

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).	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD).
Approximately 5,500 feet upstream of confluence with Tanyard Branch .....	*298	Approximately 2,600 feet upstream of State Highway 190 .....	*363	Approximately 2,100 feet upstream of confluence with Harmony Creek .....	*259
<i>Ford Branch:</i>		<i>Thompson Branch:</i>		Approximately 12,600 feet upstream of confluence with Harmony Creek .....	*298
At confluence with Wayne Creek .....	*272	At confluence with Sixmile Branch .....	*254	<b>Maps are available for inspection</b> at City Service Center, 448 Highway 75 North, Huntsville, Texas.	
Approximately 2,700 feet upstream of confluence with Wayne Creek .....	*286	Approximately 1,000 feet upstream of confluence with Sixmile Branch .....	*260		
<i>Hadley Creek:</i>		<i>Town Branch:</i>		(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")	
At Rosenwall Road .....	*250	At confluence with Parker Creek .....	*260	Dated: December 6, 2000.	
Approximately 200 feet north of Huntsville Airport Runway .....	*292	Approximately 700 feet upstream of Avenue J and 14th Street .....	*361	<b>Michael J. Armstrong,</b>	
<i>Horse Branch:</i>		<i>Tributary A:</i>		<i>Associate Director for Mitigation.</i>	
At its confluence with Town Branch .....	*274	At confluence with Town Branch .....	*322	[FR Doc. 00-32213 Filed 12-20-00; 8:45 am]	
Approximately 450 feet downstream of FM 2821 ...	*285	Approximately 280 feet upstream of its confluence with Town Branch .....	*324	<b>BILLING CODE 6718-04-P</b>	
Approximately 3,500 feet upstream of Holly Bend Road .....	*329	Approximately 300 feet upstream of State Highway 30/190 .....	*338	<b>FEDERAL EMERGENCY MANAGEMENT AGENCY</b>	
<i>Mays Creek:</i>		<i>Tributary B:</i>		<b>44 CFR Part 67</b>	
Approximately 2,600 feet upstream of confluence of Shepherd Creek .....	*320	At confluence with Horse Branch .....	*307	<b>Final Flood Elevation Determinations</b>	
Approximately 13,400 feet upstream of confluence of Shepherd Creek .....	*355	Approximately 800 feet upstream of Private Dam .....	*327	<b>AGENCY:</b> Federal Emergency Management Agency (FEMA).	
<i>McDonald Creek:</i>		<i>Tributary 2:</i>		<b>ACTION:</b> Final rule.	
Approximately 2,300 feet downstream of Sunset Lake Dam .....	*293	At confluence with Tanyard Branch .....	*225	<b>SUMMARY:</b> Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations 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).	
Approximately 1,900 feet upstream of Spring Lake Dam .....	*376	Approximately 1,250 feet upstream of Robinson Road .....	*253		
<i>McGary Creek:</i>		<i>Tributary 3:</i>		<b>EFFECTIVE DATE:</b> The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations 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.	
Approximately 8,050 feet downstream of confluence with Tributary 6 .....	*279	At confluence with Shepherd Creek .....	*358	<b>ADDRESSES:</b> 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.	
Approximately 9,700 feet upstream of confluence with Tributary 5 .....	*351	Approximately 1,700 feet upstream of confluence with Shepherd Creek .....	*364		
<i>Parker Creek:</i>		<i>Tributary 4:</i>		<b>FOR FURTHER INFORMATION CONTACT:</b>	
Approximately 10,500 feet upstream of confluence with harmon Creek .....	*212	At confluence with Robinson Creek .....	*293	Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.	
Approximately 1,000 feet upstream of FM 247 .....	*279	Approximately 7,800 feet upstream of confluence with Robinson Creek .....	*330		
<i>Prairie Branch:</i>		<i>Tributary 5:</i>			
Approximately 14,800 feet upstream of confluence with East Sandy Creek .....	*287	At confluence with McGary Creek .....	*319		
Approximately 800 feet upstream of Broadmoor Drive .....	*368	Approximately 7,600 feet upstream of confluence with McGary Creek .....	*347		
<i>Robinson Creek:</i>		<i>Tributary 6:</i>			
Approximately 4,700 feet downstream of confluence with Tributary 4 .....	*283	At confluence with McGary Creek .....	*292		
Approximately 16,350 feet upstream of confluence with Tributary 4 .....	*362	Approximately 10,500 feet upstream of confluence with McGary Creek .....	*319		
<i>Shepherd Creek:</i>		<i>Tributary 7:</i>			
Approximately 3,700 feet upstream of confluence of Mays Creek .....	*317	Approximately 14,800 feet upstream of confluence with Hadley Creek .....	*256		
Approximately 7,150 feet upstream of confluence with Tributary 3 .....	*381	Approximately 20,400 feet upstream of confluence with Hadley Creek .....	*275		
<i>Sixmile Branch:</i>		<i>Tributary 8:</i>			
Approximately 400 feet downstream of confluence with Thompson Branch .....	*253	Approximately 3,700 feet upstream of confluence with Parker Creek .....	*217		
Approximately 1,400 feet upstream of confluence with Thompson Branch .....	*261	Approximately 8,000 feet upstream of confluence with Parker Creek .....	*231		
<i>Tanyard Branch:</i>		<i>Tributary 9:</i>			
Approximately 500 feet upstream of confluence with Harmony Creek .....	*224	At confluence with Shepherd Creek .....	*332		
		Approximately 6,700 feet upstream of confluence with Shepherd Creek .....	*347		
		<i>Wayne Creek:</i>			

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations 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 base flood elevations and proposed modified base flood elevations 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 base flood elevations and modified base flood elevations 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 Associate Director for Mitigation 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 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>ARIZONA</b>	
<b>Yavapai County and Incorporated Areas (FEMA Docket No. B-7404)</b>	
<i>Blue Tank Wash:</i>	
Just upstream of Yavapai-Maricopa County Boundary .....	*2,176
Approximately 200 feet upstream of Yavapai-Maricopa County Boundary .....	*2,179
<i>Powerhouse Wash Tributary 1:</i>	
Just upstream of Yavapai-Maricopa County Boundary .....	*2,262
Approximately 800 feet upstream of Yavapai-Maricopa County Boundary .....	*2,297
<i>Powerhouse Wash Tributary 2:</i>	
Just upstream of Yavapai-Maricopa County Boundary .....	*2,280
Approximately 300 feet upstream of Yavapai-Maricopa County Boundary .....	*2,286
<i>Sols Wash:</i>	
Just downstream of Atchison, Topeka and Santa Fe Railroad .....	*2,364
Approximately 1,500 feet upstream of Atchison, Topeka and Santa Fe Railroad .....	*2,401
<i>Wash P:</i>	
Just upstream of Yavapai-Maricopa County Boundary .....	*2,131
Approximately 600 feet upstream of Yavapai-Maricopa County Boundary .....	*2,147
<i>Verde River:</i>	
Just downstream of North 5th Street .....	*3,297
Approximately 800 feet north of Yavapai Street .....	*3,303
<b>Maps for the unincorporated areas of Yavapai County are available for inspection at 500 Marina Street, Prescott, Arizona 86301.</b>	

Source of flooding and location	*Depth in feet above ground. *Elevation in feet (NGVD).
<b>Maps for the Town of Cottonwood are available for inspection at the Public Works Office, 1490 West Mingus Avenue, Cottonwood, Arizona.</b>	
<b>ARKANSAS</b>	
<b>Mountain Home (City), Baxter County (FEMA Docket No. B-7404)</b>	
<i>Hicks Creek:</i>	
Approximately 3,000 feet upstream of Hicks Road .....	*682
Just upstream of Arkansas Highway 201 .....	*833
<i>Indian Creek:</i>	
At confluence with Hicks Creek .....	*753
At Bradley Street .....	*819
<b>Maps are available at 720 South Hickory, Mountain Home, Arkansas.</b>	
<b>CALIFORNIA</b>	
<b>Madera County (Unincorporated Areas) (FEMA Docket No. B-7404)</b>	
<i>San Josquin River:</i>	
Just upstream of State Highway 99 .....	*245
Just downstream of Friant Dam .....	*329
<b>Maps are available for inspection at 209 West Yosemite Avenue, Madera, California.</b>	
<b>COLORADO</b>	
<b>Silver Plume (Town), Clear Creek County (FEMA Docket No. B-7404)</b>	
<i>Clear Creek:</i>	
Approximately 800 feet downstream of Interstate 70 .....	*9,002
Approximately 300 feet upstream of Burleigh Street extended .....	*9,142
<b>Maps are available for inspection at Town Hall, 487 Main Street, Silver Plume, Colorado.</b>	
<b>Summit County (Unincorporated Areas) (FEMA Docket No. B-7404)</b>	
<i>Willow Creek:</i>	
At confluence with Blue River .....	*8,674
Approximately 400 feet upstream of Ranch Road .....	*8,864
<i>Blue River:</i>	
Approximately 3,400 feet downstream of Winegard Road .....	*8,565
Approximately 2,400 feet upstream of Interstate 70 .....	*8,777
<b>Maps are available for inspection at 0037 Summit County Road, #1005, Town of Frisco, Colorado.</b>	

