

acceptable substitutes for ozone-depleting halon 1301 in total flooding applications (59 FR 13044). Under the terms of the Montreal Protocol on Substances that Deplete the Ozone Layer, EPA promulgated regulations to phase out the production and import of halon 1301 effective January 1, 1994. In response to the halon phase out, the fire protection industry has developed a number of safe, effective alternatives. The SNAP program reviews alternatives to Class I and Class II ozone-depleting substances and approves use of alternatives which reduce the overall risk to public health and the environment. A number of alternatives have been suggested by industry, including CO₂ systems. The March 18, 1994 final rule established the SNAP program and issued EPA's initial decisions on the acceptability and unacceptability of substitutes for ozone-depleting substances. The original SNAP rule listed carbon dioxide as an acceptable halon 1301 substitute in total flooding applications. At the time, EPA noted that while water, carbon dioxide, foam, and dry chemical were currently in use, these substances fell within the definition of alternative technology for fire suppression and explosion protection (59 FR 13101). In these cases, EPA simply listed these as acceptable and noted their applicable National Fire Protection Association (NFPA) industry standards; EPA did not perform the same assessment of potential health and environmental impacts as for the new alternative technologies such as water mist systems and the new in-kind fire suppressants such as hydrofluorocarbons and inert gases.

In 2000, EPA published a report *Carbon Dioxide as a Fire Suppressant: Examining the Risks*, to provide users of total flooding halon systems who may be unfamiliar with total flooding CO₂ systems with information regarding the potential safety hazards associated with carbon dioxide systems, including accidental discharges or improper use. Appropriate precautions must be taken before switching to CO₂ systems. With the report, EPA attempted to raise awareness and promote the responsible use of CO₂ fire suppression systems.

Since that publication, EPA received information indicating a resurgence in use of CO₂ total flooding fire extinguishing systems, particularly in the marine sector for systems protecting machinery spaces on ships. In 2003, EPA funded a report to provide information on the growing use of CO₂ fire extinguishing systems, particularly in the marine market. The report *Review of the Use of Carbon Dioxide Total Flooding Fire Extinguishing Systems*

(Wickham, Robert T., 2003) considers the personnel safety risks from use in occupied areas, compares these systems to halon and other halon alternatives, and recommends changes in industry standards for improving safety.

Today, the Agency is making available for public review and comment these two reports. The purpose of making the reports available is to request comment on the accuracy and completeness of the technical information and data. We plan to consider the information in these reports and any comment received during the comment period in reviewing the current SNAP listing for the use of CO₂ in total flooding fire extinguishing applications. If, based on our review and consideration of comments, we determine to change our current acceptability listing decision, we will issue a proposed rule.

III. What Information Is EPA Making Available for Review and Comment?

The Agency is seeking comment on the accuracy and thoroughness of the information in the above reports: *Carbon Dioxide as a Fire Suppressant: Examining the Risks and Review of the Use of Carbon Dioxide Total Flooding Fire Extinguishing Systems*, specifically:

- Overview of historical and current use of CO₂ fire extinguishing systems;
- Potential risks of CO₂ systems;
- The comparison of CO₂ systems with other halon alternative systems in terms of technical and economic viability;
- Personnel safety standards in existing regulations, standards, and codes.

IV. Where Can I Get the Information Being Made Available for Comment?

All of the information on which we are seeking comment can be obtained through the Air Docket (see Supplemental Information section above for docket contact info) with the reference numbers as follows:

- Carbon Dioxide as a Fire Suppressant: Examining the Risks* Air Docket, OAR-2004-0024 reference number II-A-1
- Report on the Use of Carbon Dioxide Total Flooding Fire Extinguishing Systems* Air Docket, OAR-2004-0024 reference number II-A-2

V. Why Is EPA Making This Information Available?

We are considering whether to revise the current acceptable SNAP determination for CO₂ as a halon 1301 substitute in total flooding applications because of reports on increasing use and continuing injuries and fatalities, indicating CO₂ systems may pose greater

risks to human health than other available substitutes. We are soliciting comment on this new information to ensure that we use the most accurate information available in our review of the current listing for CO₂ total flooding fire extinguishing systems. The Agency is providing the public with an opportunity to comment on the quality of the available information and to provide additional data for our consideration. We will use this information to ensure that we fully consider issues relating to the technical viability of alternatives, human health and safety, and industry impacts in our review of the current SNAP listing for CO₂ systems in total flooding applications.

