

and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(3) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 1 hour of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and if the alarm was alleviated within 3 hours of the alarm.

\* \* \* \*

[FR Doc. 05-3360 Filed 2-18-05; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA-7867]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Grimm, Mitigation Division,

500 C Street, SW., Room 412, Washington, DC 20472, (202) 646-2878.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable

and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification letter addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act.** This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Paperwork Reduction Act.** This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**Executive Order 12612, Federalism.** This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

**Executive Order 12778, Civil Justice Reform.** This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR,

1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, § 64.6 [Amended]

3 CFR, 1979 Comp.; p. 376.

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
<b>Region IV</b>				
Florida:				
Islamorada, Village of, Monroe County	120424	October 1, 1998, Emerg; October 1, 1998, Reg; February 18, 2005, Susp.	Feb. 18, 2005 ...	Feb. 18, 2005.
Marathon, City of, Monroe County .....	120681	October 16, 2000, Emerg; October 16, 2000, Reg; February 18, 2005, Susp.	.....do* .....	Do.
North Carolina: Lumberton, City of, Robeson County.	370203	March 5, 1975, Emerg; November 5, 1980, Reg; February 18, 2005, Susp.	Jan. 19, 2005 ...	Do.
Orrum, Town of, Robeson County .....	370349	March 11, 1997, Emerg; March 11, 1997, Reg; February 18, 2005, Susp.	.....do .....	Do.
<b>Region VI</b>				
Arkansas:				
Caldwell, Town of, St. Francis County ..	050185	May 28, 1975, Emerg; October 19, 1982, Reg; Feb. 18, 2005, Susp.	Feb. 18, 2005 ...	Do.
Forrest City, City of, St. Francis County	050187	May 5, 1975, Emerg; December 4, 1979, Reg; February 18, 2005, Susp.	.....do .....	Do.
Hughes, City of, St. Francis County .....	050188	July 11, 1975, Emerg; November 1, 1985, Reg; February 18, 2005, Susp.	.....do .....	Do.
Palestine, City of, St. Francis County ...	050359	June 17, 1975, Emerg; October 12, 1982, Reg; February 18, 2005, Susp.	.....do .....	Do.
St. Francis County, Unincorporated Areas.	050184	September 4, 1979, Emerg; November 1, 1985, Reg; February 18, 2005, Susp.	.....do .....	Do.
Wheatley, City of, St. Francis County ...	050384	August 17, 1983, Emerg; September 4, 1985, Reg; February 18, 2005, Susp.	.....do .....	Do.
Missouri:				
Callaway County, Unincorporated Areas	290049	September 30, 1983, Emerg; January 3, 1985, Reg; February 18, 2005, Susp.	.....do .....	Do.
Fulton, City of, Callaway County .....	290051	July 19, 1976, Emerg; June 15, 1983, Reg; February 18, 2005, Susp.	.....do .....	Do.
Jefferson, City of, Callaway County .....	290108	April 23, 1971, Emerg; April 15, 1980, Reg; February 18, 2005, Susp.	.....do .....	Do.

\* do = Ditto

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

**David I. Maurstad,**

*Acting Mitigation Division Director, Emergency Preparedness and Response Directorate.*

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**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 05-292; MB Docket No. 04-288, RM-11045]

**Radio Broadcasting Services; Rhinelander, WI**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** At the request of Results Broadcasting of Rhinelander, Inc., the Audio Division allots Channel 243C3 at

Rhinelander, Wisconsin as the community's fourth local transmission service. See 69 FR 48443, August 10, 2004. Channel 243C3 is allotted at Rhinelander with a site restriction of 14.9 kilometers (9.3 miles) east of the community. Because this site is within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested for this allotment. Coordinates for Channel 243C3 at Rhinelander are 45-39-43 NL and 89-13-25 WL. A filing window period for Channel 243C3 for Rhinelander, Wisconsin will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

**DATES:** Effective March 21, 2005.

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

**FOR FURTHER INFORMATION CONTACT:**

Victoria M. McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 04-288, adopted February 2, 2005, and released February 4, 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 Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability