

Name of nonregulatory SIP Provision	Applicable geographic or non-attainment area	State submittal date/ effective date	EPA approval date
* * *	* *	*	*
21. Atlanta 1-hour ozone attainment area 2015 maintenance plan.	Atlanta severe 1-hour ozone maintenance area.	February 1, 2005 .....	June 14, 2005. [Insert first page number of publication]

**PART 81—[AMENDED]**

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. In § 81.311 the table entitled “Georgia—Ozone (1-hour standard)” is

amended by revising the entry for the Atlanta area to read as follows:

§ 81.311 Georgia.

**GEORGIA—OZONE (1-HOUR STANDARD)**

Designated Area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Atlanta Area: .....	June 14, 2005 .....	Attainment .....		
Cherokee County .....	June 14, 2005 .....	Attainment .....		
Clayton County .....	June 14, 2005 .....	Attainment .....		
Cobb County .....	June 14, 2005 .....	Attainment .....		
Coweta County .....	June 14, 2005 .....	Attainment .....		
DeKalb County .....	June 14, 2005 .....	Attainment .....		
Douglas County .....	June 14, 2005 .....	Attainment .....		
Fayette County .....	June 14, 2005 .....	Attainment .....		
Forsyth County .....	June 14, 2005 .....	Attainment .....		
Fulton County .....	June 14, 2005 .....	Attainment .....		
Gwinnett County .....	June 14, 2005 .....	Attainment .....		
Henry County .....	June 14, 2005 .....	Attainment .....		
Paulding County .....	June 14, 2005 .....	Attainment .....		
Rockdale County .....	June 14, 2005 .....	Attainment .....		
* * *	* * *	* * *	* * *	* * *

<sup>1</sup> This date is October 18, 2000, unless otherwise noted.

\* \* \* \* \*  
 [FR Doc. 05-11829 Filed 6-14-05; 8:45 am]  
 BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 25**

[IB Docket No. 02-10; FCC 04-286]

**Procedures To Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands**

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** This document announces the effective date of the rule published on January 31, 2005. The rules adopted licensing and service rules for satellite earth stations on vessels (ESVs) in the C- and Ku-bands that will provide regulatory certainty to ESV licensees, while protecting existing users in the bands.

**DATES:** 47 CFR 25.221(c), 25.221(e), and 25.222(c) are effective June 15, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Gorny or Howard Griboff, Policy Division, International Bureau, (202) 418-1460.

**SUPPLEMENTARY INFORMATION:**

On January 6, 2005, the Commission released a Report and Order, a summary of which was published in the **Federal Register**. See 70 FR 4775, January 31, 2005. Although the rule changes in the Report and Order became effective on March 2, 2005, §§ 25.221(c), 25.221(e), and 25.222(c) contained modified information collection requirements, which required approval by the Office of Management and Budget (OMB). The information collection requirements were approved by OMB on May 25, 2005. See OMB No. 3060-1061.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-11541 Filed 6-14-05; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[CG Docket Nos. 02-278 and 04-53; DA 05-692]

**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**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission amends its rules addressing unwanted mobile service commercial messages to cross reference new definitions adopted by the Federal Trade Commission (FTC). The Commission has directed the Consumer & Governmental Affairs Bureau (CGB) to revise the regulations of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act) to reflect updated or amended definitions in the FTC's rules.

**DATES:** Effective June 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Julie Saulnier, Consumer & Governmental Affairs Bureau at (202) 418-2512.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, DA 05-692, adopted March 24, 2005 and released March 25, 2005. Copies of this document and 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, 445 12th Street, SW., Room CY-A257, 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 also contact BCPI at their 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Order* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy/canspam.html>.

### Synopsis

In this document, the Commission amends its rules addressing unwanted mobile service commercial messages to cross reference new definitions adopted by the Federal Trade Commission (FTC). In adopting rules to implement portions of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act or Act), the Commission directed the Consumer & Governmental Affairs Bureau (CGB) to revise the regulations to reflect updated or amended definitions in the FTC's rules. The Act gives the FTC responsibility for making the ultimate determination of when electronic mail is to be considered "commercial" and for refining the definitions of "transactional or relationship" messages.

On December 16, 2004, the FTC adopted its final CAN-SPAM definitions and implementation rules, defining the criteria for determining whether an electronic message is "commercial" in nature, and refining the definition of "transactional or relationship" messages. This definition rule became effective on March 28, 2005. Consequently, we amend our CAN-SPAM rules to reflect the FTC's

newly adopted definitions codified at 16 CFR 316.1-316.5 and cross reference those definitions in our rules so that our rules will reflect any further revisions the FTC makes.

Pursuant to the authority contained in sections 1-4, 222, 227 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151-154, 222, 227, and 303(r), and the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, Public Law 108-187, 117 Statute 2699, 15 U.S.C. 7701-7713, 18 U.S.C. 1037 and 28 U.S.C. 994, and the authority delegated to the Consumer & Governmental Affairs Bureau in the Commission's *CAN-SPAM Implementation Order*, FCC 04-194 (adopted August 4, 2004), this *Order* is adopted, and part 64 of the Commission's rules, 47 CFR 64.3100, is amended.

### Report to Congress

The Commission will not send a copy of this *Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

### List of Subjects in 47 CFR Part 64

Telecommunications, Telephone.  
Federal Communications Commission.

**Monica Desai,**

*Acting Chief, Consumer & Governmental Affairs Bureau.*

### Final Rules

■ For the reasons set forth in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 47 U.S.C. 154, 254(k); secs. 403(b)(2)(B), (c), Pub. L. 104-104, 110 Stat. 56. Interpret or apply 47 U.S.C 201, 218, 222, 225, 226, 228, and 254 (k) unless otherwise noted.

■ 2. Section 64.3100 is amended by revising paragraphs (c)(2) and (c)(8) introductory text to read as follows:

#### § 64.3100 Restrictions on mobile services commercial messages.

\* \* \* \* \*

(c) \* \* \*

(2) *Commercial electronic mail message* means the term as defined in the CAN-SPAM Act, 15 U.S.C 7702 and as further defined under 16 CFR 316.3. The term is defined as "an electronic message for which the primary purpose is commercial advertisement or promotion of a commercial product or

service (including content on an Internet Web site operated for a commercial purpose)." The term "commercial electronic mail message" does not include a transactional or relationship message.

\* \* \* \* \*

(8) *Transactional or relationship message* means the following and is further defined under 16 CFR 316.3 as any electronic mail message the primary purpose of which is:

\* \* \* \* \*

[FR Doc. 05-11908 Filed 6-14-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[WT Docket No. 99-87; RM-9332; FCC 04-292]

### Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; lifting of stay.

**SUMMARY:** In this document the Commission addresses eighteen petitions for reconsideration of the rules adopted in the *Second Report and Order* in this proceeding to promote migration to narrowband (12.5 kHz) technology in the Private Land Mobile Radio (PLMR) services. In addition, we stay the January 1, 2005 date pending resolution of the issues raised in the *Third Further Notice of Proposed Rulemaking* published elsewhere in this issue. This document also lifts the stay of 47 CFR 90.209(b)(6).

**DATES:** The stay of § 90.209(b)(6) is lifted effective July 15, 2005, and the amendments are effective July 15, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Zenji Nakazawa,  
[Zenji.Nakazawa@fcc.gov](mailto:Zenji.Nakazawa@fcc.gov), Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418-0680, TTY (202) 418-7233.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's *Order*, FCC 04-292, adopted on December 20, 2004, and released on December 23, 2004. 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