

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

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

Dated: July 18, 2005.

**James Jones,**

*Director, 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 180.611 is added to read as follows:

**§ 180.611 Pinoxaden; tolerances for residues.**

(a) *General.* (1) Tolerances are established for the combined residues of pinoxaden (8-(2,6-diethyl-4-methylphenyl)-1,2,4,5-tetrahydro-7-oxo-7H-pyrazolo[1,2-d][1,4,5] oxadiazepin-9-yl 2,2-dimethylpropanoate), and its metabolites 8-(2,6-diethyl-4-methylphenyl)-tetrahydro-pyrazolo[1,2-d][1,4,5]oxadiazepine-7,9-dione (M2), and free and conjugated forms of 8-(2,6-diethyl-4-hydroxymethyl-phenyl)-tetrahydro-pyrazolo[1,2-d][1,4,5] oxadiazepine-7,9-dione (M4), and 4-(7,9-dioxo-hexahydro-pyrazolo[1,2-d][1,4,5]oxadiazepin-8-yl)-3,5-diethylbenzoic acid (M6), calculated as pinoxaden, in/on the following commodities:

Commodity	Parts per million
Barley, bran .....	1.6
Barley, grain .....	0.9
Barley, hay .....	1.5
Barley, straw .....	1.0
Egg .....	0.06
Poultry, fat .....	0.06
Poultry, meat .....	0.06
Poultry, meat byproducts .....	0.06
Wheat, bran .....	3.0
Wheat, forage .....	3.5
Wheat, grain .....	1.3
Wheat, hay .....	2.0
Wheat, straw .....	1.5

(2) For the combined residues of pinoxaden, 8-(2,6-diethyl-4-methylphenyl)-1,2,4,5-tetrahydro-7-oxo-7H-pyrazolo[1,2-d][1,4,5] oxadiazepin-9-yl 2,2-dimethylpropanoate), and its metabolites M2, 8-(2,6-diethyl-4-methylphenyl)-tetrahydro-pyrazolo[1,2-d][1,4,5]oxadiazepine-7,9-dione, and free and conjugated forms of M4, 8-(2,6-diethyl-4-hydroxymethyl-phenyl)-tetrahydro-pyrazolo[1,2-d][1,4,5]

oxadiazepine-7,9-dione, calculated as pinoxaden, in/on the following commodities:

Commodity	Parts per million
Cattle, fat .....	0.04
Cattle, meat .....	0.04
Cattle, meat byproducts .....	0.04
Milk .....	0.02

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

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 05-14896 Filed 7-26-05; 8:45 am]

**BILLING CODE 6560-50-S**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 1**

[WT Docket No. 05-211; FCC 05-123]

**Implementation of the Commercial Spectrum Enhancement Act**

**AGENCY:** Federal Communications Commission.

**ACTION:** Declaratory ruling.

**SUMMARY:** In order to implement the auction revenue requirement in Commercial Spectrum Enhancement Act (CSEA) for any auction of frequencies subject to CSEA, the Commission interprets the meaning of the term “total cash proceeds” as used in CSEA to mean winning bids net of any applicable bidding credit discounts.

**DATES:** Effective August 26, 2005.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. People with Disabilities: Contact the FCC to request materials in accessible formats (Braille, large print, electronics files, audio format, etc.) by e-mail at [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0531 (voice), 202-418-7365 (TTY).

**FOR FURTHER INFORMATION CONTACT:** Audrey Bashkin or Gary Michaels, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, (202) 418-0660.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Declaratory Ruling* in WT Docket No. 05-211 adopted June 9, 2005, and released June 14, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC’s

Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. The Declaratory Ruling is also available on the FCC’s Web site at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-05-123A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-123A1.doc) or [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-05-123A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-123A1.pdf). The Commission will send a copy of this Declaratory Ruling in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

1. CSEA establishes a mechanism to use spectrum auction proceeds to reimburse Federal agencies operating on “eligible frequencies” (the 216–220 MHz, 1432–1435 MHz, 1710–1755 MHz, and 2385–2390 MHz bands, and certain other frequency bands) that may be reallocated from Federal to non-Federal use, for the cost of relocating operations. CSEA requires that the “total cash proceeds” from any auction of eligible frequencies equal at least 110 percent of estimated relocation costs of eligible Federal entities. CSEA prohibits the Commission from concluding any auction of eligible frequencies that falls short of this revenue requirement. CSEA requires the Commission, if it is unable to conclude an auction for this reason, to cancel the auction, return any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to bid in any subsequent reauction of the spectrum.

