

The nature of the residue in plants is adequately understood and an adequate analytical method, gas chromatography with a flame photometric detector, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since asparagus is not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.204 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

A record has been established for this rulemaking under docket number [PP 4E4374/P617] (including any comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must

determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

**List of Subjects in 40 CFR Part 180**

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 23, 1995

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

**PART 180—[AMENDED]**

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

2. In § 180.204, paragraph (b) is amended in the table therein by adding and alphabetically inserting a new entry, to read as follows:

**§ 180.204 Dimethoate including its oxygen analog; tolerances for residues.**

*	*	*	*	*	*
(b) * * *					
Commodity					Parts per million
Asparagus .....					0.15
*	*	*	*	*	*

[FR Doc. 95-16432 Filed 7-3-95; 8:45 am]  
BILLING CODE 6560-50-F

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 67**

[Docket No. FEMA-7138]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations 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 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 following table.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646-2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base (1% annual chance) flood elevations and modified base flood elevations 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 base flood elevations, 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 Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed 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 National Flood Insurance Program. 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 and Location	#Depth in feet above ground. *Elevation in feet (NGVD)
<b>GEORGIA</b>	
<b>Cook County (Unincorporated Areas)</b>	
<i>Bear Creek:</i>	
Approximately 1.1 miles downstream of East Sixth Street in the City of Adel .....	*214
At a point approximately 1,000 feet upstream of the confluence of Giddens Mill Creek .....	*230
<i>Giddens Mill Creek:</i>	
At confluence with Bear Creek .....	*230
Approximately 325 feet upstream of Elm Street .....	*231
<b>Maps available for inspection at the County Commissioner's Office, 212 North Parrish Street, Adel, Georgia.</b>	
Send comments to Ms. Faye Hughes, Cook County Administrator, 212 North Parrish Street, Adel, Georgia 31620.	
<b>NEW YORK</b>	
<b>Kiantone (Town), Chautauqua County</b>	
<i>Stillwater Creek:</i>	

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1,880 feet downstream of U.S. Route 62 .....	*1,244
Approximately 1,665 feet upstream of confluence of Widow Bostwick Creek .....	*1,253
<i>Widow Bostwick Creek:</i>	
At confluence with Stillwater Creek ...	*1,250
At South Main Street extension .....	*1,315
<b>Maps available for inspection at the Town Hall, 1521 Peck Settlement Road, Jamestown, New York.</b>	
Send comments to Mr. Michael C. Haller, Supervisor of the Town of Kiantone, Town Hall, 1521 Peck Settlement Road, P.O. Box 2076, Station A, Jamestown, New York 14702.	
<b>OHIO</b>	
<b>Payne (Village), Paulding County</b>	
<i>Flatrock Creek:</i>	
At Sitzler Road .....	*741
Approximately 0.9 mile upstream of Sitzler Road .....	*743
<b>Maps available for inspection at the Village of Payne Water Plant, 211 North Laura Street, Payne, Ohio.</b>	
Send comments to The Honorable Michael Brigner, Mayor of the Village of Payne, 131 North Main Street, Payne, Ohio 45880.	
<b>WISCONSIN</b>	
<b>Cadott (Village), Chippewa County</b>	
<i>Yellow River:</i>	
At downstream corporate limits .....	*943
At upstream corporate limits .....	*967
<b>Maps available for inspection at the Cadott Village Office, 110 Central Street, Cadott, Wisconsin.</b>	
Send comments to Mr. Ken Luebftorf, President of the Village of Cadott, P.O. Box 40, Cadott, Wisconsin 54727.	

**§ 67.4 [Amended]**

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Delaware .....	Arden (village), New Castle County.	South Branch, Naaman Creek.	Approximately 2,000 feet upstream of CSX Transportation.	None	*188
			Approximately 1,100 feet upstream of Marsh Road.	None	*270

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Village Secretary's Office, 2005 Harvey Road, Arden, Delaware.

Send Comments to Ms. Irene O'Connor, Arden Village Secretary, 2005 Harvey Road, Arden, Delaware 19810.

Delaware .....	Ardentown (village), New Castle County.	South Branch, Naaman Creek.	Approximately 100 feet upstream of CONRAIL.	None	*135
			Approximately 2,000 feet upstream of CONRAIL.	None	*189

Maps available for inspection at the Ardentown Chairman's Office, 2308 Brae Road, Ardentown, Delaware.

Send comments to Mr. Harold Kalmus, Chairman of the Ardentown Village Assembly, 2308 Brae Road, Ardentown, Delaware 19810.

Delaware .....	New Castle County (unincorporated areas).	Shellpot Creek .....	Approximately 1,275 feet downstream of Governor Printz Boulevard.	*10	*17
		Naaman Creek .....	At Kennedy Road .....	None	*376
			Approximately 350 feet upstream of confluence with Delaware River.	*10	*11
		South Branch, Naaman Creek.	Approximately 0.35 mile upstream of State Route 92.	None	*44
			At confluence with Naaman Creek .....	None	*35
		Dragon Creek .....	At upstream corporate limit .....	None	*359
			Upstream side of 5th Street .....	None	*10
		Persimmon Run .....	Approximately 1.1 miles upstream of 5th Street.	None	*10
			At its confluence with West Branch of Christina River.	None	*97
		Yorkshire Ditch .....	Approximately 0.6 mile upstream of Sandy Brae Road.	None	*115
			At the confluence with the Christina River	*63	*64
		Tributary to West Branch Christina River.	Approximately 260 feet upstream of its confluence with the Christina River.	None	*65
			Approximately 750 feet upstream of the confluence with West Branch Christina River.	None	*109
		West Branch Christina River.	Approximately 1,260 feet upstream of the confluence with West Branch Christina River.	None	*110
Approximately 1,000 feet upstream of Swim Club Access Road.	*90		*91		
East Branch Christina River.	Approximately 740 feet upstream of Elkton Road.	*105	*108		
	At the confluence with the Christina River	*155	*157		
Christina River .....	Approximately 0.9 mile upstream of Wedgewood Road.	*230	*229		
	Approximately 570 feet upstream of Nottingham Road (State Route 273).	None	*134		
		Approximately 350 feet upstream of Wedgewood Road.	*155	*162	