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).	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
<b>IOWA</b>					
<b>Akron (City), Plymouth County (FEMA Docket No. B-7404)</b>		Approximately 1,700 feet downstream of Burlington Northern Railroad .....	*2,530	At confluence of 17th and 18th Streets shallow flooding .....	+3,999
<i>Big Sioux River:</i>		Approximately 350 feet upstream of Park Footbridge	*2,613	<i>17th and 18th Streets shallow Flooding:</i>	
Approximately 400 feet west of the intersection of South Street and Route 12 .....	*1,136	<i>Paradise Creek (University Overflow):</i>		Area bounded by South Main Avenue, West 17th Street, South Avenue A, and West 18th Street .....	+4,000
Just upstream of Route 48 ...	*1,144	Approximately 1,200 feet downstream of Rayburn Street .....	*2,552	Area bounded by South Avenue F, West 17th Street, South Avenue G, and West 18th Street .....	+4,004
<b>Maps are available for inspection at the Akron City Hall, 220 Reed Street, Akron, Iowa 51001.</b>		Approximately 1,500 feet upstream of Third Street .....	*2,561	<i>Flooding throughout University and Downtown Areas:</i>	
<b>Plymouth County (Unincorporated Areas) (FEMA Docket No. B-7404)</b>		<i>Paradise Creek (Mountain View Road Overflow):</i>		Area bounded by South Main Avenue, West 10th Street, South Avenue A, and West 11th Street .....	+4,002
<i>Big Sioux River:</i>		Approximately 2,000 feet downstream of Harold Avenue .....	*2,584	Area bounded by South Avenue B, West Commercial Street, South Avenue C, and West First Street .....	+4,009
Just upstream of the Plymouth and Woodbury County boundary .....	*1,111	Just downstream of Mountain View Road .....	*2,594	<i>Ponding Area:</i>	
Approximately 1,000 feet downstream of Route 48 ...	*1,142	<b>Maps are available for inspection at 122 East 4th Street, Moscow, Idaho.</b>		Upstream of Burlington Northern Santa Fe Railroad from Boulder Avenue to southwest of University Avenue .....	+4,011
<b>Maps are available for inspection at the Plymouth County Courthouse, 215 - 4th Avenue, Southeast, LeMars, Iowa 51031.</b>		<b>Latah County (Unincorporated Areas) (FEMA Docket No. B-7404)</b>		<i>Ponding Area:</i>	
<b>Sioux City (City), Woodbury County (FEMA Docket No. B-7404)</b>		<i>Paradise Creek:</i>		At the intersection of Industrial Drive and West 18th Street .....	+4,004
<i>Big Sioux River:</i>		Approximately 1,200 feet downstream of Joseph Street .....	*2,586	Approximately 700 feet west of the intersection of the Burlington Northern Santa Fe Railroad and West 18th Street .....	+4,004
Approximately 3,000 feet downstream of intersection of Riverside Boulevard and Interstate 29 .....	*1,090	Approximately 1,600 feet downstream of Darby Road .....	*2,614	<i>Ponding Area:</i>	
Just upriver of Military Road	*1,103	<b>Maps are available for inspection at 522 South Adams, Moscow, Idaho.</b>		Approximately 4,000 feet northwest of the Intersection of Industrial Drive and West 18th Street .....	+4,010
Just downriver of Interstate 29 .....	*1,094	<b>NEVADA</b>		+Elevation in feet (NAVD)	
Just downstream of the Plymouth and Woodbury County boundary .....	*1,110	<b>Washoe County (Unincorporated Areas) (FEMA Docket No. B-7407)</b>		<b>Maps are available for inspection at City Hall, 100 West First Street, Portales, New Mexico.</b>	
<b>Maps are available for inspection at the City of Sioux City City Hall, 520 Pierce Street, Sioux City, Iowa 51107.</b>		<i>Galena Creek:</i>		<b>Red River (Town), Toas County (FEMA Docket No. B-7407)</b>	
<b>Westfield (City), Plymouth County (FEMA Docket No. B-7404)</b>		Approximately 12,000 feet downstream of Joy Lake Road .....	#3	<i>Bitter Creek:</i>	
<i>Big Sioux River:</i>		Approximately 1,950 feet downstream of Joy Lake Road .....	*5,840	Approximately 220 feet downstream of East River Street .....	*8,654
Approximately 300 feet downstream of the confluence of Westfield Creek .....	*1,123	Approximately 1,000 feet upstream of Joy Lake Road ..	*6,830	Approximately 760 feet upstream of East High Street .....	*8,691
Approximately 4,500 feet upstream of the confluence of Westfield Creek .....	*1,124	At Mount Rose Highway .....	#2	<i>Mallette Creek:</i>	
<b>Maps are available for inspection at 233 Union Street, Westfield, Iowa 51062.</b>		<i>Jones Creek:</i>		Approximately 340 feet downstream of West Main Street .....	*8,632
<b>IDAHO</b>		At confluence with Galena Creek .....	#3	Approximately 180 feet downstream of Mallette Canyon Park Road .....	*8,656
<b>Moscow (City), Latah County (FEMA Docket No. B-7404)</b>		At Callahan Ranch Road .....	*5,450	<i>Red River:</i>	
<i>Paradise Creek:</i>		Approximately 2,600 feet upstream of Bordeaux Drive	*5,888	Approximately 100 feet downstream of High Cost Trail .....	*8,608
		At Mount Rose Highway .....	#1	Approximately 1,500 feet upstream of Fishing Pond Bridge .....	*8,778
		<b>Maps are available for inspection at Washoe County Engineering, 1001 E. 9th Street, Reno, Nevada.</b>		<b>Maps are available for inspection at 100 East Main Street, Red River, New Mexico.</b>	
		<b>NEW MEXICO</b>			
		<b>Portales (City), Roosevelt County (FEMA Docket No. B-7404)</b>			
		<i>Globe Ditch:</i>			
		Approximately 400 feet downstream of confluence of 17th and 18th Streets shallow flooding .....	+3,998		