VI. What Supporting Documentation Do I Need To Include in My Comments?

Please provide any published studies or data supporting your statements.

Dated: May 3, 2004.

Brian McLean,

Director, Office of Atmospheric Programs,
Office of Air and Radiation.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04-1027; MB Docket No. 04-127, RM-10941; MB Docket No. 04-128, RM-10942; MB Docket No. 04-129, RM-10943; MB Docket No. 04-130, RM-10944; MB Docket No. 04-131, RM-10945; MB Docket No. 04-132, RM-10946; MB Docket No. 04-133, RM-10947; MB Docket No. 04-134, RM-10948, MB Docket No. 04-135, RM-10949, RM-10950; MB Docket No. 04-136, RM-10951; MB Docket No. 04-137, RM-10952; MB Docket No. 04-138, RM-10953, RM-10954]

Radio Broadcasting Services;
Augusta, WI, Barnwell, SC, Burnet, TX,
Denver City, TX, Fountain Green, UT,
Hayward, WI, Liberty, PA, Shenandoah,
VA, St. Marys, WV, Susquehanna, PA,
Toquerville, UT, and Van Alstyne, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth twelve reservation proposals requesting to amend the FM Table of Allotments by reserving certain vacant FM allotments for noncommercial educational use in Augusta, WI, Barnwell, SC, Burnet, TX, Denver City, TX, Fountain Green, UT, Hayward, WI, Liberty, PA, Shenandoah, VA, St. Marys, WV, Susquehanna, PA,

Toquerville, UT, and Van Alstyne, TX. The Audio Division requests comment on a petition filed Youngshine Media, Inc. proposing the reservation of vacant Channel 298A at Liberty, PA for noncommercial use. The reference coordinates for Channel *298A at Liberty are 41–29–28 North Latitude and 77–12–22 West Longitude. The Audio Division requests comment on petitions filed by American Family Association proposing the reservation of vacant Channel 227A at Susquehanna, PA, vacant Channel 256C3 at Barnwell, SC, vacant Channel 240A at Burnet, TX, vacant Channel 248C2 at Denver City, TX, and vacant Channel 260A at Van Alstyne, TX for noncommercial use. The reference coordinates for Channel *227A at Susquehanna are 41–55–44 North Latitude and 75–31–50 West Longitude. The reference coordinates for Channel *256C3 at Barnwell are 33–24–29 North Latitude and 81–16–43 West Longitude. The reference coordinates for Channel *240A at Burnet are 30–51–5 North Latitude and 98–17–35 West Longitude. The reference coordinates for Channel *248C2 at Denver City are 33–1–53 North Latitude and 102–48–47 West Longitude. The reference coordinates for Channel *260A at Van Alstyne are 33–27–8 North Latitude and 96–27–21 West Longitude. *See* **SUPPLEMENTARY INFORMATION, *infra*.**

DATES: Comments must be filed on or before June 10, 2004, and reply comments on or before June 25, 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: Arthur H. Harding, Esq., Christopher G. Wood, Esq., Mark B. Denbo, Esq., c/o Youngshine Media, Inc., Fleischman and Walsh, L.L.P., 1919 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20006; Patrick J. Vaughn, General Counsel, American Family Association, Post Office Drawer 2440, Tupelo, MS 38803; Peter Gutmann, Esq., c/o Intermountain Educational Communications, Inc., Womble, Carlyle, Sandridge & Rice, PLLC, 1401 I Street, NW., Seventh Floor, Washington, DC 20005; David A. O'Connor, Esq., c/o Calvary Chapel of St. George, Holland & Knight LLP, 2099 Pennsylvania Avenue, NW., Suite 100, Washington, DC 20006; Jeffrey D. Southmayd, Esq., c/o Sister Sherry Lynn Foundation, Inc., Southmayd & Miller, 1220 19th Street, NW., Suite 400, Washington, DC 20036; Mark Follett, Starboard Media Foundation, Inc., 2300 Riverside Drive, Green Bay, WI 54301;