Maps available for inspection at the Engineering Building, 2701 Capital Trail, Newark, Delaware.

Send comments to Mr. Dennis E. Greenhouse, New Castle County Executive, City-County Building, 800 French Street, Wilmington, Delaware 19801.

Delaware .....	Newark (city), New Castle County.	West Branch .....	At Swim Club Access Road .....	*87	*88
		Christina River .....	At State boundary .....	*105	*108
			Approximately 570 feet upstream of Nottingham Road (Route 273).	None	*134
		Persimmon Run .....	At downstream side of Wedgewood Road	*155	*159
			At its confluence with West Branch Christina River.	None	*97
		Silver Brook .....	Approximately 100 feet upstream of Sandy Brae Road.	None	*109
			At the confluence with Christina River .....	None	*70
		Approximately 420 feet upstream of Park Lane.	None	*78	

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Yorkshire Ditch .....	Approximately 260 feet upstream of confluence with the Christina River.	None	*65
			Approximately 710 feet upstream of Bellview Road.	None	*70
		Tributary to West Branch Christina River.	At the confluence with West Branch Christina River.	*105	*108
		River .....	Approximately 750 feet upstream of the confluence with West Branch Christina River.	*105	*109

Maps available for inspection at the City Hall, 220 Elkton Road, Newark, Delaware.

Send comments to The Honorable Ron Gardner, Mayor of the City of Newark, P.O. Box 390, Newark, Delaware 19715.

Delaware .....	Wilmington (city), New Castle County.	Shellpot Creek .....	Approximately 1,275 feet downstream of Governor Printz Boulevard.	*10	*17
			Approximately 500 feet downstream of Governor Prince Boulevard.	*10	*17

Maps available for inspection at the Louis L. Redding City-County Building, City Clerk's Office, 800 French Street, Wilmington, Delaware.

Send comments to The Honorable James H. Sills, Jr., Mayor of the City of Wilmington, City-County Building, 800 French Street, Wilmington, Delaware 19801-3537.

Florida .....	St. Cloud (city), Osceola County.	East Lake Tohopekaliga ...	In the vicinity of the intersection of Montana Avenue and Second Avenue.	*62	*58
			Approximately 1,400 feet east of the intersection of Cypress Street and Oregon Avenue.	None	*62

Maps available for inspection at the St. Cloud Planning Department, 2901 17th Street, St. Cloud, Florida.

Send comments to The Honorable Ernie Geahart, Mayor of the City of St. Cloud, City Hall, 1300 Ninth Street, St. Cloud, Florida 34769.

Georgia .....	Fayetteville (city), Fayette County.	Ginger Cake Creek .....	At Lanier Avenue .....	*812	*813
			Approximately 50 feet downstream of Fayetteville Waterworks dam.	*817	*821
		Perry Creek .....	At upstream side of State Route 92 (Lee Street).	None	*878
			Approximately 100 feet upstream of State Route 92 (Lee Street).	None	*878

Maps available for inspection at the Fayetteville Engineering Department, 240 East Lanier Avenue, Fayetteville, Georgia.

Send comments to The Honorable Mike Wheat, Mayor of the City of Fayetteville, P.O. Box 302, Fayetteville, Georgia 30214.

Georgia .....	Fayette County Unincorporated Areas.	Morning Creek .....	Approximately 0.72 mile upstream of the confluence with Flint River.	*789	*788
			Approximately 250 feet upstream of the County boundary.	*841	*843
		Broadnax Creek .....	At the confluence with Morning Creek .....	*839	*841
			Approximately 1,300 feet upstream of the upstream County boundary.	*839	*841
		Tar Creek .....	At the confluence with Whitewater Creek	*843	*846
			Approximately 0.66 mile upstream of Rivers Road.	None	*926
		Sandy Creek .....	At the confluence with Whitewater Creek	*800	*808
			Approximately 150 feet upstream of Adams Road.	None	*882
		Sandy Creek .....	At the confluence with Sandy Creek .....	*822	*824
		Tributary .....	At a point approximately 0.33 mile upstream of the confluence with Sandy Creek.	*823	*824
		Flat Creek .....	At a point approximately 0.53 mile upstream of Smoke Rise Terrace.	None	*856
			At a point approximately 0.24 mile downstream of Pendleton Trail.	None	*910
		Line Creek .....	Approximately 0.9 mile downstream of Rockaway Road.	None	*746
			Approximately 0.8 mile downstream of Rockaway Road.	None	*751

