

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
<b>Richland County (Unincorporated Areas) (FEMA Docket No. D-7506)</b>		Approximately 0.93 mile upstream of the confluence with the Congaree River ..... *	156
<i>Gills Creek:</i>		Approximately 900 feet upstream of the confluence of Double Branch ..... *	172
At the confluence with the Congaree River ....	*133	<b>Maps available for inspection at the City Hall, 1053 Center Street, West Columbia, South Carolina.</b>	
At the Southern Railway bridge .....	*138	<b>TENNESSEE</b>	
<i>Rocky Branch:</i>		<b>Selmer (City), McNairy County (FEMA Docket No. D-7512)</b>	
At the confluence with Congaree River .....	*149	<i>Cypress Creek:</i>	
Approximately 475 feet upstream of Olympia Avenue .....	*151	Approximately 1,700 feet downstream of South Fourth Street .....	*433
<i>Tributary G-1:</i>		Approximately 1,855 feet upstream of Purdy Road .....	*444
At the confluence with Gills Creek .....	*136	<i>Crooked Creek:</i>	
Approximately 810 feet upstream of Bluff Road .....	*141	At the confluence with Cypress Creek .....	*439
<i>Reeder Point Branch:</i>		Approximately 0.5 mile upstream of Highschool Road .....	*459
At the confluence with Black Lake .....	*134	<b>Maps available for inspection at the City Hall, 144 North Second Street, Selmer, Tennessee.</b>	
Approximately 140 feet upstream side of State Route 48 (Bluff Road) .....	*135	<b>VERMONT</b>	
<i>Congaree River (with levee):</i>		<b>Woodstock (Town and Village), Windsor County (FEMA Docket No. D-7510)</b>	
Approximately 2.66 miles downstream of the confluence with Gills Creek .....	*128	<i>Ottawaquechee River:</i>	
Approximately 0.5 mile upstream of the CSX Transportation crossing .....	*152	Approximately 550 feet upstream U.S. Route 4 .....	*697
<i>Congaree River (without levee):</i>		At the upstream corporate limits .....	*812
Approximately 42.2 miles upstream of mouth .....	*131	<b>Maps available for inspection at Town Hall, 31 The Green, Woodstock, Vermont.</b>	
Approximately 2.3 miles upstream of the Southeastern Beltway (West Bound) .....	*140	<b>VIRGINIA</b>	
<i>Spears Creek:</i>		<b>Berryville (Town), Clarke County (FEMA Docket No. D-7510)</b>	
Downstream side of Jacobs Mill Pond Road ..	*221	<i>Town Run:</i>	
Approximately 0.5 mile upstream Spears Creek Church Road ...	*311	Approximately 1,220 feet downstream of Springsbury Road (State Route 613) .....	*553
<i>Lake Murray:</i>		Approximately 80 feet upstream of Lincoln Avenue .....	*599
Entire shoreline within county .....	*363	<b>Maps available for inspection at the Town of Berryville Office, 23 East Main Street, Berryville, Virginia.</b>	
<b>Maps available for inspection at the Richland County Planning Department, 2020 Hampton Street, Columbia, South Carolina.</b>			
<b>West Columbia (City), Lexington County (FEMA Docket No. 7311)</b>			
<i>Congaree River:</i>			
Approximately 1,250 feet upstream of Blossom Street .....	*153		
Approximately 220 feet downstream of Jarvis Klapman Boulevard ....	*154		
<i>Saluda River:</i>			

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

Dated: December 11, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 01-31034 Filed 12-17-01; 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% annual chance) Flood Elevations (BFEs) and modified 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 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:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (E-mail) [matt.miller@fema.gov](mailto:matt.miller@fema.gov).

