

- (17) Ferry, WA (3013, Seattle);  
 (18) Metaline Falls, WA (3025, Seattle);  
 (19) Laredo, TX (2304, Laredo);  
 (20) Eagle Pass, TX (2303, Laredo);  
 (21) Brownsville, TX (2301, Laredo);  
 (22) Progresso, TX (2309, Laredo);  
 (23) Del Rio, TX (2302, Laredo);  
 (24) Hidalgo/Pharr, TX (2305, Laredo);  
 (25) Roma, TX (2310, Laredo);  
 (26) Rio Grande City, TX (2307, Laredo);  
 (27) El Paso, TX (2402, El Paso);  
 (28) Presidio, TX (2403, El Paso);  
 (29) Fabens, TX (2404, El Paso);  
 (30) Columbus, NM (2406, El Paso);  
 (31) Santa Teresa, NM (2408, El Paso);  
 (32) Douglas, AZ (2601, Tucson);  
 (33) Lukeville, AZ (2602, Tucson);  
 (34) Naco, AZ (2603, Tucson);  
 (35) Nogales, AZ (2604, Tucson);  
 (36) Sasabe, AZ (2606, Tucson);  
 (37) San Luis, AZ (2608, Tucson);  
 (38) Tecate, CA (2505, San Diego);  
 (39) Calexico, CA (2507, San Diego);  
 (40) Otay Mesa, CA (2506, San Diego).

#### Second Implementation

Effective December 15, 2004, truck carriers must commence the advance electronic transmission to CBP of required cargo information for inbound cargo at the following forty-three ports of entry:

- (41) Champlain, NY (0712, Buffalo);  
 (42) Trout River, NY (0715, Buffalo);  
 (43) Pembina, ND (3401, Seattle);  
 (44) Noyes, MN (3402, Seattle);  
 (45) Portal, ND (3403, Seattle);  
 (46) Neche, ND (3404, Seattle);  
 (47) St. John, ND (3405, Seattle);  
 (48) Northgate, ND (3406, Seattle);  
 (49) Walhalla, ND (3407, Seattle);  
 (50) Hannah, ND (3408, Seattle);  
 (51) Sarles, ND (3409, Seattle);  
 (52) Ambrose, ND (3410, Seattle);  
 (53) Antler, ND (3413, Seattle);  
 (54) Sherwood, ND (3414, Seattle);  
 (55) Hansboro, ND (3415, Seattle);  
 (56) Maida, ND (3416, Seattle);  
 (57) Fortuna, ND (3417, Seattle);  
 (58) Westhope, ND (3419, Seattle);  
 (59) Noonan, ND (3420, Seattle);  
 (60) Carbury, ND (3421, Seattle);  
 (61) Dunseith, ND (3422, Seattle);  
 (62) Warroad, MN (3423, Seattle);  
 (63) Baudette, MN (3424, Seattle);  
 (64) Pine Creek, MN (3425, Seattle);  
 (65) Roseau, MN (3426, Seattle);  
 (66) International Falls, MN (3604, Seattle);  
 (67) Grand Portage, MN (3613, Seattle);  
 (68) Richford, VT (0203, Boston);  
 (69) Derby Line, VT (0209, Boston);  
 (70) Norton, VT (0211, Boston);  
 (71) Beecher Falls, VT (0206, Boston);  
 (72) Highgate Springs, VT (0212, Boston);  
 (73) Houlton, ME (0106, Boston);  
 (74) Bridgewater, ME (0127, Boston);  
 (75) Fort Fairfield, ME (0107, Boston);

- (76) Limestone, ME (0118, Boston);  
 (77) Van Buren, ME (0108, Boston);  
 (78) Madawaska, ME (0109, Boston);  
 (79) Fort Kent, ME (0110, Boston);  
 (80) Calais, ME (0115, Boston);  
 (81) Vanceboro, ME (0105, Boston);  
 (82) Eastport/Lubec, ME (0103, Boston);  
 (83) Jackman, ME (0104, Boston).

#### Third Implementation

Effective January 14, 2005, truck carriers must commence the advance electronic transmission to CBP of required cargo information for inbound cargo at the following sixteen ports of entry:

- (84) Eastport, ID (3302, Seattle);  
 (85) Porthill, ID (3308, Seattle);  
 (86) Sweetgrass, MT (3310, Seattle);  
 (87) Raymond, MT (3301, Seattle);  
 (88) Turner, MT (3306, Seattle);  
 (89) Scobey, MT (3309, Seattle);  
 (90) Whitetail, MT (3312, Seattle);  
 (91) Piegan, MT (3316, Seattle);  
 (92) Opheim, MT (3317, Seattle);  
 (93) Roosville, MT (3318, Seattle);  
 (94) Morgan, MT (3319, Seattle);  
 (95) Whitlash, MT (3321, Seattle);  
 (96) Del Bonita, MT (3322, Seattle);  
 (97) Alcan, AK (3104, Portland);  
 (98) Skagway, AK (3103, Portland);  
 (99) Dalton Cache, AK (3106, Portland).

Dated: August 12, 2004.

**Robert C. Bonner,**

*Commissioner, Customs and Border Protection.*

[FR Doc. 04-18818 Filed 8-16-04; 8:45 am]

**BILLING CODE 4820-02-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-2463; MB Docket No. 03-57; RM-10565]

#### Radio Broadcasting Services; Creede, Fort Collins, Westcliffe and Wheat Ridge, CO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; denial of petition for reconsideration.

**SUMMARY:** This document denies a Petition for Reconsideration and Motion to Consolidate filed by Meadowlark Group, Inc. directed to the *Report and Order* in this proceeding. See 69 FR 17070, April 1, 2004. With this action, the proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Media Bureau (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the *Memorandum Opinion*

and *Order* in MM Docket No. 03-57 adopted August 4, 2004, and released August 9, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) since this Petition for Reconsideration of the Report and Order was denied, herein.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-18805 Filed 8-16-04; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### 49 CFR Part 1

[Docket No. OST-1999-6189]

RIN 9991-AA41

#### Secretarial Delegations

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Office of the Secretary of Transportation (OST) is amending its regulations to reflect a change in Secretarial delegations. The Secretary is transferring responsibility for the Motor Carrier Financial and Operating Statistics Program from the Bureau of Transportation Statistics (BTS) to the Federal Motor Carrier Safety Administration (FMCSA). The transfer will take effect on September 29, 2004. This rule is necessary so that the delegations appearing in the Code of Federal Regulations reflect these changed responsibilities.

**EFFECTIVE DATE:** September 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Robert Monniere, Bureau of Transportation Statistics, Department of Transportation, 400 7th Street SW., Room 3103, Washington, DC 20590, (202) 366-5498 or Joy Dunlap, Federal Motor Carrier Administration, Department of Transportation, 400 7th Street SW., Room 8214, Washington, DC 20590, 202-493-0219.

**SUPPLEMENTARY INFORMATION:****Background**

The Interstate Commerce Commission (ICC) collected financial and operating statistics from regulated motor carriers from the 1930s until the end of 1995, when the ICC was abolished and data collection was transferred to DOT. (See 49 U.S.C. 11145 and implementing regulations at 49 CFR part 1420.) Following the transfer from the ICC, the Secretary delegated the functions and responsibilities to BTS (see 61 FR 68162). Recently, the Department conducted a comprehensive review of all major BTS programs and activities. One recommendation was that BTS should focus its resources on its core statistical programs. Based on the fact that this mandatory reporting program is regulatory in nature and requires the release of information concerning individually identifiable respondents, OST and BTS identified this program as a candidate re-delegation. Thus, based on the above, the Secretary has decided to change the Department delegations and transfer this reporting function to the FMCSA, in the belief that this program is more closely aligned with the FMCSA's safety mission and its other motor carrier responsibilities.

The Department publishes this rule as a final rule, effective on September 29, 2004, because these amendments relate to departmental management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b) and the Department finds good cause under 5 U.S.C. 5539d(3) for the final rule to be effective on September 29, 2004.

**Regulatory Analyses and Notices**

OST has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are no costs associated with this rule. Because this rule will only apply to internal DOT operations, OST certifies that this rule will not have a significant economic impact on a substantial number of small entities. Moreover, any impact should be positive. OST also has determined that there are not sufficient federalism implications to warrant preparation of a federalism statement.

**Paperwork Reduction Act**

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**Unfunded Mandates Reform Act of 1995**

OST has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

**List of Subjects in 49 CFR Part 1**

Authority delegations, Organizations and functions.

■ For the reasons set forth in the preamble, the Office of the Secretary amends 49 CFR Part 1 as follows:

**PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES**

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

**Authority:** 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748; Pub. L. 107-71, 115 Stat. 597, Pub.L.

**§ 1.71 [Amended]**

■ 2. In § 1.71, remove paragraph (b) and redesignate paragraph (c) as paragraph (b).

■ 3. In § 1.73, add paragraph (p) to read as follows:

**§ 1.73 Delegation to the Administrator of the Federal Motor Carrier Safety Administration.**

\* \* \* \* \*

(p) Carry out the functions vested in the Secretary by 49 U.S.C. 14123, relating to the collection and dissemination of information on motor carriers.

Issued in Washington, DC on this 20th day of August, 2004.

**Norman Y. Mineta,**  
*Secretary.*

[FR Doc. 04-18822 Filed 8-16-04; 8:45 am]

**BILLING CODE 4910-62-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 040504142-4142-01; I.D. 042204B]

**RIN 0648-AS07**

**Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring System (VMS) Requirement; Effective Date for Atlantic Shark Fisheries**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS is establishing effective dates for the requirement to have a NOAA-approved VMS unit installed and operating on vessels with directed shark limited access permits (LAPs) and with gillnet or bottom longline gear on board. VMS will aid in the enforcement of time/area closures.

**DATES:** Final rule will become effective September 16, 2004.

**ADDRESSES:** To obtain copies of the list of NMFS-approved VMSmobile transmitting and communications service providers contact the National Marine Fisheries Service, Office for Law Enforcement (OLE):

•Mail: 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

For copies of Amendment 1 to the Fisheries Management Plan for Atlantic Tunas, Swordfish, and Sharks or its implementing regulations contact the National Marine Fisheries Service, Office of Sustainable Fisheries, Highly Migratory Species (HMS) Management Division (F/SF1):

•Mail: 1315 East-West Highway, Silver Spring, MD 20910

•Internet: <http://www.nmfs.noaa.gov/sfa/hms/>

•Phone: 301-713-2347

•Fax: 301-713-1917.

For information or comments regarding the collection of information requirements contained in this rule contact the HMS Management Division at the address noted above and the Office of Management and Budget (OMB):

•Email:

David\_Rostker@omb.eop.gov Fax: 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:** For additional information regarding the effective dates specified in this document, contact Mike Clark, Chris Rilling, or Karyl Brewster-Geisz, phone 301-713-2347 or fax 301-713-1917.

For a current listing of NOAA-approved VMS units, contact Mark Oswell, phone 301-427-2300, fax 301-427-2055.

For questions regarding VMS installation and activation checklists, contact Jonathan Pinkerton, phone 301-427-2300, fax 301-427-2055.

An installation checklist, and relevant updates are available at the OLE website: <http://www.nmfs.noaa.gov/ole/vms.html>.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Fishery Management Plan for