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 300 feet upstream of the confluence of Trickum Creek.	None	*872
			Approximately 500 feet upstream of Johnson Road.	None	*894
		Trickum Creek .....	Approximately 200 feet upstream of the confluence with Line Creek.	None	*872
			Approximately 200 feet upstream of County boundary.	None	*919
		Ginger Cake Creek .....	At the confluence with Whitewater Creek	*791	*793
			Approximately 0.44 mile upstream of Brogdon Road.	None	*889
		Perry Creek .....	At the confluence with Whitewater Creek	*776	*780
			At State Route 92 (Lee Street) .....	None	*876
		Whitewater Creek .....	At a point approximately 350 feet downstream of State Route 85.	None	*750
			Approximately 500 feet downstream of confluence of Whitewater Creek Tributary.	*874	*873
		South Camp Creek .....	At confluence with Whitewater Creek .....	*757	*759
			Approximately 0.73 mile upstream of the confluence with Whitewater Creek.	*758	*759

Maps available for inspection at the Fayette County Engineering Department, 140 Stonewall Avenue West, Fayetteville, Georgia.

Send comments to Mr. Rick Price, Chairman, Fayette County Board of Commissioners, 140 Stonewall Avenue West, Fayette, Georgia 30214.

Georgia .....	City of Peachtree City, Fayette County .....	Flat Creek .....	Approximately 250 feet downstream of Lake Kedron Dam.	*807	*808
			Approximately 0.53 mile upstream of Smoke Rise Terrace.	None	*856
		Gin Branch .....	At the confluence with Flat Creek .....	*817	841
			Approximately 400 feet downstream of Peachtree Parkway.	*840	*841
		South Camp Creek .....	Approximately 1,100 feet upstream of E.A. Brown Dam.	*790	787
			Approximately 100 feet upstream of Spear Road.	None	*847

Maps available for inspection at the Peachtree Engineering Department, 151 Willow Bend Road, Peachtree City, Georgia.

Send comments to The Honorable Bob Lenox, Mayor of the City of Peachtree City, 151 Willow Bend Road, Peachtree City, Georgia 30269.

Georgia .....	City of Peachtree City, Fayette County .....	Flat Creek .....	Approximately 250 feet downstream of Lake Kedron Dam.	*807	*808
			Approximately 0.53 mile upstream of Smoke Rise Terrace.	None	*856
		Gin Branch .....	At the confluence with Flat Creek .....	*817	841
			Approximately 400 feet downstream of Peachtree Parkway.	*840	*841
		South Camp Creek .....	Approximately 1,100 feet upstream of E.A. Brown Dam.	*790	787
			Approximately 100 feet upstream of Spear Road.	None	*847

Maps available for inspection at the Peachtree Engineering Department, 151 Willow Bend Road, Peachtree City, Georgia.

Send comments to The Honorable Bob Lenox, Mayor of the City of Peachtree City, 151 Willow Bend Road, Peachtree City, Georgia 30269.

Georgia .....	Tyrone (town), Fayette County .....	Trickum Creek .....	Approximately 1,300 feet upstream of the confluence with Line Creek.	None	*876
			Approximately 0.52 mile downstream of Kirkley Road.	None	*895
		Flat Creek .....	Approximately 0.40 mile upstream of Dogwood Terrace.	None	878
			Approximately 125 feet upstream of Swanson Drive.	None	*927

Maps available for inspection at the Building Official's Office, 881 Senoia Road, Tyrone, Georgia.

Send comments to The Honorable Norman Davis, Mayor of the Town of Tyrone, 881 Senoia Road, Tyrone, Georgia 30290.

Illinois .....	Adams County (unincorporated areas).	Interior Drainage .....	Approximately 600 feet south of the confluence of Curtis Creek.	*485	*468
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 900 feet northeast of the confluence of Mill Creek.	*480	*468

Maps available for inspection at the Adams County Highway Department, 5200 Broadway, Quincy, Illinois.  
Send comments to Mr. Leslie J. Knox, Adams County Board Chairman, Ursa, Illinois 62376.

Minnesota .....	Aitkin County, (unincorporated areas).	Cedar Lake .....	Entire shoreline within community .....	None	*1,202
		Lake Minnewawa .....	Entire shoreline within community .....	None	*1,225
		Horseshoe Lake .....	Entire shoreline within community .....	None	*1,225
		Big Pine Lake .....	Entire shoreline within community .....	None	*1,265
		Round Lake .....	Entire shoreline within community .....	None	*1,260

Maps available for inspection at the Aitkin County Office of Zoning, Courthouse, 209 2nd Street NW., Aitkin, Minnesota.  
Send comments to Ms. Margaret Sherman, Chairman of the Aitkin County Board of Commissioners, Aitkin County Courthouse, 209 2nd Street, NW., Aitkin, Minnesota 56431.

Minnesota .....	International Falls (city), Koochiching County.	Rainy River .....	Approximately 3.7 miles downstream of Toll Bridge.	None	*1,089
			Approximately 0.5 mile upstream of Toll Bridge.	None	*1,111

Maps available for inspection at the City Engineer's Office, 601 6th Avenue, International Falls, Minnesota.  
Send comments to The Honorable Jack Murray, Mayor of the City of International Falls, P.O. Box 392, International Falls, Minnesota 56649.

Minnesota .....	Koochiching County, (unincorporated areas).	Rainy River .....	At downstream county boundary within the City of International Falls.	None	*1,111
			At Canadian National Railroad bridge .....	None	*1,112

Maps available for inspection at the Administration Office, Koochiching County Courthouse, International Falls, Minnesota.  
Send comments to Mr. Larry Chezick, Chairman of the Koochiching County Board of Commissioners, Koochiching County Courthouse, International Falls, Minnesota 56649.

