

on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order.

This rule proposing to approve the redesignation of Kent and Queen Anne's Counties ozone nonattainment area to attainment and to approve the associated maintenance plan, does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

##### 40 CFR Part 81

Environmental protection, Air pollution control.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 26, 2004.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 04-17499 Filed 7-30-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 70

[NV117b-OPP; FRL-7795-7]

#### Approval and Promulgation of Operating Permits Program; State of Nevada, Clark County Department of Air Quality Management

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the Clark County Department of Air Quality Management (DAQM) Operating Permits (Title V) Program. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are approving a rule revision that addresses when a timely application for title V permit renewal must be submitted.

**DATES:** Any comments on this proposal must arrive by September 1, 2004.

**ADDRESSES:** Send comments to Gerardo Rios, Permits Office Chief (AIR-3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901 or e-mail to [rios.gerardo@epa.gov](mailto:rios.gerardo@epa.gov). Comments may also be submitted at <http://www.regulations.gov>.

You can inspect a copy of the submitted Title V program revision and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the submitted title V program revision by appointment at the following locations: Nevada Division of Environmental Protection, 333 W. Nye Lane, Room 138, Carson City, Nevada; Clark County Department of Air Quality Management, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155. A copy of the rule may also be available via the Internet at [http://www.co.clark.nv.us/air\\_quality/regs.htm](http://www.co.clark.nv.us/air_quality/regs.htm). Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Roger Kohn, EPA Region IX, (415) 972-3973, or [kohn.roger@epa.gov](mailto:kohn.roger@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local

rule: DAQM Section 19. In the Rules and Regulations section of this **Federal Register**, we are approving this Title V program revision in a direct final action without prior proposal because we believe it is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: July 16, 2004.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 04-17498 Filed 7-30-04; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-2252, MB Docket No. 04-265, RM-10439]

#### Television Broadcast Service and Digital Broadcast Service; Seattle, WA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by KCTS Television proposing the substitution of DTV channel \*53 for analog channel \*62 at Seattle, Washington. DTV Channel \*53 can be allotted to Seattle, Washington, at reference coordinates 47-30-17 N. and 121-58-06 W. with a power of 240, a height above average terrain HAAT 714 of meters. Since the community of Seattle 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 September 20, 2004, and reply comments on or before October 5, 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