

Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175,

entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### VIII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 20, 2006.

**Lois Rossi,**  
Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—AMENDED

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.553(a) is amended by alphabetically adding entries for the commodities "ginseng" and "pear" to the table in paragraph (a); removing the text in paragraph (b); and reserving paragraph (b) with the paragraph heading to read as follows:

#### § 180.553 Fenhexamid; tolerances for residues.

(a) \* \* \*

Commodity	Parts per million
* * *	* *
Ginseng .....	* 0.3
* * *	* *
Pear .....	* 10
* * *	* *

(b) *Section 18 emergency exemptions.*  
[Reserved]

\* \* \* \* \*

[FR Doc. 06-2975 Filed 3-28-06; 8:45 am]

**BILLING CODE 6560-50-S**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 0 and 1

#### Nomenclature Changes to the Code of Federal Regulations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document makes several nomenclature changes throughout the Commission's title of the Code of Federal Regulations. This action is necessary in order to update several addresses and office designations.

**DATES:** Effective March 29, 2006.

**FOR FURTHER INFORMATION CONTACT:**  
Alethea Small, Office of the Secretary,  
(202) 418-0310.

**SUPPLEMENTARY INFORMATION:** This amendment is made pursuant to § 0.231(b) of the Commission's rules, 47 CFR 0.231. Because the rule amendments adopted here are a matter of agency practice and procedure, compliance with the notice and comment and effective date provisions of the Administrative Procedure Act is not required.<sup>1</sup>

#### List of Subjects

#### 47 CFR Part 0

Reporting and recordkeeping requirements.

<sup>1</sup> 5 U.S.C. 553(b)(A); (d).

## 47 CFR Part 1

Administrative practice and procedure, Reporting and recordkeeping requirements.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

## Rules Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends parts 0 and 1 of title 47 of the Code of Federal Regulations as follows:

**PART 0—COMMISSION ORGANIZATION**

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

■ 2. Section 0.251 is amended by revising paragraph (e) to read as follows:

**§ 0.251 Authority delegated.**

\* \* \* \* \*

(e) The official record of all actions taken by the General Counsel pursuant to § 0.251 (c) and (d) is contained in the original docket folder, which is maintained by the Reference Information Center.

\* \* \* \* \*

■ 3. Section 0.401 is amended by revising paragraph (a)(1)(ii) to read as follows:

**§ 0.401 Location of Commission offices.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(ii) Hand-carried documents should be delivered to the Secretary's Office at 236 Massachusetts Avenue, NE., Washington, DC 20002.

\* \* \* \* \*

■ 4. Section 0.491 is revised to read as follows:

**§ 0.491 Application for exemption from compulsory ship radio requirements.**

Applications for exemption filed under the provisions of sections 352(b) or 383 of the Communications Act; Regulation 4, chapter I of the Safety Convention; Regulation 5, chapter IV of the Safety Convention; or Article IX of the Great Lakes Agreement, must be filed as a waiver request using the procedures specified in § 0.482 of this part. Emergency requests must be filed via the Universal Licensing System or at the Federal Communications Commission, Office of the Secretary.

■ 5. Section 0.606 is amended by revising the last sentence of paragraph (a) to read as follows:

**§ 0.606 Procedures for closing a meeting to the public.**

(a) \* \* \* Certifications will be retained in a public file in the Office of the Secretary.

\* \* \* \* \*

■ 6. Section 0.607 is amended by revising the first sentence in paragraph (b) to read as follows:

**§ 0.607 Transcript, recording or minutes; availability to the public.**

\* \* \* \* \*

(b) A public file of transcripts (or minutes) of closed meetings will be maintained in the Office of the Secretary. \* \* \*

\* \* \* \* \*

**PART 1—PRACTICE AND PROCEDURE**

■ 7. The authority citation for part 1 continues to read as follows:

**Authority:** 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, and 303(r).

■ 8. Section 1.4 is amended by revising the first sentence of paragraph (f) to read as follows:

**§ 1.4 Computation of time.**

\* \* \* \* \*

(f) Except as provided in § 0.401(b) of this chapter, all petitions, pleadings, tariffs or other documents not required to be accompanied by a fee and which are hand-delivered must be tendered for filing in complete form, as directed by the Rules, with the Office of the Secretary before 7 p.m., at 236 Massachusetts Ave, NE., Washington, DC 20002. \* \* \*

\* \* \* \* \*

■ 9. Section 1.260 is revised to read as follows:

**§ 1.260 Certification of transcript.**

After the close of the hearing, the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the Office of the Secretary. Notice of such certification shall be served on all parties to the proceedings.

■ 10. Section 1.277 is amended by revising the first sentence of paragraph (e) to read as follows:

**§ 1.277 Exceptions; oral arguments.**

\* \* \* \* \*

(e) Within 10 days after a transcript of oral argument has been filed in the Office of the Secretary, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by

proof of service thereof upon all other parties who participated in the oral argument. \* \* \*

\* \* \* \* \*

■ 11. Section 1.773 is amended by revising paragraphs (a)(4) and (b)(3) to read as follows:

**§ 1.773 Petitions for suspension or rejection of new tariff filings.**

(a) \* \* \*

(4) *Copies, service.* An original and four copies of each petition shall be filed with the Commission as follows: The original and three copies of each petition shall be filed with the Secretary, 236 Massachusetts Ave., NE., Washington, DC 20002; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau; and the Chief, Pricing Policy Division. Petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on more than 15 days notice may be served on the filing carrier by mail.

