

expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these

standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add new temporary § 165.T08-0561 to read as follows:

#### § 165.T08-0561 Safety Zone; Lower Mississippi River, USACE Revetment, Mile Marker 869 to 303.

(a) *Location.* The following area is a safety zone: 0.5 mile downriver and 0.5 mile upriver from the 2009 U.S. Army Corps of Engineers (USACE) revetment work throughout the Lower Mississippi River, beginning at mile marker 869.0 and ending at mile marker 303.0, extending the entire width of the river

during revetment operations. A mooring barge and spar barge will be perpendicular to the shore, and a work barge with a supply barge will be parallel to the shore and tied off to the mooring barge. The work barge utilizes large cranes in conjunction with bulldozers on the river bank to lay the mat. A Broadcast Notice to Mariners will be used by the Captain of the Port (COTP) Lower Mississippi River to identify specific locations of the USACE M/V and revetment locations.

(b) *Effective dates.* This section is effective from 6 a.m. on July 4, 2009, until 6 p.m. on November 1, 2009, or until the USACE revetment work is complete.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone by vessels or mariners is prohibited unless authorized by the COTP Lower Mississippi River or a designated representative.

(2) Persons or vessels requiring entry into or passage through must request permission from the COTP Lower Mississippi River or a designated representative. They may be contacted on VHF-FM Channel 16, or by telephone at (866) 777-2784.

(3) All persons and vessels shall comply with the instructions of the COTP Lower Mississippi River and designated personnel. "Designated personnel" include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: July 28, 2009.

**M.S. Gardiner,**

*Captain, U.S. Coast Guard, Captain of the Port Lower Mississippi River.*

[FR Doc. E9-21022 Filed 8-31-09; 8:45 am]

**BILLING CODE 4910-15-P**

### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8089]

#### 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.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or 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
<b>Region III</b>				
Virginia:				
Frederick County, Unincorporated Areas.	510063	November 5, 1973, Emerg; July 17, 1978, Reg; September 2, 2009, Susp.	Sept. 2, 2009 ....	Sept. 2, 2009
Middletown, Town of, Frederick County	510274	February 24, 1975, Emerg; August 3, 1984, Reg; September 2, 2009, Susp.	.....do* .....	Do.
Norfolk, City of, Independent City County.	510104	August 15, 1973, Emerg; August 1, 1979, Reg; September 2, 2009, Susp.	.....do .....	Do.

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
Stephens City, Town of, Frederick County.	510064	June 17, 1975, Emerg; September 10, 1984, Reg; September 2, 2009, Susp.	.....do .....	Do.
Winchester, City of, Independent City County.	510173	September 6, 1974, Emerg; November 15, 1978, Reg; September 2, 2009, Susp.	.....do .....	Do.
West Virginia:				
Bayard, Town of, Grant County .....	540240	October 3, 1975, Emerg; August 10, 1979, Reg; September 2, 2009, Susp.	.....do .....	Do.
Hardy County, Unincorporated Areas ...	540051	May 16, 1978, Emerg; June 19, 1985, Reg; September 2, 2009, Susp.	.....do .....	Do.
Moorefield, Town of, Hardy County .....	540052	May 12, 1975, Emerg; July 1, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
Petersburg, Town of, Grant County .....	540039	April 18, 1975, Emerg; June 18, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
Wardensville, Town of, Hardy County ...	540245	April 17, 1975, Emerg; August 1, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
<b>Region IV</b>				
Georgia:				
Arlington, City of, Calhoun, Early County.	130026	November 3, 1975, Emerg; June 3, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Brooks County, Unincorporated Areas ..	130281	May 3, 1982, Emerg; May 3, 1982, Reg; September 2, 2009, Susp.	.....do .....	Do.
Calhoun County, Unincorporated Areas	130571	August 10, 1999, Emerg; NA, Reg; September 2, 2009, Susp.	.....do .....	Do.
Dawson, City of, Terrell County .....	130509	September 27, 1994, Emerg; NA, Reg; September 2, 2009, Susp.	.....do .....	Do.
Early County, Unincorporated Areas .....	130499	February 28, 1991, Emerg; August 2, 1995, Reg; September 2, 2009, Susp.	.....do .....	Do.
Edison, City of, Calhoun County .....	130085	September 14, 2007, Emerg; NA, Reg; September 2, 2009, Susp.	.....do .....	Do.
Lee County, Unincorporated Areas .....	130122	May 1, 1975, Emerg; May 15, 1991, Reg; September 2, 2009, Susp.	.....do .....	Do.
Leesburg, City of, Lee County .....	130348	March 3, 1976, Emerg; June 17, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
North High Shoals, Town of, Oconee County.	130368	October 28, 1983, Emerg; September 1, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Oconee County, Unincorporated Areas	130453	October 16, 1975, Emerg; July 17, 1989, Reg; September 2, 2009, Susp.	.....do .....	Do.
Quitman, City of, Brooks County .....	130015	December 26, 1973, Emerg; April 1, 1982, Reg; September 2, 2009, Susp.	.....do .....	Do.
Reynolds, Town of, Taylor County .....	130527	NA, Emerg; June 19, 2003, Reg; September 2, 2009, Susp.	.....do .....	Do.
Smithville, City of, Lee County .....	130349	January 18, 1983, Emerg; June 4, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
Taylor County, Unincorporated Areas ...	130522	NA, Emerg; February 13, 1997, Reg; September 2, 2009, Susp.	.....do .....	Do.
Terrell County, Unincorporated Areas ...	130400	February 13, 1997, Emerg; NA, Reg; September 2, 2009, Susp.	.....do .....	Do.
Watkinsville, City of, Oconee County ....	130369	March 18, 1976, Emerg; August 19, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Kentucky:				
McCreary County, Unincorporated Areas.	210343	November 19, 1996, Emerg; NA, Reg; September 2, 2009, Susp.	.....do .....	Do.
Monticello, City of, Wayne County .....	210221	July 2, 1975, Emerg; September 18, 1985, Reg; September 2, 2009, Susp.	.....do .....	Do.
Morganfield, City of, Union County .....	210216	July 23, 1975, Emerg; September 1, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Shelby County, Unincorporated Areas ..	210209	August 23, 1996, Emerg; September 1, 2001, Reg; September 2, 2009, Susp.	.....do .....	Do.
Shelbyville, City of, Shelby County .....	210376	June 9, 1997, Emerg; NA, Reg; September 2, 2009, Susp.	.....do .....	Do.
Sturgis, City of, Union County .....	210217	April 8, 1975, Emerg; September 1, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Union County, Unincorporated Areas ...	210301	December 21, 2005, Emerg; NA, Reg; September 2, 2009, Susp.	.....do .....	Do.
Uniontown, Town of, Union County .....	210218	May 23, 1997, Emerg; April 1, 1998, Reg; September 2, 2009, Susp.	.....do .....	Do.
North Carolina:				
Alleghany County, Unincorporated Areas.	370004	December 23, 2002, Emerg; February 1, 2004, Reg; September 2, 2009, Susp.	.....do .....	Do.

