

submit a rule report to Congress and the Comptroller General. However, section 808 provides that any rule for which the issuing agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). EPA has made such a good cause finding, including the reasons therefore, and established an effective date of February 1, 2006. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental regulations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 6, 2006.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 06-893 Filed 1-31-06; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 06-14; MB Docket No. 03-87; RM-10686]

#### Radio Broadcasting Services; Dilley and Pearsall, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Pearsall Radio Works, Ltd.,

reallots Channel 237A from Pearsall to Dilley, Texas, and modifies Station KVWG-FM's license accordingly. See 68 FR 18177, April 15, 2003. Channel 237A can be allotted to Dilley in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.7 kilometers (1.7 miles) east at Petitioner's requested site. The reference coordinates for Channel 237A at Dilley are 28-39-55 North Latitude and 99-08-35 West Longitude. Additionally, Channel 227A can be allotted to Pearsall, Texas, as a replacement service with a site restriction of 1.7 kilometers (1.1 miles) west at Petitioner's requested site. The reference coordinates for Channel 227A at Pearsall are 28-53-13 North Latitude and 99-06-40 West Longitude. See **SUPPLEMENTARY INFORMATION, infra**.

**DATES:** Effective February 21, 2006. The window period for filing applications for Channel 227A at Pearsall, Texas, will not be opened at time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 03-87, adopted January 4, 2006, and released January 6, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see U.S.C. § 801(a)(1)(A).

Since Pearsall and Dilley are located within 320 kilometers (199 miles) of the Mexican border, the Commission sought Mexican concurrence for the allotment of Channel 237A at Dilley and Channel 227A at Pearsall, Texas. Mexican concurrence has been received for Channel 227A at Pearsall. However, concurrence of the Mexican government has not yet been received for Channel 237A at Dilley. If a construction permit for Channel 237A at Dilley, Texas, is granted prior to the Commission's

receipt of formal concurrence in the allotment by the Mexican Government, the construction permit will include the following condition: "Use of this allotment is subject to suspension, modification, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico's Secretaria de Comunicaciones Y Transportes."

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

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended 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 and 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 255C2 and adding Channel 255C1, Channel 227A and Channel 237A at Dilley and by removing Channel 237A at Pearsall.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 06-753 Filed 1-31-06; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 73 and 76

[FCC 05-211]

#### Order Staying Effective Date, In the Matter of Children's Television Obligations of Digital Television Broadcasters

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** This document stays three sections of the CFR regarding the requirements for Internet Web site address displays in children's television programming and the core children's programming processing guideline for digital broadcasters in MM Docket 00-167, until 60 days after publication in the **Federal Register** of the Commission's order on reconsideration in that proceeding. These requirements were previously scheduled to become effective on January 1, 2006.

**DATES:** 47 CFR 73.670(b) and (c) and Note 1, § 73.671(e) and (f), and § 76.225(b) and (c) and Note 1 are stayed effective February 1, 2006, until further notice. The Commission will publish a document in the **Federal Register** announcing the lift of the stay.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Kim Matthews, Policy Division, Media Bureau, Federal Communications Commission, (202) 418–2120.

**SUPPLEMENTARY INFORMATION:** On September 9, 2004, the Commission adopted a Report and Order and Further Notice of Proposed Rule Making (“Order”) in MM Docket 00–167. The Order addresses matters related to two areas: The obligation of television licensees to provide educational programming for children and the requirement that television licensees protect children from excessive and inappropriate commercial messages. Some of the rules and policies adopted in the Order apply only to digital broadcasters while others apply to both analog and digital broadcasters as well as cable operators. Most of the rules adopted in the Order were scheduled to take effect on January 1, 2006.

