

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 136

[FRL-7813-5]

#### Potential Stakeholder Process for Detection and Quantitation Procedures

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

**ACTION:** Notice of proposed rule.

**SUMMARY:** This document announces EPA's intent to explore the feasibility and design of a process through which stakeholders could provide their ideas and recommendations on procedures for the development of detection and quantitation limits and uses of these limits in Clean Water Act (CWA) programs.

**FOR FURTHER INFORMATION CONTACT:** Marion Kelly: Engineering and Analysis Division (4303T); Office of Science and Technology; Office of Water; U.S. Environmental Protection Agency; Ariel Rios Building; 1200 Pennsylvania Avenue NW., Washington, DC 20460, or call (202) 566-1045 or E-mail at [kelly.marion@epa.gov](mailto:kelly.marion@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA approves analytical methods (*i.e.*, test procedures) used for monitoring and reporting chemical pollutants under the CWA. EPA's analytical methods specify detection limits to determine if a pollutant is present. Quantitation limits describe the concentration of a pollutant that can be measured with a known level of confidence. These values are often used as reporting and compliance limits by the States, Tribes and EPA Regions that administer and enforce permit limits on direct discharges into water. These values are also often used by States and localities in administering and enforcing pretreatment programs for indirect discharges.

EPA published two documents in the **Federal Register** on this topic on March 12, 2003, for public comment. One document announced the availability of EPA's assessment of detection and

quantitation procedures that are applied to analytical methods used under the CWA (68 FR 11791). The second document proposed revisions to the detection and quantitation definitions and procedures specified at 40 CFR part 136 (68 FR 11770). The proposed regulatory revisions were based largely on the results of the assessment and on comments from users of the method detection limit procedure. Further analysis of some of the public comments, prompted EPA to explore the feasibility and design of a stakeholder process to obtain additional stakeholder input on procedures for the development of detection and quantitation limits and uses of these limits in CWA programs.

The Agency is beginning the process to engage a neutral third party to conduct a situation assessment to determine whether a stakeholder process should go forward and, if so, how that process should be designed. During a situation assessment, the neutral third party talks with affected stakeholders about their ideas for the design of multi-party discussions on the policy and technical issues. As a result of these discussions, EPA expects the neutral third party to make recommendations about the feasibility and design of a stakeholder process, including format, schedule, and topics for discussion. If the neutral third party recommends that a stakeholder process is feasible, EPA will, as soon as possible, implement a process during which stakeholders could provide their ideas and recommendations on procedures for the development of detection and quantitation limits and uses of these limits in CWA programs. We estimate that the neutral third party's recommendations will probably be available in November 2004.

EPA plans to post the final situation assessment report on the EPA Web site at <http://www.epa.gov/waterscience/methods/det/index.html>

Dated: September 9, 2004.

**Benjamin H. Grumbles,**

*Acting Assistant Administrator for Water.*

[FR Doc. 04-20795 Filed 9-14-04; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-2859; MB Docket No. 04-348, RM-10718; MB Docket No. 04-349, RM-10827; MB Docket No. 04-350, RM-10815; MB Docket No. 04-351, RM-10828]

#### Radio Broadcasting Services; Cross Plains, TX; Fernley, NV; Oroville, CA and Pittsburg, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes four new allotments in Cross Plains, Texas, Fernley, Nevada, Oroville, California and Pittsburg, Oklahoma. The Audio Division requests comment on a petition filed by Charles Crawford proposing the allotment of Channel 294A at Cross Plains, Texas, as the community's first local aural transmission service. Channel 294A can be allotted to Cross Plains in compliance with the Commission's minimum distance separation requirements with a site restriction of 14 kilometers (8.7 miles) west to avoid a short-spacing to the license sites of FM Stations KKHR, Channel 292C2, Abilene, Texas and KKDL, Channel 294C, Muenster, Texas. The reference coordinates for Channel 294A at Cross Plains are 32-06-48 NL and 99-18-45 WL. *See* Supplementary Information, *infra*.