New Jersey .....	North Wildwood (city), Cape May County.	Atlantic Ocean .....	At the intersection of 16th Avenue and Ocean Avenue.	*10	*11
			At the intersection of 10th Avenue and JFK Drive.	*11	*14
			At the intersection of Oak Avenue and Virginia Avenue.	*11	*10

Maps available for inspection at the Joint Construction Office of Wildwood, 4004 Pacific Avenue, North Wildwood, New Jersey.  
Send comments to The Honorable Aldo A. Palombo, Mayor of the City of North Wildwood, P.O. Box 499, North Wildwood, New Jersey 08260.

New Jersey .....	Wildwood (city), Cape May County.	Atlantic Ocean .....	At the intersection of Taylor Avenue and Ocean Avenue.	*10	*14
			At the intersection of Garfield Avenue and Ocean Avenue.	*10	*11

Maps available for inspection at the Joint Construction Office of Wildwood, 4004 Pacific Avenue, Wildwood, New Jersey.  
Send comments to The Honorable Edmund Grant, The Mayor of the City of Wildwood, 4400 New Jersey Avenue, Wildwood, New Jersey 08260.

New Jersey .....	Wildwood Crest (borough), Cape May County.	Atlantic Ocean .....	At the intersection of Ocean Avenue and Buttercup Road.	*10	*14
			Approximately 200 feet southeast of the intersection of Hollywood Avenue and Atlantic Avenue.	*10	*11
			Approximately 170 feet northwest of the intersection of Myrtle Road and Ocean Avenue.	*11	*10

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Joint construction Office of Wildwood (JCOW), 4004 Pacific Avenue, Wildwood, New Jersey.  
 Send comments to The Honorable John Pantalone, Mayor of the Borough of Wildwood Crest, 6101 Pacific Avenue, P.O. Box 529, Wildwood Crest, New Jersey 08260.

New York .....	Waterford (town), Saratoga County.	Unnamed Ponding Area ...	Northeast of the Intersection of Old Champlain Canal and the Delaware and Hudson Railroad.	*34	*36
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Maps available for inspection at the Town Hall, 65 Broad Street, Waterford, New York.  
 Send comments to Mr. John Lawler, Supervisor of the Town of Waterford, Saratoga County, 65 Broad Street, Waterford, New York 12188.

Ohio .....	Oakwood (village), Paulding County.	Auglaize River .....	Approximately 0.5 mile downstream of Norfolk and Southern Railroad.	None	*711
			Approximately 0.6 mile upstream of State Route 613.	None	*712

Maps available for inspection at the Village Hall, 228 North First Street, Oakwood, Ohio.  
 Send comments to The Honorable Martin W. Harmon, Mayor of the Village of Oakwood, P.O. Box 128, Oakwood, Ohio 45873.

Pennsylvania .....	Caln (township), Chester County.	Beaver Creek .....	Approximately 0.6 mile downstream of Lloyd Avenue.	None	*245
			Approximately 300 feet downstream of Lloyd Avenue.	None	*250
			At CONRAIL .....	None	*282
			Approximately 100 feet upstream of Donofrio Drive.	None	*282

Maps available for inspection at the Caln Township Engineering and Codes Department, Municipal Building, 253 Municipal Drive, Thorndale, Pennsylvania.  
 Send comments to Mr. Daniel Fox, Township Manager, 253 Municipal Drive, P.O. Box 149, Thorndale, Pennsylvania 19372-0149.

Pennsylvania .....	Downingtown (borough), Chester County.	East Branch, Brandywine Creek.	Approximately 650 feet downstream of U.S. Highway 30.	None	*247
			Approximately 375 feet upstream of U.S. Highway 30.	None	*250

Maps available for inspection at the Borough Hall, 4 West Lancaster Avenue, Downingtown, Pennsylvania.  
 Send comments to The Honorable Linda M. Baugher, Mayor of the Borough of Downingtown, 4 West Lancaster Avenue, P.O. Box 403, Downingtown, Pennsylvania 19335-2800.

Pennsylvania .....	East Brandywine (Township), Chester County.	Beaver Creek .....	At its upstream corporate limit .....	*483	*482
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Maps available for inspection at the East Brandywine Township Municipal Office, 1214 Horseshoe Pike, Downingtown, Pennsylvania.  
 Send Comments to Hudson L. Voltz, Esquire, Chairman of the East Brandywine Township Board of Supervisors, 1214 Horseshoe Pike, Downingtown, Pennsylvania 19335.

Pennsylvania .....	East Caln (township), Chester County.	East Branch Brandywine Creek.	Approximately 650 feet downstream of CONRAIL, approximately 600 feet east of the intersection of Brandywine Avenue and Boot Road.	None	*233
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Maps available for inspection at the East Caln Township Building, 110 Bell Tavern Road, P.O. Box 232, Downingtown, Pennsylvania.  
 Send comments to Mr. William van Roden, Chairman of the East Caln Township Board of Supervisors, 110 Bell Tavern Road, P.O. Box 232, Downingtown, Pennsylvania 19335.

Pennsylvania .....	East Coventry (township), Chester County.	Schuylkill River .....	At the confluence with Pigeon Creek .....	*126	*122	
			Pigeon Creek .....	At the upstream corporate limits .....	*139	*135
				At the confluence with the Schuylkill River	*126	*125
				At downstream side of Bethel Road .....	*126	*125

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania.  
Send comments to Mr. Robert J. Megay, Chairman of the Board of Supervision, 855 Ellis Woods Road, Pottstown, Pennsylvania 19464.