A number of parties petitioned for Commission reconsideration of the Order. Those reconsideration petitions are now pending before the Commission. On September 26, 2005, Viacom, Inc. (Viacom), The Walt Disney Company (Disney), NBC Universal, Inc., and NBC Telemundo License Co. filed a Motion for Extension of Effective Date or, in the Alternative, Administrative Stay with the Commission requesting that the Commission stay the rules or delay their effective date until after the Commission acts on the petitions for reconsideration. In addition, in late September and early October, 2005, the Office of Communication of the United Church of Christ (UCC) and Viacom withdrew their participation in reconsideration petitions and filed separate petitions for judicial review of the Order. UCC filed a petition for review of the Order in the U.S. Court of Appeals for the Sixth Circuit on September 26, 2005. Viacom filed a petition for review of the Order in the U.S. Circuit Court of Appeals for the D.C. Circuit on October 3, 2005. Disney subsequently filed a petition for writ of mandamus with the D.C. Circuit requesting that the Commission be directed to act on the petitions for reconsideration or that the Court stay the rules until the Commission decides the reconsideration petitions. Viacom

then also asked the D.C. Circuit to stay the rules until it resolved Viacom’s petition for review. On November 16, 2005, the D.C. Circuit transferred both Viacom’s petition and Disney’s petition to the Sixth Circuit.

Representatives of the broadcast and cable industries and public interest groups interested in children’s television issues have been meeting in an attempt to resolve their differences regarding the new rules that are the subject of the litigation. Those parties have now informed the Commission that they have reached an agreement on a recommendation to the Commission that, if adopted, would resolve their concerns with the Commission’s rules. The parties’ recommendation would maintain with modifications most of the rules adopted by the Commission to promote educational programming for children and to protect children from overcommercialization on television. The Commission will, of course, make an independent determination on the appropriate course of action on reconsideration. However, we greatly appreciate a joint recommendation from these previously adverse interests and will give their recommendation serious consideration. The parties have further recommended that the Commission should stay the effective date of the new rules until 60 days after publication in the **Federal Register** of the Commission’s order on reconsideration, a course of action that would give the Commission the time to evaluate the parties’ recommendation in the pending reconsideration proceeding and would permit the petitions for judicial review to be held in abeyance and the stay motions now pending before the Sixth Circuit to become moot. In light of that agreement and the issues raised in the pending petitions for reconsideration, we find that the public interest is served by delaying the effective date of the new rules to permit the Commission to act on the petitions for reconsideration and to afford broadcasters and cable operators additional time to come into compliance with the revised children’s television requirements, as such requirements may be modified on reconsideration. The Commission will publish a document in the **Federal Register** announcing the lift of the stay.

Accordingly, we are hereby staying the effective date of newly adopted § 73.670(b) and (c) and Note 1, § 73.671(e) and (f) (referred to in the Report and Order and Further Notice of Proposed Rule Making in MM Docket No. 00–167, 19 FCC Rcd 22,943 (2004), as 47 CFR 73.671 Notes 3 and 4), and § 76.225(b) and (c) and Note 1 of the Commission’s rules until further notice.

We find for good cause that notice and comment are impracticable based on the imminent effective date, the measures that would be required by the industry to comply with the new rules, which may be modified on reconsideration, the broad-based agreement to the stay by children’s television advocates and industry representatives, and the fact that we are only temporarily staying the effective date until we resolve the pending petitions for reconsideration.

*Congressional Review Act.* The Commission will not send a copy of this Order Staying Effective Date to Congress and the General Accounting Office (GAO) pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the Commission is only staying the effective date of its rules and this action is not subject to the Congressional Review Act.

*Paperwork Reduction.* This Order Staying Effective Date does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new or modified “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(ca)(4).

Accordingly, *it is ordered* that the effective date of 47 CFR 73.670(b) and (c) and Note 1, § 73.671(e) and (f), and § 76.225(b) and (c) and Note 1 as adopted in the Order in the above-captioned proceeding is stayed until further notice.

#### List of Subjects in 47 CFR Parts 73 and 76

Cable, Television.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 06–799 Filed 1–31–06; 8:45 am]

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