**DATES:** Comments must be filed on or before October 25, 2004, and reply comments on or before November 9, 2004.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, TX 75205 and Linda A. Davidson, 2134 Oak Street, Unit C, Santa Monica, California 90405.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 04-348, 04-349, 04-350, 04-351, adopted September, 2004 and released September, 2004. The full text of this

Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or [www.BCPIWEB.com](http://www.BCPIWEB.com).

The Audio Division requests comments on a petition filed by Linda A. Davidson proposing the allotment of Channel 231C3 at Fernley, Nevada, as the community's first local aural transmission service. Channel 231C3 can be allotted to Fernley in compliance with the Commission's minimum distance separation requirements with a site restriction of 9 kilometers (5.6 miles) east to avoid a short-spacing to the license site of FM Station KHXR, Channel 233C2, Sun Valley, Nevada. The reference coordinates for Channel 231C3 at Fernley are 39-37-00 North Latitude and 119-08-51 West Longitude.

The Audio Division requests comments on a petition filed by Linda A. Davidson proposing the allotment of Channel 272A at Oroville, California, as the community's second local aural transmission service. Channel 272A can be allotted to Oroville in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.4 kilometers (5.8 miles) north to avoid short-spacing to the license sites of FM Stations KCEZ, Channel 271B1, Los Molin, California and KFSM, Channel 273B, Woodland, California. The reference coordinates for Channel 272A at Oroville are 39-35-51 North Latitude and 121-34-11 West Longitude.

The Audio Division requests comment on a petition filed by Charles Crawford proposing the allotment of Channel 232A at Pittsburg, Oklahoma, as the community's first local aural transmission service. Channel 232A can be allotted to Pittsburg in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.5 kilometers (8.4 miles) east to avoid a short-spacing to the license site of FM Station KTSO, Channel 231C1, Glenpool, Oklahoma. The reference coordinates for Channel 232A at Pittsburg are 34-41-15 North Latitude and 95-42-19 West Longitude. To accommodate the Pittsburg allotment, Petitioner proposes the relocation of the reference coordinates for vacant Channel 232A at Cove, Arkansas. The proposed reference

coordinates are 34-21-00 NL and 94-30-00 WL. This proposed site is 12.5 kilometers (7.8 miles) southwest of Cove.

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* contact.

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 California, is amended by adding Channel 272A at Oroville.

3. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Fernley, Channel 231C3.

4. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Pittsburg, Channel 232A.

5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Cross Plains, Channel 294A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-20787 Filed 9-14-04; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 98-3967; Notice 2]

RIN 2127-AG88

### Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Withdrawal of rulemaking.

**SUMMARY:** This document withdraws a rulemaking to amend the Federal motor vehicle safety standard on lighting as it applies to light emitting diode (LED) signal lamps. In 1998, the agency proposed to amend the standard by adding new paragraphs reflecting Society of Automotive Engineers (SAE) specifications for measurement of photometrics in LED lamps with more than one lighted section, and for LED signal lamp heat testing. For reasons discussed in this document, the agency is withdrawing this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** For technical issues: Mr. Richard Van Iderstine, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590. Telephone: (202) 366-2720. Fax: (202) 366-7002.

For legal issues: Mr. George Feygin, Attorney Advisor, Office of the Chief Counsel, NCC-112, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590. Telephone: (202) 366-5834. Fax: (202) 366-3820. E-Mail:

[George.Feygin@nhtsa.dot.gov](mailto:George.Feygin@nhtsa.dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On April 8, 1994, NHTSA published a notice of proposed rulemaking (NPRM) to amend FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to relieve design restrictions that may have inadvertently prevented the implementation of certain "new-technology" light sources such as LEDs.<sup>1</sup> In response, we received comments indicating that it was premature for the agency to specify unique requirements for lamps equipped with these light sources until further research could be completed to assess conspicuity and other issues. We

<sup>1</sup> See 59 FR 16788.