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

Dated: December 6, 2000.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 00-32212 Filed 12-20-00; 8:45 am]

BILLING CODE 6718-04-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR CH. 1

[FCC 00-401]

#### Development of Secondary Markets

**AGENCY:** Federal Communications Commission.

**ACTION:** Policy statement.

**SUMMARY:** This document outlines in general terms a series of initiatives that the Commission intends to undertake to promote secondary markets for spectrum. The Commission's current policies concerning transfer, assignment, disaggregation and partitioning of licenses allow certain licensees to market portions of their spectrum to others. In this effort, the Commission seeks to significantly expand and enhance the existing secondary markets for spectrum and radio communications services to permit spectrum to flow more freely among users and uses in response to economic demand, to the extent consistent with our other statutory mandates and public interest objectives.

**FOR FURTHER INFORMATION CONTACT:** Lisa Gaisford, Office of Engineering and Technology, (202) 418-7280.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Policy Statement*, FCC 00-401, adopted November 9, 2000, and released December 1, 2000. The full text of this Commission decision is available on the Commission's Internet site, at [www.fcc.gov](http://www.fcc.gov). It is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

#### Summary of the Policy Statement

The Commission adopted a Policy Statement setting forth the Commission's plans for facilitating secondary markets for radio spectrum that will allow and encourage licensees to make all or portions of their

frequencies and/or service areas available to other entities and uses. The Commission envisions that secondary markets can flourish by facilitating arrangements such as leasing, franchising, and joint operating agreements, and improving the conditions for transferability of spectrum through, for example, partitioning or disaggregation. The Policy Statement outlines in general terms a series of initiatives that the Commission intends to undertake to promote secondary markets for spectrum. The Commission's current policies concerning transfer, assignment, disaggregation and partitioning of licenses allow certain licensees to market portions of their spectrum to others. In this new effort, the Commission seeks to significantly expand and enhance the existing secondary markets for spectrum and radio communications services to permit spectrum to flow more freely among users and uses in response to economic demand, to the extent consistent with our other statutory mandates and public interest objectives.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-32467 Filed 12-20-00; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-2710; MM Docket No. 98-29; RM-9190, RM-9275]

#### Radio Broadcasting Services; Indian Wells, Indio, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Professional Broadcasting, Inc. allots Channel 238A at Indian Wells, California, as the community's first local aural transmission service. See 63 FR 12426 (March 13, 1998). The Commission considers comparatively and denies a petition filed by Elia Tawil proposing to allot Channel 238A at Indio, California, as the community's fourth aural transmission service, and to reserve the channel as a noncommercial educational channel. It also dismisses as technically and procedurally defective a pleading filed by Playa Del Sol Broadcasters, permittee of an unbuilt station on Channel 249A in Mecca, California, requesting the allotment of Channel 238A at Mecca, California,

reallotment of Channel 249A from Mecca to Indian Wells, California, and modification of its permit for unbuilt station in Mecca to reflect the new community. Channel 238A can be allotted to Indian Wells in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at a site 6 kilometers (3.7 miles) east, at coordinates 33-42-04 North Latitude and 116-14-47 West Longitude. A filing window for Channel 238A at Indian Wells, California, will not be opened at this time. Instead, the issue of opening filing windows for this channel will be addressed by the Commission in a subsequent Order. With this Order, this proceeding is terminated.

**DATES:** Effective January 22, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Victoria M. McCauley, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 98-29, adopted November 22, 2000, and released December 1, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b) the FM Table of Allotments under California is amended by adding Indian Wells, Channel 238A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-32330 Filed 12-20-00; 8:45 am]

BILLING CODE 6712-01-P