

Dated: September 29, 2004.

David I. Maurstad,

Acting Mitigation Division Director,
Emergency Preparedness and Response
Directorate.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket Nos. 04-53 and 02-278; FCC
04-194]

Rules and Regulations Implementing the Controlling the Assault of Non- Solicited Pornography and Marketing Act of 2003; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Correction

AGENCY: Federal Communications
Commission.

ACTION: Final rule; correction.

SUMMARY: On September 16, 2004 (69 FR 55765), the Commission published final rules in the **Federal Register** to implement the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act). These rules apply to the sending of commercial messages to addresses referencing an Internet domain name associated with wireless subscriber messaging services. This document corrects the subpart heading and adds the authority citation for the Commission's rules.

DATES: Effective October 8, 2004.

FOR FURTHER INFORMATION CONTACT: Ruth Yodaiken, of the Consumer & Governmental Affairs Bureau at (202) 418-2512 (voice), (202) 418-0416 (TTY), or e-mail Ruth.Yodaiken@fcc.gov.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 64 in the **Federal Register** on September 16, 2004, (69 FR 55765). This document corrects the "Rule Changes" section of the **Federal Register** summary as it appeared. In rule FR Doc. 04-20901 published on September 16, 2004 (69 FR 55765) make the following corrections:

PART 64—[CORRECTED]

■ 1. On page 55779, in the second column, amendatory instruction no. 2, Subpart heading BB is corrected to read as follows:

Subpart BB—Restrictions on Unwanted Mobile Service Commercial Messages

■ 2. On page 55779, in the second column the authority citation for Subpart BB is added to read as follows:

Authority: 15 U.S.C. 7701-7713, Public Law 108-187, 117 Stat. 2699.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02-278; FCC 04-204]

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document amends the rules implementing the Telephone Consumer Protection Act (TCPA) to establish a limited safe harbor period from the prohibition on placing autodialed or prerecorded message calls to wireless numbers that have been recently ported from wireline to wireless service. This document also amends our existing safe harbor rules for the national do-not-call registry so that telemarketers are required to access the do-not-call list no more than 31 days prior to making a telemarketing call.

DATES: Effective November 8, 2004, except the amendment to 47 CFR 64.1200(c)(2)(i)(D) of the Commission's rules, which contains information collection requirements under the Paperwork Reduction Act (PRA) that are not effective until approved by the Office of Management and Budget. Written comments by the public on the new or modified information collections are due November 8, 2004. The Commission will publish a document in the **Federal Register** announcing the effective date for that section.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Office of the Secretary, a copy of any comments on the Paperwork Reduction Act (PRA) information collection requirements contained herein should be submitted to Leslie Smith, Federal Communications Commission, Room 1-A804, 445 12th

Street, SW., Washington, DC 20554, or via the Internet to Leslie.Smith@fcc.gov, and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to Kristy.L.LaLonde@omb.eop.gov or by fax to 202-395-5167.

FOR FURTHER INFORMATION CONTACT:

Erica McMahon or Richard Smith, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418-2512. For additional information concerning the PRA information collection requirements contained in this document, contact Les Smith at 202-418-0217 or via the Internet at Leslie.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, CG Docket No. 02-278, FCC 04-204, adopted August 25, 2004, and released September 21, 2004. The *Order* contains new or modified information collection requirements subject to the PRA of 1995, Public Law 104-13. These will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. The *Order* addresses issues arising from *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Further Notice of Proposed Rulemaking, (2004 TCPA Further Notice), CG Docket No. 02-278, FCC 04-52, 19 FCC Rcd 5056, March 19, 2004; published at 69 FR 16873, March 31, 2004. Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may 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. Customers may contact BCPI, Inc. at its Web site: <http://www.bcpiweb.com> or call 1-800-378-3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). The *Order* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>.