

8 a.m. to 4 p.m., Monday through Friday.

Local Site Information Repository: Mount Holly Public Library, 235 West Catawba Avenue, Mount Holly, North Carolina 28120–1603. Hours of operation: 10 a.m.–6 p.m., Monday, Tuesday, Thursday and Friday. 10 a.m.–2 p.m., Wednesday and Saturday.

FOR FURTHER INFORMATION CONTACT:

Michael Townsend, Remedial Project Manager, Superfund Remedial Section, Superfund Remedial Branch, Superfund Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960, (404) 562–8813, Electronic mail at: townsend.michael@epa.gov.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Martin-Marietta/Sodyeco Superfund Site (Site) located at 11701 Mount Holly Road in Charlotte, North Carolina. A Notice of Intent to Delete for this Site was published in the **Federal Register** on November 18, 2011.

The closing date for comments on the Notice of Intent to Delete was December 17, 2011. No public comments were received during the comment period. Therefore a responsiveness summary was not prepared and placed in the docket, EPA–R04–SFUND–2011–0749, on www.regulations.gov, or in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: December 22, 2011.

Gwendolyn Keyes Fleming,
Regional Administrator, Region 4.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to Part 300 is amended by removing “Martin-Marietta, Sodyeco, Inc.,” “Charlotte” under NC.

[FR Doc. 2012–1100 Filed 1–19–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–8215]

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, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not

