

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
State of West Virginia Transportation Conformity Requirements.	Entire State	04/12/2007	05/02/2008 [<i>Insert page number where the document begins</i>].	Memoranda of Understanding between EPA, FHWA, FTA, State of West Virginia, and six Metropolitan Planning Organizations.

[FR Doc. E8-9608 Filed 5-1-08; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-8021]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

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: Effective 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 want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

FOR FURTHER INFORMATION CONTACT: David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

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 NFIP, 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. 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, FEMA has identified the Special Flood Hazard Areas (SFHAs) 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 identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA'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 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were 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 remedial action takes place.

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.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

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.*

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, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 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 SFHAs
Region III				
Virginia:				
Rural Retreat, Town of, Wythe County	510212	May 8, 2007, Emerg; May 8, 2007, Reg; May 02, 2008, Susp.	May 2, 2008	May 2, 2008.
Wytheville, Town of, Wythe County	510181	November 29, 1973, Emerg; April 3, 1978, Reg; May 02, 2008, Susp.	.....do*	do.
Wythe County, Unincorporated Areas ...	510180	March 15, 1974, Emerg; February 1, 1979, Reg; May 02, 2008, Susp.	.....do	do.
Region IV				
Kentucky: Elkhorn City, City of, Pike County	210356	September 1, 1979, Emerg; November 1, 1985, Reg; May 02, 2008, Susp.	.....do	do.
Region V				
Illinois:				
Carbondale, City of, Jackson County	170298	January 14, 1975, Emerg; November 1, 1979, Reg; May 02, 2008, Susp.	.....do	do.
Dowell, Village of, Jackson County	170875	April 20, 1979, Emerg; December 5, 1989, Reg; May 02, 2008, Susp.	.....do	do.
Elkville, Village of, Jackson County	170876	April 15, 1976, Emerg; December 18, 1984, Reg; May 02, 2008, Susp.	.....do	do.
Gorham, Village of, Jackson County	170954	August 2, 1993, Emerg;—,Reg; May 02, 2008, Susp.	.....do	do.
Jackson County, Unincorporated Areas	170927	August 4, 1993, Emerg;—, Reg; May 02, 2008, Susp.	.....do	do.
Makanda, Village of, Jackson County ...	170301	March 17, 1980, Emerg; March 15, 1982, Reg; May 02, 2008, Susp.	.....do	do.
Mill Creek, Village of, Union County	170659	September 6, 1974, Emerg; October 5, 1984, Reg; May 02, 2008, Susp.	.....do	do.
Murphysboro, City of, Jackson County	170302	April 11, 1975, Emerg; September 29, 1978, Reg; May 02, 2008, Susp.	.....do	do.
Union County, Unincorporated Areas ...	170656	May 1, 1974, Emerg; February 19, 1986, Reg; May 02, 2008, Susp.	.....do	do.
Vergennes, Village of, Jackson County.	170973	December 16, 2002, Emerg;—, Reg; May 02, 2008, Susp.	.....do	do.
Region VI				
Louisiana:				
Baker, City of, East Baton Rouge Parish.	225193	September 11, 1970, Emerg; September 11, 1970, Reg; May 02, 2008, Susp.	.....do	do.
Central, City of, East Baton Rouge Parish.	220060	April 6, 2007, Emerg; April 6, 2007, Reg; May 02, 2008, Susp.	.....do	do.
East Baton Rouge Parish, Unincorporated Areas.	220058	June 12, 1970, Emerg; July 2, 1979, Reg; May 02, 2008, Susp.	.....do	do.
Zachary, City of, East Baton Rouge Parish.	220061	July 2, 1973, Emerg; September 15, 1977, Reg; May 02, 2008, Susp.	.....do	do.

*.....do = Ditto.

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

Dated: April 28, 2008.

Michael K. Buckley,

Deputy Assistant Administrator for
Mitigation, Department of Homeland
Security, Federal Emergency Management
Agency.

[FR Doc. E8-9691 Filed 5-1-08; 8:45 am]

BILLING CODE 9110-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 24 and 27

[WT Docket No. 03-264; FCC 08-85]

Amendment of Various Rules Affecting Wireless Services

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts certain amendments to its rules governing radiated power limits for broadband Personal Communications Services in the 1850-1915/1930-1995 MHz bands (PCS) and certain Advanced Wireless Services (AWS) in the 1710-1755/2110-2155 MHz bands. The rule changes offer greater flexibility to PCS and AWS operators, are more technologically neutral, will better accommodate broadband technologies, and will fulfill the Commission's statutory mandate under section 11 of the Communications Act of 1934, as amended (the Act). See 47 U.S.C. 161.

DATES: Effective June 2, 2008.

