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Parties who choose to file by paper must send an original and four (4) copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, 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). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings or electronic media 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 and electronic media sent by 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-B204, Washington, DC 20554.

This proceeding shall be treated as a "permit but disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views

and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclosed proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

The full text of this document and copies of 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, (202) 418-0270. This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing (BCPI), Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: <http://www.bcpweb.com> or by calling 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 document can also be downloaded in Word or Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>.

#### Synopsis

On February 1, 2005, TSA Stores, Inc. (TSA) filed a *Petition for Declaratory Ruling* asking the Commission to preempt a provision of the Florida Statutes as applied to interstate telephone calls. Specifically, TSA requests that the Commission preempt section 501.059 of the Florida Statutes as applied to interstate telephone calls made to residential lines using a prerecorded voice, where the call is made to a person with whom the caller has an established business relationship. TSA indicates that section 501.059 of the Florida Statutes makes it unlawful for a telephone solicitor to make a telephone sales call to a Florida resident if such call involves an automated system for the selection or dialing of telephone numbers or the playing of a recorded message when a connection is completed to a called number. TSA asserts that section 501.059, to the extent that it restricts or prohibits the use of prerecorded messages to persons with whom the caller has an established business relationship, is inconsistent with the Commission's rules, when applied to interstate calls. TSA indicates that this provision conflicts with section 64.1200(a)(2) of the Commission's rules, 47 CFR 64.1200(a)(2), which, according

to TSA, permits the use of an artificial or prerecorded voice to deliver a message without the express prior consent of the called party if the call is made to a person with whom the caller has an established business relationship. Accordingly, TSA requests that the Commission issue a declaration preempting section 501.059(7)(a) of the Florida Statutes.

Federal Communications Commission.

**Jay Keithley,**

*Deputy Bureau Chief, Consumer & Governmental Affairs Bureau.*

[FR Doc. 05-3931 Filed 2-28-05; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 00-167; FCC 04-221]

#### Broadcast Services; Children's Television; Cable Operators

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains a correction to the final regulation (FR Doc. 04-28173) which was published in the **Federal Register** of Monday, January 3, 2005 (70 FR 25). The regulation section 73.673 relates to the obligation of television broadcasters to protect and serve children in their audience.

**DATES:** This rule became effective on February 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Kim Matthews, Media Bureau, (202) 418-2120.

**SUPPLEMENTARY INFORMATION:** The final regulation that is subject of this correction amended section 73.673 by inadvertently removing and reserving paragraph (b). This correction revises the amendment published on January 3, 2005.

As published, the final regulations contain errors which may prove to be misleading and need to be clarified.

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

Television.

■ Accordingly, 47 CFR part 73 is corrected by making the following correcting amendment:

#### 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.

■ 2. Revise § 73.673 to read as follows:

**§ 73.673 Public information initiatives regarding educational and informational programming for children.**

Each commercial television broadcast station licensee shall provide information identifying programming specifically designed to educate and inform children to publishers of program guides. Such information shall include an indication of the age group for which the program is intended.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 05-3932 Filed 2-28-05; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Transportation Security Administration**

**49 CFR Part 1540**

**RIN 1652-ZA04**

**Prohibited Items**

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Interpretive rule.

**SUMMARY:** This document amends the Transportation Security Administration's (TSA) interpretive rule that provides guidance to the public on the types of property that TSA considers weapons, explosives, and incendiaries prohibited in airport sterile areas, in the cabin of aircraft, or in passengers' checked baggage. This document adds all lighters to the list of prohibited items.

**DATES:** *Effective Date:* March 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Clint Fisher, TSA-9, Transportation Security Policy, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220; telephone (571) 227-2621.

**SUPPLEMENTARY INFORMATION:**

**Availability of Documents**

*Availability of Rulemaking Document*

You can get an electronic copy using the Internet by—

(1) Searching the Department of Transportation's (DOT's) electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);

(2) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>; or

(3) Visiting TSA's Law and Policy Web page at <http://www.tsa.dot.gov/public/index.jsp>.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section, above. Make sure to identify the docket number of this rulemaking.