2. In order to implement CSEA’s revenue requirement, the Commission must determine the meaning of the term “total cash proceeds” as used in the statute. For the following reasons, the Commission interprets “total cash proceeds” for purposes of CSEA to mean winning bids net of any applicable bidding credit discounts. Under the Commission’s competitive bidding rules, winning bids in an auction do not necessarily translate into amounts actually owed by bidders. The discrepancy between gross and net winning bid amounts arises from the award of bidding credits—i.e., discounts on gross winning bids—to eligible designated entities, new entrants into the broadcast marketplace, and winning bidders that undertake to serve previously underserved tribal lands. In this context, the plain language of the statute appears to refer to an auction’s net winning bids rather than gross

winning bids. The word "cash" is defined as "money or its equivalent;" or "ready money" and "proceeds" is defined as "the money obtained from a commercial or fund-raising venture: yield."

3. In addition to the language of the statute, the purpose underlying the revenue requirement of CSEA supports a determination that "total cash proceeds" is based on winning bids net of bidding credits. Given that Congress's purpose was to provide a mechanism for making sufficient funds available to relocating Federal agencies, it is reasonable to assume that Congress did not intend the Commission, in determining whether the "total cash proceeds" requirement has been met, to count those portions of winning bids for which the bidder would receive credit and not have to pay. Accordingly, the Commission does not read CSEA to equate the amount of the gross winning bids with the total cash proceeds of the auction.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-14841 Filed 7-26-05; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 9

[WC Docket No. 04-36; FCC 05-116]

#### E911 Requirements for IP-Enabled Services

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** This document announces that the information collection requirements adopted in the IP-Enabled Services First Report and Order (Order) were approved in OMB No. 3060-1085 and will become effective on July 29, 2005, in 47 CFR 9.5.

**DATES:** The rule in 47 CFR 9.5, published at 70 FR 37273, June 29, 2005 is effective July 29, 2005.

**Compliance Date:** Compliance with the customer notification requirements in § 9.5(e) is required by July 29, 2005. The compliance letter required by § 9.5(f) must be submitted to the Commission no later than November 28, 2005. Compliance with the requirements in § 9.5(b) through (d) is not required until November 28, 2005.

**FOR FURTHER INFORMATION CONTACT:** Christi Shewman, Attorney-Advisor,

Competition Policy Division, Wireline Competition Bureau, at (202) 418-1686.

For additional information concerning the Paperwork Reduction Act information collection requirements, contact Judith B. Herman at (202) 418-0214, or via the Internet at *Judith-B.Herman@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** A summary of the IP-Enabled Services First Report and Order was published in the **Federal Register** on June 29, 2005, 70 FR 37273. The IP-Enabled Services First Report and Order adopted rules requiring providers of interconnected voice over Internet Protocol (VoIP) service—meaning VoIP service that allows a user generally to receive calls originating from and to terminate calls to the public switched telephone network—to supply enhanced 911 capabilities to all of their customers as a standard feature of the service, rather than as an optional enhancement. The summary stated that with the exception of rules requiring Office of Management and Budget (OMB) approval, the rules adopted in the IP-Enabled Services First Report and Order would become effective July 29, 2005. With regard to rules requiring OMB approval, the Commission stated that it would publish a document in the **Federal Register** announcing the effective date of these rules. The information collection requirements in § 9.5 have been approved by OMB. In a separate document published in this issue, the Commission has announced that OMB has approved the information collection requirements adopted in the IP-Enabled Services First Report and Order. With publication of the instant document in the **Federal Register**, all rules adopted in the IP-Enabled Services First Report and Order are effective July 29, 2005.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-14842 Filed 7-26-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[WT Docket No. 01-309; FCC 05-122]

#### Hearing Aid-Compatible Telephones

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Commission grants in part and denies in part petitions for reconsideration of the

*Hearing Aid Compatibility Order*, which lifted the blanket exemption for digital wireless telephones under the Hearing Aid Compatibility Act of 1988 (HAC Act). The Commission's actions, as reflected in this document, further ensure that every American has access to the benefits of digital wireless telecommunications, including individuals with hearing disabilities.

**DATES:** Effective August 26, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Andra Cunningham,  
*Andra.Cunningham@fcc.gov*, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418-1630 or TTY (202) 418-7233.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's *Order on Reconsideration* FCC 05-122, adopted on June 9, 2005 and released on June 21, 2005. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554. 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), 202-418-0432 (tty).

1. On August 14, 2003, the Commission released the *Hearing Aid Compatibility Order*, finding, among other things, that the statutory criteria to lift the exemption for wireless telephones had been met. Specifically, the Commission determined that continuation of Congress' exemption for wireless telephones would have an adverse effect on individuals with hearing disabilities, and that revoking the exemption was technologically feasible and in the public interest. The Commission further determined that compliance with hearing aid compatibility requirements "would not increase the costs of [wireless] phones to such an extent that they could not be successfully marketed."

2. Based upon these findings, the Commission established requirements for hearing aid compatibility of digital wireless phones. First, the Commission adopted the ANSI C63.19 performance levels as the applicable technical standard. Second, the Commission established specific, phased-in