Pennsylvania .....	East Fallowfield (township), Chester County.	Doe Run .....	Approximately 1.64 miles downstream of State Route 82.	None	*264
		West Branch, Brandywine Creek.	Approximately 700 feet downstream of Strasburg Road.	*250	*251

Maps available for inspection at the Township Building, 2264 Strasburg Road, East Fallowfield Township Board of Supervisors, 2264 Strasburg Road, East Fallowfield, Pennsylvania.  
Send comments to Mr. David Leavitt, Chairman of the East Fallowfield, Pennsylvania 19320-4426.

Pennsylvania .....	East Pikeland (township), Chester County.	Schuylkill River .....	At the confluence of Stony Run .....	*110	*107
			Approximately 0.8 mile upstream of CONRAIL.	*113	*109
		French Creek .....	Downstream of State Routes 724 and 23 (Schuylkill Road).	*117	*118

Maps available for inspection at the East Pikeland Township Building, Rapps Dam Road, Pemberton, Pennsylvania.  
Send comments to Ms. Barbara Appleman, Chairwoman of the Board of Supervisors, Township of East Pikeland, P.O. Box 58, Pemberton, Pennsylvania 19442.

Pennsylvania .....	East Vincent (township), Chester County.	Schuylkill River .....	Approximately 1,300 feet upstream of State Route 683.	*117	*113
		Pigeon Creek .....	At the upstream corporate limits .....	*127	*122
			the confluence with Schuylkill River .....	*127	*122
			Approximately 1,550 feet downstream of Bethel Road.	None	*124
		French Creek .....	Approximately 1,700 feet downstream of Hollow Road.	None	*206
	Approximately 0.4 mile upstream of Bertolet School Road.	None	*249		

Maps available for inspection at the East Vincent Township Building, 262 Ridge Road, Spring City, Pennsylvania.  
Send comments to Mr. Everett Wilson, Chairman of the East Vincent Township Board of Supervisors, 74 Seven Stars Road, Spring City, Pennsylvania 19475.

Pennsylvania .....	Highland (township), Chester County.	Buck Run .....	Approximately 1,050 feet downstream of Buck Run Road.	None	*357
			Approximately 900 feet upstream of most upstream CONRAIL crossing.	None	*447
		Doe run .....	Approximately 560 feet upstream of abandoned CONRAIL.	None	*339
			Approximately 1,400 feet upstream of Creek Road.	None	*413

Maps available for inspection at the Highland Township Building, R.D. 3, Coatesville, Pennsylvania.  
Send comments to Mr. David McGuigan, Chairman of the Township of Highland Board of Supervisors, R.D. 2, Box 152, Parkesburg, Pennsylvania 19320.

Pennsylvania .....	Kennett Square (borough) Chester County.	Tributary 2 to East Branch Red Clay Creek.	Approximately 750 feet downstream of Walnut Road.	None	*316
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Maps available for inspection at the Kennett Square Borough Hall, 120 North Broad Street, Kennett Square, Pennsylvania.  
Send comments to The Honorable Charles Cramer, Mayor of the Borough of Kennett Square, P.O. Box 5, Kennett Square, Pennsylvania 19348.

Pennsylvania .....	New Eagle (borough) Washington County.	Monongahela River .....	Approximately 200 feet downstream of confluence of Mingo Creek.	*753	*755
			Upstream corporate limits .....	*754	*755

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Borough Office, 157 Main Street, New Eagle, Pennsylvania.

Send comments to The Honorable Thomas McGinty, Mayor of the Borough of New Eagle 157 Main Street, New Eagle, Pennsylvania 15067.

Pennsylvania .....	New Garden (township) Chester County.	West Branch Red Clay Creek.	Approximately 1,050 feet upstream of Cedarcroft Road.	None	*286
			At the downstream side of Township Line Road..	None	*294

Maps available for inspection at the New Garden Township Building, 8934 Gap Newport Pike, Avondale, Pennsylvania.

Send comments to Mr. Robert N. Taylor, Chairman of the Township of New Garden Board of Supervisors, 8934 Gap Newport Pike, Avondale, Pennsylvania 19311.

Pennsylvania .....	North Coventry (township), Chester County.	Schuylkill Rover .....	Approximately 900 feet downstream of U.S. Route 422.	*139	*135
			At the county boundary .....	*151	*148

Maps available for inspection at the North Coventry Township Building, 845 South Hanover Street, Pottstown, Pennsylvania.

Send comments to Mr. Robert Layman, North Coventry Township Manager, 845 Hanover Street, Pottstown, Pennsylvania 19465.

Pennsylvania .....	Phoenixville (borough) Chester County.	Schuylkill River .....	Approximately 0.6 mile downstream of State Route 29 (Church Street).	*101	*98
			At confluence of Stony Run .....	*110	*107
			At confluence with Schuylkill River .....	*102	*99
			Approximately 50 feet downstream of Main Street.	*102	*101

Maps available for inspection at the Phoenixville Borough Hall, 140 Church Street, Phoenixville, Pennsylvania.

Send comments to The Honorable Charles F. Ash, Mayor of the Borough of Phoenixville, 140 Church Street, Phoenixville, Pennsylvania 19460.

Pennsylvania .....	Roscoe (borough) Washington County.	Monongahela River .....	Downstream corporate limits .....	*765	*768
			Upstream corporate limits .....	*766	*769

Maps available for inspection at the Borough Secretary's Office, 503 Underwood Street, Roscoe, Pennsylvania.

