

(\$292,000.00 to finance response actions plus \$8,575.29 in interest) as payment of response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to section 107 of CERCLA, 42 U.S.C. 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to this notice and will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733.

DATES: Comments must be submitted on or before September 13, 2004.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733. A copy of the proposed settlement may be obtained from Lydia Johnson, 1445 Ross Avenue, Dallas, Texas 75202-2733 or by calling (214) 665-8419. Comments should reference the Imperial Refining Superfund Site, Carter County, Oklahoma, and EPA Docket Number 06-06-2003, and should be addressed to Lydia Johnson at the address listed above.

FOR FURTHER INFORMATION CONTACT: I-Jung Chiang, 1445 Ross Avenue, Dallas, Texas 75202-2733 or call (214) 665-2160.

Dated: July 21, 2004.

Lynda F. Carroll,

Acting Regional Administrator (6RA).

[FR Doc. 04-18461 Filed 8-11-04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7800-8]

Notice of Proposed Administrative Consent Agreement and Final Order Pursuant to Section 309(g)(4) of the Clean Water Act: In the Matter of Deer Lodge Park L.L.C.

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 309(g)(4)(A) of the Clean Water Act,

("CWA"), 33 U.S.C. 1319(g)(4)(A), notice is hereby given of a proposed Consent Agreement and Final Order ("CA/FO"), which resolves penalties for alleged violations of sections 301(a) of the CWA, 33 U.S.C. 1311(a). The respondent to the CA/FO is Deer Lodge Park L.L.C., a Nevada corporation ("Respondent"). Through the proposed CA/FO, Respondent will pay \$3,000 as a penalty for alleged violations involving its failure to obtain coverage under either a CWA National Pollutant Discharge Elimination System (NPDES) individual permit, or the NPDES General Permit #NVR10000I for Storm Water Discharges From Construction Activities for Indian Country within the State of Nevada (the "NPDES Construction General Permit"), prior to engaging in construction activity associated with development of the Deer Lodge Park residential subdivision located on individual Indian allotment land in Douglas County, Nevada.

DATES: For 30 days following the date of publication of this notice, the Agency will receive written comments relating to the proposed CA/FO.

ADDRESSES: Requests for copies of the proposed CA/FO should be addressed to: Richard Campbell, Attorney Advisor, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, Mailcode: ORC-2, San Francisco, CA 94105.

Comments regarding the proposed CA/FO should be addressed to: Danielle Carr, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Comments should reference the following information:

Case Name: In the Matter of Deer Lodge Park L.L.C.

Docket Number: CWA-9-2004-0002.

FOR FURTHER INFORMATION CONTACT: Richard Campbell at the above address or by telephone at (415) 972-3870, or by e-mail at campbell.rich@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Respondent Deer Lodge Park L.L.C. is an "operator", as that term is defined at 40 CFR Part 122, in control of site specifications for the Deer Lodge Park residential subdivision. Construction activities associated with development of the Deer Lodge Park residential subdivision were unpermitted under either an individual NPDES permit or a NPDES Construction General Permit for six months in 2003. During this period, construction activity at the Deer Lodge Park site involved grading of roads, installation of a water tank, and

installation of a well site. Storm water from the Deer Lodge Park construction site drains to a tributary of the East Fork Carson River. Pursuant to the proposed CA/FO, Respondent has consented to the assessment of a \$3,000 penalty in this matter, and has certified that it will obtain coverage under a NPDES permit for construction activities at Deer Lodge Park.

II. General Procedural Information

Any person who comments on the proposed CA/FO shall be given notice of any hearing held and a reasonable opportunity to be heard and to present evidence. If no hearing is held regarding comments received, any person commenting on this proposed CA/FO may, within 30 days after the issuance of the final order, petition the Agency to set aside the CA/FO, as provided by section 309(g)(4)(C) of the CWA, 33 U.S.C. 1319(g)(4)(C). Procedures by which the public may submit written comments or participate in the proceedings are described in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 CFR Part 22.

Dated: July 28, 2004.

Alexis Strauss,

Director, Water Division, Region IX.

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FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-04-58-C (Auction No. 58); DA 04-2451]

Revised Inventory for Broadband PCS Spectrum Auction Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document revises the Auction No. 58 inventory to include eight additional licenses, and seeks comment on procedural issues related to the auction of these additional licenses.

DATES: Comments are due on or before August 17, 2004, and reply comments are due on or before August 20, 2004. Auction No. 58 is scheduled to begin January 12, 2005.

ADDRESSES: Comments and reply comments must be sent by electronic

mail to the following address:
auction58@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For legal questions: Scot Mackoul (202) 418-0660. For general auction questions: Jeff Crooks (202) 418-0660 or Lisa Stover (717) 338-2888. For service rule questions, contact the Mobility Division, Wireless Telecommunications Bureau, as follows: Erin McGrath, (202) 418-0620; JoAnn Epps, (202) 418-1342; or Dwain Livingston, (202) 418-1338.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 58 Revised License Inventory Public Notice* released on August 3, 2004. The complete text of the *Auction No. 58 Revised License Inventory Public Notice*, including attachments is 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. The *Auction No. 58 Revised License Inventory Public Notice* may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. ("BCPI"), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or you may contact BCPI at its Web site: <http://www.BCPIWEB.com>. When ordering documents from BCPI, please provide the appropriate FCC document number (for example, FCC 00-313 for the C/F Block Sixth Report and Order). The *Auction No. 58 Revised License Inventory Public Notice* is also available on the Internet at the Commission's Web site: <http://wireless.fcc.gov/auctions/58/>.

I. Background

1. In the *Auction No. 58 Comment Public Notice*, 69 FR 40632 (July 6, 2004), the Wireless Telecommunications Bureau ("Bureau") announced the auction of 234 licenses in the broadband Personal Communication Service scheduled to commence on January 12, 2005 ("Auction No. 58"). The Bureau also sought comment on procedures for the auction of those licenses. By the *Auction No. 58 Revised License Inventory Public Notice*, the Bureau revises the auction inventory to also include eight D and E block broadband PCS licenses. Under the Commission's Part 24 rules, broadband PCS spectrum in the D and E blocks is not subject to the entrepreneur eligibility restrictions. These eight additional licenses, as well as the other licenses to be offered in Auction No. 58, are identified in Attachment A of the *Auction No. 58*

Revised License Inventory Public Notice. The *Auction No. 58 Revised License Inventory Public Notice* seeks comment on procedural issues related to the auction of the eight additional D and E block licenses. Parties that submitted comments and/or reply comments in response to the *Auction No. 58 Comment Public Notice* should not resubmit those filings. Parties should submit comments regarding the auction procedures only to the extent that they relate to the new licenses included in the auction inventory.

II. Reserve Price or Minimum Opening Bid

2. For the eight additional D and E block licenses offered in Auction No. 58, the Bureau proposes to use the same formula for calculating minimum opening bids as proposed in the *Auction No. 58 Comment Public Notice*. Specifically, for Auction No. 58, the Bureau has proposed to calculate minimum opening bids on a license-by-license basis using formulas based on bandwidth and license area population. Furthermore, the Bureau has proposed to differentiate these formulas based on the population of each license area.

Population $\geq 2,000,000$: $\$0.50 * \text{MHz} * \text{License Area Population}$
 Population $\geq 500,000$: $\$0.25 * \text{MHz} * \text{License Area Population}$
 Population $< 500,000$: $\$0.15 * \text{MHz} * \text{License Area Population}$

The specific minimum opening bid for each license available in Auction No. 58 is set forth in Attachment A of the *Auction No. 58 Revised License Inventory Public Notice*. The Bureau seek comment on these proposals in the same manner as in the *Auction No. 58 Comment Public Notice*, but in this case, only as these proposals relate to the eight licenses added to the auction inventory. Parties that submitted comments and/or reply comments regarding the reserve price or minimum opening bid in response to the *Auction No. 58 Comment Public Notice* need not submit new comments unless it relates to the addition of the eight licenses.

III. Upfront Payments and Initial Maximum Eligibility for Each Bidder

3. For the eight additional D and E block licenses offered in Auction No. 58, the Bureau proposes to use the same formula for determining upfront payments as previously proposed in the *Auction No. 58 Comment Public Notice*. Specifically, for Auction No. 58, the Bureau has proposed to calculate upfront payments on a license-by-license basis using a formula based on bandwidth and license area population:

$\$0.05 * \text{MHz} * \text{License Area Population}$

The specific proposed upfront payment for each license available in Auction No. 58 is set forth in Attachment A of the *Auction No. 58 Revised License Inventory Public Notice*. The Bureau further proposed that the amount of the upfront payment submitted by a bidder will determine the maximum number of bidding units on which a bidder may place bids. This limit is a bidder's initial eligibility. Each license is assigned a specific number of bidding units equal to the upfront payment listed in Attachment A of the *Auction No. 58 Revised License Inventory Public Notice*, on a bidding unit per dollar basis. This number does not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed its current eligibility. Eligibility cannot be increased during the auction. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. The Bureau seeks comment on these proposals as they relate to the eight licenses added to the auction inventory.

