

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 in 5 U.S.C. 804(2). This action will be effective immediately upon today's publication in the **Federal Register**.

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

List of Subjects in 40 CFR Part 271

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

Authority: RCRA sections 2002 and 3006, 42 U.S.C. 6912 and 6926.

Dated: September 4, 2004.

Robert W. Varney,

Regional Administrator, EPA New England.
[FR Doc. 04-21495 Filed 9-27-04; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 493

Laboratory Requirements

CFR Correction

In Title 42 of the Code of Federal Regulations, Part 430 to End, revised as of October 1, 2003, on page 1027, in § 493.945, in the table in paragraph (b)(3)(ii)(C), the entry in row D, column B is corrected to read – 5.

[FR Doc. 04-55517 Filed 9-27-04; 8:45 am]

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15, 76 and 78

[MB Docket No. 03-50; FCC 04-75]

Extend Interference Protection to the Marine and Aeronautical Distress and Safety Frequency 406.025 MHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission adopts rules that extend interference protection to all of the

international digital search and rescue frequencies in the 406 MHz band. These frequencies are used to detect and locate emergency position indicating radio beacons (EPIRBs) and emergency locator transmitters (ELTs) in the event of an emergency. Previously, the Commission extended protection to the analog search and rescue frequencies at 121.5 and 243.0 MHz. Digital beacons are said to be more effective and give off fewer false alerts than analog beacons. As digital beacons become increasingly popular, the need to protect them becomes more important. This Report and Order protects these newer digital beacons from interference from cable systems. At the same time, this Report and Order avoids placing undue burden on the cable operators by providing a new digital measurement technique for systems with digital channels. In addition, this document streamlines and cleans up our rules by removing some outdated rules and correcting others to maintain consistency through the different rule parts.

DATES: Effective October 28, 2004. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of October 28, 2004.

FOR FURTHER INFORMATION CONTACT:

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sarah.mahmood@fcc.gov, (202) 418-7009 of the Engineering Division, Media Bureau. For additional information concerning the information collection(s) contained in this document, contact Leslie Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554, or via the Internet at *Leslie.Smith@fcc.gov*, or at 202-418-0217.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Report and Order, FCC 04-75, adopted on March 30, 2004 and released on April 14, 2004. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at *Brian.Millin@fcc.gov*.

Paperwork Reduction Act

The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new or modified reporting and recordkeeping requirements or burdens on the public.

Summary of the Report and Order

1. In the *Report and Order* the Commission is adopting measurement techniques that both protect safety of life and permit the operation of analog and digital cable systems. By further defining the measurement techniques for digital signals to protect EPIRBs and ELTs, cable operators with digital cable systems will be able to deploy new digital services without undue power limitations on cable channel 54. By extending interference protection to all frequencies in the COSPAS-SARSAT 406 MHz Management Plan, the Commission is protecting all current beacon models as well as known future beacon models. These modifications will protect public safety interests while adapting to changes in digital technology.

2. Digital cable systems must limit their average power levels between 405.925 MHz and 406.176 MHz to 10^{-5} watts, measured using an RMS detector, over any 30 kHz bandwidth in any 2.5 millisecond interval. This rule is tailored specifically for the protection of EPIRBs and ELTs only. Should the Commission adopt measurement standards for digital cable signals in the broader context in the future, we will consider the full set of parameters surrounding digital signals. Analog signals, however, are prohibited from delivering peak power levels equal to or greater than 10^{-5} watts from 405.925 MHz to 406.176 MHz.

3. *Paperwork Reduction Act:* The action contained in this *Report and Order* has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new or modified reporting and recordkeeping requirements or burdens on the public.

4. *Final Regulatory Flexibility Analysis:* As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice. The Commission sought written public comments on the possible significant economic impact of the proposed policies and rules on small entities in the Notice, including comments on the IRFA. Pursuant to the RFA, a Final Regulatory Flexibility Analysis is contained herein.

5. *Ordering Clauses:* Accordingly, *it is ordered* that, pursuant to authority