

in child pornography, or facilitate any other crime relating to the sexual exploitation of children.

Burglary of Post Office, \$10,000. Breaking into, or attempting to break into, a post office, station, branch, or building used wholly or partially as a post office, or any building or area in a building where the business of the Postal Service is conducted, with intent to commit a larceny or other depredation therein.

Offenses Involving Postal Money Orders, \$10,000. Theft or possession of stolen postal money orders or any Postal Service equipment used to imprint money orders; or altering, counterfeiting, forging, unlawful uttering, or passing of postal money orders.

Theft, Possession, Destruction, or Obstruction of Mail, \$10,000. Theft or attempted theft of any mail, or the contents thereof, or the theft of money or any other property of the United States under the custody and control of the United States Postal Service from any custodian, postal vehicle, railroad depot, airport, or other transfer point, post office or station or receptacle or depository established, approved, or designated by the Postmaster General for the receipt of mail; or destroying, obstructing, or retarding the passage of mail, or any carrier or conveyance carrying the mail.

Workers' Compensation Fraud, \$10,000. Defrauding the Workers' Compensation Program by any current or former postal employee.

Related Offenses

The United States Postal Service also offers rewards as stated above for information and services leading to the arrest and conviction of any person: (1) For being an accessory to any of the above crimes; (2) for receiving or having unlawful possession of any mail, money or property secured through the above crimes; and (3) for conspiracy to commit any of the above crimes.

General Provisions

1. The Postal Inspection Service investigates the above described crimes. Information concerning the violations, requests for applications for rewards, and written claims for rewards should be furnished to the nearest Postal Inspector. The written claim for reward payment must be submitted within six months from the date of conviction of the offender, or the date of formally deferred prosecution or the date of the offender's death, if killed in committing a crime or resisting lawful arrest for one of the above offenses.

2. The amount of any reward will be based on the significance of services rendered, character of the offender, risks and hazards involved, time spent, and expenses incurred. Amounts of rewards shown above are the maximum amounts which will be paid.

3. The term "custodian" as used herein includes any person having lawful charge, control, or custody of any mail matter, or any money or other property of the United States under the control and jurisdiction of the United States Postal Service.

4. The Postal Service reserves the right to reject a claim for reward where there has been collusion, criminal involvement, or improper methods have been used to effect an arrest or to secure a conviction. It has the right to allow only one reward when several persons were convicted of the same offense, or one person was convicted of several of the above offenses. Postal employees are not eligible to receive a reward for the offenses listed above, other than Workers' Compensation fraud. Employees assigned to the Postal Inspection Service, the General Counsel's office, and those who manage or administer the Injury Compensation Program are not eligible to receive rewards.

5. Other rewards not specifically referred to in this notice may be offered upon the approval of the Chief Postal Inspector (39 U.S.C. 404(a)(8)).

Stanley F. Mires,
Chief Counsel, Legislative.

[FR Doc. 04-6886 Filed 3-26-04; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-90-200322(a); FRL-7640-6]

Approval and Promulgation of Implementation Plans, Florida: Tampa Bay Area Maintenance Plan Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to the State Implementation Plan (SIP) submitted by the Florida Department of Environmental Protection (FDEP) on December 20, 2002. This SIP revision satisfies the requirement of the Clean Air Act (CAA) as amended in 1990 for the second 10-year update for the Tampa Bay area (Hillsborough and Pinellas Counties) 1-hour ozone maintenance plan. For transportation

purposes, EPA is also finalizing its adequacy determination of the new Motor Vehicle Emissions Budgets (MVEBs) for the year 2015. EPA has determined that the MVEBs for the year 2015 contained in this SIP revision are adequate for transportation conformity purposes.

DATES: This direct final rule is effective May 28, 2004, without further notice, unless EPA receives adverse comment by April 28, 2004. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be submitted by mail to: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in sections V.B.1. through 3. of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Air, Pesticides & Toxics Management Division, Air Planning Branch, Regulatory Development Section, U.S. Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Mr. Lakeman's phone number is (404) 562-9043. He can also be reached via electronic mail at lakeman.sean@epa.gov or Lynora Benjamin, Air, Pesticides & Toxics Management Division, Air Planning Branch, Air Quality Modeling & Transportation Section, U.S. Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Ms. Benjamin's phone number is (404) 562-9040. She can also be reached via electronic mail at benjamin.lynora@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality maintenance plan is a requirement of the 1990 CAA for nonattainment areas that come into compliance with the national ambient air quality standard (NAAQS). The Tampa Bay area (Hillsborough and Pinellas Counties) was not in compliance with the 1-hour ozone air quality standard until 1990, when air quality measurements showed compliance with the standard. The State subsequently requested that EPA redesignate these counties as

attainment/maintenance for the 1-hour ozone standard. Included with this request was a 10-year air quality maintenance plan covering the years 1995 to 2005. This plan was developed in accordance with the appropriate guidelines. The EPA published approval of this plan on December 7, 1995, with an effective date of February 6, 1996 (60 FR 62748).

