

Urban MSA	FY 2003 wage index	Proposed CY 2005 wage index	Percent change, FY 2003-proposed CY 2005
8735 .....	1.1096	1.1105	0.08
8750 .....	0.8756	0.8469	-3.28
8760 .....	1.0031	1.0573	5.40
8780 .....	0.9429	0.9964	5.67
8800 .....	0.8073	0.8146	0.90
8840 .....	1.0851	1.0971	1.11
8920 .....	0.8069	0.8633	6.99
8940 .....	0.9782	0.9570	-2.17
8960 .....	0.9939	1.0059	1.21
9000 .....	0.7670	0.7449	-2.88
9040 .....	0.9520	0.9473	-0.49
9080 .....	0.8498	0.8395	-1.21
9140 .....	0.8544	0.8486	-0.68
9160 .....	1.1173	1.1121	-0.47
9200 .....	0.9640	0.9237	-4.18
9260 .....	1.0569	1.0323	-2.33
9270 .....	0.9434	0.9378	-0.59
9280 .....	0.9026	0.9150	1.37
9320 .....	0.9358	0.9518	1.71
9340 .....	1.0276	1.0364	0.86
9360 .....	0.8589	0.8871	3.28

**III. Waiver of Proposed Rulemaking**

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a Notice such as this takes effect. We can waive this procedure, however, if we find good cause that notice and comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporate a statement of the finding and the reasons for it into the notice issued.

We find it unnecessary to undertake notice and comment rulemaking because this notice merely provides technical corrections to the regulations and makes no substantive changes to the regulation. Therefore, we find good cause to waive notice and comment procedures.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 04–17417 Filed 7–29–04; 8:45 am]

**BILLING CODE 4120–01–P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 04–2145, MB Docket No. 04–260, RM–10616]

**Television Broadcast Service and Digital Television Broadcast Service; Tulsa, OK**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Global Education Development, Inc., Broadcasting for the Challenged, Inc., Faith That Pleases God Church, Family Educational Broadcasting, Inc., Creative Educational Media Corporation, Oral Roberts University, and Community Television Educators, Inc., jointly referred to as the “Applicants”, proposing the substitution of DTV channel \*26 for TV channel \*63 at Tulsa, Oklahoma. DTV Channel \*26 can be allotted to Tulsa, Oklahoma, at reference coordinates 36–04–56 N. and 95–45–27 W. with a power of 200, a height above average terrain HAAT of 94 meters.

**DATES:** Comments must be filed on or before September 9, 2004, and reply comments on or before September 24, 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 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. 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: Joseph E. Dunne III, Esquire, P.O. Box 9203, Durango, Colorado 81302–9203 (Counsel for the Applicants).

**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. 04-260, adopted July 15, 2004, and released July 19, 2004. 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, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 301-816-2820, facsimile 301-816-0169, or via e-mail [joshir@erols.com](mailto:joshir@erols.com).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

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:

#### 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.

#### § 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Oklahoma is amended by removing TV channel \*63 at Tulsa.

#### § 73.622 [Amended]

3. Section 73.622(b), the Table of Digital Television Allotments under Oklahoma is amended by adding DTV channel \*26 at Tulsa.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04-17341 Filed 7-29-04; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 04-232; FCC 04-145]

#### Retention by Broadcasters of Program Recordings

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the Commission proposes to require that television and radio stations retain program recordings for a period of time for purposes of enforcing the statutory prohibition against obscene, indecent, or profane broadcast programming, among other reasons.

**DATES:** Comments due on or before August 27, 2004; reply comments are due on or before September 27, 2004.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. For further filing information, *see* **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Ben Golant, 202-418-7111 or [Ben.Golant@fcc.gov](mailto:Ben.Golant@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Notice of Proposed Rulemaking, FCC 04-145, adopted June 21, 2004 and released July 7, 2004. The full text of the Commission's NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission's copy contractor, Qualex International, (202) 863-2893, Portals II, Room CY-B402, 445 12th St., SW., Washington, DC 20554, or may be reviewed via Internet at <http://www.fcc.gov/mb>.

#### Synopsis of the Further Notice of Proposed Rulemaking

1. In this Notice of Proposed Rulemaking ("NPRM"), we propose to require that broadcasters retain recordings of their programming for

some limited period of time (*e.g.*, 60 or 90 days) in order to increase the effectiveness of the Commission's process for enforcing restrictions on obscene, indecent, and profane broadcast programming.

2. It is a violation of federal law to broadcast obscene, indecent, or profane programming. Specifically, Title 18 of the United States Code, Section 1464, prohibits the utterance of "any obscene, indecent, or profane language by means of radio communication." Congress has given the Federal Communications Commission the responsibility for administratively enforcing 18 U.S.C. 1464. In doing so, the Commission may, for example, revoke (or decline to renew) a station license or impose a monetary forfeiture for the broadcast of such prohibited material.

3. The Commission's enforcement policy under Section 1464 has been shaped by a number of judicial and legislative decisions. In particular, because the Supreme Court has determined that obscene speech is not entitled to First Amendment protection, obscene speech cannot be broadcast at any time. Indecent speech is protected by the First Amendment and cannot be outlawed completely, but, pursuant to Commission regulations, implementing a subsequent statute and court decision, the airing of such programming is restricted to the hours of 10 p.m. to 6 a.m., when children are less likely to be in the audience. The courts have consistently upheld the Commission's authority to regulate indecent speech, albeit with certain limitations. In this NPRM, we seek comment on enhancing our enforcement processes through proposed program recording retention requirements for broadcast stations in order to improve the adjudication of complaints.

4. The Commission's current procedures for the filing and consideration of complaints were articulated in its Indecency Guidelines Policy Statement. The Commission does not independently monitor broadcasts for obscene, indecent, or profane material. Its enforcement actions are based on documented complaints received from the public. Given the sensitive nature of these cases and the critical role of context in a determination, it is important that the Commission be afforded as full a record as possible to evaluate allegations of objectionable programming. In order for a complaint to be considered, our practice is that it must generally include: (1) A significant excerpt from the program or a full or partial tape or transcript of the program; (2) the date and time of the broadcast; and (3) the