**Statutory and Regulatory Background**

TSA is an agency in the Department of Homeland Security (DHS), operating under the direction of the Assistant Secretary for Homeland Security (Transportation Security Administration). TSA is responsible for security in all modes of transportation, including aviation. See 49 U.S.C. 114(d). Under TSA's regulation on acceptance and screening of individuals and accessible property, 49 CFR 1540.111, an individual (other than a law enforcement or other authorized individual)—

\* \* \* may not have a weapon, explosive, or incendiary, on or about the individual's person or accessible property—

(1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area, or before boarding an aircraft for which screening is conducted under § 1544.201 or § 1546.201 of this chapter;

(2) When the individual is entering or in a sterile area; or

(3) When the individual is attempting to board or onboard an aircraft for which screening is conducted under § 1544.201 or § 1546.201 of this chapter."

On February 14, 2003, TSA published an interpretive rule that provided guidance to the public on the types of property TSA considers to be weapons, explosives, and incendiaries prohibited on an individual's person or accessible property, items permitted on an individual's person or accessible property, and items prohibited in checked baggage (68 FR 7444). On March 3, 2003, TSA subsequently published technical corrections to the interpretive rule at 68 FR 9902.

On December 17, 2004, the President signed into law the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458). Section 4025 of IRTPA requires TSA, no later than 60 days after enactment, to add butane lighters to the prohibited items list and to make any other modifications that TSA considers appropriate. TSA has reviewed the prohibited items list and is now making a change to the list. This document amends TSA's interpretive rule to reflect this change, which is discussed below.

**Prohibited Items List Change: All Lighters Prohibited**

Pursuant to the February 14, 2003 interpretive rule, TSA limited the types and quantities of lighters that persons are permitted to bring on board the

cabin of an aircraft to reflect limits in DOT's regulations (*see, e.g.*, 49 CFR 175.10(a)(10)) and related interpretations governing the transport of hazardous materials on aircraft. Specifically, TSA allowed persons to board an aircraft with no more than two lighters per person, as long as the lighters were fueled with either liquefied gas (Bic®- or Colibri®-type) or absorbed liquid (Zippo®-type). Under the DOT hazardous materials regulation all other types of lighters are prohibited in the aircraft cabin. See 49 CFR 175.10(a)(10). Further, all lighters, including those fueled with liquefied gas or absorbed liquid, are prohibited from carriage in checked baggage.

Most liquefied gas lighters, which in the past have been permitted in the aircraft cabin, are butane lighters. Thus, the effect of Section 4025 of IRTPA is to require the prohibition of most liquefied gas lighters from the cabin of an aircraft. In light of this change, TSA has reconsidered whether all lighters should be prohibited from the cabin of an aircraft.

It is very difficult, and often impossible, for TSA security screeners to distinguish between lighters that are fueled with butane and lighters that are fueled by some other flammable gas or liquid. Consequently, TSA is modifying the prohibited items list to include all lighters, consistent with the provision in section 4025 that directs TSA to make other modifications to the prohibited items list that it deems appropriate. As a result, beginning on the effective date of this rule, TSA is prohibiting passengers from carrying any type of lighter on their person or in accessible property once screening has begun, when in airport sterile areas, or onboard an aircraft for which screening is conducted. In addition, lighters remain prohibited from carriage in passengers' checked baggage under DOT's hazardous materials regulation.

Separately, TSA is considering adding all matches to the prohibited items list. Consistent with DOT's regulation governing the transport of hazardous materials, TSA presently limits the type and quantity of matches passengers may bring on board an aircraft. Specifically, passengers now may carry up to four books of strike-on-cover matches on their person or in accessible property. Under the DOT regulation, all matches are prohibited from carriage in checked baggage. Before modifying the interpretive rule with respect to matches carried on one's person or in accessible property, TSA will publish a notice in the **Federal Register** requesting public comment on such a change. If TSA determines that prohibiting the carriage