

the requested clarifications in EPA's December 29, 2004, comment letter on this proposed SIP revision. Kentucky must include a demonstration of non-interference with the CO NAAQS, as demonstrated by very low levels of ambient CO—well below the NAAQS—and the fact that the area is in attainment of the CO NAAQS. Kentucky must also clarify references to the VOC/NO_x ratio and modify subsection (1)(j) of section 3, "Operating requirements," of 401 KAR 59:760. This subsection uses language which mirrors that of the Ozone Transport Commission model rule. However, to be consistent with current Agency policy, this language needs to be revised to include some form of public review for determining other coating application methods which achieve emissions reductions equivalent to high volume low pressure or electrostatic spray application methods. In the current language proposed, the Kentucky Cabinet makes this determination.

VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

This proposed rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This

action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 25, 2005.

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

[FR Doc. 05-6631 Filed 4-1-05; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-D-7616]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other

Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

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

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required

by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed 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 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 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.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
NEW JERSEY Bergen County				
Musquapsink Brook	Approximately 2,600 feet upstream of confluence with Pascack Brook at Saddle River Road.	*39 *241	*38 *243	Boroughs of Emerson, Westwood, Hillsdale, Woodcliff Lake, Paramus, Township of Washington.
Pascack Brook	Approximately 0.71 mile downstream of Brookside Avenue. Approximately 1,300 feet from the upstream side of Magnolia Avenue.	*25 204	*26 *205	Boroughs of Emerson, River Vale, Hillsdale, Woodcliff Lake, Park Ridge, Montvale, Harrington Park.
Musquasink Brook By-Pass	At the confluence of Musquapsink Brook	*59	*60	Township of Washington.
	Just downstream of Washington Lake Dam South	*63	*68	
Tandy Brook	At the confluence with Pascack Brook	*62	*63	Borough of Hillsdale.
	Approximately 375 feet downstream of Saddlewood Drive.	*62	*63	
Westdale Brook	At the confluence with Pascack Brook	*57	*59	Borough of Westwood.
	Approximately 1,740 feet from upstream side of Harding Avenue.	*57	*59	

Borough of Emerson

Maps available for inspection at the Emerson Borough Hall, Municipal Place, Emerson, New Jersey. Send comments to The Honorable Steve Setteducati, Mayor of the Borough of Emerson, Municipal Place, Emerson, New Jersey 07630.

Borough of Harrington Park

Maps available for inspection at the Harrington Park Municipal Center, 85 Harriot Avenue, Harrington Park, New Jersey. Send comments to The Honorable Paul A. Hoelscher, Mayor of the Borough of Harrington Park, Municipal Center, 85 Harriot Avenue, Harrington Park, New Jersey 07640.

Borough of Hillsdale

Maps available for inspection at the Hillsdale Borough Hall, 380 Hillsdale Avenue, Hillsdale, New Jersey. Send comments to Mr. Harold Karns, Borough of Hillsdale Administrator, 380 Hillsdale Avenue, Hillsdale, New Jersey 07642.

Borough of Montvale

Maps available for inspection at the Montvale Borough Hall, 1 Memorial Drive, Montvale, New Jersey. Send comments to The Honorable George Zeller, Mayor of the Borough of Montvale, 1 Memorial Drive, Montvale, New Jersey 07645.

Borough of Paramus

Maps available for inspection at the Paramus Borough Hall, 1 Jockish Square, Paramus, New Jersey. Send comments to The Honorable James Tedesco, III, Mayor of the Borough of Paramus, 1 Jockish Square, Paramus, New Jersey 07652.

Borough of Park Ridge

Maps available for inspection at the Park Ridge Borough Hall, 55 Park Avenue, Park Ridge, New Jersey. Send comments to The Honorable Don Ruschman, Mayor of the Borough of Park Ridge, 55 Park Avenue, Park Ridge, New Jersey 07656.

Township of River Vale

Maps available for inspection at the River Vale Township Office, 406 River Vale Road, River Vale, New Jersey.

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

Send comments to The Honorable George Paschalis, Mayor of the Township of River Vale, 406 River Vale Road, River Vale, New Jersey 07675.

Township of Washington

Maps available for inspection at the Washington Township Office, 350 Hudson Avenue, Washington, New Jersey.

Send comments to The Honorable Rudolph J. Wenzel, Jr., Mayor of the Township of Washington, 350 Hudson Avenue, Washington, New Jersey 07676.

Borough of Westwood

Maps available for inspection at the Westwood Borough Hall, 101 Washington Avenue, Westwood, New Jersey.

Send comments to The Honorable Skip Kelly, Mayor of the Borough of Westwood, 101 Washington Avenue, Westwood, New Jersey 07675.

Borough of Woodcliff Lake

Maps available for inspection at the Woodcliff Lake Municipal Building, 188 Pascack Road, Woodcliff Lake, New Jersey.

Send comments to The Honorable Josephine C. Higgins, Mayor of the Borough of Woodcliff Lake, Municipal Building, 188 Pascack Road, Woodcliff Lake, New Jersey 07677.

NORTH CAROLINA Brunswick County

Allen Creek	At the confluence with McKinzie Pond Approximately 675 feet downstream of West Boiling Spring Road.	None None	•9 •50	Brunswick County (Unincorporated Areas), City of Boiling Spring Lakes.
Alligator Branch	At the confluence with Hood Creek	None	•19	Brunswick County (Unincorporated Areas).
Batarora Branch	Approximately 0.5 mile downstream of Interstate 74/76 At the confluence with Hood Creek	None None	•60 •31	Brunswick County (Unincorporated Areas).
Batarora Branch Tributary ..	Approximately 1,500 feet upstream of NC Highway 87 At the confluence with Batarora Branch	None None	•36 •36	Brunswick County (Unincorporated Areas).
Beaverdam Creek (near Henrytown).	Approximately 1.3 miles upstream of the confluence with Batarora Branch. At the confluence with Town Creek	None None	•59 •12	Brunswick County (Unincorporated Areas).
Beaverdam Creek (near Southport).	Approximately 1.5 miles upstream of Town Creek Road Northeast. Approximately 1.0 mile upstream of the confluence with Intracoastal Waterway.	None None	•66 •11	Brunswick County (Unincorporated Areas), Town of St. James
Beaverdam Swamp	At the confluence with Beaverdam Swamp	None	•12	Brunswick County (Unincorporated Areas), Town of St. James.
	At the confluence with Beaverdam Creek (near Southport).	None	•12	
	Approximately 1,650 feet upstream of Committee Drive Southeast.	None	•46	
Bell Swamp	At the confluence with Mill Creek (near Winnabow)	None	•10	Brunswick County (Unincorporated Areas).
Bishop Branch	Approximately 2.0 miles upstream of Cherrytree Road Northeast. At the confluence with Morgan Creek	None None	•52 •9	Brunswick County (Unincorporated Areas), Town of Leland.
Cape Fear River	Approximately 0.3 mile upstream of Pinecliff Drive Northeast. Approximately 1.1 miles downstream of the intersection of Pender, New Hanover, and Brunswick County boundary.	None None	•64 •7	Brunswick County (Unincorporated Areas), Town of Navassa.
Cherry Tree Swamp	At the Brunswick/Columbus County boundary	None	•14	Brunswick County (Unincorporated Areas).
	At the confluence with Bell Swamp	None	•27	
	Approximately 1.4 miles upstream of Cherrytree Road Northeast.	None	•62	
Cottage Creek	Approximately 1,000 feet downstream of 9th Street	None	•10	Brunswick County (Unincorporated Areas), City of Southport.
Daw's Creek	Approximately 550 feet upstream of 11th Street	None	•20	Brunswick County (Unincorporated Areas).
	Approximately 850 feet upstream of the confluence with Town Creek.	None	•9	
	Approximately 0.9 mile upstream of Daw's Creek Road	None	•16	

