

March Field, CA, to accommodate aircraft executing instrument flight procedures into and out of Riverside March Field. The airspace description and effective times of use will be published in appropriate aeronautical publications. The area will not be charted due to the existing, already charted, Class C airspace area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 5000 Class D airspace.*

\* \* \* \* \*

#### AWP CA D Riverside March Field, CA [New]

Riverside March Field, CA  
(Lat. 33°52'50" N, long. 117°15'34" W)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Riverside March Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in Los Angeles, California, on September 29, 2004.

**John Clancy,**

*Area Director, Terminal Operations, Western Service Area.*

[FR Doc. 04–23548 Filed 10–20–04; 8:45 am]

**BILLING CODE 4910–13–M**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 529

#### Certain Other Dosage Form New Animal Drugs

##### CFR Correction

In Title 21 of the Code of Federal Regulations, parts 500 to 599, revised as of April 1, 2004, on page 331, in § 529.1940, paragraph (e)(2)(ii) is corrected beginning in the fourth line, by removing (1) and (2).

[FR Doc. 04–55522 Filed 10–20–04; 8:45 am]

**BILLING CODE 1505–01–D**

#### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### 26 CFR Part 1

[TD 9141]

**RIN 1545–AX88**

#### Application of Section 904 to Income Subject to Separate Limitations; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to final regulations that were published in the **Federal Register** on July 20, 2004 (69 FR 43304). This regulation relates to the section 904(d) foreign tax credit limitation and to the exclusion of certain export financing interest from foreign personal holding company income.

**DATES:** These corrections are effective July 20, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Bethany A. Ingwalsen at (202) 622–3850 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

#### Background

The final regulations that are the subject of these corrections are under section 904(d) of the Internal Revenue Code.

#### Need for Correction

As published, TD 9141 contains errors that may prove to be misleading and are in need of clarification.

#### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

#### Correction of Publication

■ Accordingly, 26 CFR Part 1 is corrected by making the following correcting amendment:

#### PART 1—INCOME TAXES

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

**Authority:** 26 U.S.C. 7805 \* \* \*

##### § 1.904(b)–1 [Corrected]

■ **Par. 2.** Section 1.904(b)–1(g) *Example 3* (v), the introductory text is amended by removing the language “\$424.87/\$2571.42, computed as follows:” and adding the language “\$412/\$2571.42, computed as follows:” in its place.

■ **Par. 3.** Section 1.904(b)–1(g) *Example 4* (iii), the second sentence is amended by removing the language “paragraph (c)(1) of this section. Under Step 1, the U.S. long-term capital loss adjustment amount is \$50 (\$80–\$30). Under Step 2, the” and adding the language “paragraph (c)(1) of this section. Under *Step 1*, the U.S. long-term capital loss adjustment amount is \$50 (\$80–\$30). Under *Step 2*, the” in its place.

■ **Par. 4.** Section 1.904–(b)–1(g) *Example 5* (iii), the second sentence is amended by removing the language “Under Step 1, the U.S. long-term capital loss adjustment amount is \$50 (\$150–\$100). Under Step 2,” and adding the language “to a rate differential adjustment. Under *Step 1*, the U.S. long-term capital loss adjustment amount is \$50 (\$150–\$100). Under *Step 2*,” in its place.

##### § 1.904(b)–2 [Corrected]

■ **Par. 5.** Section 1.904(b)–2, paragraph (c), the second sentence is amended by removing the language “apply § 1.904(b)–1(i) and this” and adding the

language “apply § 1.904(b)–1 and this” in its place.

**Cynthia Grigsby,**

*Acting Chief, Regulations and Publications Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 04–23288 Filed 10–20–04; 8:45 am]

BILLING CODE 4830–01–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 60

[ND–001–0011; FRL–7823–2]

#### Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule and delegation of authority.

**SUMMARY:** EPA is approving certain revisions to the State Implementation Plan submitted by the Governor of North Dakota with a letter dated April 11, 2003. The revisions affect portions of air pollution control rules regarding general provisions and emissions of particulate matter and sulfur compounds. This action is being taken under section 110 of the Clean Air Act.

In addition, EPA is providing notice that on November 6, 2003, North Dakota was delegated authority to implement and enforce certain New Source Performance Standards, as of January 31, 2002.

**EFFECTIVE DATE:** This final rule is effective November 22, 2004.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. ND–001–0011. Some information in the docket is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the docket. You may view the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. Copies of the Incorporation by Reference material are also available at

the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–108 (Mail Code 6102T), 1301 Constitution Ave., NW., Washington, DC 20460.

#### FOR FURTHER INFORMATION CONTACT:

Amy Platt, Environmental Protection Agency, Region 8, (303) 312–6449, [Platt.Amy@epa.gov](mailto:Platt.Amy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Summary of State Implementation Plan Revision
- II. Delegation of Authority
- III. Section 110(l)
- IV. Final Action
- V. Statutory and Executive Order Reviews

##### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- (i) The word or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- (ii) The words *EPA*, *we*, *us*, or *our* mean or refer to the United States Environmental Protection Agency.
- (iii) The initials *NDDH* mean or refer to the North Dakota Department of Health.
- (iv) The initials *SIP* mean or refer to the State Implementation Plan.
- (v) The word or initials *State* or *ND* mean the State of North Dakota, unless the context indicates otherwise.

#### I. Summary of State Implementation Plan Revision

On July 7, 2004, EPA published a notice of proposed rulemaking for the State of North Dakota (*see* 69 FR 40824). In that proposed rulemaking, we proposed approval of portions of the SIP revision submitted by the Governor of North Dakota on April 11, 2003. The portions of the SIP revision that we proposed approval of affect North Dakota Air Pollution Control Rules regarding general provisions and emissions of particulate matter and sulfur compounds. No comments were received on our July 7, 2004, notice of proposed rulemaking.

As we discussed in our July 7, 2004, notice of proposed rulemaking, we will handle separately the revisions in the April 11, 2003, submittal addressing North Dakota Air Pollution Control Rules Section 33–15–01–13, regarding shutdown and malfunction of an installation, Chapter 33–15–14, regarding construction and minor source permitting, and Chapter 33–15–15, regarding prevention of significant deterioration. In addition, we will handle separately the direct delegation requests for Chapter 33–15–13,

regarding emission standards for hazardous air pollutants, Chapter 33–15–21, regarding the State’s Acid Rain Program, and Chapter 33–15–22, regarding emission standards for hazardous air pollutants for source categories. The submittal also included a direct delegation request for standards of performance for new stationary sources (*see* below).

The revisions in the April 11, 2003, submittal to be addressed in this document pertain to portions of the general provisions and the restriction of emissions of particulate matter and sulfur compounds, which involve sections of the following chapters of the North Dakota Administrative Code (N.D.A.C.): 33–15–01 General Provisions; 33–15–05 Emissions of Particulate Matter Restricted; and 33–15–06 Emissions of Sulfur Compounds Restricted. For a discussion of how the State met the necessary procedural requirements in the development of these revisions, please refer to our July 7, 2004 notice of proposed rulemaking (69 FR 40824).

#### A. Chapter 33–15–01, N.D.A.C., General Provisions

Revisions to Section 33–15–01–04, regarding definitions, included the addition of a definition for “pipeline quality natural gas” and an update to the baseline date for incorporating by reference the definition of volatile organic compounds to August 1, 2001. In addition, Sections 33–15–01–17 and 33–15–01–18, regarding enforcement and compliance certifications, were modified to indicate that information from compliance assurance monitoring protocols, which are in accordance with the requirements of the State’s permitting chapter, is credible evidence of whether compliance is achieved. Because these revisions are consistent with Federal requirements, they are approvable.

#### B. Chapter 33–15–05, N.D.A.C., Emissions of Particulate Matter Restricted

Section 33–15–05–02, regarding emissions from fuel burning equipment used for indirect heating, was revised to exempt fuel burning equipment that burns gaseous fuels from the emissions limitation requirements of the chapter. Burning gaseous fuels results in very low particulate matter emissions. Using AP–42 emission factors for natural gas and propane, the State calculated emission rates of 0.01 lb/10<sup>6</sup> Btu and 0.006 lb/10<sup>6</sup> Btu, respectively. This is contrasted with the allowable emission rate of Chapter 33–15–05 of 0.6 lb/10<sup>6</sup> Btu for a boiler rated at 10 × 10<sup>6</sup> Btu/