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
Sparta, Town of, Alleghany County .....	370005	April 27, 1977, Emerg; July 3, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
<b>Region VI</b>				
Texas:				
Bulverde, City of, Comal County .....	481681	NA, Emerg; March 24, 1998, Reg; September 2, 2009, Susp.	.....do .....	Do.
Comal County, Unincorporated Areas ..	485463	March 5, 1971, Emerg; November 9, 1973, Reg; September 2, 2009, Susp.	.....do .....	Do.
New Braunfels, City of, Comal County	485493	December 4, 1970, Emerg; December 1, 1972, Reg; September 2, 2009, Susp.	.....do .....	Do.
<b>Region VII</b>				
Kansas:				
Great Bend, City of, Barton County .....	200019	February 24, 1977, Emerg; May 16, 1983, Reg; September 2, 2009, Susp.	.....do .....	Do.
Hoisington, City of, Barton County .....	200020	February 21, 1975, Emerg; February 5, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Pawnee Rock, City of, Barton County ..	200021	May 10, 1976, Emerg; January 14, 1977, Reg; September 2, 2009, Susp.	.....do .....	Do.
<b>Region VIII</b>				
North Dakota:				
Bottineau, City of, Bottineau County .....	380007	July 1, 1974, Emerg; September 28, 1979, Reg; September 2, 2009, Susp.	.....do .....	Do.
Haram, Township of, Bottineau County	380673	May 16, 1983, Emerg; January 2, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
Lansford, City of, Bottineau County .....	380184	February 5, 1979, Emerg; August 12, 1980, Reg; September 2, 2009, Susp.	.....do .....	Do.
Lansford, Township of, Bottineau County.	380675	June 1, 1983, Emerg; August 19, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
Newborg, Township of, Bottineau County.	380668	April 5, 1983, Emerg; January 16, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
Souris, City of, Bottineau County .....	380010	August 12, 1977, Emerg; March 18, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Willow City, City of, Bottineau County ..	380011	May 27, 1976, Emerg; September 28, 1979, Reg; September 2, 2009, Susp.	.....do .....	Do.
South Dakota:				
Baltic, Town of, Minnehaha County .....	460058	January 17, 1980, Emerg; November 19, 1980, Reg; September 2, 2009, Susp.	.....do .....	Do.
Brandon, City of, Minnehaha County ....	460296	February 9, 1977, Emerg; July 10, 1979, Reg; September 2, 2009, Susp.	.....do .....	Do.
Dell Rapids, City of, Minnehaha County	460059	December 17, 1974, Emerg; August 15, 1980, Reg; September 2, 2009, Susp.	.....do .....	Do.
Hanson County, Unincorporated Areas	460270	February 26, 1997, Emerg; July 1, 1998, Reg; September 2, 2009, Susp.	.....do .....	Do.
Hutchinson County, Unincorporated Areas.	460041	June 27, 1986, Emerg; April 1, 1987, Reg; September 2, 2009, Susp.	.....do .....	Do.
Lake County, Unincorporated Areas .....	460276	March 20, 1979, Emerg; August 5, 1986, Reg; September 2, 2009, Susp.	.....do .....	Do.
Madison, City of, Lake County .....	460044	May 15, 1975, Emerg; July 5, 1982, Reg; September 2, 2009, Susp.	.....do .....	Do.
Menno, City of, Hutchinson County .....	460199	July 28, 1975, Emerg; November 15, 1985, Reg; September 2, 2009, Susp.	.....do .....	Do.
Minnehaha County, Unincorporated Areas.	460057	November 11, 1974, Emerg; September 5, 1979, Reg; September 2, 2009, Susp.	.....do .....	Do.
Parkston, City of, Hutchinson County ...	460042	June 27, 1975, Emerg; November 15, 1985, Reg; September 2, 2009, Susp.	.....do .....	Do.
Sioux Falls, City of, Minnehaha County	460060	April 12, 1974, Emerg; January 17, 1979, Reg; September 2, 2009, Susp.	.....do .....	Do.
Valley Springs, City of, Minnehaha County.	460221	April 3, 1978, Emerg; July 16, 1980, Reg; September 2, 2009, Susp.	.....do .....	Do.

