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IX. Submission to Congress and the Comptroller General

Grant solicitations containing binding legal requirements are considered rules for the purpose of the Congressional Review Act (CRA) (5 U.S.C. 801 *et seq.*). The CRA 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 grant solicitation 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 in the **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection, Grants, Pesticides, Training.

Dated: April 25, 2005.

Susan B. Hazen,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 05-8611 Filed 4-26-05; 2:19 pm]

BILLING CODE 5650-50-S

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-05-81-D (Auction No. 81); DA 05-1048]

Low Power Television Auction No. 81 Scheduled for September 14, 2005, Auction Inventory Revised, Applicants Proposing “Non-Commercial Educational Broadcast Station” Must Respond by May 13, 2005

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Wireless Telecommunications Bureau and Media Bureau set forth a revised list of construction permits for certain low power television (“LPTV”), television translator and Class A television broadcast stations available for auction in Auction No. 81.

DATE: Applicants seeking designation as a noncommercial educational (“NCE”) station applicant must submit specified information to the Commission no later than May 13, 2005.

FOR FURTHER INFORMATION CONTACT: *For auction questions:* Lynne Milne, Wireless Telecommunications Bureau, Auctions and Spectrum Access Division at (202) 418-0660. *For questions on auction inventory or NCE status:* Shaun Maher or Hossein Hasemzadeh, Media Bureau, Video Division at (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a summary of the *Low Power Television Auction No. 81 Scheduled for September 14, 2005, Auction Inventory Revised, Application Proposing “Non-Commercial Educational Broadcast Station” Must Respond By May 13, 2005 Public Notice (“LPTV Revised Inventory Public Notice”)*, released on April 13, 2005. The complete text of the *LPTV Revised Inventory Public Notice*, including attachments that describe the changes to the Auction No. 81 inventory, and related Commission documents, is available for public inspection and copying from 8 a.m. to 4:30 p.m. Monday through Thursday or from 8 a.m. to 11:30 p.m. on Friday at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The *LPTV Revised Inventory Public Notice* and related Commission documents 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, DA 05-1048). The *LPTV Revised Inventory Public Notice* and related documents are also available on the Internet at the Commission’s Web site: <http://wireless.fcc.gov/auctions/81/>.

I. Bidders Claiming Status Under 47 U.S.C. 309(j)(2) Exemption for “Noncommercial Educational Broadcast Stations” Must Respond by May 13, 2005

1. Applications for construction permits for noncommercial educational broadcast stations (“NCE stations”) are exempt from competitive bidding by 47 U.S.C. 309(j)(2)(C). For purposes of Auction No. 81, this exemption applies to a proposal for a new LPTV, television translator or Class A television broadcast station that is owned and operated by a municipality and which transmits only noncommercial programs for educational purposes. *See* 47 U.S.C. 397(6)(B). In the *NCE Second Report and Order*, 68 FR 26220-26222, May 15, 2003, the Commission held that LPTV and television translator facilities qualify as NCE stations under 47 U.S.C. 397(6)(B), only if they are owned and operated by municipalities and transmit only NCE programs. Applications for such NCE stations are exempt from auction.

2. In the same order, the Commission also stated that proposals for NCE stations may be submitted for non-reserved spectrum in a filing window, subject to being returned as unacceptable for filing if there is any mutually exclusive application for a commercial station. Accordingly, the Commission will provide applicants in Auction No. 81 with an opportunity to designate their status as an NCE station applicant under the definition set forth in 47 U.S.C. 397(6)(B). Applicants must understand that if they make such a claim and one or more of the NCE applicant’s engineering proposals is determined to be mutually exclusive with one or more engineering proposals filed by an applicant for a commercial station, the NCE station engineering proposal(s) will be returned as unacceptable for filing.

