

the R stock. Subsequently, Z purchases 60 percent of the stock of R from X.

(ii) *Analysis.* Under paragraph (c) of this section, R is a successor of C because after the distribution C transfers property to R in a transaction to which section 381 applies. Accordingly, Z acquired an interest in a successor of C. In addition, under paragraph (d)(3)(ii) of this section, the stock of R is treated as stock of C such that Z is treated as acquiring 60 percent of the voting power and value of C.

(iii) If the distribution and Z's acquisition of a 60-percent interest in R were part of a plan, D would be required to recognize gain in the amount of \$20x, the amount described in section 355(c)(2).

(h) *Effective date.* This section applies to distributions occurring after the date these regulations are published as final regulations in the **Federal Register**.

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 04-25649 Filed 11-19-04; 8:45 am]

BILLING CODE 4830-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OR-04-002; FRL-7835-3]

#### Approval and Promulgation of State Implementation Plans; Oregon

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve numerous revisions to the Oregon State Implementation Plan (SIP) in the State of Oregon Administrative Rules (OAR) relating to the inspection and maintenance (I/M) of motor vehicles. These revisions were submitted to EPA by the Director of the Oregon Department of Environmental Quality (ODEQ) on November 5, 1999, September 15, 2000, November 27, 2000, January 10, 2003, and April 22, 2004.

The revisions were submitted in accordance with the requirements of section 110 of the Clean Air Act (hereinafter CAA or Act).

**DATES:** Written comments must be received on or before December 22, 2004.

**ADDRESSES:** Comments may be mailed to: Wayne Elson, Environmental Protection Agency, Office of Air, Waste, and Toxics (OAWT-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101. Comments may also be submitted electronically or through hand delivery/courier. Please follow the

detailed instructions in the **ADDRESSES** section of the Direct Final Rule which is located in the Rules section of this **Federal Register**. To submit comments, please follow the detailed instructions described in the Direct Final Rule, **SUPPLEMENTARY INFORMATION** section, Part I, General Information.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following location: EPA, Office of Air, Waste, and Toxics (AWT-107), 1200 Sixth Avenue, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:** Wayne Elson, Office of Air, Waste, and Toxics (AWT-107), EPA, Seattle, Washington 98101, (206) 553-1463.

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. If no adverse comments are received in response to this action, no further activity is contemplated.

If the EPA receives 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 rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions 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: October 26, 2004.

**Julie M. Hagensen,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 04-25628 Filed 11-19-04; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 2530

[WO-350-1430-PF-24 1A]

RIN 1004-AB10

#### Indian Allotments

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Bureau of Land Management (BLM) is withdrawing the proposed rule that would have revised the regulations for Indian allotments to reduce the regulatory burden imposed on the public, to streamline and clarify the existing regulations and to remove redundant and unnecessary requirements. The proposal was published in the **Federal Register** on October 16, 1996. We reopened the comment period in the **Federal Register** on July 15, 1999 for 60 days.

**FOR FURTHER INFORMATION CONTACT:** You may contact Jeff Holdren, Lands and Realty Group, on (202) 452-7779 (Commercial or FTS). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, 24 hours a day, seven days a week, except holidays, to contact Mr. Holdren.

**SUPPLEMENTARY INFORMATION:** The BLM published the proposed rule in the **Federal Register** on October 16, 1996 (61 FR 53887). We reopened the comment period in the **Federal Register** on July 15, 1999 (64 FR 38172) for 60-days because we inadvertently omitted the information collection requirements. We received three comments. The BLM decided to withdraw the proposed rule and will take no further action on this proposal regarding Indian allotments.

Dated: September 24, 2004.