FOR FURTHER INFORMATION CONTACT:

Nina Shafran, Wireless
Telecommunications Bureau, at
Nina.Shafran@fcc.gov, or (202) 418-
2781.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Report and Order*, in WT Docket No. 03-264, FCC No. 08-85, adopted March 18, 2008 and released March 21, 2008. The full text of the document is available for inspection and copying during normal business hours in the FCC Reference Information Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the FCC's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at *FCC@BCPIWEB.COM*. The full text may also be downloaded at *http://www.fcc.gov*. Alternative formats are available to persons with disabilities (Braille, large print, electronic files and

audio format) by e-mailing *fcc504@fcc.gov*, or calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), or (202) 418-0432 (TTY).

Synopsis of the Third Report and Order

In this *Third Report and Order*, the Commission adopts certain amendments to the PCS and AWS radiated power rules, consistent with actions previously taken by the Commission in the 700 MHz Commercial Services Band *Report and Order and Further Notice of Proposed Rulemaking (April 700 MHz Order)* at 72 FR 27688, May 16, 2007 (*Report and Order*), and at 72 FR 24238, May 2, 2007 (*FNPRM*), and the 700 MHz *Second Report and Order (August 700 MHz Order)* at 72 FR 48814, August 24, 2007. On July 22, 2005, the Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* in a Biennial Review proceeding commenced in 2004 to streamline and harmonize certain licensing provisions in the wireless radio services (WRS) (as defined in the Commission's rules) at 70 FR 61049, October 20, 2005 (*Report and Order*), and at 70 FR 60770, October 19, 2005 (*FNPRM (Streamlining FNPRM)*). In that document, the Commission sought comment on certain proposed amendments—particularly the proposed changes introduced into the record by CTIA-The Wireless Association (CTIA)—to the Commission's radiated power rules for PCS and AWS. The Commission also sought comment on whether the changes proposed by CTIA for PCS and AWS (CTIA Proposal) should be applicable to other services, such as part 22 cellular, additional part 27 services, including the 700 MHz Commercial Services Band, as well as, other services specifically addressed in certain parties' submissions in this docket, such as the 1670-1675 MHz band. Additionally, the Commission considered whether changes to other technical rules might be warranted in conjunction with changes to the radiated power rules. In the *April 700 MHz Order*, in which the Commission combined various proceedings regarding the 700 MHz band, the Commission also incorporated issues raised in the instant proceeding (WT Docket No. 03-264) as they pertain to the 700 MHz band, and extended certain relief requested by CTIA to the 700 MHz Commercial Services Band. Relief included (1) implementation of a power spectral density (PSD) model for measuring radiated power, based on "watts per megahertz of spectrum bandwidth" rather than on "watts per emission," and (2) permitting radiated power to be measured using "average" rather than

"peak" values. In the *August 700 MHz Order*, the Commission specified power limits in terms of PSD for 700 MHz public safety broadband operations, and also specified that power for 700 MHz public safety broadband operations must be measured in terms of average rather than peak values. In the *Third Report and Order*, the Commission maintains regulatory parity and extends similar relief to the PCS and AWS bands. Specifically, in the PCS and AWS radiated power rules, the Commission: (1) Adds a PSD model for licensees operating with bandwidth greater than one megahertz; and (2) modifies the rules to permit radiated power to be measured and expressed using average rather than peak values. Also in the PCS and AWS radiated power rules, the Commission specifies certain coordination requirements for licensees that operate at higher power levels permissible in rural areas.

I. Discussion

A. Power Spectral Density Model

1. Consistent with its decision in the *April 700 MHz Order*, and based on the record developed in response to the *Streamlining FNPRM*, the Commission adopts a PSD model for defining equivalent isotropically radiated power (EIRP) limits for PCS and AWS base stations, thereby establishing EIRP caps on a "per megahertz of spectrum bandwidth" basis rather than on a "per emission" basis. The Commission agrees with CTIA and other commenters that application of this watts-per-megahertz approach to radiated power in these flexible bands is more likely to encourage innovation and will not require modifications as new technologies emerge.

2. The Commission also finds that narrowband licensees should not be required to operate below current EIRP limits, and therefore establishes a bandwidth dividing line for purposes of applying PSD in the modified rule. Systems using emissions that have a bandwidth wider than 1 megahertz generally use their entire spectrum contiguously in each cell, whereas systems using emissions with a bandwidth less than 1 megahertz use, at each cell, a number of narrower channels separated by several channels not used in that cell. If a technology is developed using 500 kilohertz-1 megahertz bandwidth, the technology is more likely to use different channels at different cells like other narrowband systems, rather than a spread-spectrum approach as is typically used in wideband systems. Consistent with recent amendments to the radiated