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Dutchman Creek (north of CP&L Canal).	At the confluence with CP&L Canal	None	•10	Brunswick County (Unincorporated Areas), City of Southport.
Gapway Creek County boundary.	Approximately 1.9 miles upstream of 211	None	•32	Brunswick County (Unincorporated Areas).
	At the Brunswick/Columbus	None	•45	
Governors Creek	Approximately 2.7 miles upstream of the Brunswick/Columbus County line.	None	•64	Brunswick County (Unincorporated Areas).
	At the confluence with Walden Creek	None	•8	
Harris Swamp	Approximately 2.3 miles upstream of unnamed road	None	•8	Brunswick County (Unincorporated Areas).
	At the confluence with Mill Creek (near Winnabow)	None	•11	
Hood Creek	Approximately 2.5 miles upstream of NC Highway 87 ..	None	•27	Brunswick County (Unincorporated Areas).
	At the confluence with Cape Fear River	None	•10	
Hood Creek Tributary	Approximately 1.9 miles upstream of NC Highway 87 ..	None	•61	Brunswick County (Unincorporated Areas).
	At the confluence with Hood Creek	None	•29	
Jackeys Creek	Approximately 300 feet upstream of Malmo Lake Road Northeast.	None	•55	Brunswick County (Unincorporated Areas), Town of Leland.
	Approximately 0.3 mile downstream of NC 17	•13	•10	
Jackeys Creek Tributary	Just upstream of abandoned railroad	•18	•17	Brunswick County (Unincorporated Areas), Town of Leland.
	At the confluence with Jackeys Creek	•18	•16	
Lewis Branch	Approximately 425 feet upstream of Lanvale Road Northeast.	None	•39	Brunswick County (Unincorporated Areas).
	At the confluence with Lewis Swamp	None	•20	
Lewis Swamp	Approximately 1.6 miles upstream of Lewis Swamp Road Northeast.	None	•62	Brunswick County (Unincorporated Areas).
	At the confluence with Town Creek	None	•14	
Lewis Swamp Tributary	Approximately 2.7 miles upstream of Beetree Farm Trail.	None	•65	Brunswick County (Unincorporated Areas).
	At the confluence with Lewis Swamp	None	•32	
Liliput Creek	Approximately 1.5 miles upstream of the confluence with Lewis Swamp.	None	•52	Brunswick County (Unincorporated Areas).
	Approximately 1,450 feet of State Route 133	None	•9	
Little Mallory Creek	At the confluence with Allen Creek	None	•9	Brunswick County (Unincorporated Areas).
	Approximately 100 feet State Route 133	None	•9	
Livingston Creek	Approximately 250 feet upstream of Wire Road	None	•21	Brunswick County (Unincorporated Areas).
	Approximately 1.2 miles downstream of Columbus/Brunswick border.	None	•52	
McKinzie Creek	At Columbus/Brunswick County border	None	•59	Brunswick County (Unincorporated Areas).
	At the confluence with Allen Creek/McKinzie Pond	None	•9	
Mill Creek (near Leland)	Approximately 570 feet upstream of Funston Road Southeast.	None	•25	Brunswick County (Unincorporated Areas), Town of Leland, Town of Navassa.
	Approximately 0.8 mile upstream of the confluence with Sturgeon Creek.	None	•7	
Mill Creek (near Winnabow)	Approximately 250 feet upstream of Post Office Road Northwest.	None	•9	Brunswick County (Unincorporated Areas).
	At the confluence with Rice Creek	None	•10	
Morgan Creek	Approximately 1.7 miles upstream of Old Mill Creek Road Southeast.	None	•24	Brunswick County (Unincorporated Areas), Town of Leland.
	Approximately 0.3 mile of the confluence with Town Creek.	None	•9	

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Nancy's Creek	Approximately 0.8 miles upstream of Hewitt-Burton Road Southeast.	None	•21	Brunswick County (Unincorporated Areas).
	At the confluence with Walden Creek	None	•8	
Nigis Creek	Approximately 0.6 mile upstream of railroad crossing ...	None	•8	Brunswick County (Unincorporated Areas).
	At the confluence with Walden Creek	None	•8	
Orton Creek	Approximately 2.0 miles upstream of unnamed road	None	•26	Brunswick County (Unincorporated Areas).
	Approximately 50 feet downstream of Plantation Road Southeast.	None	•9	
Prices Creek	Approximately 1.5 miles upstream of NC 87	None	•44	Brunswick County (Unincorporated Areas), City of Southport.
	At East Moore Street	None	•9	
Rattlesnake Branch	Approximately 1,750 feet upstream of East Leonard Street.	None	•13,	Brunswick County (Unincorporated Areas), City of Northwest.
	At the confluence with Hood Creek	None	•14	
Rice Creek	Approximately 250 feet upstream of Saw Mill Road	None	•36	Brunswick County (Unincorporated Areas).
	Approximately 1.9 miles downstream of Governors Road Southeast.	None	•9	
Russells Creek	At the confluence with Mill Creek (near Winnabow)	None	•10	Brunswick County (Unincorporated Areas).
	At the confluence with Town Creek	None	•9	
Sand Hill Creek	Approximately 0.3 mile upstream of Irvine Trail Northeast.	None	•47	Brunswick County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Cape Fear River.	None	•9	
Town Creek	Approximately 800 feet upstream of State Route 133 ..	None	•12	Brunswick County (Unincorporated Areas).
	Approximately 600 feet downstream of the confluence with Russells Creek.	None	•9	
Turkey Branch	Approximately 2.6 miles upstream of Town Creek Road Northeast.	None	•63	Brunswick County (Unincorporated Areas).
	At the confluence with Town Creek	None	•15	
Walden Creek	Approximately 0.5 mile upstream of Patrick Drive Northeast.	None	•61	Brunswick County downstream (Unincorporated Areas).
	Approximately 0.4 mile of the confluence with Governors Creek.	None	•9	
White Spring Creek	Approximately 0.6 mile upstream of the confluence with White Spring Creek.	None	•8	Brunswick County (Unincorporated Areas).
	At the confluence with Walden Creek	None	•8	
Atlantic Ocean	Approximately 100 feet downstream of railroad	None	•8	Brunswick County (Unincorporated Areas), Town of Caswell Beach, Village of Bald Head Island, Town of Oak Island
	Approximately 500 feet south of the intersection of Southeast 52nd Street and East Pelican Drive in the Town of Oak Island.	•22	•21	
	Along Bay Creek at the confluence with Deer Creek	•11	•14	

Village of Bald Head Island

Maps available for inspection at the Bald Head Island Town Hall, 106 Lighthouse Wynd, Bald Head Island, North Carolina. Send comments to The Honorable Larry Lammert, Mayor of the Village of Bald Head Island, P.O. Box 3009, Bald Head Island, North Carolina 28461-3009.

