federal Register** of July 28, 2004 (69 FR 44952). The final rule requires mandatory ballast water management practices for all vessels equipped with ballast water tanks bound for ports or places within the U.S. or entering U.S. waters. These grammatical corrections clarify the final rule.

**DATES:** This correction is effective on July 28, 2004.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call Mr. Bivan Patnaik, Project Manager, Environmental Standards Division, Coast Guard, telephone 202-267-1744, email: [bpatnaik@comdt.uscg.mil](mailto:bpatnaik@comdt.uscg.mil). If you have questions on viewing the docket, call Ms. Andrea M. Jenkins, Program

Manager, Docket Operations, telephone 202-366-0271.

### SUPPLEMENTARY INFORMATION:

#### Need for Correction

As published, the final rule contain errors which may prove to be misleading and therefore need to be clarified.

#### List of Subjects in 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

■ Accordingly, 33 CFR part 151 is corrected by making the following correcting amendments:

## PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

### Subpart D—Ballast Water Management for Control of Nonindigenous Species in Waters of the United States

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

**Authority:** 16 U.S.C. 4711; Department of Homeland Security Delegation No. 0170.1.

#### § 151.2035 [Corrected]

■ 2. In § 151.2035(b)(2), add the word “or” after the semicolon. In paragraph (b)(3), replace the semi-colon with a period.

Dated: September 28, 2004.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security & Environmental Protection.

[FR Doc. 04-22721 Filed 10-7-04; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7849]

### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on

the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**DATES:** The effective date of each community's suspension is the third date (“Susp.”) listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Mike Grimm, Mitigation Division, 500 C Street, SW.; Room 412, Washington, DC 20472, (202) 646-2878.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of

the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since

these notifications have been made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the

Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

*Executive Order 12612, Federalism.* This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

*Executive Order 12778, Civil Justice Reform.* This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/ cancellation of flood insurance in community	Current effective map date	Date Certain Federal assistance no longer available in special flood hazard areas
<b>Region IV</b>				
North Carolina:				
Camden County, Unincorporated Areas.	370042	May 14, 1974, Emerg. Dec. 4, 1985, Reg. Oct. 5, 2004, Susp.	Oct. 5, 2004 .....	Oct. 5, 2004.
Hertford, Town of, Perquimans County	370188	Apr. 8, 1974, Emerg. July 3, 1985, Reg. Oct. 5, 2004, Susp.	.....do .....	Do.
Perquimans County, Unincorporated Areas.	370315	Oct. 21, 1981, Emerg. July 3, 1985, Reg. Oct. 5, 2004, Susp.	.....do .....	Do.
Winfall, Town of Perquimans County ....	370345	Nov. 5, 1992, Emerg. Nov. 5, 1992, Reg. Oct. 5, 2004, Susp.	.....do .....	Do.

\* Do =Ditto.

Code for reading third column: Emerg;—Emergency; Reg;—Regular; Susp.—Suspension.

Dated: September 29, 2004.

**David I. Maurstad,**

*Acting Mitigation Division Director,  
Emergency Preparedness and Response  
Directorate.*

[FR Doc. 04-22679 Filed 10-7-04; 8:45 am]

BILLING CODE 9110-12-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket Nos. 04-53 and 02-278; FCC  
04-194]

#### Rules and Regulations Implementing the Controlling the Assault of Non- Solicited Pornography and Marketing Act of 2003; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Correction

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On September 16, 2004 (69 FR 55765), the Commission published final rules in the **Federal Register** to implement the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act). These rules apply to the sending of commercial messages to addresses referencing an Internet domain name associated with wireless subscriber messaging services. This document corrects the subpart heading and adds the authority citation for the Commission's rules.

**DATES:** Effective October 8, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ruth Yodaiken, of the Consumer & Governmental Affairs Bureau at (202) 418-2512 (voice), (202) 418-0416 (TTY), or e-mail [Ruth.Yodaiken@fcc.gov](mailto:Ruth.Yodaiken@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission published a document amending part 64 in the **Federal Register** on September 16, 2004, (69 FR 55765). This document corrects the "Rule Changes" section of the **Federal Register** summary as it appeared. In rule FR Doc. 04-20901 published on September 16, 2004 (69 FR 55765) make the following corrections:

#### PART 64—[CORRECTED]

■ 1. On page 55779, in the second column, amendatory instruction no. 2, Subpart heading BB is corrected to read as follows:

#### Subpart BB—Restrictions on Unwanted Mobile Service Commercial Messages

■ 2. On page 55779, in the second column the authority citation for Subpart BB is added to read as follows:

**Authority:** 15 U.S.C. 7701-7713, Public Law 108-187, 117 Stat. 2699.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04-22495 Filed 10-7-04; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CG Docket No. 02-278; FCC 04-204]

#### Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the rules implementing the Telephone Consumer Protection Act (TCPA) to establish a limited safe harbor period from the prohibition on placing autodialed or prerecorded message calls to wireless numbers that have been recently ported from wireline to wireless service. This document also amends our existing safe harbor rules for the national do-not-call registry so that telemarketers are required to access the do-not-call list no more than 31 days prior to making a telemarketing call.

**DATES:** Effective November 8, 2004, except the amendment to 47 CFR 64.1200(c)(2)(i)(D) of the Commission's rules, which contains information collection requirements under the Paperwork Reduction Act (PRA) that are not effective until approved by the Office of Management and Budget. Written comments by the public on the new or modified information collections are due November 8, 2004. The Commission will publish a document in the **Federal Register** announcing the effective date for that section.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Office of the Secretary, a copy of any comments on the Paperwork Reduction Act (PRA) information collection requirements contained herein should be submitted to Leslie Smith, Federal Communications Commission, Room 1-A804, 445 12th

Street, SW., Washington, DC 20554, or via the Internet to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov), and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to [Kristy.L.LaLonde@omb.eop.gov](mailto:Kristy.L.LaLonde@omb.eop.gov) or by fax to 202-395-5167.

#### FOR FURTHER INFORMATION CONTACT:

Erica McMahon or Richard Smith, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418-2512. For additional information concerning the PRA information collection requirements contained in this document, contact Les Smith at 202-418-0217 or via the Internet at [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, CG Docket No. 02-278, FCC 04-204, adopted August 25, 2004, and released September 21, 2004. The *Order* contains new or modified information collection requirements subject to the PRA of 1995, Public Law 104-13. These will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. The *Order* addresses issues arising from *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Further Notice of Proposed Rulemaking, (2004 TCPA Further Notice), CG Docket No. 02-278, FCC 04-52, 19 FCC Rcd 5056, March 19, 2004; published at 69 FR 16873, March 31, 2004. 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, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may 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 its Web site: <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). The *Order* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>.