(b) \* \* \*

(3) *Copies, service.* An original and four copies of each reply shall be filed with the Commission, as follows: the original and three copies must be filed with the Secretary, 236 Massachusetts Ave., NE., Washington, DC 20002; one copy must be delivered directly to the Commission's copy contractor. Additional separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau, the Chief, Pricing Policy Division and the petitioner. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served on petitioners personally or via facsimile. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on more than 15 days notice may be served upon petitioner personally, by mail or via facsimile.

■ 12. Section 1.774 is amended by revising paragraph (e)(2)(ii) to read as follows:

**§ 1.774 Pricing flexibility.**

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(ii) Any interested party electing to file an opposition or comment in response to a pricing flexibility petition through a method other than ETFS must file an original and four copies of each opposition or comment with the Commission, as follows: the original and three copies of each pleading shall be filed with the Secretary, 236 Massachusetts Ave., NE., Washington, DC 20002; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served upon the Chief, Wireline Competition Bureau and the Chief, Pricing Policy Division.

\* \* \* \* \*

■ 13. Section 1.939 is amended by revising paragraph (b) to read as follows:

**§ 1.939 Petitions to deny.**

\* \* \* \* \*

(b) *Filing of petitions.* Petitions to deny and related pleadings may be filed electronically via ULS. Manually filed petitions to deny must be filed with the Office of the Secretary, 236 Massachusetts Ave., NE., Washington, DC 20002. Attachments to manually filed applications may be filed on a standard 3¼" magnetic diskette formatted to be readable by high density floppy drives operating under MS-DOS (version 3.X or later compatible versions). Each diskette submitted must contain an ASCII text file listing each filename and a brief description of the contents of each file on the diskette. The files on the diskette, other than the table of contents, should be in Adobe Acrobat Portable Document Format (PDF) whenever possible. Petitions to deny and related pleadings must reference the file number of the pending application that is the subject of the petition.

\* \* \* \* \*

■ 14. Section 1.2105 is amended by revising paragraph (c)(6) to read as follows:

**§ 1.2105 Bidding application and certification procedures; prohibition of collusion.**

(c) \* \* \*

(6) Any applicant that makes or receives a communication of bids or bidding strategies prohibited under paragraph (c)(1) of this section shall report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Such reports shall be filed with the Office of the Secretary, and a copy shall be sent to the Chief of the Auctions and

Spectrum Access Division, Wireless Telecommunications Bureau.

\* \* \* \* \*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 2**

[ET Docket No. 04-139; FCC 05-70]

**WRC-03 Omnibus**

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations, which were published in the **Federal Register** on Wednesday, August 10, 2005 (70 FR 46576). The Commission published final rules in the Report and Order, which implemented allocation changes to the frequency range between 5900 kHz and 27.5 GHz in furtherance of decisions that were made at the World Radiocommunication Conference (Geneva 2003). This document contains corrections to 47 CFR 2.106.

**DATES:** Effective September 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** Tom Mooring, Office of Engineering and Technology, (202) 418-2450, e-mail: [Tom.Mooring@fcc.gov](mailto:Tom.Mooring@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations that are the subject of this correction relate to final rules in the Report and Order, which implemented allocation changes to the frequency range between 5900 kHz and 27.5 GHz in furtherance of decisions that were made at the World Radiocommunication Conference (Geneva 2003), under § 2.106 of the rules.

**Need for Correction**

As published, the final regulations contain errors, which require immediate correction.

**List of Subjects in 47 CFR Part 2**

Radio, Telecommunications.

■ Accordingly, 47 CFR part 2 is corrected by making the following correcting amendments:

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS**

■ 1. The authority citation for part 2 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.1 is amended by removing the second definition of "Administration" in paragraph (c).

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 06-2871 Filed 3-28-06; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 2**

[ET Docket No. 03-201; FCC 04-165]

**Unlicensed Devices and Equipment Approval**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Commission adopted rules which required that all paper filings required in 47 CFR 2.913(c), 2.926(c) introductory text, and 2.929(c) and (d) must be filed electronically via the Internet on FCC Form 731. The rules required Office of Management and Budget approval and the Commission stated in its previous **Federal Register** publication that it would announce the effective date of that section when approved. This document announces the effective date of §§ 2.913(c), 2.926(c) introductory text, and 2.929(c) and (d).

**DATES:** The amendment to 47 CFR 2.913(c), 2.926(c) introductory text, and 2.929(c) and (d) published at 69 FR 54027, September 7, 2004, became effective on December 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Brooks, (202) 418-2454, Office of Engineering and Technology.

**SUPPLEMENTARY INFORMATION:** The FCC published a document in the **Federal Register** 69 FR 54027, September 7, 2004, that sets forth an effective date of October 7, 2004, except for amendment to §§ 2.913(c), 2.926(c) introductory text, and 2.929(c) and (d), which contained information collection requirements that had not been approved by the Office of Management and Budget. The document stated that the Commission will publish a document in the **Federal Register** announcing the effective date for §§ 2.913(c), 2.926(c) introductory text, and 2.929(c) and (d) and the information collection contained therein. On December 7, 2005, the Office of Management and Budget (OMB) approved the information collection requirements contained 47 CFR 2.913(c), 2.926(c) introductory text, and 2.929(c) and (d) pursuant to OMB