3. To claim status as an NCE applicant, an applicant for Auction No. 81 must submit an amendment to its short-form application (FCC Form 175) in the form of a written statement filed in an e-mail sent to auction81@fcc.gov or by facsimile to Kathryn Garland at (717) 338-2850. The written statement must declare the applicant’s claim that it qualifies as a municipality under the

definition set forth in 47 U.S.C. 397(6)(B). Specifically, the applicant must state that it is: (1) Proposing to construct and operate a noncommercial educational station; (2) it is a municipality, and (3) it intends to transmit only noncommercial programs for educational purposes. Applicants seeking designation as an NCE station applicant must submit this specified information to the Commission no later than May 13, 2005.

II. Dismissal of Engineering Proposals for Failure To Submit FRN

4. The *LPTV Revised Inventory Public Notice* lists the engineering proposals that will no longer be included in Auction No. 81 as a result of the applicant's failure to submit the requested FCC Registration Number (FRN). The engineering proposals listed in Attachment B were dismissed on April 13, 2005 for failure to submit an FRN pursuant to authority delegated in 47 CFR 0.283 and 0.331. A listing of the dismissed engineering proposals is provided in Attachment B to the *LPTV Revised Inventory Public Notice*.

III. Revised Inventory

5. The *LPTV Revised Inventory Public Notice* corrects and replaces the list of available construction permits released as Attachment A to the *Auction No. 81 Comment Public Notice*, 70 FR 11975,

March 10, 2005. Due to the dismissal of some engineering proposals for failure to submit an FRN, some engineering proposals became a singleton, an engineering proposal that is not mutually-exclusive with any other engineering proposal, and were removed from the auction inventory. The removal of engineering proposals in some cases resulted in the removal of entire mutually exclusive (MX) groups from the auction inventory. Upon reexamination, we also removed from the auction inventory some MX groups which consisted of "daisy chain" engineering proposals. In addition, we removed from the auction inventory some engineering proposals previously identified as singletons.

6. Participation in Auction No. 81 will be limited to those applicants and mutually-exclusive (MX) engineering proposals that are identified in the revised Attachment A. Qualified applicants will be eligible to bid only on those construction permits for which the applicant's engineering proposal is specified in the particular MX group as identified in the revised Attachment A to the *LPTV Revised Inventory Public Notice*.

IV. Retention of MX Group 56 in Auction

7. In response to the *Auction No. 81 Comment Public Notice*, a licensee

requested that MX group 56 be removed from the auction. For the reasons explained in the *LPTV Revised Inventory Public Notice*, the Commission declines to remove MX group 56 from Auction No. 81.

Federal Communications Commission.

Gary Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 05-8599 Filed 4-27-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting Schedule Change; Open Commission Meeting Friday, April 29, 2005

April 25, 2005.

Please note that the date for the Federal Communications Commission open meeting is rescheduled from Thursday, April 28, 2005 to Friday, April 29, 2005.

The Federal Communications Commission will hold an open meeting on the subjects listed below on Friday, April 29, 2005, which is scheduled to commence at 9:30 a.m. in Room TW-C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	International	<i>Title:</i> Mandatory Electronic Filing for International Telecommunications Services and Other International Filings (IB Docket No. 04-426). <i>Summary:</i> Commission will consider a Report and Order concerning the Mandatory Electronic Filing for International Telecommunications Services.
2	Media	<i>Title:</i> Implementation of Section 210 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 to Amend Section 338 of the Communications Act. <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking that initiates a proceeding to implement new satellite broadcast carriage requirements in the noncontiguous states.
3	Wireline Competition	<i>Title:</i> Implementation of the Telecommunications Act of 1996; Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96-115); Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (CC Docket No. 96-98); and Provision of Directory Listing Information under the Communications Act of 1934, as Amended (CC Docket No. 99-273). <i>Summary:</i> The Commission will consider an Order addressing petitions for clarification and/or reconsideration of the Subscriber List Information (SLI)/Directory Assistance (DA) First Report and Order, and SLI/DA Order on Reconsideration and Notice.
4	Office of Engineering and Technology	<i>Title:</i> Technical Standards for Determining Eligibility for Satellite-Delivered Network Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act. <i>Summary:</i> The Commission will consider a Notice of Inquiry regarding standards that allow viewers that are unserved by a digital television broadcast station to receive network programming via satellite.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Request other

reasonable accommodations for people with disabilities as early as possible. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs

Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418-0500;