

rule, with a change, as published in the **Federal Register** (69 FR 19753, April 14, 2004) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

PART 916—NECTARINES GROWN IN CALIFORNIA

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

■ Accordingly, the interim final rule amending 7 CFR parts 916 and 917, which was published at 69 FR 19753 on April 14, 2004, is adopted as a final rule with the following change to 7 CFR part 916:

■ 1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 916.356, paragraph (a)(1), the introductory text is revised to read as follows:

§ 916.356 California Nectarine Grade and Size Regulation.

(a) * * *

(1) Any lot or package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided*, That nectarines 2 inches in diameter or smaller, shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{3}{8}$ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{1}{2}$ inch in diameter: *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further*, That during the period April 1 through October 31, 2004, any handler may handle nectarines if such nectarines meet “CA Utility” quality requirements. The term “CA Utility” means that not more than 40 percent of the nectarines in any container meet or exceed the requirements of the U.S. No. 1 grade, except that when more than 30 percent of the nectarines in any container meet or exceed the requirements of the U.S. No. 1 grade, the additional 10 percent shall have non-

scoreable blemishes as determined when applying the U.S. Standards for Grades of Nectarines; and that such nectarines are mature and are:

* * * * *

Dated: July 21, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–16940 Filed 7–23–04; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 983

[Docket No. FV02–983–1 FR]

Pistachios Grown in California; Delay of the Effective Date for Aflatoxin, Size and Quality Requirements

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: This document delays the effective date for aflatoxin, size and quality requirements established under Marketing Order No. 983 (order). The order regulates the handling of pistachios produced in California. Sections 983.38 through 983.46 of the order establish maximum aflatoxin along with minimum size and quality requirements for California pistachios. The delayed effective date was requested by members of the California pistachio industry. Postponing the effective date of the regulations will provide pistachio handlers with preparation time needed to meet the aflatoxin, size and quality requirements of the order.

DATES: The effective date for §§ 983.38 through 983.46 is delayed from August 1, 2004, to February 1, 2005.

FOR FURTHER INFORMATION CONTACT:

Melissa Schmaedick, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, PO Box 1035, Moab, Utah 84532; telephone: (435) 259–7988, Fax: (435) 259–4945; or Rose Aguayo, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906.

Small businesses may request information on complying with this regulation by contacting Jay Guerber,

Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This document delays the effective date from August 1, 2004, to February 1, 2005, for aflatoxin, size and quality provisions established under Marketing Order No. 983 (order) (69 FR 17844, April 5, 2004). The order, which became effective in April 2004, regulates the handling of pistachios produced in California. Sections 983.38 through 983.46 of the order establish maximum aflatoxin along with minimum size and quality requirements for California pistachios, and were scheduled to become effective on August 1, 2004. The delay was requested by members of the California pistachio industry. Postponing the effective date of the aflatoxin, size and quality requirements will provide pistachio handlers with preparation time needed to comply with these requirements. For example, additional time is needed for handlers to arrange for accredited laboratories to test their pistachios and certify that they meet the order’s aflatoxin requirements.

In addition, administrative rules and regulations needed to implement the program (for example, handler reporting requirements) have not been established. These should be considered and recommended by the committee established to locally administer the order. The committee is in the process of being appointed by the Department. Postponing the effective date of the order’s regulatory provisions would allow the new committee time to become established and actively participate in implementing the order.

Thus, the effective date of §§ 983.38 through 983.46 should be delayed until February 1, 2005. A 6-month delay should provide adequate time for pistachio handlers to prepare to meet the aflatoxin, size and quality requirements. It should also allow sufficient time for an administrative committee to be appointed and recommend any implementing rules and regulations deemed necessary.

List of Subjects in 7 CFR Part 983

Marketing agreements, Pistachios, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: July 21, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04-16941 Filed 7-23-04; 8:45 am]

BILLING CODE 3410-02-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

[Docket No. 04-11579]

RIN 3245-AE66

Small Business Size Regulations; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule; correcting amendments.

SUMMARY: This document contains a correction to the final rule that appeared in the **Federal Register** of May 24, 2004 (69 FR 29411). The final rule amended the regulations that governed the Historically Underutilized Business Zone (HUBZone) Program. The corrected provision concerns who may initiate a size protest or initiate a size determination.

DATES: Effective June 23, 2004.

FOR FURTHER INFORMATION CONTACT:

Michael P. McHale, Associate Administrator for the HUBZone Program, (202) 205-8885 or by e-mail, at hubzone@sba.gov.

SUPPLEMENTARY INFORMATION: The final rule that is the subject of this correction amends the regulations that governed the Historically Underutilized Business Zone (HUBZone) Program published on May 24, 2004 (69 FR 29411). This document corrects the numbering of a section of the final regulation. Confusion was caused by another amendment to the relevant section by a final rule amending certain definitions and making procedural and technical amendments to several SBA programs published on May 21, 2004 (69 FR 29192). The rule revised is § 121.1001(b)(7-8). Who may initiate a size protest or request a formal size determination?

List of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs—business, Load programs—business, Small businesses.

■ Accordingly, 13 CFR part 121 is corrected by making the following correcting amendment:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority section for part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 636(b), 637(a), 644(c) and 662(5); Sec. 304, Pub. L., 103-403, 108 Stat. 4175, 4188; Pub. L. 105-135 sec 601 *et seq.*, 111 Stat. 2592; Pub. L. 106-24, 113 Stat. 39.

■ 2. Amend § 121.1001 by revising paragraphs (b)(7) and (8) and removing the paragraph (b)(7) published at 69 FR 29411, May 24, 2004, to read as follows:

§ 121.1001 Who may initiate a size protest or request a formal size determination?

* * * * *

(b) * * *

(7) In connection with initial or continued eligibility for the Small Disadvantaged Business (SDB) program, the following may request a formal size determination:

(i) The applicant or SDB concern; or
(ii) The Assistant Administrator of the Division of Program Certification and Eligibility or the Associate Administrator for 8(a)BD.

(8) In connection with initial or continued eligibility for the HUBZone program, the following may request a formal size determination:

(i) The applicant or qualified HUBZone business concern; or
(ii) The Associate Administrator for the HUBZone program, or designee.

* * * * *

Dated: June 24, 2004.

Allegra F. McCullough,

Associate Deputy Administrator for Government Contracting and Business Development.

[FR Doc. 04-16883 Filed 7-23-04; 8:45 am]

BILLING CODE 8025-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA302-0463; FRL-7788-5]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of revisions to the South Coast Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions were proposed in the **Federal Register** on May 21, 2004, and concern oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) emissions from facilities emitting 4 tons or more per year of NO_x and/or SO_x in the year 1990 or any subsequent year. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

EFFECTIVE DATE: This rule is effective on August 25, 2004.

ADDRESSES: You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours by appointment. You can inspect copies of the submitted SIP revisions by appointment at the following locations:

Environmental Protection Agency,
Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 E. Copley Dr., Diamond Bar, CA 91765-4182.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.htm>. Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Thomas C. Canaday, EPA Region IX, (415) 947-4121, canaday.tom@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

I. Proposed Action

On May 21, 2004 (69 FR 29250), EPA proposed to approve the following rules into the California SIP.