

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

Dated: January 21, 2003.

Anthony S. Lowe,
Administrator, Federal Insurance and Mitigation Administration.
 [FR Doc. 03-2244 Filed 1-30-03; 8:45 am]
BILLING CODE 6718-04-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1-percent-annual-chance) Flood Elevations and modified Base Flood Elevations (BFEs) are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final base flood elevations 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:
 Michael M. Grimm, Acting Chief,
 Hazard Study Branch, Federal Insurance and Mitigation Administration, 500 C Street, SW., Washington, DC 20472,
 (202) 646-2878 or (e-mail)
michael.grimm@fema.gov.

SUPPLEMENTARY INFORMATION: FEMA makes final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This 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 Administrator of the Federal Insurance

and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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

Executive Order 12778, Civil Justice Reform. This 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 record keeping requirements.

Accordingly, 44 CFR part 67 is amended to read 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.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
<i>Elm Creek:</i> Approximately 700 feet downstream of South Main Street	*756	(FEMA Docket No. P7611) City of Grove, Delaware County
Approximately 2,700 feet upstream of N4640 Road	*837	
<i>Flint Creek:</i> Approximately 6,850 feet downstream of U.S. 59	*858	Delaware County
Approximately 1,100 feet upstream of D579 Road (Beckwith Bridge)	*889	
Grand Lake of the Cherokees: Entire shoreline	*756	(FEMA Docket No. P7611) City of Grove, Town of Bernice, Delaware County
<i>Illinois River:</i> Approximately 7,150 feet downstream of the confluence of Flint Creek	*851	Delaware County
Approximately 5,850 feet upstream of the confluence of Flint Creek	*863	
<i>North Tributary to Spring Branch:</i> Approximately 350 feet upstream of North Cherokee Street	*753	Delaware County
Approximately 1,100 feet downstream of North Cherokee Street	*756	
*National Geodetic Vertical Datum		

Delaware County

Maps are available for inspection at the Floodplain Administrator's Office, County Court House, Delaware County, Jay, Oklahoma.

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
City of Grove		
Maps are available for inspection at the City Manager's Office, City of Grove, 104 West 3rd Street, Grove, Oklahoma.		
Town of Bernice		
Maps are available for inspection at the Mayor's Office, Town of Bernice, 400 East Main, Bernice, Oklahoma.		
Alsuma Creek:		
Approximately 200 feet upstream of Missouri Kansas Texas Railroad	*668	(FEMA Docket No. P7611) City of Tulsa
Approximately 150 feet upstream of East 55th Street	*680	
Audubon Creek:		
At the mouth	*637	
Approximately 1,600 feet upstream of East 31st Street South	*673	
Bell Creek:		
At the mouth	*644	
Approximately 1,200 feet upstream of East 41st Street South	*671	
Bell Creek Tributary:		
At the mouth	*652	
Just downstream of 50th Street South	*682	
Brookhollow Creek:		
Approximately 150 feet downstream of Mingo Road	*640	
Approximately 150 feet downstream of South 129th East Avenue	*692	
Catfish Creek:		
Approximately 50 feet upstream of Railroad Bridge	*688	(FEMA Docket No. 7611) City of Tulsa
Just downstream of East 61st Street	*678	
Cooley Creek:		
At the mouth	*615	
At the county boundary	*699	
Douglas Creek:		
At the mouth	*609	City of Tulsa, Tulsa County
Just downstream of State Highway 11	*630	
Eagle Creek:		
At the mouth	*608	City of Tulsa
Approximately 2,600 feet upstream of East Pine Street	*655	
Ford Creek:		
At the mouth	*661	
Just down of East 51st Street South	*719	
Fulton Creek:		
At the mouth	*647	
Approximately 200 feet downstream of 39th Street	*666	
Jones Creek:		
At the mouth	*629	(FEMA Docket No. P7611) City of Tulsa
Approximately 200 feet upstream of 69th East Avenue	*686	
Little Creek:		
Approximately 1,200 feet downstream of Mingo Valley Expressway (Highway 169).	*602	
Just downstream of 129th East Avenue	*649	
Mill Creek:		
At the mouth	*622	
Just downstream of East 15th Street	*727	
Mingo Creek:		
Approximately 600 feet upstream of East 56th Street North	*589	City of Tulsa, Tulsa County
Approximately 500 feet downstream of South Memorial Drive	*724	
Quarry Creek:		
Approximately 350 feet upstream of the mouth	*604	City of Tulsa
Just downstream of North 145th East Avenue	*680	
Southpark Creek:		
At the mouth	*652	
Approximately 6,150 feet upstream of Garnett Road	*688	
Sugar Creek:		
At the mouth	*647	(FEMA Docket No. P7611) City of Tulsa
Just downstream of South 129th East Avenue	*692	
Tupelo Creek:		
Approximately 200 feet upstream of Mingo Road	*621	
Approximately 700 feet upstream of East 16th Street	*661	
Tupelo Creek Tributary A:		
At the mouth	*647	
Just downstream of South 129th East Avenue	*696	
Tupelo Creek Tributary C:		
Approximately 200 feet downstream of South Garnett Road	*643	
Just downstream of South 129th East Avenue	*697	
*National Geodetic Vertical Datum		

City of Tulsa

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
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Maps are available for inspection at 200 Civic Center, Tulsa, Oklahoma.