Subsequent revisions to this maintenance plan have been made. The current plan was approved by EPA on August 15, 2002, and became effective on October 15, 2002 (66 FR 53314).

FDEP revised the original plan to update emissions inventories reflecting more accurate emission estimates, to define specific MVEBs, and to remove emissions reduction credits attributable to the motor vehicle inspection program (MVIP) (67 FR 53314).

II. Analysis of State's Submittal

On December 20, 2002, the FDEP submitted revisions to Florida's SIP to provide a 10-year update to the maintenance plan as required by section 175A(b) of the CAA as amended in 1990. The underlying strategy of the

maintenance plan is to maintain compliance with the 1-hour ozone standard by assuring that current and future emissions of Volatile Organic Compound (VOC) and Nitrogen Oxide (NO_x) remain at or below attainment year emission levels. The estimated emissions of ozone precursors (*i.e.*, VOC and NO_x) for the two counties for the Tampa Bay area during the 1990 ozone season are provided in the following table. Projected VOC and NO_x emissions for 2005 and 2015 are also provided.

VOLATILE ORGANIC COMPOUNDS

[tons per day]

VOC	Category	1990 base year	2005	2015
Hillsborough	Stationary Point	11	9.3	10.7
	Stationary Area	49.4	67.4	79.1
	On-Road Mobile	100.8	42.9	23.6
	Non-Road Mobile	28.7	21.4	16.5
	Biogenic	165.2	165.2	165.2
Total	n/a	355.1	306.2	295.1
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	48.9	60
Pinellas	Stationary Point	6.7	3.6	4.4
	Stationary Area	50.8	44.6	51.8
	On-Road Mobile	76.9	24.6	12.3
	Non-Road Mobile	24.1	17.9	13.9
	Biogenic	25.9	25.9	25.9
Total	n/a	184.4	116.6	108.3
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	67.8	76.1
Overall Total	n/a	539.5	422.8	403.4
Total Safety Margin	n/a	n/a	116.7	136.1

NITROGEN OXIDE

[tons per day]

NO _x	Category	1990 base year	2005	2015
Hillsborough	Stationary Point	300.7	40.4	40.7
	Stationary Area	1.3	3.2	3.6
	On-Road Mobile	89	73.4	30.3
	Non-Road Mobile	38.2	43.4	35.5
	Biogenic	1.6	1.6	1.6
Total	n/a	430.8	162	111.7
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	268.8	319.1
Pinellas	Stationary Point	19.1	22.4	24.5
	Stationary Area	8.7	3.5	3.8
	On-Road Mobile	67.9	42	15.8
	Non-Road Mobile	20.3	24.2	19.8
	Biogenic	0.2	0.2	0.2
Total	n/a	116.2	92.3	64.1
Safety Margin	Calculated as 1990 base-year minus projected year total.	n/a	23.9	52.1
Overall Total	n/a	546.9	254.3	175.8
Total Safety Margin	n/a	n/a	292.7	371.2

This SIP revision satisfies the requirement of the CAA for the second 10-year update for the Tampa Bay area 1-hour ozone maintenance plan. Changes to the current maintenance plan include revisions to the emissions inventory for both on-road and non-road mobile sources, reflecting improved methodologies contained in the MOBILE6 and NONROAD emission models. New emissions data for both the base year (1990 attainment year) and the projected years (2005 and 2015) are calculated.

III. Finalization of MVEBs Adequacy Determination for Transportation Conformity Purposes

The second 10-year update for the Tampa Bay area 1-hour ozone maintenance plan also contains updated MVEBs in support of the transportation conformity process. These updated MVEBs are defined for VOC and NO_x for each county in the Tampa Bay maintenance area. The updated budgets for 2005 replace the previous MVEBs contained in the first maintenance plan, which were based on an older emissions estimate using MOBILE5 emission factors for on-road motor vehicles. Additionally, this maintenance plan update provides new MVEBs for the year 2015.

