

promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

EPA bases its proposal to delete the SPA and SDA portions of the RMA/NPL Site on the determination by EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), that all appropriate actions under CERCLA have been implemented to protect human health, welfare, and the environment and that no further response action by responsible parties is appropriate. This basis for deleting the SPA and SDA from the RMA/NPL Site has not changed. The **Federal Register** notice for the SPA (68 FR 44259) and the SDA (68 FR 44265) provide a discussion of the bases for the intended partial deletions.

**DATES:** Comments concerning the proposed partial deletions may be submitted to EPA on or before October 27, 2003.

**ADDRESSES:** Comments may be mailed to: Catherine Roberts, Community Involvement Coordinator (80C), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, 1-800-227-8917 or (303) 312-6025.

Comprehensive information on the RMA/NPL Site, as well as information specific to both proposed partial deletions, is available through EPA's Region 8 Superfund Records Center in Denver, Colorado. Documents are available for viewing by appointment from 8 a.m. to 4 p.m., Monday through Friday excluding holidays by calling (303) 312-6473. The Administrative Record for the RMA/NPL Site and the Deletion Dockets for these partial deletions are maintained at the Joint Administrative Records Document Facility, Building 129, Room 2024, Commerce City, Colorado 80022-1748, (303) 289-0362. Documents are available for viewing from 12 p.m. to 4 p.m., Monday through Friday or by appointment.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laura Williams, Remedial Project Manager (8EPR-F), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, (303) 312-6660.

Dated: September 29, 2003.

**Robert E. Roberts,**

*Regional Administrator, Environmental Protection Agency, Region 8.*

[FR Doc. 03-25402 Filed 10-6-03; 8:45 am]

**BILLING CODE 6560-50-M**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-7439]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Doug Bellomo, P.E. Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more

stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

*Regulatory Classification.* This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 12612, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

*Executive Order 12778, Civil Justice Reform.* This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

#### PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376, § 67.4

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)	
				Existing	Modified
California .....	Goleta (City), Santa Barbara County.	Maria Ygnacia Creek .....	Approximately 900 feet downstream of Hollister Avenue.	None	*36
			Approximately 80 feet downstream of confluence of San Antonio Creek.	None	*64

Depth in feet above ground.

Maps are available for inspection at City Hall, 6500 Hollister Avenue, Goleta, California 93117.

Send comments to The Honorable Jack Hawxhurst, Mayor, City of Goleta, 6500 Hollister Avenue, Suite 120, Goleta, California 93117.

Colorado .....	City and County, Broomfield.	Rock Creek .....	At Brainard Drive (Country Road 19) .....	*5,307	*5,309
			Approximately 200 feet upstream of West Flatiron Bridge.	None	+5,373

Depth in feet above ground.

Maps are available for inspection at City Hall One Descombes Drive, Broomfield, Colorado 80020.

Send comments to The Honorable Karen Stuart, Mayor, City and County of Broomfield, One Descombes Drive, Broomfield, Colorado 80020.

Colorado .....	Pitkin County .....	Southside Split .....	Approximately 1,200 feet Flow downstream of State Highway 82 Bypass.	None	*6,558
			Approximately 6,000 feet upstream of State Highway 82 Bypass.	None	*6,637
		Roaring Fork River .....	Approximately 5,500 feet downstream of Hooks Spur Road.	*6,524	*6,526
			Approximately 50 feet downstream of confluence of Snowmass Creek.	*6,844	*6,844

Depth in feet above ground.

Maps are available for inspection at the GIS Department, 130 South Galena Street, Aspen, Colorado 81611.

Send comments to The Honorable Jack Hatfield, Chairperson, Pitkin County Board of Commissioners, 530 East Main Street, Third Floor, Aspen, Colorado 81611.

Idaho .....	Kootenai County	Coeur d'Alene River .....	Approximately 1.5 miles downstream of Interstate Highway 90.	*2,145	*2,145
			Approximately 100 feet upstream of the Abandoned Union Pacific Railroad.	*2,148	*2,151
		Coeur d'Alene River Overflow .....	At Tamarack Ridge Road .....	*2,146	*2,145
			Mission Flats area north of Interstate 90	*2,146	*2,145

Depth in feet above ground.

Maps are available for inspection at the Kootenai County Planning Department, 451 Government Way, Coeur d'Alene, Idaho 83816.

Send comments to The Honorable Richard Panabaker, Chairperson, Kootenai County Board of Commissioners, 451 Government Way, Coeur d'Alene, Idaho 83816.

North Dakota .....	Bismarck (City), Burleigh County.	Missouri River .....	Approximately 3.8 miles upstream of confluence of Little Heart River.	*1,631	*1,632
			Approximately 1.7 miles upstream of Old Brunt Creek.	*1,638	*1,639

Depth in feet above ground.

Maps are available for inspection at the Building Inspection Office, 1020 East Central Avenue, Bismarck, North Dakota 58501.

Send comments to The Honorable John Warford, Mayor, City of Bismarck, P.O. Box 5503, Bismarck, North Dakota 58506-5503.

North Dakota .....	Burleigh County .....	Missouri River .....	Approximately 500 feet downstream of confluence of Apple Creek.	*1,627	*1,628
			Approximately 5.7 miles upstream of confluence Square Butte Creek.	*1,643	*1,644
		Burnt Creek .....	At confluence with Missouri River .....	*1,639	*1,640
			Just upstream of North Dakota Highway 1804.	*1,646	*1,650

Depth in feet above ground.

Maps are available for inspection at the County Building Inspections Office, 1020 East Central Avenue, Bismarck, North Dakota 58501.

Send comments to The Honorable Claus Lembke, Chairman, Burleigh County Board of Commissioners, 221 North Fifth Street, Bismarck, North Dakota 58506.

North Dakota .....	Mandan (City), Morton County.	Missouri River .....	Approximately 1.1 miles downstream of Bismarck Expressway bridge.	*1,634	*1,635
			Approximately 2.8 miles upstream of Interstate Highway 94.	*1,638	*1,639

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)	
				Existing	Modified

Depth in feet above ground.

Maps are available for inspection at City Hall, 205 Second Avenue, Northwest, Mandan, North Dakota 58554.

Send comments to The Honorable Ken LaMont, Mayor, City of Mandan, 205 Second Avenue, Northwest, Mandan, North Dakota 58554.

North Dakota .....	Morton County .....	Missouri River .....	At confluence of Apple Creek .....	*1,627	*1,628
			Approximately 5.7 miles upstream of confluence of Square Butte Creek.	*1,643	*1,644

Depth in feet above ground.

Maps are available for inspection at the County Courthouse, 210 Second Avenue, Northwest, Mandan, North Dakota 58554.

Send comments to The Honorable Dick Tokach, Chairman, Morton County Board of Commissioners, 210 Second Avenue, Northwest, Mandan, North Dakota 58554.

South Dakota .....	Standing Rock Sioux Tribe.	Grand River (at Bullhead)	Approximately 4,000 feet downstream of confluence of Rock Creek.	None	+1,759
			Approximately 4,600 feet upstream of confluence of Stink Creek.	None	+1,774
		Grand River (at Little Eagle).	Approximately 3.4 miles downstream of State Route.	None	+1,638
			Approximately 2,000 feet upstream of State Route 63.	None	+1,651
		Oak Creek .....	Approximately 7,500 feet downstream of Sewage Lagoons.	None	+1,622
			Approximately 2,900 feet upstream of Old Irrigation Dam.	None	+1,646
Rock Creek .....	At confluence with Grand River (at Bullhead).	None	+1,761		
	Approximately 7,500 feet upstream of Bullhead Road.	None	+1,793		

Depth in feet above ground.

Maps are available for inspection at the Tribal Land Management, South River Road, Fort Yates, North Dakota 58538.

Send comments to The Honorable Charles Murphy, Chairman, Standing Rock Sioux Tribe, P.O. Box D, Fort Yates, North Dakota 58538.