**SUPPLEMENTARY INFORMATION:** FEMA makes the 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 Acting Administrator, Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs 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 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 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	#Depth in feet above ground. *Elevation in feet (NGVD).
<b>CALIFORNIA</b>	
<b>Martinez (City), Contra Costa County, (FEMA Docket No. B-7408)</b>	
<i>Arroyo Del Hambre Creek:</i> Just upstream of John Muir Parkway .....	*116
Approximately 2,000 feet upstream of Alhambra Avenue .....	*180
<i>Line A, DA-40:</i> Approximately 950 feet downstream of Howe Road .....	*22
Approximately 75 feet downstream of Howe Road .....	*23
<b>Maps are available for inspection at City of Martinez, City Hall, 525 Henrietta Street, Martinez, California.</b>	
<b>MISSOURI</b>	
<b>Newton County (Unincorporated Areas), (FEMA Docket No. B-7258)</b>	
<i>Culpepper Creek:</i> Approximately 1,150 feet downstream of Webert Road .....	*1,037
Approximately 100 feet downstream of Old County Highway East .....	*1,050
Approximately 2,800 feet upstream of Main Street .....	*1,075
<i>Wolf Creek:</i> At confluence with Culpepper Creek .....	*1,044
Approximately 3,050 feet upstream of confluence with .....	*1,059
<b>OREGON</b>	
<b>Gresham (City), Multnomah County, (FEMA Docket No. B7417)</b>	
<i>Kelly Creek:</i> Approximately 130 feet downstream of Division Street .....	*335
Approximately 400 feet upstream of NE Kane Road ..	*353
Approximately 410 feet downstream of SE El Camino Drive .....	*355
Approximately 430 feet upstream of Powell Valley Road .....	*387
Approximately 670 feet downstream of SE Ironwood Way .....	*416
Approximately 630 feet upstream of 282nd Street .....	*446
<b>Maps are available for inspection at the Community and Economic Development Department, 1333 NW Eastman Parkway, Gresham, Oregon.</b>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities affected
<b>IOWA</b>		
<b>FEMA Docket No. (B-7401)</b>		
<i>Missouri River:</i> Approximately 5.3 miles downstream of McCandles Cleghorn outlet .....	*1,032	Monona County (Uninc. Areas).
Approximately 17.9 miles upstream of Iowa Highway 175(I) .....	*1,065	Monona County (Uninc. Areas).

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities affected
<i>McCandless Cleghorn Drainage Ditch:</i>		
At its confluence with the Missouri River .....	*1,039	Monona County (Uninc. Areas).
At 235th Street .....	*1,044	Monona County (Uninc. Areas), City of Onawa.
Approximately 1,000 feet downstream of 220th Street .....	*1,051	Monona County (Uninc. Areas), City of Onawa.
At intersection of West Street and Walnut Street .....	*1,058	Monona County (Uninc. Areas), City of Whiting.
Approximately 1,400 feet upstream of County Highway 45 .....	*1,061	Monona County (Uninc. Areas), City of Whiting.
Just downstream of County Highway 45 .....	*1,063	Monona County (Uninc. Areas).

**ADDRESSES****Monona County (Unincorporated Areas)**

Maps are available for inspection at the Monona County Zoning Office, Chairman, Monona County Board of Supervisors, 610 Iowa Avenue, Onawa, Iowa.

**City of Onawa**

Maps are available for inspection at the Leon Valley City Hall, 914 Diamond Street, Onawa, Iowa.

**City of Whiting**

Maps are available for inspection at City Hall, 605 Whittier Street, Whiting, Iowa.

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

Dated: December 11, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 01-31033 Filed 12-17-01; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 00-39; FCC 01-330]

**Broadcast Services; Digital Television**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document resolves a number of petitions for reconsideration of the Federal Communications Commissions' Report and Order and Further Notice of Proposed Rule Making (R&O). This document addresses a number of issues related to the conversion of the nation's broadcast television system from analog to digital television (DTV), including when to require election by licensees of their post-transition DTV channel, whether to require replication by DTV licensees of their NTSC Grade B service contours, whether to require DTV licensees to place enhanced service contours over their principal communities, and how to process mutually exclusive applications. The document also modifies the minimum hours of

operation of certain DTV stations and establishes guidelines for television stations that may seek an extension of the deadlines for construction of DTV facilities. Our intention in revising some of the decisions reached in the Report and Order is to revise certain requirements that may be having the unintended consequence of hindering, rather than furthering, the DTV transition, and to prioritize those elements most important to the transition. The decisions reached in this document should maximize the number of DTV stations providing service to at least all consumers in their community of license by allowing DTV stations to go on the air initially with lower-powered, and therefore less expensive, facilities.

**DATES:** The decisions and rules adopted herein shall be effective February 19, 2002, except for FCC Form 337 which contains information collection requirements that have not been approved by OMB. Written comments on this new information collection are due February 19, 2002. The FCC will publish a document announcing the effective date of FCC Form 337 once OMB approval is received. This form appears as an appendix to this document.

**ADDRESSES:** Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the Office of the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-

C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** Kim Matthews, Policy and Rules Division, Mass Media Bureau, (202) 418-2130. For additional information concerning the information collections contained in this document, contact Judy Boley at 202-418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum Opinion and Order on Reconsideration (MO&O), FCC 01-330, adopted November 8, 2001, released November 15, 2001. The full text of the Commission's MO&O is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room TW-A306), 445 12th Street, SW., Washington, DC 20554. The complete text of this MO&O may also be purchased from the Commission's copy contractor, Qualex International, (202) 863-2893, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The text of the MO&O is also available from the FCC's Internet website: [www.fcc.gov](http://www.fcc.gov).

**Paperwork Reduction Act**

This MO&O contains either a new or modified information collection. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other government agencies to comment on the information collection contained