The availability of the SIP with MVEBs for 2015 was placed on EPA's adequacy web page on January 7, 2003. No request for this SIP submittal or adverse comments were received by the end of the public comment period on February 7, 2003. In this action, EPA finds the 2015 MVEBs adequate for transportation conformity, and is approving the MVEBs for 2005 and 2015. Note, since the 2005 MVEB are replacing existing 2005 MVEBs, these budgets are not subject to EPA's adequacy process. This is because EPA generally will not review the adequacy of a budget from a submitted SIP that revises an existing approved SIP with budgets for the same year and CAA requirement because as a matter of law, a submitted SIP may not supersede an approved SIP for the same CAA requirement, year, and pollutant (68 FR 38974).

Under the CAA, States are required to submit, at various times, control strategy SIPs and maintenance plans in ozone areas. These control strategy SIPs (e.g., reasonable further progress SIPs and attainment demonstration SIPs) and maintenance plans create MVEBs for criteria pollutants and/or their precursors to address pollution from cars and trucks. The MVEBs are the

portion of the total allowable emissions that is allocated to highway and transit vehicle use and emissions. The MVEBs serve as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188). The preamble also describes how to establish the MVEBs in the SIP and revise the MVEBs.

Under section 176(c) of the CAA, new transportation projects, such as the construction of new highways, must "conform" to (e.g., be consistent with) the part of the State's air quality plan that addresses pollution from cars and trucks. "Conformity" to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. If a transportation plan does not "conform," most projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth by EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP.

When reviewing submitted "control strategy" SIPs or maintenance plans containing MVEBs, EPA must affirmatively find the MVEBs budget contained therein "adequate" for use in determining transportation conformity before they can be used for such purposes. Once EPA affirmatively finds the submitted MVEB is adequate for transportation conformity purposes, that MVEB can be used by the state and federal agencies in determining whether proposed transportation projects "conform" to the state implementation plan as required by section 176(c) of the Clean Air Act. EPA's substantive criteria for determining "adequacy" of MVEBs is set out in 40 CFR 93.118(e)(4).

EPA's process for determining "adequacy" consists of three basic steps: public notification of a SIP submission, a public comment period, and EPA's adequacy finding. This process for determining the adequacy of submitted SIP MVEBs is set out in EPA's May 14, 1999 guidance, "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision." This guidance is incorporated into EPA's June 30, 2003, proposed rulemaking entitled "Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes" (68 FR 38974). EPA follows this guidance in making its adequacy determination.

Specific emissions budgets are defined for VOC and NO_x for the Tampa Bay area in the Florida submittal. Pursuant to 40 CFR 93.124(d), Tampa Bay has elected to allocate subarea budgets for each of the counties for the purpose of transportation conformity. The specific MVEBs for Hillsborough County in 2005 and 2015 are 53.6 tpd for VOC and 91.8 tpd for NO_x. Pinellas County's MVEBs for 2005 and 2015 are 30.8 tpd for VOC and 52.5 tpd for NO_x. With this allocation, each county must demonstrate conformity to the county-specific subarea budgets. The chart below provides a summary of the county-specific subarea budgets.

MVEB
[tons per day]

County	Pollutant	2005	2015
Hillsborough	VOC	53.6	53.6
	NO _x	91.8	91.8
Pinellas	VOC	30.8	30.8
	NO _x	52.5	52.5
Total ...	VOC	84.4	84.4
	NO _x	144.3	144.3

The MVEBs are defined for each Tampa Bay county, for 2005 and 2015, in the State's submittal. The values, for both years, are equal to the 2005 on-road mobile source projected level of emissions plus a buffer of 25 percent. This buffer, which is an allocation from the safety margin, accounts for uncertainty in the projections and is available because of significant reductions of VOC and NO_x that have occurred, and are projected to occur, primarily from mobile sources. The MVEBs are constrained in each of the budget years to assure that the total emissions (i.e., all source categories) do not exceed the 1990 attainment year emissions. In no case are the projected total emissions from mobile sources for any year, greater than the attainment year emissions totals for either VOC or NO_x.

Under 40 CFR 93.101, the term safety margin is the difference between the attainment level (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the air quality health standard. The safety margin credit can be allocated to the transportation sector, however the total emission level must stay below the attainment level.

