

of certain existing Head Start transportation requirements.

### Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles.

This rule is considered a "significant regulatory action" under the Executive Order, and therefore has been reviewed by the Office of Management and Budget.

### Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Report Act requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. The Department has determined that this rule would not impose a mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than \$100 million in any one year.

### Congressional Review

This regulation is not a major rule as defined in 5 U.S.C. chapter 8.

### Assessment of Federal Regulation and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a proposed policy or regulation may affect family well being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. These regulations will not have an impact on family well being as defined in the legislation.

### Executive Order 13132

Executive Order 13132 on Federalism applies to policies that have Federalism implications, defined as "regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, or on the distributions of power and responsibilities among the various levels of government." This rule does not have Federalism implications for State or local governments as defined in the Executive Order.

### List of Subject in 45 CFR Part 1310

Head Start, Reporting and recordkeeping requirements, Transportation.

(Catalog of Federal Domestic Assistance Program Number 93.600, Head Start)

Approved: December 22, 2003.

#### Wade F. Horn,

*Assistant Secretary for Children and Families.*

Dated: January 8, 2004.

#### Tommy G. Thompson,

*Secretary of Health and Human Services.*

■ For the reasons discussed above, title 45 CFR Chapter XIII is amended as follows:

### PART 1310—HEAD START TRANSPORTATION

■ 1. The authority citation for part 1310 continues to read as follows:

**Authority:** 42 U.S.C. 9801 *et seq.*

■ 2. Amend § 1310.2 to revise the second sentence of paragraph (b) to read as follows:

#### § 1310.2 Applicability

(a) \* \* \*

(b) \* \* \* Sections 1310.11 and 1310.15(c) of this part are effective June 21, 2004. \* \* \*

\* \* \* \* \*

■ 3. Revise § 1310.11 (added on January 18, 2001 at 66 FR 5311 and effective January 20, 2004) to read as follows:

#### § 1310.11 Child Restraint Systems.

(a) Effective June 21, 2004, each agency providing transportation services must ensure that each vehicle used to transport children receiving such services is equipped for use of height- and weight-appropriate child safety restraint systems.

(b) The responsible HHS official may approve a request to extend the effective date under paragraph (a) of this section to not later than January 20, 2006, if:

(1) Notification is received by March 1, 2004 that such a request to the responsible HHS official will be forthcoming; and

(2) The request for an extension is submitted by April 1, 2004 with information documenting that an extension through the period requested (but not later than January 20, 2006) would be in the best interest of the children served by the Head Start or Early Head Start programs, as set out in guidance provided by HHS.

■ 4. Amend § 1310.15 to revise paragraph (c) (added on January 18, 2001 at 66 FR 5311 and effective January 20, 2004) to read as follows:

#### § 1310.15 Operation of vehicles.

\* \* \* \* \*

(c)(1) Effective June 21, 2004, there is at least one bus monitor on board at all times, with additional bus monitors provided as necessary, such as when needed to accommodate the needs of children with disabilities. As provided in 45 CFR 1310.2(a), this paragraph does not apply to transportation services to children served under the home-based option for Head Start and Early Head Start.

(2) The responsible HHS official may approve a request to extend the effective date under paragraph (a) of this section to not later than January 20, 2006, if:

(i) Notification is received by March 1, 2004 that such a request to the responsible HHS official will be forthcoming; and

(ii) The request for an extension is submitted by April 1, 2004 with information documenting that an extension through the period requested (but not later than January 20, 2006) would be in the best interest of the children served by the Head Start or Early Head Start programs, as set out in guidance provided by HHS.

\* \* \* \* \*

[FR Doc. 04-1096 Filed 1-15-04; 8:45 am]

BILLING CODE 4184-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[CC Docket No. 94-102; FCC 03-262]

### Ensuring Compatibility With Enhanced 911 Emergency Calling Systems; Non-Initialized Phones

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document lifts the stay currently in effect and modifies the Commission's rules by striking the requirement to program the 123-456-7890 sequential number into carrier-donated non-initialized and "911-only" phones. This action also relieves carriers of any attendant obligations to complete any network programming necessary to deliver the 123-456-7890 "telephone number" from these devices to PSAPs. This action further requires that carriers complete any network programming necessary to deliver this "telephone number" from carrier-donated non-service initialized phones and "911-only" handsets to PSAPs.

**DATES:** The stay of paragraphs (l)(1)(i) and (l)(2)(i) of § 20.18 is lifted effective May 3, 2004. The amendments to § 20.18 are effective May 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Eugenie Barton, Attorney, (202) 418-1732.

**SUPPLEMENTARY INFORMATION:** This document grants the *Petition for Reconsideration (Reconsideration Petition)* filed by the Alliance for Telecommunications Industry Solutions (ATIS) on behalf of the Emergency Services Interconnection Forum (ESIF). In an Order released on September 30, 2002, the Commission stayed the rules contained in §§ 20.18(l)(1)(i) and (l)(2)(i) until the Commission resolved the *Reconsideration Petition*. This is a summary of the Commission Memorandum Opinion and Order, (MO&O) released November 3, 2003 (FCC 03-262). The full text of the MO&O is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th St., SW., Washington DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th St., SW., Room CY-B402, Washington DC, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). Additionally, the complete item is available on the Commission's Web site at <http://www.fcc.gov/wtb>.

### Synopsis of the MO&O

1. In this Memorandum Opinion and Order (MO&O), the Commission grants the *Petition for Reconsideration (Reconsideration Petition)* filed by the Alliance for Telecommunications Industry Solutions (ATIS) on behalf of the Emergency Services Interconnection Forum (ESIF). This document amends the Commission's rules with the requirement to program carrier-donated non-service initialized phones and new "911-only" handsets covered in our original *Report and Order*, 67 FR 36112 (May 23, 2002), with a sequential number beginning with "911," plus seven digits selected in a manner analogous to the way a "telephone number" is generated by Annex C compliant network software, as explained in more detail. The Emergency Services Interconnection Forum (ESIF) refers to the solution as the "Annex C" solution because it was originally published as Annex C to J-STD-036-A, "Enhanced Wireless 9-1-1 Phase 2" (June 2002). The Commission's *Report and Order* under reconsideration required the programming of carrier-donated non-service-initialized phones and newly manufactured non-initialized "911-only" wireless handsets with the number 123-456-7890 as the

"telephone number" transmitted to the Public Safety Answering Point (PSAP) receiving the call in order to address the problems created by the lack of call-back capability when 911 calls are dialed from these devices. The Commission concludes, in light of the new information presented by the ESIF, that the voluntary technical standard developed by the ESIF, which was recently adopted as part of the "Enhanced Wireless 9-1-1 Phase 2" industry consensus standard, provides a more far-reaching and technically superior solution and better serves the public interest.

2. Accordingly, the Stay currently in effect is lifted and the Commission's rules are modified by striking the requirement to program the 123-456-7890 sequential number into carrier-donated non-initialized and "911-only" phones. Carriers are also relieved of any attendant obligations to complete any network programming necessary to deliver the 123-456-7890 "telephone number" from these devices to PSAPs. Those rules are now amended with the requirement to program carrier-donated non-service initialized phones and new "911-only" handsets covered in our original *Report and Order* with a sequential number beginning with "911," plus seven digits selected in a manner analogous to the way a "telephone number" is generated by Annex C compliant network software. Carriers are further required to complete any network programming necessary to deliver this "telephone number" from carrier-donated non-service initialized phones and "911-only" handsets to PSAPs.

3. In view of the potential importance to public safety to provide PSAPs with a means of identifying emergency calls made by recipients of non-initialized wireless phones donated to provide them with emergency assistance and by purchasers of non-initialized "911-only" phones, the Commission further requires that, within six months of the issuance of the November 3, 2003 MO&O, carriers donating such phones and handset manufacturers of "911-only" phones that were covered under the requirements in our *Report and Order* begin to program 911 plus a seven digit number that is derived by a methodology analogous to that described in Annex C. By striking the earlier programming requirement and replacing it with a requirement that is consistent with the emerging industry standard for network deployment of Phase II E911, the Commission is targeting its regulations to accomplish the greatest benefit with the least burden. If the network solution becomes

ubiquitous in the future and is able to provide a means of identifying emergency calls from these handsets, as well, the Commission plans to revisit the imposition of this limited requirement.

4. In light of the record, the limited scope of the Commission's original *Report and Order*, and the need for flexibility in the face of rapidly changing technology, the Commission will give the ESIF consensus standards process time to achieve full implementation voluntarily. However, the Annex C solution is expected to be substantially implemented voluntarily within 18 months of the issuance of the November 3, 2003 MO&O. As previously stated in the context of the *First Report and Order*, if a need for further action is demonstrated, "especially once E911 Phase I is fully operational and ubiquitous, the Commission will revisit this issue, weigh the evidence presented, and look at the possibility of requiring a technical or other solution at that time." If, within one year from the date the MO&O was issued, considerable progress towards the goal of voluntary implementation of the Annex C solution has not been made, the Commission will consider whether it is in the public interest to impose further specific implementation requirements.

