Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
Salt Lake County (Unincorporated. Areas): Maps are available for inspection at 2001 South State Street, Suite N3300, Salt Lake City, Utah. City of Draper: Maps are available for inspection at the Engineer Department, 12441 South 900 East, Draper, Utah. City of Riverton: Maps are available for inspection at City Hall, 949 East 12400 South Street, Riverton, Utah. City of South Jordan: Maps are available for inspection at 10996 South Redwood Road, South Jordan, Utah.		

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

Dated: December 19, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–321 Filed 1–4–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 6 and 7

[WT Docket No. 96–198; DA 01–2730]

Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons With Disabilities

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the deadline by which providers of telecommunications services and manufacturers of telecommunications equipment and customer premises equipment must provide the Commission with the designation of an agent on whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission. Each provider and manufacturer must inform the Commission of its designation of an agent by January 31, 2002. The designation must include the agent's name or department designation, business address, telephone number, TTY number (if available), facsimile number, and Internet e-mail address.

DATES: The amendment to 47 CFR Part 6.18 and 7.18 published at 64 FR 63235 (November 19, 1999) will become effective January 31, 2002.

FOR FURTHER INFORMATION CONTACT: Jenifer Simpson (202) 418–0008 (voice), (202) 418–0034 (TTY) or Dana Jackson (202) 418–2247 (voice), (202) 418–7898 (TTY), Disabilities Rights Office, Consumer Information Bureau.

SUPPLEMENTARY INFORMATION: This designation of agent must be filed with the Commission's Secretary, Magalie Salas, Office of the Secretary, 445 12th Street, SW, Room TW–A325, Washington, DC, 20554. An additional copy should be sent to the Disabilities Rights Office, Consumer Information Bureau, Room 5–A741, 445 12th Street, SW, Washington, DC, 20554, Attn: Dana Jackson. We intend to continue posting the required information on the FCC's web site within the Consumer Information Bureau (CIB) and administering the posting within CIB's Disabilities Rights Office. Contact information for manufacturers is posted at *http://www.fcc.gov/cib/dro/section255_manu.html;* contact information for service providers is posted at *http://www.fcc.gov/cib/dro/service_providers.html;* and contact information for affected colleges and universities is posted at *http://www.fcc.gov/cib/dro/section255_colleges.html.*

This document is available to individuals with disabilities requiring accessible formats (electronic ASCII text, Braille, large print and audio) by contacting Brian Millin at (202) 418–7426 (voice), (202) 418–7365 (TTY), or by sending an email to fccinfo@fcc.gov.

On September 29, 1999, the Commission released a Report and Order and Further Notice of Inquiry (RO/FNOI) adopting a framework for implementing Section 255 of the Communications Act of 1934, as amended, which requires telecommunications equipment manufacturers and service providers to ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. A summary of this RO/FNOI was published in the **Federal Register**. See 64 FR 63277; 64 FR 63235.

Among the new rules is a requirement that equipment manufacturers and service providers each designate an agent for service of informal and formal complaints received by the Commission. This rule entails information collection requirements, and in the RO/FNOI, the Commission stated that ''some of the information collection requirements in this Report and Order are contingent on approval by OMB,'' including the designation of agent requirement. The information collection was approved by OMB on October 29, 2001. See OMB No. 3060–0833. This publication announces the effective date of the Commission's requirement that equipment manufacturers and service providers subject to the requirements of Section 255 of the Act designate an agent upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. The designation shall include, for both the manufacturer and the provider, a name or department designation, business address, telephone number, and if available, TTY number, facsimile number, and Internet e-mail address. More information on this subject can be found in the Commission's Public Notice, DA 01–2730, released December 19, 2001.

Federal Communications Commission.

Thomas D. Wyatt,

Associate Chief (Operations), Consumer Information Bureau.

[FR Doc. 01–32243 Filed 1–4–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 96–40; FCC 01–340]

Repeal of the Scrambling of Sexually Explicit Adult Video Service Programming Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission has repealed a section of its multichannel video and cable television

service rules dealing with the blocking of indecent sexually-oriented programming channels because the underlying statutory provision, 47 U.S.C. 561, was struck down as unconstitutional under the First Amendment.

DATES: Effective January 7, 2002.

FOR FURTHER INFORMATION CONTACT: Ben Golant, Cable Services Bureau, at 202–418–7111.

SUPPLEMENTARY INFORMATION:

1. By this Order, released November 21, 2001, we repeal § 76.227 of the Commission's rules because the underlying statutory provision, section 641 of the Communications Act of 1934, as amended (47 U.S.C. 561), was found to be unconstitutional by the United States Supreme Court. These actions finalize the staff recommendations considered by the Commission earlier this year in the 2000 Biennial Regulatory Review.

2. Section 641 requires that any multichannel video programming distributor, including any cable television operator, ''providing sexually explicit adult programming or other programming that is indecent on any channel of its service primarily dedicated to sexually-oriented programming'' either ''fully scramble or otherwise fully block the video and audio portion of such channel so that one not a subscriber to such channel of programming does not receive it,'' or, alternatively, not provide that programming ''during the hours of the day (as determined by the [Federal Communications] Commission) when a significant number of children are likely to view it.'' The provision addressed concerns regarding ''signal bleed'' of channels that are devoted to sexually explicit adult programming. Signal bleed may occur when a multichannel video program distributor partially scrambles or otherwise partially blocks the signal on sexually explicit channels in an effort to prevent clear reception for those subscribers that do not pay for such channels. When sexually explicit material is offered on an analog service tier, some images and sounds may be clearly identifiable if the scrambling technology is inadequate.

3. Section 640 of the Communications Act, a companion to section 641, also was enacted as part of the Telecommunications Act of 1996. Section 640 provides that, ''upon request by a cable service subscriber, a cable operator shall, without charge, fully scramble or otherwise fully block the audio and video programming of each channel carrying such programming so that one not a subscriber does not receive it.'' One important difference between section 641 and section 640 is that the operator has a mandatory obligation to block programming to all households under section 641, rather than to individual households as provided in section 640. Further, section 640 applies only to cable operators while section 641 applies to all multichannel video programming distributors (''MVPDs''), including satellite carriers and open video system operators.

4. On March 5, 1996 (61 FR 9648, March 11, 1996), the Commission issued an Order to implement the new statutory language of section 641. At that time, the Commission adopted a rule incorporating section 641(a). The Commission also established an interim rule implementing section 641(b), providing that the programming described in subsection (a) may not be provided between the hours of 6 a.m. and 10 p.m. if not fully scrambled or fully blocked. The Commission did not address section 640 in that proceeding.

5. In 1996, Playboy Entertainment Group (''Playboy'') brought suit against the government asserting that section 641 was unconstitutional under the First Amendment. A three judge district court panel agreed with Playboy, finding that section 641 was not the least restrictive means to advance the government's interest in protecting children from exposure to sexually-related material. Indeed, the district court concluded that section 640 provides a less restrictive alternative means to protect those who wish to block out unwanted programming. On that basis, the district court issued a permanent injunction barring enforcement of section 641.

6. On direct appeal by the government, the Supreme Court ruled that the scrambling, blocking, and time shifting requirements of section 641, implemented by the Commission, violate the First Amendment. The Court concluded that section 641 was not the least restrictive means to protect individuals from exposure to sexually explicit programming. The Court held that compliance with the scrambling limitation of section 641 silenced ''protected speech for two-thirds of the day in every home in a cable service area, regardless of the presence or likely presence of children or of the wishes of the viewer.'' Like the district court below, the Court concluded that section 640 provides a less restrictive method for protecting children from exposure to explicit materials. The Court further found that the government failed to show that the alternative protection under section 640 would be so ineffective as to justify the more restrictive requirements of section 641.

7. Given the Court's decision regarding the unconstitutionality of the underlying statutory provision, we hereby repeal § 76.227 of our rules. We undertake these ministerial actions without the issuance of a Further Notice of Proposed Rulemaking because we believe that a further proceeding is unnecessary in light of the Supreme Court's decision in *Playboy* v. *FCC.*

8. We note that parents and others concerned about the availability of partially scrambled sexual content may rely on advances in technology to secure their households from undesirable programming. Specifically, we note that the phenomenon of signal bleed is present generally where the cable wire is directly connected to the television receiver. Signal bleed is circumvented when addressable analog set top boxes or digital set top boxes are connected to the set.

9. The Act provides several legal remedies, working in tandem with available technology, for those who object to certain content made available over a cable system. First, as section 640 requires, a cable operator must block programming, using any means, if such a request is made by a particular subscriber. Second, a cable subscriber may obtain a lock-box from the local cable operator if he or she wants to selectively block unwanted material. Finally, subscribers may purchase television sets equipped with V-Chips that enable individuals to block television programs, including sexually explicit content, assigned a particular rating by the video programmer.

10. Accordingly, IT IS ORDERED that § 76.227 of the Commission's rules IS REPEALED upon publication of this Order in the **Federal Register**.

11. IT IS FURTHER ORDERED that the Commission's rules ARE AMENDED as set forth in the rule changes.

12. These actions are taken pursuant to sections 4(i), 4(j) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

1. The authority citation for part 76 is revised to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 317, 325, 338, 339, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, and 573.

§ 76.227 [Removed and Reserved]

2. Section 76.227 is removed and reserved.

[FR Doc. 02–332 Filed 1–4–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH80

Endangered and Threatened Wildlife and Plants; Manatee Protection Areas in Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the Fish and Wildlife Service (Service), take final action to establish two additional manatee protection areas in Florida. This action is authorized under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361–1407) (MMPA), to further recovery of the Florida manatee (*Trichechus manatus latirostris*) through a reduction in the level of take. In evaluating the need for additional manatee protection areas, we considered the needs of the manatee at an ecosystem level with the goal of ensuring that adequate protected areas are available throughout peninsular Florida to satisfy the biological requirements of the species, with a view toward the manatee's recovery. We are establishing two manatee refuges in Brevard County, in which certain waterborne activities will be restricted. These two sites are located within the water bodies commonly known as the Barge Canal and Sykes Creek. Watercraft operating within these water bodies will be required to proceed at ''slow speed'' throughout the year.

DATES: These designations will become effective upon the posting of appropriate signage designating the boundaries of the manatee protection areas and restrictions on watercraft operating within those boundaries. Such posting will not occur sooner than February 6, 2002.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Jacksonville Field Office, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216.

FOR FURTHER INFORMATION CONTACT: David Hankla, Peter Benjamin, or Cameron Shaw (see **ADDRESSES** section), telephone 904/232–2580; or visit our website at *http://northflorida.fws.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Florida manatee is Federally listed as an endangered species under the ESA (16 U.S.C. 1531 *et seq.*) (32 FR 4001) and is also federally protected under the MMPA (16 U.S.C. 1361–1407). It resides in freshwater, brackish, and marine habitats of coastal and inland waterways in the southeastern United States. The majority of this population resides in the waters of the State of Florida throughout the year, and nearly all manatees use the waters of peninsular Florida during the winter months. The manatee is a cold-intolerant species and requires warm waters (above 20 degrees Celsius (68 degrees Fahrenheit)) to survive during periods of cold weather. During the winter months many manatees rely on the warm water from natural springs and industrial outfalls for warmth. During the summer months they expand their range and are seen rarely as far north as Rhode Island on the Atlantic Coast and as far west as Texas on the Gulf Coast.

Recent information indicates that the overall manatee population has grown since the species was listed (U.S. Fish and Wildlife Service 2001). However, in order for us to determine that an endangered species has recovered to a point that it warrants removal from the List of Endangered and Threatened Wildlife and Plants, the species must have improved in status to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the ESA. That is, threats to the species that caused it to be listed must be reduced or eliminated such that the species no longer fits the definitions of threatened or endangered. While indications of increasing population size are very encouraging, there is no indication that important threats to the species, including human-related mortality and harassment, have been effectively reduced or eliminated.

Human activities, particularly waterborne activities, are resulting in the take of manatees. Take, as defined by the ESA, means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. Harm means an act which actually kills or injures wildlife (50 CFR 17.3). Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering (50 CFR 17.3).

The MMPA sets a general moratorium, with certain exceptions, on the taking and importation of marine mammals and marine mammal products and makes it unlawful for any person to take, possess, transport, purchase, sell, export, or offer to purchase, sell, or export, any marine mammal or marine mammal product unless authorized. Take, as defined by section 3(13) of the MMPA means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

Harassment is defined under the MMPA as any act of pursuit, torment, or annoyance which—(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Human use of the waters of the southeastern United States has increased dramatically as a function of residential growth and increased visitation. This phenomenon is particularly evident in the State of Florida. The population of Florida has grown by 124 percent since 1970 (6.8 million to 15.2 million, U.S. Census Bureau) and is expected to exceed 18 million by 2010, and 20 million by the year 2020. According to a recent report by the Florida Office of Economic and Demographic Research (2000), it is expected that, by the year 2010, 13.7 million people will reside in the 35 coastal counties of Florida. In a parallel fashion to residential growth, visitation to Florida has increased dramatically. It is expected that Florida will have 83 million visitors annually by the year 2020, up from 48.7 million visitors in 1998. In concert with this increase of