Send comments to The Honorable Harold J. Donaldson, Mayor of the Borough of Roscoe, Washington County, P.O. Box 83, Roscoe, Pennsylvania 15477.

Pennsylvania .....	Sadsbury (township), Chester County.	Little Buck Run .....	Approximately 0.6 mile downstream of most downstream crossing of U.S.Route 10.	None	*470
			Approximately 610 feet upstream of Private Road.	None	*592

Maps available for inspection at the Sadsbury Township Building, Pine Alley, Sadsburyville, Pennsylvania.

Send comments to Mr. Charles A. Pluck, Chairman of the Sadsbury Township Board of Supervisors, P.O. Box 261, Sadsburyville, Pennsylvania 19369.

Pennsylvania .....	Schuylkill (township), Chester County.	Schuylkill River .....	At confluence of Valley Creek (at the county boundary).	*93	*88
			Approximately 0.5 mile upstream of confluence of Pickering Creek.	*101	*98
		Pickering Creek .....	At confluence with Schuylkill River .....	*100	*98
		French Creek .....	At downstream side of State Route 23 ....	*100	*98
			At upstream side of State Route 23 and 724 (Nutt Road).	None	*118
		At downstream side of Township Line Road.	None	*119	

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Schuylkill Township Hall, 801 Valley Park Road, Phoenixville, Pennsylvania.

Send comments to Mr. T.J. Ryan, Chairman of the Board of Supervisors, Township of Schuylkill, 801 Valley Park Road, Phoenixville, Pennsylvania 19460.

Pennsylvania .....	Spring City (borough), Chester County.	Schuylkill River .....	Approximately 1.2 miles downstream of State Route 683.	*112	*109
			Approximately 1,300 feet upstream of State Route 683.	*117	*113

Maps available for inspection at the Spring City Borough Hall, 6 South Church Street, Spring City, Pennsylvania.

Send comments to The Honorable Timothy W. Hoyle, Mayor of the Borough of Spring City, 431 Broad Street, Spring City, Pennsylvania 19475.

Pennsylvania .....	Thornbury (township), Chester County.	West Fork of East Branch Chester Creek.	Approximately 950 feet upstream of Farm Road.	None	*287
			Approximately 1,600 feet upstream of Farm Road.	None	*290

Maps available for inspection at the Thornbury Township Building, Building #3, 754 Cheyney-Thornton Road, Westtown, Pennsylvania.

Send comments to Mr. Charles A. Wilson, Chairman of the Thornbury Township Board of Supervisors, P.O. Box 30, Westtown, Pennsylvania 19319.

Pennsylvania .....	Upper Uwchlan (township), Chester County.	East Branch, Brandywine Creek.	Approximately 575 feet downstream of Dolans Mill Road.	None	*283
			Approximately 0.7 mile upstream of Lyndell Road at its upstream corporate limit.	None	*343

Maps available for inspection at the upper Uwchlan Township Building, 140 Pottstown Pike, Chester Springs, Pennsylvania.

Send comments to Mr. Walter Styer, Chairman of the Upper Uwchlan Township Board of Supervisors, 140 Pottstown Pike, Chester Springs, Pennsylvania 19425.

Pennsylvania .....	West Bradford (township), Chester County.	East Branch, Brandywine Creek.	Approximately 0.75 mile upstream of Strasburg Road.	None	*206
			West Branch, Brandywine Creek.	Approximately 0.3 mile downstream of Downingtown West Chester Road.	None
		Approximately 750 feet upstream of its confluence with Tributary 2.		None	*194
		At confluence of Broad Run .....		None	*198
		Approximately 750 feet upstream of Northbrook Road.	None	*203	

Maps available for inspection at the West Bradford Township Hall, 1385 Campus Drive, Downingtown, Pennsylvania.

Send comments to Mr. Jack H. Hines, West Bradford Township Manager, 1385 Campus Drive, Downingtown, Pennsylvania 19335.

Pennsylvania .....	West Brandywine (township), Chester County.	West Branch, Brandywine Creek.	At State Highway 340 .....	None	*364
			Approximately 50 feet upstream of Hibernia Road.	None	*443

Maps available for inspection at the West Brandywine Township Building, 1199 Lafayette Road, Coatesville, Pennsylvania.

Send comments to Mr. Thomas J. McCaffrey, Chairman for the West Brandywine Township Board of Supervisors, 1199 Lafayette Road, Coatesville, Pennsylvania 19320.

Pennsylvania .....	West Chester (borough), Chester County.	Marshall Manor Tributary ..	At the downstream Limit of Study (Goshen Road).	None	*360
			Approximately 195 feet upstream of Hillside Drive South.	None	*419

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Building Inspector's Office, 401 East Gay Street, West Chester, Pennsylvania.

Send comments to Ms. Eleanor E. Loper, West Chester Borough Council President, 401 East Gay Street, West Chester, Pennsylvania 19380.

Pennsylvania .....	West Grove (borough), Chester County.	Middle Branch White Clay Creek.	Approximately 150 feet downstream of Valley Road.	None	*372
			Approximately 50 feet upstream of Valley Road.	None	*373

Maps available for inspection at the West Grove Borough Building, 117 Rose Hill Avenue, West Grove, Pennsylvania.

Send comments to Mr. Charles I. Sensenig, President of the West Grove Borough Council, 245 West Evergreen Street, West Grove, Pennsylvania 19390.

Pennsylvania .....	West Marlborough (township), Chester County.	Buck Run .....	At upstream side of State Route 82 .....	None	*326
			Approximately 1,700 feet downstream of Buck Run Road.	None	*358

Maps available for inspection at the Township Building, Doe Run Road, Route 82, Village of Doe Run, Pennsylvania.

Send comments to Mr. Charles C. Brosius, Chairman of the West Marlborough Township Board of Supervisors, R.D. 8, Box 317, Coatesville, Pennsylvania 19320.

Pennsylvania .....	West Sadsbury (township), Chester County.	Pine Creek No. 2 .....	At confluence with East Branch Octoraro Creek and Williams Run.	None	*464
			Approximately 575 feet upstream of Zion Hill Road.	None	*483
			East Branch .....	None	*458
			Octoraro Creek .....	None	*464
			Officers Run .....	None	*461
			Valley Creek No. 3 .....	None	*461

Maps available for inspection at the West Sadsbury Township Building, Moscow Road, Parkesburg, Pennsylvania.

Send comments to Mr. James Landis, Chairman of the West Sadsbury Board of Supervisors, R.D. 2, Township Building, Parkesburg, Pennsylvania 19365.

Pennsylvania .....	West Whiteland (township), Chester County.	West Fork of East Branch Chester Creek.	At upstream side of Street Road .....	*263	*258
			Approximately 150 feet downstream of Westbourne Road.	*263	*262

Maps available for inspection at the West Whiteland Township Building, 222 N. Pottstown Pike, Exton, Pennsylvania.

Send comments to Mr. Stephen J. Ross, West Whiteland Township Manager, P.O. Box 210, 222 N. Pottstown Pike, Exton, Pennsylvania 19341.

Pennsylvania .....	Willistown (township), Chester County.	East Branch, Ridley Creek	Approximately 500 feet upstream of Warrior Road.	None	*437
			Approximately 0.2 mile upstream of Warrior Road.	None	*445

Maps available for inspection at the Willistown Township Municipal Building, 688 Sugartown Road, Malvern, Pennsylvania.

Send comments to Mr. William A. Rosenberry, Willistown Township Manager, 688 Sugartown Road, Malvern, Pennsylvania 19355.

Tennessee .....	Johnson City (city), Washington County.	Brush Creek .....	Approximately 280 feet upstream of the confluence with Watauga River.	*1,404	*1,406
			Approximately 1,725 feet upstream of Clinchfield Railroad.	*1,689	*1,690
			Knob Creek .....	*1,410	*1,409
			At the upstream side of Denny Mill Road	None	*1,574

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Sinking Creek .....	Approximately 1,800 feet downstream of Dave Buck Road.	*1,550	*1,552
			Approximately 500 feet upstream of Sinking Creek Road.	*1,845	*1,844
		Twin Falls Branch .....	At confluence with Knob Creek .....	*1,472	*1,473
			Approximately 620 feet upstream of Oakland Avenue.	None	*1,473

Maps available for inspection at the Johnson City Engineer's Office, City Garage Road and Water Street, Johnson City, Tennessee.  
Send comments to The Honorable Jeff Anderson, Mayor of the City of Johnson City, P.O. 2150, Johnson City, Tennessee 37605.

Tennessee .....	Washington County (unincorporated areas).	Brush Creek .....	Approximately 600 feet upstream of Breached Dam.	*1,476	*1,481
			Approximately 300 feet upstream of Farm Bridge.	*1,551	*1,550
		Knob Creek .....	Approximately 1,500 feet downstream of Sewage Treatment Plant Road.	*1,385	*1,387
			Approximately 1,600 feet upstream of Knob Creek Road.	None	*1,604
		Sinking Creek .....	Approximately 200 feet upstream of Clinchfield Railroad.	*1,721	*1,722
			Approximately 0.5 mile upstream of New Lone Oak Road.	*1,937	*1,938

Maps available for inspection at the Washington County Zoning Administrator's Office, Washington County Courthouse, Jonesborough, Tennessee.  
Send comments to Mr. George Jaynes, Washington County Executive, P.O. Box 219, Jonesborough, Tennessee 37659

Wisconsin .....	Dane County Unincorporated Areas.	Badger Mill Creek .....	Approximately 500 feet upstream of confluence with the Sugar River.	*921	*922
			Approximately 0.67 mile upstream of Nesbitt Road.	*971	*972
		Dry Tributary to Badger Mill Creek.	At the confluence with Badger Mill Creek	None	*930
			Approximately 0.32 mile upstream of Edward Street.	None	*976
		East Branch Badger Mill Creek.	At confluence with Badger Mill Creek .....	*971	*972
			Approximately 0.25 mile upstream of the confluence with Badger Mill Creek.	*978	*979
		Badger Mill Creek Diversion Channel.	At confluence with Badger Mill Creek .....	*950	*951
			At divergence from Badger Mill Creek .....	*955	*957

Maps available for inspection at the City/County Building, 210 Martin Luther King, Jr., Boulevard, Room 116, Madison, Wisconsin.  
Send comments to Mr. Richard Phelps, Dane County Executive, 210 Martin Luther King, Jr., Boulevard, Room 421, Madison, Wisconsin 53709.