otherwise generally available from private insurers. 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 the sale of NFIP flood insurance 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. We recognize that 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 publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. 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 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 FIRM for 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				
Maryland: Baltimore, City of, Independent City.	240087	December 3, 1971, Emerg; March 15, 1978, Reg; February 2, 2012, Susp.	Feb. 2, 2012	Feb. 2, 2012.
West Virginia:				
Auburn, Town of, Ritchie County	540262	April 7, 1975, Emerg; September 24, 1984, Reg; February 2, 2012, Susp.	.....do *	Do.
Bancroft, Town of, Putnam County	540165	July 1, 1975, Emerg; December 18, 1985, Reg; February 2, 2012, Susp.	.....do	Do.
Buffalo, Town of, Putnam County	540166	July 16, 1975, Emerg; December 18, 1985, Reg; February 2, 2012, Susp.	.....do	Do.
Cairo, Town of, Ritchie County	540179	August 27, 1975, Emerg; March 18, 1991, Reg; February 2, 2012, Susp.	.....do	Do.
Eleanor, Town of, Putnam County	540222	June 23, 1975, Emerg; February 6, 1984, Reg; February 2, 2012, Susp.	.....do	Do.
Ellenboro, Town of, Ritchie County	540180	August 21, 1975, Emerg; August 24, 1984, Reg; February 2, 2012, Susp.	.....do	Do.
Harrisville, Town of, Ritchie County	540132	N/A, Emerg; February 7, 2006, Reg; February 2, 2012, Susp.	.....do	Do.
Hurricane, City of, Putnam County	540167	July 11, 1975, Emerg; March 4, 1986, Reg; February 2, 2012, Susp.	.....do	Do.
Pennsboro, City of, Ritchie County	540182	July 2, 1975, Emerg; September 16, 1988, Reg; February 2, 2012, Susp.	.....do	Do.
Poca, Town of, Putnam County	540168	April 17, 1975, Emerg; December 18, 1985, Reg; February 2, 2012, Susp.	.....do	Do.
Pullman, Town of, Ritchie County	540263	September 22, 1977, Emerg; September 10, 1984, Reg; February 2, 2012, Susp.	.....do	Do.
Putnam County, Unincorporated Areas	540164	May 11, 1976, Emerg; June 18, 1987, Reg; February 2, 2012, Susp.	.....do	Do.
Ritchie County, Unincorporated Areas ..	540224	September 1, 1976, Emerg; January 1, 1991, Reg; February 2, 2012, Susp.	.....do	Do.
Winfield, Town of, Putnam County	540271	June 10, 1975, Emerg; December 18, 1985, Reg; February 2, 2012, Susp.	.....do	Do.
Region IV				
Florida:				
Brooksville, City of, Hernando County ..	120333	October 30, 1974, Emerg; June 1, 1982, Reg; February 2, 2012, Susp.	.....do	Do.
Crescent City, City of, Putnam County	120408	November 28, 1975, Emerg; December 18, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Hernando County, Unincorporated Areas.	120110	August 27, 1974, Emerg; April 17, 1984, Reg; February 2, 2012, Susp.	.....do	Do.
Interlachen, Town of, Putnam County ...	120391	July 24, 1975, Emerg; December 4, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Palatka, City of, Putnam County	120273	January 20, 1975, Emerg; June 4, 1980, Reg; February 2, 2012, Susp.	.....do	Do.
Pomona Park, Town of, Putnam County	120418	July 9, 1976, Emerg; December 4, 1979, Reg; February 2, 2012, 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
Putnam County, Unincorporated Areas	120272	November 15, 1973, Emerg; September 16, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Weeki Wachee, City of, Hernando County.	120413	June 30, 1998, Emerg; N/A, Reg; February 2, 2012, Susp.	.....do	Do.
Mississippi:				
Coahoma County, Unincorporated Areas.	280038	August 9, 1974, Emerg; February 1, 1980, Reg; February 2, 2012, Susp.	.....do	Do.
Clarksdale, City of, Coahoma County ...	280039	April 2, 1974, Emerg; March 4, 1980, Reg; February 2, 2012, Susp.	.....do	Do.
Coahoma, Town of, Coahoma County ..	285264	February 26, 2009, Emerg; N/A, Reg; February 2, 2012, Susp.	.....do	Do.
Friar's Point, Town of, Coahoma County.	280040	August 26, 1975, Emerg; August 19, 1987, Reg; February 2, 2012, Susp.	.....do	Do.
Jonestown, Town of, Coahoma County	280041	July 28, 1975, Emerg; September 28, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Lula, Town of, Coahoma County	280042	May 22, 1975, Emerg; August 1, 1986, Reg; February 2, 2012, Susp.	.....do	Do.
Region V				
Indiana:				
Crawfordsville, City of, Montgomery County.	180171	March 24, 1975, Emerg; February 1, 1994, Reg; February 2, 2012, Susp.	.....do	Do.
Darlington, Town of, Montgomery County.	180321	May 1, 1975, Emerg; May 25, 1978, Reg; February 2, 2012, Susp.	.....do	Do.
Montgomery County, Unincorporated Areas.	180445	June 11, 1997, Emerg; June 1, 1998, Reg; February 2, 2012, Susp.	.....do	Do.
Waynetown, Town of, Montgomery County.	180175	February 9, 2000, Emerg; N/A, Reg; February 2, 2012, Susp.	.....do	Do.
Michigan:				
Allen Park, City of, Wayne County	260217	March 23, 1973, Emerg; February 17, 1982, Reg; February 2, 2012, Susp.	.....do	Do.
Brownstown, Charter Township of, Wayne County.	260218	August 23, 1974, Emerg; August 16, 1982, Reg; February 2, 2012, Susp.	.....do	Do.
Canton, Township of, Wayne County ...	260219	April 14, 1975, Emerg; September 2, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Dearborn, City of, Wayne County	260220	March 9, 1973, Emerg; April 20, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Dearborn Heights, City of, Wayne County.	260221	January 12, 1973, Emerg; May 2, 1983, Reg; February 2, 2012, Susp.	.....do	Do.