Thomas P. Taggart, Trustee/Counsel, Fine Arts Radio, Inc., 8 Ransom Road, Athens, OH 45701; and Kenneth E. Satten, Esq., Timothy J. Cooney, Esq., and Rebecca A. Schillings, c/o West Virginia Educational Broadcasting Authority, Wilkinson, Barker, Knauer, LLP, 2300 N Street, NW., Suite 700, Washington, DC 20037.

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. 04–127, 04–128, 04–129, 04–130, 04–131, 04–132, 04–133, 04–134, 04–135, 04–136, 04–137, 04–138, adopted April 14, 2004 and released April 19, 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, 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.

The Audio Division requests comment on a petition filed by Intermountain Educational Communications, Inc. proposing the reservation of vacant Channel 260A at Fountain Green for noncommercial use. The reference coordinates for Channel *260A at Fountain Green are 39–37–42 North Latitude and 111–38–24 West Longitude.

The Audio Division requests comment on a petition filed by Calvary Chapel of St. George proposing the reservation of vacant Channel 280C at Toquerville, UT for noncommercial use. The reference coordinates for Channel *280C at Toquerville are 37–15–12 North Latitude and 113–17–0 West Longitude.

The Audio Division requests comment on petitions filed by Sister Sherry Lynn Foundation, Inc. and American Family Association proposing the reservation of vacant Channel 296A at Shenandoah, VA for noncommercial use. The reference coordinates for Channel *296A at Shenandoah are 38–30–0 North Latitude and 78–36–33 West Longitude.

The Audio Division requests comment on petitions filed by Starboard Media Foundation, Inc. proposing the reservation of vacant Channel 268C3 at Augusta, WI and vacant Channel 232C2 at Hayward, WI for noncommercial use.

The reference coordinates for Channel *268C3 at Augusta are 44–40–11 North Latitude and 90–57–55 West Longitude. The reference coordinates for Channel *232C2 at Hayward are 46–15–4 North Latitude and 91–23–1 West Longitude.

The Audio Division requests comment on petitions filed by Fine Arts Radio, Inc. and West Virginia Educational Broadcasting Authority proposing the reservation of vacant Channel 287A at St. Marys, WV for noncommercial use. The reference coordinates for Channel *287A at St. Marys are 39–18–3 North Latitude and 81–15–19 West Longitude. 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 Pennsylvania is amended by adding Channel *298A and by removing Channel 298A at Liberty; and by adding Channel *227A and by removing Channel 227A at Susquehanna.

3. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by adding Channel *256C3 and by removing Channel 257C1 at Barnwell.¹

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel *240A and by removing

¹ In MM Docket No. 00–18, the Audio Division substituted Channel 257C1 for 256C3 at Barnwell, SC, reallocated Channel 257C1 to Pembroke, Georgia, and modified the license of Station WBAW to specify operation on Channel 257C1 at Pembroke. As such, Channel 256C3 was allotted to Barnwell, SC as a replacement service. *See* 66 FR 55596, published November 2, 2001.

Channel 240A at Burnet; by adding Channel *248C2 and by removing Channel 248C2 at Denver City; by adding Channel *260A and by removing Channel 260A at Van Alstyne.

5. Section 73.202(b), the Table of FM Allotments under Utah, is amended by adding Channel *260A and by removing Channel 260A at Fountain Green; and by adding Channel *280C and by removing Channel 280C at Toquerville.

6. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by adding Channel *296A and by removing Channel 296A at Shenandoah.

7. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Channel *287A and by removing Channel 287A at St. Marys.

8. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel *268C3

and by removing Channel 268C3 at Augusta; and by adding Channel *232C2 and by removing Channel 232C2 at Hayward.

Federal Communications Commission.

Peter H. Doyle,

Chief, Audio Division, Media Bureau.

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