Tulsa County

Maps are available for inspection at the Tulsa County Anex Building, 633 West 3rd, Room 140, Tulsa, Oklahoma.

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[FR Doc. 03-2245 Filed 1-30-03; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR part 101

[WT Docket No. 00-19; RM-9418; FCC 02-218]

Streamline Processing of Microwave Applications in the Wireless Telecommunications Services and Telecommunications Industry Association Petition for Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, we take further actions to streamline, clarify, and update our rules. We take these actions to provide increased flexibility to licensees, ensure greater and more efficient use of the spectrum bands regulated under the rules, and ensure that our rules are consistent with international agreements.

DATES: Effective April 1, 2003.

FOR FURTHER INFORMATION CONTACT:

Edward Hayes or Michael Pollak of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division at (202) 418-0680 (voice), (202) 418-7233 (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's *Report and Order*, FCC 02-218, adopted on July 18, 2002, and released on July 31, 2002. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>.

Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at bmillin@fcc.gov.

1. In the *Report and Order* in WT Docket No. 94-148 and CC Docket No. 93-2, the Commission consolidated the rules for the common carrier and private operational fixed (POFS) microwave services contained in parts 21 and 94, respectively, of the Commission's Rules to create a new part 101. The new consolidated part 101 reduces or eliminates the differences in processing applications between common carriers and POF microwave service licensees, and furthers regulatory parity between these microwave services. On February 14, 2000, the Commission released the *Memorandum Opinion and Order and Notice of Proposed Rule Making* ("NPRM"), 65 FR 38333, June 20, 2000, in this proceeding. In the *NPRM*, the Commission proposed eliminating duplicative, outmoded, or otherwise unnecessary regulations in order to further the work begun by the consolidation of parts 21 and 94 into a single part 101 in the *R&O* and the implementation of the Universal Licensing System (ULS) for wireless applications. Applicants, licensees and related industries were invited to examine these rules and procedures and offer their views and explanations of ways to streamline them and to make sure that the regulations conform with the Communications Act of 1934, as amended (Act).

2. In this *Report and Order*, we take further actions to streamline, clarify, and update our part 101 rules. These actions will provide increased flexibility to licensees, ensure greater and more efficient use of the spectrum bands regulated under part 101, and ensure that our Rules are consistent with international agreements. The significant rule changes and clarifications that we adopt in this *Report and Order* to streamline part 101 are:

- We permit POFS licensees to lease reserve capacity to common carriers for their common carrier traffic. Further, we grandfather certain POFS licensees who formerly carried private traffic now classified as common carrier traffic.
- We clarify that conditional authorization in the 23 GHz Band is

permitted only on the frequency pairs identified in Section 101.147(s), and only if the maximum Effective Isotropic Radiated Power (EIRP) utilized does not exceed 55 dBm.

- We allow conditional operation in the 952.95-956.15 and 956.55-959.75 MHz bands.
 - We clarify and correct the frequency tolerance table in Section 101.107(a) in accordance with the proposal contained in the *MO&O and NPRM*, 15 FCC Rcd at 3153 ¶ 45.
 - We amend the EIRP table in § 101.113(a) to divide the 10.55-10.68 GHz band into two separate bands: 10.55-10.6 GHz with the maximum power of 55 dBW and 10.6-10.68 GHz with a maximum power of 40 dBW.
 - We permit any Local Multipoint Distribution Service (LMDS) antenna polarization away from service boundaries.
 - We amend § 101.507 to provide the frequency tolerance of $\pm 0.0001\%$ for Digital Electronic Message Service (DEMS) Nodal Stations and $\pm 0.0003\%$ for DEMS User Stations in the 10,550-10,680 MHz band.
 - We modify the part 101 emission mask to make it less severe for LMDS by adopting for LMDS the same mask requirements that we did for the 24 GHz service, as outlined in § 101.111(a)(2)(iv).
 - We modify the reference bandwidth in § 101.111(a)(2)(iii) from 4 kHz to 1 MHz for consistency with § 101.111(a)(2)(ii) and Appendix S3 of the International Radio Regulations.
3. Additionally, in response to the Telecommunications Industry Association (TIA) Petition for Rulemaking relating to the 10 GHz and 23 GHz bands, we adopt the following rule changes:
- We specify a channel plan for the 23 GHz band in our Rules.
 - We adopt frequency tolerance standards for both digital and analog radios operating in the 23 GHz band.
 - We extend a 1 bps/Hz spectrum efficiency rate requirement to the 23 GHz band for digital transmitters.
 - We allow the use of smaller antennas in the 10 GHz and 23 GHz bands.