Wisconsin .....	Washburn County Unincorporated Areas.	Red Cedar Lake .....	Entire shoreline with county .....	None	*1,189
		Bear Lake .....	Entire shoreline with county .....	None	*1,222
		Trego Lake .....	Entire shoreline with county .....	None	*1,036
		Mathews Lake .....	Entire shoreline with county .....	None	*995
		Spooner Lake .....	Entire shoreline with county .....	None	*1,093

Maps available for inspection at the Washburn County Zoning Administration, 110 West 4th Avenue, Shell Lake, Wisconsin.  
Send comments to Mr. Hubert Smith, Chairman of the Washburn County Board of Supervisors, 110 West 4th Avenue, Shell Lake, Wisconsin 54871.

(Catalog of Federal Domestic Assistance No. 83.100, \*Food Insurance.")

Dated: June 22, 1995.

**Richard T. Moore,**

*Associate Director for Mitigation.*

[FR Doc. 95-16414 Filed 7-3-95; 8:45 am]

BILLING CODE 6718-03-P-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-90; FCC 95-226]

#### Broadcast Services; Network/Affiliate Rule; Advertising

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This Notice of Proposed Rulemaking proposes to re-examine the Commission's rules prohibiting a broadcast television licensee from entering into agreements with a network that limits the licensee's ability to alter its advertising rates and from being represented for the sale of advertising by a network with which it is affiliated. This action is needed to determine if the costs of these rules exceed their benefits.

**DATES:** Comments are due by August 28, 1995, and reply comments are due by September 27, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Paul Gordon (202-776-1653) or Tracy Waldon (202-739-0769), Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This a synopsis of the Commission's *Notice of Proposed Rule Making* in MM Docket No. 95-90, adopted June 14, 1995 and released June 14, 1995. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

#### Synopsis of Notice of Proposed Rule Making

1. With this *Notice of Proposed Rule Making (NPRM)*, the Commission continues its reexamination of the rules regulating broadcast television network/affiliate relationships in light of changes in the video marketplace. This *NPRM* takes a fresh look at 47 CFR 73.658 (h) and (i) (the Commission's "network

control of station advertising rates" rule and the "network advertising representation" rule, respectively). Section 73.658(h) prohibits agreements by which a network can influence or control the rates its affiliates set for the sale of their non-network broadcast time, and Section 73.658(i) prohibits broadcast television affiliates that are not owned by their networks from being represented by their networks for the sale of non-network advertising time. Both rules address station relationships with any broadcast television network, *i.e.*, any organization that provides and identical program to be broadcast simultaneously by two or more stations.

2. In reconsidering these rules, our central focus is on whether they continue to effectively serve this Commission's cornerstone interests of promoting diversity and competition. In this *NPRM*, after first reviewing the initial premises for these rules, we will look at the changes in the competitive environment over the years since the rules were adopted, and we will consider the current marketplace in which they operate. We will inquire whether networks would have the capability and the incentive to exercise undue market or bargaining power in the absence of these rules and will examine public interest

3. The network rules governing control of station rates and network advertising representation were originally adopted to protect the ability of affiliates to serve as viable, independent sources of programming, and to foster competition in the provision of advertising. As the Commission stated in 1941, "[c]ompetition between stations in the same community inures to the public good because only by attracting and holding listeners can a broadcast station successfully compete for advertisers. Competition for advertisers[,] which means competition for listeners[,] necessarily results in rivalry between stations to broadcast programs calculated to attract and hold listeners, which necessarily results in the improvement of the quality of their program service. This is the essence of the American system of broadcasting."<sup>1</sup> The Commission still believes, fifty years later, that healthy and vigorously competitive television advertising markets are in the public interest.

4. Having discussed why network influence over national spot advertising rates implicates our public interest

<sup>1</sup> *Report on Chain Broadcasting*, Commission Order No. 37; Docket 5060, at 47, quoting *Spartanburg Advertising Co.*, Docket No. 5451, (January 9, 1940).

concerns, we turn to the practical questions of whether networks, under current market conditions, have the ability to exercise this influence, and whether they would choose to exercise it. The first question asks the degree to which a network could pressure its affiliates to act in a manner that benefits the network, but which may not be in the best interests of either the public or the licensee. The second question asks whether a network, even if it had such power, would have any incentive to exercise it. Finally, we request comment on whether the existing rules effectively perform their functions and whether elimination or modification of the rules would serve the public interest.

5. The public interest may be harmed if networks possess sufficient bargaining power over their affiliates such that exercise of this bargaining power would result in reductions of affiliate advertising revenues significant enough to inhibit the affiliate's ability to present programming that best serves its community. In order to assess whether networks today have a substantial degree of bargaining power with respect to their affiliates, we must define the relevant alternatives available to the two parties. To the extent that an affiliate has alternative opportunities to affiliate with a given network, network bargaining power could be reduced. In the same manner, it is also presumed that the more potential affiliates in a market, the more bargaining power the network will have.

6. We ask parties to comment on whether, and if so the extent to which, the balance of bargaining power has shifted toward affiliates in the years since these advertising rules were promulgated, and what effect the current balance of bargaining power has on our related public interest concerns of diversity and competition.

7. Even if a network has undue bargaining power over its affiliates, it may not have the incentive or ability to exercise that bargaining power to influence national video advertising rates in a way that would harm the public interest. Presumably, a network would find it in its interest to manipulate the national spot advertising rates of its affiliates only if it could earn higher profits by doing so. Whether a network could profit from this activity depends on the availability of other sources of advertising time to which advertisers can turn that are "reasonably interchangeable" with network advertising time. Understanding the goals of advertisers and the role of the national advertising representatives is critical in determining whether national spot advertisements are reasonably