City of Boiling Spring Lakes

Maps available for inspection at the Boiling Spring Lakes City Hall, 9 Boiling Spring Road, Boiling Spring Lakes, North Carolina. Send comments to The Honorable Joan Kinney, Mayor of the City of Boiling Spring Lakes, 9 East Boiling Spring Road, Boiling Spring Lakes, North Carolina 28461.

Brunswick County (Unincorporated Areas)

Maps available for inspection at the Brunswick County Planning Department, 75 Courthouse Drive Northeast, Building I, Bolivia, North Carolina. Send comments to Mr. Marty Lawing, Brunswick County Manager, P.O. Box 249, Bolivia, North Carolina 28422-0249.

Town of Caswell Beach

Maps available for inspection at the Caswell Beach Town Hall, 1100 Caswell Beach Road, Caswell Beach, North Carolina. Send comments to The Honorable Harry Simmons, Jr., Mayor of the Town of Caswell Beach, 1100 Caswell Beach Road, Caswell Beach, North Carolina 28465.

Town of Leland

Maps available for inspection at the Leland Town Hall, 102 Town Hall Drive, Leland, North Carolina.

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	

Send comments to The Honorable Franky Thomas, Mayor of the Town of Leland, 102 Town Hall Drive, Leland, North Carolina 28451.

Town of Navassa

Maps available for inspection at the Navassa Town Hall, 334 Main Street, Navassa, North Carolina.

Send comments to The Honorable Eulis Willis, Mayor of the Town of Navassa, 334 Main Street, Navassa, North Carolina 28451.

City of Northwest

Maps available for inspection at the Northwest City Hall, 4889 Vernon Road, Leland, North Carolina.

Send comments to The Honorable James Knox, Mayor of the City of Northwest, P.O. Box 1509, Leland, North Carolina 28451.

Town of Oak Island

Maps available for inspection at the Oak Island Town Hall, 4601 East Oak Island Drive, Oak Island, North Carolina.

Send comments to The Honorable Helen Cashwell, Mayor of the Town of Oak Island, 4601 East Oak Island Drive, Oak Island, North Carolina 28465.

Town of St. James

Maps available for inspection at the St. James Town Hall, 3628 St. James Drive, Southport, North Carolina.

Send comments to The Honorable Leonard B. Harmon, Mayor of the Town of St. James, 3628 St. James Drive, Southport, North Carolina 28461.

City of Southport

Maps available for inspection at the Southport Town Hall, 201 East Moore Street, Southport, North Carolina.

Send comments to The Honorable Norman Holden, Mayor of the City of Southport, 201 East Moore Street, Southport, North Carolina 28461.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: March 29, 2005.

David I. Maurstad,

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

[FR Doc. 05-6543 Filed 4-1-05; 8:45 am]

BILLING CODE 9110-12-P

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 73

[DA 05-718, MB Docket No. 05-106, RM-11196]

**Radio Broadcasting Services; Ellaville,
Milner, and Plains, GA**

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by Linda A. Davidson requesting the allotment of Channel 290A at Milner, Georgia, as the community's first local aural transmission service. Channel 290A can be allotted to Milner in compliance with the Commission's rules provided there is a site restriction of 11.9 kilometers (7.4 miles) northeast of Milner. The proposed reference coordinates for Channel 290A at Milner are 33-09-44 North Latitude and 84-04-51 West Longitude. To accommodate this allotment, this document also proposes the substitution of Channel 232A for vacant FM Channel 290A at Ellaville, Georgia. Channel 232A can be allotted to Ellaville in compliance with

the Commission's rules provided there is a site restriction of 14.5 kilometers (9.0 miles) east at coordinates 32-16-53 NL and 84-09-52 WL. Petitioner also requests the allotment of Channel 290A at Plains, Georgia, as its first local aural transmission service. Channel 290A can be allotted to Plains in compliance with the Commission's rules provided there is a site restriction of 14.7 kilometers (9.1 miles) northeast at coordinates 32-06-51 NL and 84-16-10 WL.

DATES: Comments must be filed on or before May 9, 2005, and reply comments on or before May 24, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Linda A. Davidson, 2134 Oak Street, Unit C, Santa Monica, California 90405.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 05-106, adopted March 16, 2005, and released March 18, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., 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>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed 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.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows: