

no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: July 14, 2004.

**U. Gale Hutton,**

*Acting Regional Administrator, Region 7.*

[FR Doc. 04-17296 Filed 7-28-04; 8:45 am]

**BILLING CODE 6560-50-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[DA 04-2101, MB Docket No. 04-253, RM-11007]

#### **Digital Television Broadcast Service; Greeley, CO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Thomas Desmond proposing the allotment of DTV channel 45 to Greeley, Colorado, as the community's first local commercial television service. DTV Channel 45 can be allotted to Greeley at reference coordinates 40-25-15 N. and 104-31-30 W.

**DATES:** Comments must be filed on or before September 13, 2004, and reply comments on or before September 28, 2004.

**ADDRESSES:** The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). See *Electronic Filing of Documents in Rule Making Proceedings*, GC Docket No. 97-113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc.,

will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Thomas S. Desmond, 3216 Verbena Drive, Plano, Texas 75075 (Petitioner).

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04-253, adopted July 12, 2004, and released July 23, 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 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 301-816-2820, facsimile 301-816-0169, or via e-mail [joshir@erols.com](mailto:joshir@erols.com).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### **List of Subjects in 47 CFR Part 73**

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

### **PART 73—RADIO BROADCAST SERVICES**

1. The authority citation for part 73 continues to read as follows:

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

#### **§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Colorado is amended by adding Greeley, DTV channel 45.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04-17247 Filed 7-28-04; 8:45 am]

**BILLING CODE 6712-01-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[DA 04-2130; MB Docket No. 04-203; RM-10976]

#### **Radio Broadcasting Services; Broken Bow, Maxwell and McCook, NE**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR § 73.202(b). The Audio Division requests comment on a petition and amendment to petition filed by McCook Radio Group, LLC, licensee of Station KRKU (FM), Channel 253C1, McCook, Nebraska. Petitioner proposes to delete Channel 253C1 at McCook, Nebraska, to allot Channel 253C1 at Maxwell, Nebraska, and to modify the license of Station KRKU (FM) accordingly. In order to accommodate this allotment, petitioner proposes to change the channel allotment for Station KBBN-FM, Broken Bow, Nebraska, from Channel 252C3 to

Channel 237C2. Custer County Broadcasting Co., Inc. the owner of Station KBBN-FM, has consented to the channel change at Broken Bow. Channel 253C1 can be allotted to Maxwell in compliance with the Commission's minimum distance separation requirements at center city coordinates with no site restriction. The coordinates for Channel 253C1 at Maxwell are 41-04-44 North Latitude and 100-31-28 West Longitude. The coordinates for Channel 237C2 at Broken Bow are 41-23-49 North Latitude and 99-37-02 West Longitude, with a site restriction of 1.91 km (1.2 miles) east of Broken Bow. See **SUPPLEMENTARY INFORMATION** *infra*.

**DATES:** Comments must be filed on or before September 7, 2004, and reply comments on or before September 21, 2004.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the petitioner and counsel for Custer County Broadcasting Co., Inc., the owner of Station KBBN-FM, Broken Bow, Nebraska, as follows: Jason Roberts, Esq., Irwin, Campbell, & Tannenwald, P.C., 1730 Rhode Island Avenue, NW—Suite 200, Washington, DC 20036-3101; Peter Gutmann, Esq., Womble, Carlyle, Sandridge, & Rice, PLLC, 1401 Eye Street, NW., Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Media Bureau (202) 418-7072.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Further Notice of Proposed Rule Making, MB Docket No. 04-203, adopted July 14, 2004 and released July 16, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room 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, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings,

such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read 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 Nebraska, is amended by removing Channel 252C3 and adding Channel 237C2 at Broken Bow, by adding Maxwell, Channel 253C1, and by removing Channel 253C1 at McCook.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-17241 Filed 7-28-04; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 04-2129; MB Docket No. 04-258; RM-11000]

##### Radio Broadcasting Services; Levan and Richfield, UT

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rulemaking filed by Micro Communications, Inc., licensee of Station KCFM (FM), Levan, Utah, proposing the substitution of Channel 229C for Channel 244C at Levan and the substitution of Channel 244C for Channel 229C at Richfield, Utah, and the modification of the license for Stations KCFM (FM) and KCYQ (FM) to reflect the changes. Mid-Utah Radio, Inc., licensee of KCYQ (FM), Richfield, Utah, is ordered to show cause why its license should not be modified to reflect Channel 244C in lieu of Channel 229C. The coordinates for Channel 229C at Levan are 39-33-31 NL and 111-51-40 WL. The

coordinates for Channel 244C at Richfield are 39-19-17NL and 111-46-11 WL.

**DATES:** Comments must be filed on or before September 13, 2004, and reply comments on or before September 28, 2004.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the Petitioner as follows: Peter Gutmann, Esq., Womble, Carlyle, Sandridge, & Rice, PLLC, 1401 I Street, NW., Seventh Floor, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Victoria McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 04-258, adopted July 14, 2004, and released July 20, 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, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, 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>.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

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