

154, 227 and 303(r); and 47 CFR 64.1200 of the Commission's rules, and the Do-Not-Call Implementation Act, Public Law Number 108-10, 117 Statute 557, the Order in CG Docket No. 02-278 IS ADOPTED, and Part 64 of the Commission's rules, 47 CFR 64.1200 is amended as set forth in the Final Rules. As discussed herein, the amended rule at 47 CFR 64.1200(c)(2)(i)(D) will become effective January 1, 2005.

The Petition for Declaratory Ruling filed by the Direct Marketing Association and Newspaper Association of America on January 29, 2004, is denied to the extent discussed herein. The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Telephone.

Federal Communications Commission.

Marlene H. Dortch, Secretary.

Rule Changes

For the reasons discussed 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), Public Law 104-104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 225, 226, 228, and 254 (k) unless otherwise noted.

2. Section 64.1200 is amended by adding paragraph (a)(1)(iv) and revising paragraph(c)(2)(i)(D) and adding a note to paragraph (c)(2)(i)(D) to read as follows:

§ 64.1200 Delivery restrictions.

- (a) \* \* \*
(1) \* \* \*

(iv) A person will not be liable for violating the prohibition in paragraph (a)(1)(iii) when the call is placed to a wireless number that has been ported from wireline service and such call is a voice call; not knowingly made to a wireless number; and made within 15 days of the porting of the number from wireline to wireless service, provided the number is not already on the national do-not-call registry or caller's company-specific do-not-call list.

\* \* \* \* \*

- (c) \* \* \*
(2) \* \* \*
(i) \* \* \*

(D) Accessing the national do-not-call database. It uses a process to prevent telephone solicitations to any telephone number on any list established pursuant to the do-not-call rules, employing a version of the national do-not-call registry obtained from the administrator of the registry no more than 31 days prior to the date any call is made, and maintains records documenting this process.

Note to paragraph (c)(2)(i)(D): The requirement in paragraph 64.1200(c)(2)(i)(D) for persons or entities to employ a version of the national do-not-call registry obtained from the administrator no more than 31 days prior to the date any call is made is effective January 1, 2005. Until January 1, 2005, persons or entities must continue to employ a version of the registry obtained from the administrator of the registry no more than three months prior to the date any call is made.

\* \* \* \* \*

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04-3057: MB Docket No. 03-190; RM-10738]

Radio Broadcasting Services; Athens and Doraville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to petition for rule making filed by CXR Holdings, Inc. and Cox Radio, Inc. this document reallocates Channel 238C1 from Athens to Doraville, Georgia, and modifies the Station WBTS license to specify Doraville as the community of license. See 68 FR 54879, September 19, 2003. The reference coordinates for the Channel 238C1 allotment at Doraville, Georgia, are 34-07-32 and 83-51-32. Station WBTS was granted a license to specify operation on Channel 238C1 in lieu of Channel 238C at Athens, Georgia. See BLH-20011016AAF. The FM Table of Allotments does not reflect this change. With this action, the proceeding is terminated.

DATES: Effective November 18, 2004.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Media Bureau (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Report and Order in MB

Docket No. 03-190 adopted September 23, 2004, and released September 27, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy 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. The Commission will send a copy of the Report and Order in this proceeding in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, see 5 U.S.C.801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Part 73 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 Georgia, is amended by removing Channel 238C at Athens, and adding Doraville, Channel 238C1.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-04-19284]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for reconsideration.

SUMMARY: The agency denies Porsche's petition for reconsideration of the agency's May 5, 2003 final rule expanding the limited line manufacturer