IV. Other Auction Procedural Issues

4. In the *Auction No. 58 Comment Public Notice*, the Bureau also set forth and sought comment on the following proposals relating to auction structure and bidding procedures: (i) Simultaneous multiple-round auction design; (ii) activity rules; (iii) activity rule waivers and reducing eligibility; (iv) information relating to auction delay, suspension or cancellation; (v) round structure; (vi) minimum acceptable bids and bid increments; (vii) high bids and tied bids; (viii) information regarding bid withdrawal and bid removal; and (ix) auction stopping rule. For the additional licenses in Auction No. 58, the Bureau proposes to use the same auction structure and bidding procedures proposed in the *Auction No. 58 Comment Public Notice*. The Bureau seeks comment on these proposals as they relate to the eight additional licenses included in Attachment A of the *Auction No. 58 Revised License Inventory Public Notice*.

V. Conclusion

5. Comments are due on or before August 17, 2004, and reply comments

are due on or before August 20, 2004. The Bureau requires that all comments and reply comments be filed electronically. Comments and reply comments must be sent by electronic mail to the following address: auction58@fcc.gov. The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 58 Comments and the name of the commenting party. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Copies of comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. In addition, the Bureau requests that commenters fax a courtesy copy of their comments and reply comments to the attention of Kathryn Garland at (717) 338-2850.

6. This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. 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 is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

Gary Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

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FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 04-261; FCC 04-175]

Violent Television Programming and Its Impact on Children

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: In this document, the Commission seeks comment on issues relating to the presentation of violent programming on television and its impact on children.

DATES: Comments are due September 15, 2004; reply comments are due October 15, 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.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Notice of Inquiry, FCC 04-175, adopted July 15, 2004 and released July 28, 2004. The full text of the Commission's NOI 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 Notice of Inquiry

I. Introduction

1. We initiate this *Notice of Inquiry* ("NOI") to seek comment on issues relating to the presentation of violent programming on television and its impact on children. Violent television programming content has been a matter of private and governmental concern and discussion from at least the early 1950s. Congress' response, in 1996, was adoption of section 551 of the Telecommunication Act 1996, which resulted in the Commission's implementation of the companion elements of the voluntary television rating system and associated "V-chip" technology in 1998. More recently, the Commission has received continuing expressions of Congressional concern with respect to violent programming. On March 5, 2004, thirty-nine members of the U.S. House of Representatives, Committee on Energy and Commerce, requested the Commission to begin a "Notice of Inquiry on the issue of excessively violent broadcast television programming and its impact on children." This proceeding is designed to be responsive to these concerns and to update the record on issues related to programmatic violence.

2. Through this proceeding we seek comment and information along the following lines of inquiry. How much violent programming is there, and what are the trends? What are the effects of viewing violent programming on children and other segments of the

population? If particular portrayals of violence are more likely to cause deleterious effects than others, what specific kinds of programming should be the focus of any further public policymaking in this area? Should any further public policymaking address all violence or just excessive or gratuitous violence, and how should that be defined? Are the ratings system and the V-chip accomplishing their intended purpose, or are there additional mechanisms that might be developed to control exposure to media violence? Finally, are there legal constraints on either Congress or the Commission to regulate violent programming?

II. Discussion and Request for Comment

A. Incidence of Violent Programming

3. We seek specific information concerning how much televised violence there is on broadcast and non-broadcast television and whether the amount of violent programming is increasing or decreasing. The National TV Violence Study, which appears to be of the most extensive content analyses to date, involving the efforts of more than 300 people recording and watching more than 10,000 hours of television programming from 1994 to 1997, indicates that more than half of all television programming contains violence. More specifically, during the period of the study, the proportion of programming with violence consistently hovered around 60%. During prime time, the proportion rose from 53% to 67% on broadcast networks, and from 54% to 64% on basic (*i.e.*, non-premium) cable channels. In addition, cartoons include an average of approximately one "high-risk" portrayal of violence per cartoon, as categorized by the researchers. There have been more recent reports on television violence. For example, the Parents Television Council ("PTC") conducted a content study finding that on all the television networks combined, violence was 41% more frequent during the 8 p.m. Family Hour in 2002 than in 1998 and during the second hour of prime time (9-10 p.m.), violence was 134.4% more frequent in 2002 than in 1998.

4. We seek additional information on the frequency of televised violence. The National TV Violence Study reports the results of study during the three-year period 1994-1997. What more recent information, aside from the PTC Study noted above, is available about the incidence of violence on television programming? What are the trends? Are there differences between broadcast and non-broadcast media (*i.e.*, cable and satellite)? Are there differences between