SAFETY MARGINS

[tons per day]

VOC	2005	2015	NO _x	2005	2015
Hillsborough					
Safety Margin	48.9	60	Safety Margin	268.8	319.1
Allocation to MVEB	10.7	30	Allocation to MVEB	18.4	76
Remaining Safety Margin after partial allocation	38.2	30	Remaining Safety Margin after partial allocation	250.4	243.1
Pinellas					
Safety Margin	67.8	76.1	Safety Margin	23.9	52.1
Allocation to MVEB	6.2	18.5	Allocation to MVEB	10.5	36.7
Remaining Safety Margin after partial allocation	61.6	57.6	Remaining Safety Margin after partial allocation	13.4	15.4

IV. Final Action

EPA is approving the second 10-year update for the Tampa Bay 1-hour ozone maintenance plan. In this action, EPA also finds the 2015 MVEBs adequate for transportation conformity purposes and is approving the MVEBs for 2005 and 2015. EPA's adequacy determination for the 2015 MVEBs is based on EPA's finding that the substantive criteria for determining adequacy of a MVEB, under 40 CFR 93.118(e)(4), have been met. The MVEBs will be available for use upon the effective date of this action. The MVEBs, based on the on-road mobile sources, are to be used by the local metropolitan planning organizations and transportation authorities to assure that transportation plans, programs, and projects are consistent with, and conform to, the long term maintenance of acceptable air quality in the Tampa Bay area.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective May 28, 2004, without further notice unless the Agency receives adverse comments by April 28, 2004.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 28, 2004, and no further action will be

taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. General Information*A. How Can I Get Copies of This Document and Other Related Information?*

1. The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under FL-90. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30, excluding Federal holidays.

2. Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment, at the State Air Agency, Florida Department of Environmental Protection, Twin Towers Office

Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

3. Electronic Access. You may access this **Federal Register** document electronically through the Regulation.gov Web site located at <http://www.regulations.gov> where you can find, review, and submit comments on Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

B. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text "Public comment on proposed rulemaking FL-90" in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed

below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD-ROM you submit, and in any cover letter accompanying the disk or CD-ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to lakeman.sean@epa.gov. Please include the text "Public comment on proposed rulemaking FL-90" in the subject line. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through [Regulations.gov](http://www.regulations.gov), EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

ii. *Regulation.gov.* Your use of [Regulation.gov](http://www.regulations.gov) is an alternative method of submitting electronic comments to EPA. Go directly to [Regulations.gov](http://www.regulations.gov) at <http://www.regulations.gov>, then select Environmental Protection Agency at the top of the page and use the go button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iii. *Disk or CD-ROM.* You may submit comments on a disk or CD-ROM that you mail to the mailing address identified in section 2, directly below. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Sean Lakeman, Regulatory Development

Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Please include the text "Public comment on proposed rulemaking FL-90" in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, 12th floor, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30, excluding Federal holidays.

C. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD-ROM, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD-ROM, mark the outside of the disk or CD-ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

D. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.

3. Provide any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at your estimate.

5. Provide specific examples to illustrate your concerns.

6. Offer alternatives.

7. Make sure to submit your comments by the comment period deadline identified.

8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule 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 rule approves pre-existing 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).

This rule also does not have tribal implications because it will 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). This action also does not have Federalism implications because it does 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). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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 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. 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**. 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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 28, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not

be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 17, 2004.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ Part 52 of 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 K—Florida

■ 2. Section 52.520 (e), is amended by revising the entry for "Revision to Maintenance Plan for the Tampa, Florida Area" to read as follows:

§ 52.520 Identification of plan.

* * * * *
(e) * * *

EPA—APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State EPA date	EPA approval date	Federal Register notice	Explanation
* * * * *				
Revision to Maintenance Plan for the Tampa, Florida Area.	12/20/02	3/29/04	[Insert citation of publication]	10 year update.
* * * * *				

[FR Doc. 04-6824 Filed 3-26-04; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04-550, MB Docket No. 02-92, RM-10363]

Digital Television Broadcast Service; Albany, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Clear Channel Broadcasting

Licenses, Inc., substitutes DTV channel 7 for DTV channel 4 at Albany, New York. *See* 67 FR 31169, May 9, 2002.

DTV channel 7 can be allotted to Albany, New York, in compliance with the principle community coverage requirements of § 73.625(a) at reference coordinates 42-37-31 N. and 74-00-38 W. with a power of 10, HAAT of 434 meters and with a DTV service population of 1442 thousand. Since the community of Albany is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government was obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective April 26, 2004.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02-92, adopted February 26, 2004, and released March 10, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY-B402, Washington, DC, 20554, telephone 202-863-2893,