Detroit, City of, Wayne County	260222	February 2, 1973, Emerg; July 2, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Ecorse, City of, Wayne County	260223	August 1, 1973, Emerg; May 1, 1978, Reg; February 2, 2012, Susp.	.....do	Do.
Flat Rock, City of, Wayne County	260224	August 15, 1975, Emerg; December 1, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Gibraltar, City of, Wayne County	260226	February 9, 1973, Emerg; June 15, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Grosse Ile, Township of, Wayne County	260227	February 23, 1973, Emerg; August 1, 1980, Reg; February 2, 2012, Susp.	.....do	Do.
Grosse Pointe, City of, Wayne County	260228	February 16, 1973, Emerg; September 1, 1988, Reg; February 2, 2012, Susp.	.....do	Do.
Grosse Pointe Farms, City of, Wayne County.	260229	February 9, 1973, Emerg; December 10, 1982, Reg; February 2, 2012, Susp.	.....do	Do.
Grosse Pointe Park, City of, Wayne County.	260230	December 8, 1972, Emerg; January 3, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Grosse Pointe Shores, Village of, Wayne County.	260250	December 22, 1972, Emerg; January 3, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Huron, Township of, Wayne County	260545	May 28, 1982, Emerg; October 17, 1986, Reg; February 2, 2012, Susp.	.....do	Do.
Inkster, City of, Wayne County	260232	February 23, 1973, Emerg; March 2, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Lincoln Park, City of, Wayne County	260234	May 16, 1974, Emerg; November 17, 1982, Reg; February 2, 2012, Susp.	.....do	Do.
Livonia, City of, Wayne County	260233	February 16, 1973, Emerg; November 4, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Northville, City of, Wayne County	260235	March 29, 1976, Emerg; September 16, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Northville, Township of, Wayne County	260669	December 23, 1977, Emerg; September 16, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Plymouth, Charter Township of, Wayne County.	260237	August 6, 1975, Emerg; March 2, 1981, Reg; February 2, 2012, 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
Plymouth, City of, Wayne County	260236	August 6, 1975, Emerg; February 18, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Redford, Township of, Wayne County ..	260238	November 26, 1971, Emerg; March 16, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
River Rouge, City of, Wayne County	260239	May 12, 1973, Emerg; January 5, 1978, Reg; February 2, 2012, Susp.	.....do	Do.
Riverview, City of, Wayne County	260240	October 8, 1976, Emerg; September 16, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Rockwood, City of, Wayne County	260241	April 24, 1973, Emerg; June 15, 1979, Reg; February 2, 2012, Susp.	.....do	Do.
Southgate, City of, Wayne County	260242	May 14, 1973, Emerg; September 15, 1978, Reg; February 2, 2012, Susp.	.....do	Do.
Sumpter, Township of, Wayne County	260243	September 3, 1976, Emerg; May 5, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Taylor, City of, Wayne County	260728	November 25, 1986, Emerg; November 25, 1986, Reg; February 2, 2012, Susp.	.....do	Do.
Trenton, City of, Wayne County	260244	March 30, 1973, Emerg; August 17, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Wayne, City of, Wayne County	260245	April 3, 1975, Emerg; August 15, 1980, Reg; February 2, 2012, Susp.	.....do	Do.
Westland, City of, Wayne County	260739	January 22, 1985, Emerg; January 22, 1985, Reg; February 2, 2012, Susp.	.....do	Do.
Woodhaven, City of, Wayne County	260730	April 24, 1989, Emerg; April 24, 1989, Reg; February 2, 2012, Susp.	.....do	Do.
Wisconsin:				
Douglas County, Unincorporated Areas	550538	April 26, 1974, Emerg; February 4, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Lake Nebagamon, Village of, Douglas County.	550112	June 5, 1975, Emerg; August 15, 1978, Reg; February 2, 2012, Susp.	.....do	Do.
Oliver, Village of, Douglas County	550113	April 17, 1984, Emerg; N/A, Reg; February 2, 2012, Susp.	.....do	Do.
Poplar, Village of, Douglas County	550114	September 1, 1976, Emerg; September 1, 1986, Reg; February 2, 2012, Susp.	.....do	Do.
Solon Springs, Village of, Douglas County.	550115	July 24, 1975, Emerg; August 15, 1978, Reg; February 2, 2012, Susp.	.....do	Do.
Superior, City of, Douglas County	550116	November 21, 1973, Emerg; April 3, 1978, Reg; February 2, 2012, Susp.	.....do	Do.
Region VI				
Arkansas:				
Amity, City of, Clark County	050303	July 27, 2011, Emerg; N/A, Reg; February 2, 2012, Susp.	.....do	Do.
Arkadelphia, City of, Clark County	050029	August 16, 1974, Emerg; April 15, 1981, Reg; February 2, 2012, Susp.	.....do	Do.
Caddo Valley, Town of, Clark County ...	050567	December 10, 1982, Emerg; May 1, 1985, Reg; February 2, 2012, Susp.	.....do	Do.
Gurdon, City of, Clark County	050239	September 8, 1975, Emerg; September 4, 1985, Reg; February 2, 2012, Susp.	.....do	Do.
Kingsland, City of, Cleveland County	050039	April 11, 1975, Emerg; October 12, 1982, Reg; February 2, 2012, Susp.	.....do	Do.
Region X				
Oregon:				
Crook County, Unincorporated Areas ...	410050	February 14, 1975, Emerg; July 17, 1989, Reg; February 2, 2012, Susp.	.....do	Do.
Prineville, City of, Crook County	410051	January 30, 1975, Emerg; July 17, 1989, Reg; February 2, 2012, Susp.	.....do	Do.

*do = Ditto.

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

Dated: January 12, 2012.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-1103 Filed 1-19-12; 8:45 am]

BILLING CODE 9110-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 09-52; FCC 11-190]

Policies To Promote Rural Radio Service and To Streamline Allotment and Assignment Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopted procedures designed to promote the initiation of commercial FM radio service by and to Native American tribes, by providing a procedure for such tribes to establish threshold qualifications when applying for commercial FM allotments added to the Table of Allotments using the Commission's Tribal Priority.

DATES: The rules and policies established in this order contain information collection requirements that have not been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective date.

ADDRESSES: Peter Doyle or Thomas Nessinger, Federal Communications Commission, Media Bureau, Audio Division, 445 12th Street SW., Room 2-B450, Washington, DC 20445.

FOR FURTHER INFORMATION CONTACT: Peter Doyle, Chief, Media Bureau, Audio Division, (202) 418-2700 or *Peter.Doyle@fcc.gov*; Thomas Nessinger, Attorney-Advisor, Media Bureau, Audio Division, (202) 418-2700 or *Thomas.Nessinger@fcc.gov*.

For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at (202) 418-2918, or via the Internet at *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Third Report and Order (Third R&O), FCC 11-190, adopted December 28, 2011, and released December 29, 2011. The full text of the Third R&O is available for inspection and copying during regular business hours in the FCC

Reference Center, 445 Twelfth Street SW., Room CY-A257, Portals II, Washington, DC 20554, and may also be purchased from the Commission's copy contractor, BCPI, Inc., Portals II, 445 Twelfth Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. via their Web site, <http://www.bcp.com>, or call 1-(800) 378-3160. This document is available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need documents in these formats may contact the FCC by email: *FCC504@fcc.gov* or phone: (202) 418-0530 or TTY: (202) 418-0432.

Paperwork Reduction Act of 1995 Analysis

This Third R&O adopts new or revised information collection requirements, subject to the Paperwork Reduction Act of 1995 (PRA) (Pub. L. 104-13, 109 Stat 163 (1995) (codified in 44 U.S.C. 3501-3520)). These information collection requirements will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. The Commission will publish a separate notice in the **Federal Register** inviting comment on the new or revised information collection requirements adopted in this document. The requirements will not go into effect until OMB has approved them and the Commission has published a notice announcing the effective date of the information collection requirements. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), it previously sought specific comment on how the Commission might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

Synopsis of Order

1. In the Third R&O, the Commission addressed the proposals set forth in the Second Further Notice of Proposed Rule Making (Second FNPRM) that accompanied the Second Report and Order in this proceeding (76 FR 9797, March 4, 2010, FCC 11-28, rel. Mar. 3, 2011) (Second R&O). The Tribal Priority gives qualified Native American Tribes and Alaska Native Villages (Tribes) a priority under section 307(b) of the Communications Act when seeking to establish new radio stations that primarily cover tribal lands. Because applicants for new AM broadcast and FM noncommercial educational (NCE) broadcast stations submit showings under section 307(b) at the time of filing

an application for construction permit, the Tribal Priority gives Tribes an advantage over applicants filing mutually exclusive proposals. However, in the case of commercial FM broadcast stations, there is a two-step application process: first, the FM channel is allotted at a selected community, and the section 307(b) evaluation is made at this stage of the process. Second, the FM allotment is auctioned, with any party desiring to do so participating in the auction. An application for an FM commercial construction permit is only filed after the auction is held, and only by the winning bidder.

2. Recognizing "the risks inherent in applying a section 307(b) preference at the allotment stage for auctionable non-reserved band spectrum," (First Report and Order, 75 FR 9797, Mar. 4, 2010, FCC 10-24, rel. Feb. 23, 2010), the Commission sought comment in the Further Notice of Proposed Rule Making, 75 FR 9856, March 4, 2010, FCC 10-24, rel. Feb. 23, 2010 (FNPRM) in this proceeding on whether to establish an auction bidding credit for Tribes seeking to provide commercial FM radio service to their Tribal Lands and members. The Tribal bidding credit was originally proposed to mitigate concerns that, due to the two-step nature of the commercial FM licensing process, Tribes or Tribal entities that employ the Tribal Priority to obtain FM allotments might be outbid by competing, non-Tribal applicants. The only commenters to address this issue proposed a 35 percent bidding credit that would be available to Tribes or Tribal entities that participated in the allotment proceeding for the FM channel being auctioned, regardless of new entrant status, along with an additional 25 percent new entrant bidding credit to Tribes with no interests in media of mass communications, for a total maximum bidding credit of 60 percent.

3. The Commission found the record inconclusive as to the effectiveness of tribal bidding credits. The Commission was unclear as to whether and how it could craft such credits so as to meaningfully advance its goals consistent with the competitive bidding mandate of 47 U.S.C. 309(j). On further consideration, the Commission believed an alternative approach might be more effective to achieve its policy goals and would be more consistent with its statutory mandate to license spectrum in the public interest. The Commission thus sought comment, in the Second FNPRM, on whether to require, as a threshold qualification to apply for a commercial FM channel allotted pursuant to the Tribal Priority, that