South Dakota .....	Cheyenne River Sioux Tribe, Dewey and Ziebach County.	Bear Creek .....	Approximately 5,800 feet upstream of State Route 65.	None	+2,345
			Just upstream of Cherry Road .....	None	+2,357
		Cherry Creek .....	Approximately 1,200 feet upstream of U.S. Route 212.	None	+2,365
			At confluence with Cheyenne River .....	None	+1,723
			Just upstream of Main Street .....	None	+1,729
		Cheyenne River .....	Approximately 7,000 feet upstream of Main Street.	None	+1,735
			Approximately 6,200 feet upstream of Plum Creek.	None	+1,714
			Just upstream confluence of Cherry Creek.	None	+1,723
			Approximately 1,730 feet upstream confluence of Cherry Creek.	None	+1,728
		Virgin Creek .....	Approximately 5,800 feet downstream of U.S. Route 212.	None	+1,896
Just upstream of U.S. Route 212 .....	None		+1,914		
Approximately 3 miles upstream of U.S. Route 212.	None		+1,950		

Depth in feet above ground.

Maps are available for inspection at the Economic Development Center, P.O. Box 590, Eagle Butte, South Dakota 57625.

Send comments to The Honorable Harold Frazier, Tribal Chairman, Cheyenne River Sioux Tribe, P.O. Box 590, Eagle Butte, South Dakota 57625.

## EAGLE COUNTY, AND INCORPORATED AREAS

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet + (NAVD)		Communities affected
		Effective	Modified	
Buffehr Creek .....	At confluence with Gore Creek .....	*7,951 ....	+7,956	Eagle County. (Uninc. Area) and Town of Vail.
	Approximately 1,700 feet upstream of Circle Drive .....	None .....	+8,180	
Black Gore Creek .....	At confluence with Lower Gore Creek .....	*8,574 ....	+8,575	Town of Vail.
	Approximately 1,280 feet upstream of confluence with Lower Gore Creek.	*8,632 ....	+8,628	
Bighorn Creek .....	At confluence with Gore Creek .....	*8,422 ....	+8,431	Town of Vail.
	Approximately 350 feet upstream of Columbine Drive	None .....	+8,639	
Middle Creek .....	At confluence with Gore Creek .....	*8,112 ....	+8,118	Town of Vail.
	Approximately 850 feet upstream of Interstate High- way 70.	*8,330 ....	+8,335	
Pitkin Creek .....	At confluence with Gore Creek .....	*8,358 ....	+8,366	Town of Vail. Town of Vail.
	Approximately 200 feet upstream of Fall Line Drive ....	None .....	+8,454	
Red Sandstone Creek .....	At confluence with Gore Creek .....	*8,071 ....	+8,078	Eagle County. (Uninc. Areas) and Town of Basalt.
	Just upstream of Potato Patch Drive .....	None .....	+8,254	
Roaring Fork River .....	At Eagle County/Garfield County boundary .....	None .....	+6,380	Eagle County. (Uninc. Areas) and Town of Basalt.
	Just downstream of Emma Road .....	None .....	+6,600	
South Side Split Flow .....	At confluence with Roaring Fork River .....	None .....	+6,553	Eagle County. (Uninc. Areas) and Town of Basalt.
	Approximately 1,200 feet downstream of State High- way 82 Bypass.	None .....	+6,563	
Eagle River .....	Approximately 500 feet downstream of U.S. Highway 6.	*6,273 ....	+6,277	(Uninc. Areas).
East Mill Creek .....	Just downstream of confluence with Brush Creek .....	None .....	+6,502	Eagle County. (Uninc. Areas) and Town of Vail.
	At confluence with Gore Creek .....	*8,168 ....	+8,175	
Gore Creek .....	Just upstream of Vail Road .....	None .....	+8,292	Eagle County. (Uninc. Areas) and Town of Vail.
	Just upstream of confluence with Eagle River .....	.....		
Lower Gore Creek .....	At confluence with Upper and Lower Gore Creek .....	None .....	+8,561	Eagle County. (Uninc. Areas) and Town of Vail.
	At confluence with Gore Creek .....	*8,555 ....	+8,561	
Spraddle Creek .....	At Divergence from Upper Gore Creek .....	None .....	+8,610	Eagle County. (Uninc. Areas) and Town of Vail.
	At confluence with Gore Creek .....	*8,132 ....	+8,138	
Upper Gore Creek .....	Approximately 1,150 feet upstream of Interstate Highway 70.	None .....	+8,274	Town of Vail.
	At confluence with Gore Creek .....	*8,556 ....	+8,562	
West Mill Creek .....	Approximately 1,000 feet upstream of Interstate High- way 70 westbound.	None .....	+8,682	Eagle County. (Uninc. Areas) and Town of Vail.
	Just downstream of Gore Drive .....	*8,176 ....	+8,165	
Booth Creek .....	Just upstream of Vail Road .....	None .....	+8,292	Eagle County. (Uninc. Areas) and Town of Vail.
	At confluence with Gore Creek .....	*8,290 ....	+8,296	
Booth Creek .....	Approximately 1,300 feet upstream of interstate High- way 70.	*8,384 ....	+8,392	Town of Vail.

# Depth in feet above ground.

\* National Geodetic Datum.

+ National American Vertical Datum.

Addresses: Unincorporated Areas Eagle County:

Maps are available for inspection at 500 Broadway Street, Eagle, Colorado 81631.

Send comments to the Honorable Michael Gallagher, Chairman Eagle County Board of Commissioners, P.O. Box 850, Eagle, Colorado 81631.

Town of Gypsum:

Maps are available for inspection at 50 Lundgren Boulevard, Gypsum, Colorado 81637.

Send comments to the Honorable Stephen M. Carver, Mayor, Town of Gypsum, P.O. Box 28, Gypsum, Colorado 81637.

Town of Basalt:

Maps are available for inspection at the Town Hall, 101 Midland Avenue, Basalt, Colorado 81621.

Send comments to the Honorable Richard P. Stevens, Mayor, Town of Basalt, Town Hall, 101 Midland Avenue, Basalt, Colorado 81621.

Town of Vail:

Maps are available for inspection at the Community Development Office, 75 South Frontage Road, Vail, Colorado 81657.

Send comments to the Honorable Ludwig Kurz, Mayor, Town of Vail, 75 South Frontage Road, Vail, Colorado 81657.

CHARLES MIX COUNTY, AND INCORPORATED AREAS

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet + (NAVD)		Communities affected
		Effective	Modified	
Unnamed Creek (near Wagner)..	Approximately 400 feet upstream of 396th Avenue .....	None .....	*1,413	Yankton Sioux Tribe and City of Wagner.
	Approximately 600 feet downstream of 394th Avenue	None .....	*1,458	
Left Bank Tributary of Mosquito Creek (near Marty).	Approximately 1,400 feet downstream of 303rd Street	None .....	*1,434	Yankton Sioux Tribe.
	Approximately 1,950 feet upstream of 303rd Street ....	None .....	*1,458	

# Depth in feet above ground.

\* National Geodetic Datum.

+ National American Vertical Datum.

Addresses: Yankton Sioux Tribe:

Maps are available for inspection at 100 North Main Street, Marty, South Dakota 57361.

Send comments to the Honorable Madonna Archambeau, Tribal Chairwoman, Yankton Sioux Tribe, 100 Main Street, Marty South Dakota 57361.

City of Wagner:

Maps are available for inspection at the City Hall, 106 Sheridan Avenue, Southeast, Wagner, South Dakota 57380.

Send comments to the Honorable Sharon Haar, Mayor, City of Wagner, 106 Sheridan Avenue, Southeast, Wagner, South Dakota 57380.

KING COUNTY, AND INCORPORATED AREAS

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet + (NAVD)		Communities affected
		Effective	Modified	
Snoqualmie River .....	Approximately 2,000 feet downstream of confluence of Middle Fork and South Fork Snoqualmie River.	*425 .....	*424	King County (Uninc. Areas) and City of Snoqualmie.
South Fork Snoqualmie River	At confluence with Middle Fork Snoqualmie River .....	*427 .....	*425	
Middle Fork Snoqualmie River.	Approximately 700 feet upstream of eastbound I-90 bridge.	*475 .....	*475	King County (Uninc. Areas) and City of North Bend.
	At confluence of North Fork Snoqualmie River .....	*426 .....	*426	
Lower Overflow .....	Approximately 260 feet downstream of Southeast Mount SI Road.	*478 .....	*478	King County (Uninc. Areas) and City of North Bend.
	At Southeast 100th Street .....	*429 .....	*428	
Middle Overflow .....	Approximately 1,400 feet upstream of North Pickett Avenue.	None .....	*449	King County (Uninc. Areas) and City of North Bend.
	Just upstream of Northeast 420th Avenue .....	*431 .....	*432	
Upper South Overflow .....	At Borst Avenue Northeast .....	#2 .....	*441	King County (Uninc. Areas) and City of North Bend.
	Approximately 400 feet downstream of Ballarat Avenue North.	#2 .....	*437	
Upper North Overflow .....	At divergence from Middle Fork Snoqualmie River .....	*467 .....	*467	King County (Uninc. Areas) and City of North Bend.
	Approximately 150 feet downstream of Ogle Avenue Northeast.	#2 .....	*441	
	Approximately 400 feet downstream of 120th Street ...	*460 .....	*457	

## KING COUNTY, AND INCORPORATED AREAS—Continued

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet + (NAVD)		Communities affected
		Effective	Modified	
Gardiner Creek .....	At Bolch Avenue Northwest .....	None .....	*429	King County (Uninc. Areas) and City of North Bend.
	Upstream of Northwest Eighth Street .....	None .....	*435	

# Depth in feet above ground.

\* National Geodetic Datum.

+ National American Vertical Datum.

Addresses: Unincorporated Areas of King County:

Maps are available for inspection at the King DDES, Blackriver Corp. Park, 900 Oakesdale Avenue Southwest, Suite 100, Renton, Washington 98055.

Send comments to the Honorable Ron Sims, King County Executive, 516 Third Avenue, Suite 400, Seattle, Washington 98104.

City of North Bend:

Maps are available for inspection at 1155 East North Bend Way, North Bend, Washington 98045.

Send comments to the Honorable Joan Simpson, Mayor, City of North Bend, P.O. Box 896, North Bend, Washington 98045.

City of Snoqualmie:

Maps are available for inspection at the Planning Directors Office, 8020 Railroad Avenue Southeast, Snoqualmie, Washington 98065.

Send comments to the Honorable Randy Fletcher, Mayor, City of Snoqualmie, P.O. Box 987, Snoqualmie, Washington 98065.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: September 30, 2003.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

[FR Doc. 03-25346 Filed 10-6-03; 8:45 am]

**BILLING CODE 6718-04-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-2930, MB Docket No. 03-210, RM-10791]

### Digital Television Broadcast Service; Elmira, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Smith Television of New York License Holdings, Inc., licensee of station WETM-TV, requesting the substitution of DTV channel 33 for DTV channel 2. DTV Channel 33 can be allotted to at reference coordinates 42-06-22 N. and 76-52-17 W. with a power of 525, a height above average terrain HAAT of 363 meters. Since the community of Elmira is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for this allotment.

**DATES:** Comments must be filed on or before November 24, 2003, and reply comments on or before October 1, 2003.

**ADDRESSES:** The Commission permits the electronic filing of all pleadings and

comments in proceedings 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 (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, 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: Brad C. Deutsch, Hogan & Hartson LLP, 555 Thirteenth Street, NW., Washington, DC 20004-1109 (Counsel for Smith Television of New York License Holdings, Inc.).

**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. 03-210, adopted September 23, 2003, and released October 1, 2003. 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, Qualex International, Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail: [qualexint@aol.com](mailto:qualexint@aol.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

Digital television broadcasting, Television.

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