

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
F4700 NORTH CAROLINA Black Mountain (town), Buncombe County (FEMA Docket No. 7149) <i>Flat Creek:</i> At confluence with Swannanoa River *2358 At downstream side of Cotton Avenue *2403 <i>Swannanoa River:</i> Approximately 200 feet upstream of confluence with North Fork Swannanoa River *2233 Approximately 1,003 feet downstream of Old Toll Circle *2398 Maps available for inspection at the Building Inspector's Office, 106 Montreat Road, Black Mountain, North Carolina.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")
 Dated: February 9, 1996.
 Richard W. Krimm,
Acting Associate Director for Mitigation.
 [FR Doc. 96-3848 Filed 2-20-96; 8:45 am]
BILLING CODE 6718-04-P

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).
ACTION: Final rule.

SUMMARY: 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).

EFFECTIVE DATE: 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 maps are available for inspection as indicated on 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 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) 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.

The Agency 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 Flood Insurance Rate Map 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, Mitigation Directorate, 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 National Flood Insurance Program. 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 recordkeeping requirements.

Accordingly, 44 CFR part 67 is 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. 12172, 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)
DELAWARE	
Arden (village), New Castle County (FEMA Docket No. 7138)	
<i>South Branch Naaman Creek:</i>	
Approximately 2,000 feet upstream of CSX Transportation	*188
Approximately 1,100 feet upstream of Marsh Road	*270
Maps available for inspection at the Village Secretary's Office, 2005 Harvey Road, Arden, Delaware.	
Ardentown (village), New Castle County (FEMA Docket No. 7138)	
<i>South Branch Naaman Creek:</i>	
Approximately 100 feet upstream of CONRAIL	*135
Approximately 2,000 feet upstream of CONRAIL	*189

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Maps available for inspection at the Ardentown Chairman's Office, 2308 Brae Road, Ardentown, Delaware.		<i>Persimmon Run:</i> At its confluence with West Branch of Christina River	*97	Approximately 260 feet downstream of confluence of Ledge Brook	*174
Newark (city), New Castle County (FEMA Docket No. 7138)		Approximately 0.6 mile upstream of Sandy Brae Road	*115	Approximately .4 mile upstream of confluence of Sandy River	*193
<i>West Branch Christina River:</i> At Swim Club Access Road	*88	<i>Yorkshire Ditch:</i> At the confluence with the Christina River	*64	<i>Sandy River:</i> At confluence with Kennebec River	*193
At State boundary	*108	Approximately 260 feet upstream of its confluence with the Christina River	*65	At upstream corporate limits ...	*202
<i>Christina River:</i> Approximately 570 feet upstream of Nottingham Road (Route 273)	*134	<i>Tributary to West Branch Christina River:</i> Approximately 750 feet upstream of the confluence with West Branch Christina River	*109	<i>Mill Stream:</i> At confluence with Kennebec River	*177
At downstream side of Wedgewood Road	*159	Approximately 1,260 feet upstream of the confluence with West Branch Christina River	*110	Downstream side of West Branch Station Dam	*177
<i>Persimmon Run:</i> At its confluence with West Branch Christina River	*97	<i>West Branch Christina River:</i> Approximately 1,000 feet upstream of Swim Club Access Road	*91	Maps available for inspection at the Town Office Vault, Perkins Street, Norridgewock, Maine.	
Approximately 100 feet upstream of Sandy Brae Road	*109	Approximately 740 feet upstream of Elkton Road	*108	MICHIGAN	
<i>Silver Brook:</i> At the confluence with Christina River	*70	<i>East Branch Christina River:</i> At the confluence with the Christina River	*157	Allen Park (city), Wayne County (FEMA Docket No. 7155)	
Approximately 420 feet upstream of Park Lane	*78	Approximately 0.9 mile upstream of Wedgewood Road	*229	<i>North Branch Ecorse Creek:</i> Approximately 0.36 mile downstream of Allen Road	*590
<i>Yorkshire Ditch:</i> Approximately 260 feet upstream of confluence with the Christina River	*65	<i>Christina River:</i> Approximately 570 feet upstream of Nottingham Road (State Route 273)	*134	Approximately 250 feet upstream of Euclid Avenue	*598
Approximately 710 feet upstream of Bellview Road	*70	Approximately 350 feet upstream of Wedgewood Road	*162	Maps available for inspection at the Allen Park City Hall, 16850 Southfield Road, Allen Park, Michigan.	
<i>Tributary to West Branch Christina River:</i> At the confluence with West Branch Christina River	*108	Maps available for inspection at the Engineering Building, 2701 Capital Trail, Newark, Delaware.		Dearborn (city), Wayne County (FEMA Docket No. 7083)	
Approximately 750 feet upstream of the confluence with West Branch Christina River	*109	Wilmington (city), New Castle County (FEMA Docket No. 7138)		<i>River Rouge:</i> Approximately 450 feet downstream of Evergreen Road (North Bound)	*587
Maps available for inspection at the City Hall, 220 Elkton Road, Newark, Delaware.		<i>Shellpot Creek:</i> Approximately 1,275 feet downstream of Governor Printz Boulevard	*17	Approximately 100 feet upstream of Ford Road (West Bound)	*597
New Castle County (unincorporated areas) (FEMA Docket No. 7138)		Approximately 500 feet downstream of Governor Printz Boulevard	*17	<i>Lower River Rouge:</i> At the confluence with River Rouge	*589
<i>Shellpot Creek:</i> Approximately 1,275 feet downstream of Governor Printz Boulevard	*17	Maps available for inspection at the Louis L. Redding City-County Building, City Clerk's Office, 800 French Street, Wilmington, Delaware.		At the Gulley Road	*603
At Kennedy Road	*376			<i>North Branch Ecorse Creek:</i> Approximately 520 feet downstream of Jackson Street	*598
<i>Naaman Creek:</i> Approximately 350 feet upstream of confluence with Delaware River	*11			Approximately 1,400 feet upstream of Pardee Road	*612
Approximately 0.35 mile upstream of State Route 92	*44			Maps available for inspection at the Dearborn City Hall West, Office of City Engineer, 6045 Fenton Street, Dearborn, Michigan.	
<i>South Branch Naaman Creek:</i> At confluence with Naaman Creek	*35	MAINE		Dearborn Heights (city), Wayne County (FEMA Docket No. 7155)	
At upstream corporate limit	*359	Norridgewock (town), Somerset County (FEMA Docket No. 7124)		<i>North Branch Ecorse Creek:</i> At Southfield Freeway	*598
<i>Dragon Creek:</i> Upstream side of 5th Street	*10	<i>Kennebec River:</i>		Approximately 600 feet upstream of Madison Street	*612
Approximately 1.1 miles upstream of 5th Street	*10				

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<p>Maps available for inspection at the Dearborn Heights City Hall, 6045 Fenton Street, Dearborn Heights, Michigan.</p> <p>Taylor (city), Wayne County (FEMA Docket No. 7155)</p> <p><i>North Branch Ecorse Creek:</i> At Pelham Road *602 Approximately 200 feet downstream of Pardee Road *609</p> <p>Maps available for inspection at the Taylor City Hall, 23555 Goddard Road, Taylor, Michigan.</p>		At confluence with Swannanoa River *2108 At Bull Creek Road *2289		At Luther Road *2178	
		<i>Beaverdam Creek:</i> Approximately 500 feet downstream of Elkwood Avenue .. *2056 At Governors Drive *2259		<i>Smith Mill Creek:</i> At Johnston School Road *2165 Approximately 0.44 mile upstream of Johnston School Road *2205	
		<i>Sweeten Creek:</i> At confluence with Swannanoa River *1998 Approximately 900 feet upstream of Rock Hill Road *2192		<i>Newfound Creek:</i> Approximately 1.0 mile downstream of State Road 63 (Leicester Highway) *1968 At Morgan Branch Road (State Route 1220) *2155	
		<i>Tributary No. 3 to Sweeten Creek:</i> At confluence with Sweeten Creek *2018 At Taft Street *2136		<i>Moore Creek:</i> Approximately 0.46 mile (2,428 feet) downstream of Interstate 40 *2084 At Monte Vista Road (State Route 1224) *2202	
		<i>Ross Creek:</i> At confluence with Swannanoa River *2002 At Howland Road *2345		<i>Swannanoa River:</i> At U.S. Highway 70 *2060 Approximately 0.8 mile upstream of County Road *2519	
		<i>Haw Creek:</i> Approximately 0.1 mile upstream of confluence with Swannanoa River *870 At Mann Drive *877		<i>Bull Creek:</i> Approximately 150 feet upstream of confluence with Swannanoa River *2108 At Bull Creek Road *2289	
		<i>Smith Mill Creek:</i> Approximately 685 feet upstream of Southern Railway *1981 Approximately 0.2 mile downstream of Johnston School Road *2162		<i>McKinnish Branch:</i> Upstream side of Cove Road .. *2158 Approximately 370 feet upstream of Cove Road *2165	
		<i>Swannanoa River:</i> Approximately 1,425 feet downstream of U.S. 25 Viaduct *1992 At U.S. Highway 70 *2060		<i>Pole Creek:</i> At confluence with Hominy Creek *2086 Approximately 330 feet downstream of U.S. Routes 19 and 23 *2086	
		<i>Tributary No. 1 to Sweeten Creek:</i> At confluence with Sweeten Creek *585 Approximately 105 feet upstream of the confluence with Sweeten Creek *603		Maps available for inspection at the Buncombe County Engineer's Office, 30 Valley Street, Asheville, North Carolina.	
		<i>Hominy Creek:</i> At 0.29 mile upstream of Sand Hill Road *584 Approximately 0.75 mile upstream of Sand Hill Road *594		Woodfin (town), Buncombe County (FEMA Docket No. 7149)	
	<i>Moore Creek:</i> Approximately 53 feet upstream of State Route 1241 *591 Approximately 550 feet upstream of Interstate 40 *592		<i>Beaverdam Creek:</i> At confluence with French Broad River *1941 Just downstream of U.S. Highway 19 and 23 *2040		
	<i>Gott Creek:</i> At downstream corporate limits at Transit Road *592 Approximately 100 feet upstream of Roll Road *608		<i>Tributary to Beaverdam Creek:</i> At confluence with Beaverdam Creek *2049 At Hillcrest Road *2098		
	Maps available for inspection at the Clarence Town Building Department, 6185 Goodrich Road, Clarence Center, New York.		Maps available for inspection at the Town Administrator's Office, 90 Elk Mountain Road, Woodfin, North Carolina.		
MINNESOTA		Buncombe County (unincorporated areas) (FEMA Docket No. 7149)		OHIO	
		<i>Tributary to Beaverdam Creek:</i> At Hillcrest Road *2098 Approximately 800 feet upstream of Hillcrest Road *2107		Fairfield County (unincorporated areas) (FEMA Docket No. 7149)	
		<i>Hominy Creek:</i> At Interstate Route 40 *2021		<i>Raccoon Run:</i> At the upstream face of State Route 664 *761	
NORTH CAROLINA					
Asheville (city), Buncombe County (FEMA Docket No. 7149)					
<i>Bull Creek:</i>					

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 400 feet upstream of Zion Road	*806
Maps available for inspection at the Regional Planning Office, Fairfield County Courthouse, 210 East Main Street, Lancaster, Ohio.	
Kenton (city), Hardin County (FEMA Docket No. 7149)	
<i>Scioto River:</i>	
At County Road 175	*959
At a point approximately 0.56 mile upstream of Leighton Street	*966
Maps available for inspection at the Kenton City Hall, 111 West Franklin Street, Kenton, Ohio.	
PENNSYLVANIA	
German (township), Fayette County (FEMA Docket No. 7149)	
<i>Monongahela River:</i>	
At confluence of Antram Run ..	*789
At upstream corporate limits ...	*798
Maps available for inspection at the German Township Building, R.D. #1, Box 287, McClellandtown, Pennsylvania.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")
 Dated: February 9, 1996.
 Richard W. Krimm,
 Acting Associate Director for Mitigation.
 [FR Doc. 96-3850 Filed 2-20-96; 8:45 am]
 BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 91-72; FCC 96-11]

Emergency Medical Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: The Commission has reaffirmed its decision to establish the Emergency Medical Radio Service (EMRS), as well as reaffirmed the assignment of certain 453 MHz frequencies to the EMRS. Additionally, the Commission granted ProNet, Inc.'s request that its medical paging system operating on 453.125 MHz in the Chicago metropolitan area be

permanently grandfathered. Finally, the Commission permitted certain licensees (medical services, rescue organizations, disaster relief organizations and beach patrols) to use Channels 161-170 as they are engaged in safety-of-life services. These actions were taken to improve the communications capabilities of entities engaged in providing life support activities. The rule changes and the grant of the waiver request will ensure the reliability of emergency medical communications.
EFFECTIVE DATE: March 22, 1996.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Wireless Telecommunications Bureau, (202) 418-0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, PR Docket No. 91-72, FCC 96-11, adopted January 18, 1996, and released February 8, 1996. The full text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, telephone (202) 857-3800.

This *Memorandum Opinion and Order* imposes no paperwork burden on the public.

Summary of Memorandum Opinion and Order

1. In this *Memorandum Opinion and Order*, we affirm the action taken in the *Report and Order* (58 Fed. Reg 12177 (March 3, 1993)), establishing the Emergency Medical Radio Service (EMRS) as a new Public Safety Radio Service under Subpart B of Part 90 of the Commission's Rules. The record substantiates the need for this new radio service to ensure the reliability of emergency medical communications. We also affirm the reassignment of four 453 MHz frequencies (453.025/.075/.125/.175 MHz) from the Special Emergency Radio Service (SERS) to the EMRS. These frequencies, previously assigned for one-way paging operations, were chosen as particularly appropriate for EMRS use because they minimize disruption to the remaining non-EMRS SERS entities.

2. ProNet, Inc. (ProNet), a petitioner for reconsideration of the *Report and Order*, mistakenly believes that it should be accorded a hearing pursuant to Section 316 of the Communications Act of 1934, as amended, before its

radio license is modified. Under this statutory provision, a license is not considered modified when the Commission—acting by rule making—affects the rights of all licensees of a particular class.

3. ProNet has substantiated its request for permanently waiving mandatory reassignment of 453.125 MHz in the greater metropolitan Chicago area to EMRS. It commissioned a study of spectrum usage in the Chicago area as well as submitted relevant affidavits. Although only required to meet one criterion, ProNet met all the established criteria to justify grant of the waiver request. First, it appears that ProNet's system is intensely utilized. Second, relocation of ProNet's medical paging system would not serve the public interest because no reasonable alternative for its paging system is available in the Chicago area. Third, petitioner illustrates the continued availability of MED channel capacity in metropolitan Chicago and, therefore, there appears to be adequate spectrum for emergency medical service transmissions in the Chicago area. ProNet has successfully demonstrated that unique circumstances are involved in its case, thus warranting waiver.

4. ProNet's request for authority to be licensed to operate transmitting facilities on 453.125 MHz anywhere in Wisconsin, Illinois and Indiana—within a one hundred mile radius of its existing site—is denied. This request involves future operations and was not contemplated by the waiver provisions contained in the *Report and Order*.

5. Finally, the Commission will permit licensees eligible to operate radio facilities as medical services (47 CFR § 90.35), rescue organizations (47 CFR § 90.37), disaster relief organizations (47 CFR § 90.41) and beach patrols (47 CFR § 90.45) to use narrowband Channels 161-170 to enable them—while conducting safety-of-life communications—to communicate with one another. These four service categories need frequencies for Mutual Aid purposes. Permitting those licensed in these categories to use Channels 161-170 in the 220-222 MHz band will serve the public interest by enhancing interoperability between many types of emergency providers in safety-of-life situations.

List of Subjects in 47 CFR Part 90

Emergency medical services, Radio.