\*.....do = Ditto.

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

Dated: August 24, 2009.

**Deborah Ingram,**

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

[FR Doc. E9–21024 Filed 8–31–09; 8:45 am]

**BILLING CODE 9110–12–P**

**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Part 73**

[DA 09–1828; MB Docket No. 09–118; RM–  
11545]

**Television Broadcasting Services; Ann  
Arbor, Michigan**

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants a petition for rulemaking filed by ION Media Licensee Company, LLC, Debtor-In-Possession (“ION”), the licensee of WPXD-TV, digital channel 31, Ann Arbor, Michigan. ION requests the substitution of digital channel 50 for digital channel 31 at Ann Arbor.

**DATES:** This rule is effective September 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Y. Denysyk, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Report and Order*, MB Docket No. 09–118, adopted August 12, 2009, and released August 18, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC’s Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission’s Consumer and Governmental Affairs Bureau at (202)

418–0530 (voice), (202) 418–0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any 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(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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* 5 U.S.C. 801(a)(1)(A).

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

Television, Television broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 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, 336.

**§ 73.622 [Amended]**

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Michigan, is amended by adding DTV channel 50 and removing DTV channel 31 at Ann Arbor.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media  
Bureau.*

[FR Doc. E9–21050 Filed 8–31–09; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Part 74**

[MB Docket No. 07–172; FCC 09–59]

**Amendment of Service and Eligibility  
Rules for FM Broadcast Translator  
Stations**

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** The FCC amended its FM translator rules to allow AM stations to use currently authorized FM translators for “fill-in” service within their current coverage areas, to help them provide a

listenable signal to their listeners and better serve their local communities.

**DATES:** Effective October 1, 2009, except for 47 CFR 74.1284, which affects information collection requirements that are not effective until approved by the Office of Management and Budget (OMB). The FCC will publish a document in the **Federal Register** announcing the effective date for that section.

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

**FOR FURTHER INFORMATION CONTACT:** Tom Hutton (legal issues) or James Bradshaw (engineering issues), Media Bureau, Federal Communications Commission, (202) 418–2700.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Report and Order (Order) in MB Docket No. 07–172, FCC 09–59, adopted and released June 29, 2009, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations. Previously, FM translators were only authorized to rebroadcast FM radio stations and other FM translator stations. The rule changes in the Order allow FM translators to rebroadcast AM radio stations within those stations’ current coverage areas. In addition, AM stations with daytime-only facilities will be allowed to originate programming on such FM translators during periods when the AM stations are not operating. These changes are intended to help AM stations provide a listenable signal throughout their current coverage areas and better serve the listening public.

**Synopsis of Order**

1. The Order describes several limitations and competitive challenges that AM stations face. The emergence of higher fidelity sources of audio programming, including FM broadcasts, satellite radio, personal media players and podcasts and audio streams provided through the Internet, has eroded the audience for AM stations, particularly among younger age groups. Sources of man-made interference have multiplied, creating a higher level of interference to AM signals at all hours. Skywave interference creates even greater problems starting before sunset and continuing after sunrise. Although the Commission has undertaken AM improvement efforts in the past, those efforts have not overcome the fundamental problems of AM radio and the erosion of the AM radio audience has increased to a point not previously experienced. The Order finds that the record in this proceeding clearly indicates a strong need and desire by