### Paperwork Reduction Act of 1995 Analysis

5. The actions contained in the MO&O have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new reporting requirements or burden on the public.

### Final Regulatory Flexibility Analysis

6. The Regulatory Flexibility Act (RFA) of 1980, as amended, requires that a regulatory flexibility analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that "the rule will not, if promulgated, have significant economic impact on a substantial number of small entities." The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (i) Is independently owned and operated; (ii) is not dominant in its field of operation; and (iii) satisfies any additional criteria established by the Small Business Administration (SBA). We continue to use these definitions and to consider the impact of this

MM&O on the entities discussed in the initial *Report and Order*.

7. The RFA analysis adopted in the initial *Report and Order* remains correct because there is no greater burden on carriers who are donating non-initialized phones and manufacturers of "911-only" wireless devices to program these devices with 911 plus the seven least significant digits of the decimal representation of the ESN, IMEI, or other unique identifier programmed into the handset, than to program these devices with the 123-456-7890 sequential number. Also, there is no greater burden on carriers to program their networks to deliver these "telephone numbers" from carrier-donated non-service initialized phones and "911-only" handsets to PSAPs than programming their networks to deliver the 123-456-7890 sequential number from these devices.

#### List of Subjects in 47 CFR Part 20

Communications common carrier, Communications equipment, Radio.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 20 as follows:

#### PART 20—COMMERCIAL MOBILE RADIO SERVICES

■ 1. The authority citation for part 20 continues to read as follows:

**Authority:** 47 U.S.C. 154, 160, 251–254, 303, and 332 unless otherwise noted.

■ 2. Amend § 20.18 by revising paragraphs (l)(1)(i); (l)(2) introductory text and (l)(2)(i) to read as follows:

#### § 20.18 911 Service.

\* \* \* \* \*

(l) \* \* \*

(1) \* \* \*

(i) Program each handset with 911 plus the decimal representation of the seven least significant digits of the Electronic Serial Number, International Mobile Equipment Identifier, or any other identifier unique to that handset;

\* \* \* \* \*

(2) Manufacturers of 911-only handsets that are manufactured on or after May 3, 2004, are required to:

(i) Program each handset with 911 plus the decimal representation of the seven least significant digits of the Electronic Serial Number, International Mobile Equipment Identifier, or any other identifier unique to that handset;

\* \* \* \* \*

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**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-3936]

#### Editorial Modifications of the Commission's Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Commission provides a more efficiently organized presentation of standards, specifications, and similar documents that are referenced in the regulations for broadcast radio services in part 73 of the Commission's rules, this Order makes administrative revisions to those rules pursuant to the authority contained in 47 CFR 0.231(b). The amendments adopted herein pertain to agency organization, procedure, and practice and are not subject to the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b).

**DATES:** Effective January 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Susan Mort, [susan.mort@fcc.gov](mailto:susan.mort@fcc.gov), (202) 418-1043.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's Order, DA 03-3936, adopted on December 11, 2003 and released on December 12, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to

persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at [Brian.Millin@fcc.gov](mailto:Brian.Millin@fcc.gov).

#### Summary of the Order

1. In order to provide a more efficiently organized presentation of the various materials, *e.g.*, standards, specifications, and similar documents that are referenced in the regulations for broadcast radio services in part 73 of the Commission's rules, certain administrative revisions are necessary to those rules. Authority for adoption of the revisions is contained in 47 CFR 0.231(b). The amendments adopted herein pertain to agency organization, procedure, and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act, contained in 5 U.S.C. 553(b), are inapplicable.

2. It is ordered that part 73 of the Commission's rules, set forth in title 47 of the Code of Federal Regulations, is amended, as set forth herein, and shall become effective upon publication in the **Federal Register**.

#### List of Subjects in 47 CFR Part 73

Incorporation by reference, Television.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

■ 2. Amend § 73.682 by revising paragraph (d) to read as follows:

#### § 73.682 TV transmission standards.

\* \* \* \* \*

(d) Digital broadcast television transmission standard. Transmission of digital broadcast television (DTV) signals shall comply with the standards for such transmissions set forth in ATSC A/52: "ATSC Standard Digital Audio Compression (AC-3)" (incorporated by reference, *see* § 73.8000) and ATSC Doc. A/53B, Revision B with Amendment 1: