

standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1 paragraph (34)(g), of the instruction, from further environmental documentation because this rule is not expected to result in any significant environmental impact as described in NEPA. A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” will be available where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295; 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 8 a.m. e.d.t. August 3, 2004 through 8 a.m. e.d.t. November 30, 2004, add temporary § 165.T05–151 to read as follows:

§ 165.T05–151 Security Zone; Potomac River, Washington, D.C.

(a) *Location.* The following area is a security zone: All waters of the Georgetown Channel, Potomac River, from the Long Railroad Bridge upstream to the Francis Scott Key Bridge.

(b) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, U.S. Coast Guard Activities Baltimore, and any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Commander, U.S. Coast Guard Activities Baltimore to act as a designated representative on his or her behalf.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply to all persons and vessels in the security zone, or approaching the security zone.

(2) All persons and vessels in the security zone, or approaching the security zone, shall comply with the instructions of the Captain of the Port. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Vessels are allowed to enter, move within, or remain in this security zone only with the authorization of the Captain of the Port or designated representative.

Dated: August 3, 2004.

Curtis A. Springer,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2394; MB Docket No. 02–76; RM–10405, 10499]

Radio Broadcasting Services; Belle Haven, VA, Crisfield, MD, Exmore, Nassawadox, and Poquoson, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition for reconsideration of a *Report and Order*, 68 FR 59748 (October 17, 2003), this *Memorandum Opinion and Order* substitutes Channel 250A for Channel 245A at Crisfield, Maryland, and substitutes Channel 252A for Channel 250B1 at Belle Haven, Virginia. The coordinates for Channel 250A at Crisfield, Maryland are 37–54–51 NL and 75–42–45 WL, with a site restriction of 14.63 kilometers (9.1 miles) southeast of Crisfield. The coordinates for Channel 252A at Belle Haven, Virginia, are 37–33–14 NL and 75–49–14 WL, with a site restriction of 0.04 kilometers (0.02 miles) southeast of Belle Haven, Virginia.

DATES: Effective September 13, 2004.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s *Memorandum Opinion and Order*, MB Docket No. 02–76, adopted July 28, 2004, and released July 30, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Information Center at Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. The document may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202 863–2893, facsimile 202 863–2898. The Commission will send a copy of this *Memorandum Opinion and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Maryland, is amended by adding Channel 250A and by removing Channel 245A at Crisfield.

■ 3. Section 73.202(b), the Table of FM allotments under Virginia, is amended by adding Channel 252A and by removing Channel 250B1 at Belle Haven.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

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