**Chad Calvert,**

*Acting Assistant Secretary, Land and Minerals Management.*

[FR Doc. 04-25766 Filed 11-19-04; 8:45 am]

BILLING CODE 4310-84-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 22, 24, 74, 78, and 90

[WT Docket No. 02-55; FCC 04-253]

#### The 800 MHz Public Safety Interference Proceeding; Request for Comments on Ex Parte Presentations and Extension of Deadlines

**AGENCY:** Federal Communications Commission.

**ACTION:** Request for comments.

**SUMMARY:** Subsequent to release of the *800 MHz Report and Order* in the Public Safety Interference Proceeding on August 6, 2004, Nextel Communications, Inc. and others filed *ex parte* presentations in the rulemaking proceeding. Nextel sought clarification and/or modification of certain aspects of

the Commission's final rules released on August 6, 2004, and published in the Rules and Regulations section in this issue. Nextel also filed a supplementary *ex parte* submission providing additional detail on the issues it raised in its September 16, 2004, *ex parte* presentation. Other parties have filed *ex parte* presentations in response to Nextel's *ex parte* filings. The Commission requests comments limited to these filings.

**DATES:** Submit comments on or before December 2, 2004. The Commission is not requesting reply comments.

**ADDRESSES:** All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Suite TW-A325, Washington, DC 20554. One (1) courtesy copy must be delivered to Roberto Mussenden, Esq. at Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division, 445 12th Street, SW., Suite 5-C140, Washington, DC 20554, or via e-mail, [roberto.mussenden@fcc.gov](mailto:roberto.mussenden@fcc.gov), and one (1) copy must be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via Web, <http://www.bcpweb.com>.

**FOR FURTHER INFORMATION CONTACT:** Roberto Mussenden, Esq., Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of a Public Notice released on October 22, 2004 by the Federal Communications Commission requesting comments on certain *ex parte* submissions filed subsequent to release of said Report and Order and extending certain deadlines set forth in the *800 MHz Report and Order*.

1. In order to develop a full and complete record and to further the effective implementation of the 800 MHz band reconfiguration process, the Commission seeks expedited comment on the issues raised in certain *ex parte* presentations submitted after release of the *800 MHz Report and Order* on August 6, 2004. Said issues include the mechanics of the relocation process, valuation of the spectrum, and interference issues. The Commission is not accepting comment at this time on filings that address the freeze on 900 MHz applications. The Commission is waiving the reply comment cycle required pursuant to 47 CFR 1.415(c) for good cause, because expedited consideration of these issues is

important to avoid uncertainty in the implementation of the 800 MHz band reconfiguration process and to avoid further delaying resolution of the problems of unacceptable interference affecting public safety licensees in this band. In addition, in order to avoid uncertainty for Nextel and other 800 MHz licensees, we believe it is appropriate to provide certain parties additional time to comply with certain benchmarks set forth in the *800 MHz Report and Order*, which is published in the Rules and Regulations section of this issue. Additional information regarding this deadline extension is published in the Rules and Regulations section of this issue.

3. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

4. Interested parties may view the referenced *ex parte* filings on the Commission's Electronic Comment Filing System (ECFS) using the following steps: (i) Access ECFS at <http://www.fcc.gov/e-file/ecfs.html>; (ii) in the introductory screen, click on "Search for Filed Comments"; (iii) in the "Proceeding" box, enter "02-55"; (iv) check the box marked "Search by Date Range"; (v) in the "Date received/adopted" block, in the "From" column, enter 07/08/2004; (vi) in the "To" column enter the date this notice is published in the **Federal Register** in the format MM/DD/YYYY.

5. Commenters may file comments using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). Commenters filing through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, commenters must submit only one copy of an electronic submission. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each

docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Commenters may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and should include the following words in the body of the message, "get form <your e-mail address>." Commenters will receive a sample form and directions in reply.

6. Parties that choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

7. Commenters may send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving 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. Commenters must bind all hand deliveries together with rubber bands or fasteners and must dispose of any envelopes before entering the building. This facility is the only location where the Commission's Secretary will accept hand-delivered or messenger-delivered paper filings. Commenters must send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743. Commenters should address U.S. Postal Service first-class mail, Express Mail, and Priority Mail to 445 12th Street, SW., Washington, DC 20554.

8. Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. They 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 1-800-378-3160, or via Web, <http://www.bcpweb.com>.

Federal Communications Commission.

**D'wana R. Terry,**

*Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission.*

[FR Doc. 04-25261 Filed 11-19-04; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-3513; MB Docket No. 04-411, RM-11096]

#### Radio Broadcasting Services; Georgetown, Mason, and Oxford, OH, Salt Lick, KY and West Union, OH

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Audio Division requests comment on a petition jointly filed by Balogh Broadcasting Company, Inc., licensee of Station WOXY(FM), Channel 249A, Oxford, Ohio, Richard L. Plessinger, Sr., licensee of Station WAXZ(FM), Channel 249A, Georgetown, Ohio, and Dreamcatcher Communications, Inc., licensee of Station WRAC(FM), Channel 276A, West Union, Ohio requesting the reallocation of Channel 249A from Oxford to Mason, Ohio, as its first local service and modification of the Station WOXY(FM) license, reallocation of Channel 249A from Georgetown, Ohio to Salt Lick, Kentucky, as its first local service and modification of the Station WAXZ(FM) license, and reallocation of Channel 276A from West Union to Georgetown, Ohio to prevent removal of sole existing local service and modification of the Station WRAC(FM) license. Channel 249A can be allotted to Mason in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.4 kilometers (5.8 miles) east of Mason. The proposed reference coordinates for Channel 249A at Mason are 39-20-57 NL and 84-12-08 WL. Channel 249A can also be allotted to Salt Lick in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.6 kilometers (4.1 miles) northeast of Salt Lick. The proposed reference coordinates for Channel 249A at Salt Lick are 38-10-15 NL and 83-34-31 WL. Channel 276A can also be allotted to Georgetown in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.1 kilometers (7.5 miles) east of Georgetown. The

proposed reference coordinates for Channel 276A at Georgetown are 38-52-14 NL and 83-45-55 WL.

**DATES:** Comments must be filed on or before December 27, 2004, and reply comments on or before January 11, 2005.

**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: Mark N. Lipp, Esq., Counsel, Richard L. Plessinger, Sr., Scott Woodworth Vinson & Elkins, LLP, 1455 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20004, Harry C. Martin, Esq., Counsel, Balogh Broadcasting Company, Inc., Fletcher Heald & Hildreth, PLC, 1300 North 17th Street, 11th Floor, Arlington, VA 22209, Coe W. Ramsey, Esq., Counsel, Dreamcatcher Communications, Inc., Brooks Pierce McLendon Humphrey & Leonard, LLP, P.O. Box 1800, Raleigh, NC 27602.

**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 No. 04-411, adopted November 3, 2004, and released November 5, 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 <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* 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 Kentucky, is amended by adding Salt Lick, Channel 249A.

3. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by removing Channel 249A and by adding Channel 276A at Georgetown, by adding Mason, Channel 249A, by removing Oxford, Channel 249A, by removing West Union, Channel 276A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-25807 Filed 11-19-04; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-3512; MB Docket No. 04-407, RM-11106; MB Docket No. 04-408, RM-11107; MB Docket No. 04-409, RM-11108; MB Docket No. 04-410, RM-11109]

#### Radio Broadcasting Services; Bertram, TX; Hawley, TX; Port Norris, NJ; Woodson, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes four new FM broadcast allotments in Bertram, Texas; Hawley, Texas; Port Norris, New Jersey; Woodson, Texas. The Audio Division, Media Bureau, requests comment on a petition filed by Charles Crawford, proposing the allotment of Channel 284A at Bertram, Texas, as the community's first local aural transmission service. Channel 284A can be allotted to Bertram in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.7 kilometers (7.2 miles) north of the community. The reference coordinates for Channel 284A at Bertram are 30-50-26 NL and 98-05-45 WL. See **SUPPLEMENTARY INFORMATION, *infra*.**

**DATES:** Comments must be filed on or before December 27, 2004, and reply