

(NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. This analysis was published on December 17, 1997 (62 FR 66020), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this rule, the Agency hereby certifies that this proposed action will not have a significant economic impact on a substantial number of small entities. Specifically, as per the 1997 notice, EPA has reviewed its available data on imports and foreign pesticide usage and concludes that there is a reasonable international supply of food not treated with pesticides containing the ingredients proposed for revocation in this notice. Furthermore, for the pesticide named in this proposed rule, the Agency knows of no extraordinary circumstances that exist as to the present proposal that would change the EPA's previous analysis. Any comments about the Agency's determination should be submitted to the EPA along with comments on the proposal, and will be addressed prior to issuing a final rule. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This proposed rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established

by Congress in the preemption provisions of section 408(n)(4) of FFDCFA. For these same reasons, the Agency has determined that this proposed rule does not have any "tribal implications" as described in Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This proposed rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

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

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

Dated: April 27, 2006.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR chapter I be 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.

#### § 180.920 [Amended]

2. Section 180.920 is amended by removing from the table the entries for:

- i. Ethylene glycol monomethyl ether; and
- ii. Methylene blue

[FR Doc. E6-6671 Filed 5-2-06; 8:45 am]

**BILLING CODE 6560-50-S**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[ET Docket No. 03-122; DA 06-927]

#### Unlicensed Devices in the 5 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document seeks to refresh the record on issues raised in petitions for reconsideration of the *Report and Order* in this proceeding. The petitions sought reconsideration and clarification, in part, of the equipment authorization requirements for Unlicensed National Information Infrastructure (U-NII) devices employing dynamic frequency selection (DFS). We seek additional comment on the DFS issues raised in the petitions for reconsideration and, in particular, how these issues are addressed by the Project Team's revised compliance and measurement procedures and the Commission's rules.

**DATES:** Comments must be filed on or before May 15, 2006, and reply comments must be filed on or before May 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Shameeka Hunt, Office of Engineering and Technology, (202) 418-2062, e-mail: [Shameek.Hunt@fcc.gov](mailto:Shameek.Hunt@fcc.gov), TTY (202) 418-2989.

**ADDRESSES:** You may submit comments, identified by ET Docket No. 03-122, DA No. 06-927, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Federal Communications Commission's Web site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- E-mail: [Optional: Include the E-mail address only if you plan to accept comments from the general public]. Include the docket number(s) in the subject line of the message.

- Mail: [Optional: Include the mailing address for paper, disk or CD-ROM submissions needed/requested by your Bureau or Office. Do not include the Office of the Secretary's mailing address here.]

- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional

information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Public Notice*, ET Docket No. 03-122, DA No. 06-927, released April 26, 2006. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the Web site for submitting comments.

- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial

overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

People with Disabilities: 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), 202-418-0432 (tty).

#### Summary of Public Notice

1. The Office of Engineering and Technology (OET) seeks to refresh the record on issues raised in petitions for reconsideration of the *Report and Order*, 69 FR 2677, January 20, 2004, in this proceeding. The petitions sought reconsideration and clarification, in part, of the equipment authorization requirements for Unlicensed National Information Infrastructure (U-NII) devices employing dynamic frequency selection (DFS). The International Telecommunication Advisory Committee-Radiocommunication (ITAC-R) Government/Industry Project Team (Project Team) recently reached consensus on revised compliance and measurement procedures for DFS, and the National Telecommunications and Information Administration (NTIA) has presented these recommendations to the Commission. NTIA notes that the revised procedures represent the Federal Government's requirements for compliance measurement procedures for U-NII devices employing DFS and include modified definitions, new response requirements, and reporting requirements compared to previous versions of the procedures.

2. On November 12, 2003, the Commission adopted a *Report and Order*, in this proceeding, which amended part 15 of the rules to make an additional 255 megahertz of spectrum available in the 5.470-5.725 GHz band for U-NII devices, including Radio Local Area Networks (RLANs). In addition to making more spectrum available for use by U-NII devices, the Commission took steps to minimize the potential for these devices to cause interference to existing radiofrequency operations. Specifically, the Commission adopted requirements for U-NII devices in the 5.250-5.350 GHz and 5.470-5.725 GHz bands to employ Dynamic Frequency Selection (DFS) and Transmit Power Control (TPC). The Commission codified requirements for these U-NII devices in part 15, Subpart E of its rules (47 CFR 15.401 *et seq.*).

3. In the *Report and Order*, the Commission also provided an interim measurement procedure to be used by the Commission and others in determining whether U-NII devices comply with the rules. The Commission stated that the provisions of this test procedure would need to be modified as equipment was developed and as testing methodologies were refined. The Commission also stated that the OET Laboratory may issue updated measurement procedures in the future. The Project Team has worked since the release of the *Report and Order* to develop new measurement procedures for performing DFS compliance measurement tests for U-NII equipment operating in the 5250-5350 MHz and 5470-5725 MHz bands.

4. Globespan Virata (Globespan), Wi-Fi Alliance, and Extreme Networks filed petitions seeking clarification or reconsideration of various aspects of the rules adopted in the *Report and Order*. Globespan requests that the Commission revise the rules to state that U-NII devices are not required to detect and avoid frequency hopping radar signals. Globespan further requests that if it was the intent of the Commission to include frequency hopping radars in the DFS requirements, the Commission should specify a measurement procedure for this requirement. Wi-Fi Alliance seeks clarification, in part, of the channel availability check time requirement in section 15.407(h)(2)(ii). Finally, Extreme Networks seeks clarification of the definition of a U-NII central controller that must include DFS capability.

5. OET notes that these petitions for reconsideration raise issues regarding DFS compliance and measurement procedures that are addressed in the Project Team's revised procedures. Therefore, in order to refresh the record,

we seek additional comment on the DFS issues raised in the petitions filed by Globespan, Wi-Fi Alliance, and Extreme Networks and, in particular, how these issues are addressed by the Project Team's revised compliance and measurement procedures and the Commission's rules.

Federal Communications Commission.

**Julius P. Knapp,**

*Deputy Chief, Office of Engineering and Technology.*

[FR Doc. E6-6742 Filed 5-2-06; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 06-844; MB Docket No. 06-83; RM-11325]

#### Radio Broadcasting Services; Eagle Lake and Vernon Center, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Audio Division requests comment on a petition filed by Radioactive, LLC to reallocate and modify its construction permit for an unlicensed FM station from Channel 231A at Vernon Center, Minnesota, to Channel 231A at Eagle Lake, Minnesota. See **SUPPLEMENTARY INFORMATION.**

**DATES:** Comments must be filed on or before June 6, 2006, and reply comments on or before June 20, 2006.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Marissa G. Repp, Esq. and Tarah S. Grant, Esq., Hogan & Hartson LLP, 555 Thirteenth Street, NW., Washington, DC 20004-1109 (Counsel for Radioactive, LLC).

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 06-83, adopted April 12, 2006, and released April 14, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW., 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 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Pursuant to § 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest pertaining to the use of Channel 231A at Eagle Lake, Minnesota. Channel 231A can be allotted to Eagle Lake at proposed reference coordinates of 44-12-29 NL and 93-55-00 WL.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

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

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

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

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

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Vernon Center, Channel 231A and by adding Eagle Lake, Channel 231A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E6-6612 Filed 5-2-06; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 06-793; MB Docket No. 06-77; RM-11324]

#### Radio Broadcasting Services; Belle Meade, Goodlettsville, Hendersonville, TN, Hodgenville, Horse Cave, Lebanon, Lebanon Junction, KY, Manchester and Millersville, TN, New Haven and Springfield, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comment on an Amended Proposal filed jointly on behalf of Newberry Broadcasting, Inc., Elizabethtown CBC, Inc., CBC of Marion County, Inc., Washington County CBC, Inc., and Cumulus Licensing LLC. This document proposes the substitution of Channel 294C3 for Channel 294A at Belle Meade, Tennessee, reallocation of Channel 294C3 to Millersville, Tennessee, Station WNFN license to specify operation on Channel 294C3 at Millersville; the substitution of Channel 293A for Channel 294A at Horse Cave, Kentucky, and modification of the Station WHHT license to specify operation on Channel 293A; the substitution of Channel 297A for Channel 292A at Hodgenville, Kentucky, and modification of the Station WKMO license to specify operation on Channel 297A; the substitution of Channel 257A for Channel 297A at Lebanon Junction, Kentucky, and modification of the Station WTHX license to specify operation on Channel 257A; the reallocation of Channel 246C2 from Goodlettsville to Belle Meade, Tennessee, and modification of the Station WRQQ license to specify Belle Meade as the community of license; the reallocation of Channel 221A from Hendersonville to Goodlettsville, Tennessee, and modification of the Station WQQK license to specify Goodlettsville as the community of license; the substitution of Channel 259C0 for Channel 259C at Manchester, Tennessee, reallocation of Channel 259C0 to Hendersonville, and modification of the Station WWTN license to specify operation on Channel 259C0 at Hendersonville; the reallocation of Channel 274A from Springfield, Kentucky, to New Haven, Kentucky, and modification of the Station WAKY-FM license to specify New Haven as the community of license; the substitution of Channel