

c. On-line Submission

The Office has devised on-line electronic forms for filing both single and joint cable and satellite claims from July 1, 2002 through July 31, 2002. Claimants will be able to access and complete the forms via the Copyright Office website and may submit the forms electronically as provided in the instructions accompanying the forms. Cable forms will be posted on the Office website at "<http://www.copyright.gov/carp/cable/claims.html>". Satellite forms will be posted at "<http://www.copyright.gov/carp/satellite/claims.html>".

Both cable and satellite on-line forms will be available for use during the month of July. It is critically important to follow the instructions in completing the forms before submitting them to the Office. Claims submitted on the wrong form (e.g. a cable claim submitted on a satellite form) will not be accepted. Claimants filing their claims electronically must use these and only these forms. Claims submitted on-line using forms or formats other than those provided at "<http://www.copyright.gov/carp/cable/claims.html>" and "<http://www.copyright.gov/carp/satellite/claims.html>" will not be accepted. Claims filed on-line must be received by the Office no later than 11:59 p.m. E.S.T. on July 31, 2002. Specifically, the completed electronic forms must be received in the Office's server by that time. Any claim received after that time will not be considered timely filed. Claimants will receive an electronic mail message in response stating that the Office has received their submission. Therefore, claimants submitting their claims on-line are strongly urged to submit their claim no later than July 30, 2002 in order to better assure timely receipt by the Office and to allow sufficient time to receive the electronic mail message that the submission has been received.

d. By Mail

Sections 252.4(a)(2) and 257.4(a)(2) direct claimants filing their claims by mail to send the claims to the Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Claimants electing to send their claims by mail are encouraged to send their claims by certified mail return receipt requested, to have the certified mail receipt (PS Form 3800) stamped by the United States Postal Service, and to retain the certified mail receipt in order to provide proof of timely filing, in the event that the claim reaches the Office after the last day in July. In the event there is a question as

to whether the claim was deposited with the United States Postal Service during the month of July, the claimant must produce the certified mail receipt (PS Form 3800) which bears a United States Postal Service postmark, indicating an appropriate date.

As noted above, disruption of the mail service and delivery of incoming mail to an off-site decontamination center have considerably reduced the timeliness of receipt of mail by the Copyright Office. It is conceivable, if not likely, that cable and satellite claims mailed to the Office in July may not arrive until many months thereafter. Such delays will hamper the Office's ability to compile a claimant list, and may dramatically affect the Office's ability to make partial distributions of cable and satellite funds not in controversy.¹ Consequently, claimants are strongly urged not to use the mail as a means of filing their claims to the 2001 cable and satellite royalty funds. Those who do use the mail are advised to send their claims early in the month of July. While the Office is not prohibiting the filing of claims by mail, those who do so assume the risk that their claim will not reach the Office in a timely manner, or at all, and/or that the mail, when received by the Office, will be significantly damaged. Claims sent by mail should be addressed in accordance with §§ 252.4(a)(2) and 257.4(a)(2), and the Office again strongly encourages the claimant to send the claim by certified mail return receipt requested, to have the certified mail receipt (PS Form 3800) stamped by the United States Postal Service, and to retain the certified mail receipt, as it constitutes the only acceptable proof of timely filing of the claim. Claims dated only with a business meter that are received by the Office after July 31, 2002, will be rejected as being untimely filed. Claimants who have ignored this rule have had their claims rejected.

When filing claims by this method, claimants must follow all provisions set forth in 37 CFR part 252 for cable claims and part 257 for satellite claims.

Faxes Not Permitted

Although the Copyright Office permitted the submission of 2001 Digital Audio Recording Technology ("DART") claims via facsimile transmission, the Office has determined that, due to the high volume of cable and satellite claims received by the Office relative to DART claims, it is

¹ The Office also notes that some of the mail it has recently received was damaged due to handling and the decontamination process. Damage or destruction of claims sent by mail could adversely affect a claimant's eligibility for cable or satellite royalties.

impractical to permit the faxing of cable and satellite claims. Consequently, any cable or satellite claims received by the Copyright Office via facsimile transmission will not be accepted.

Waiver of Regulation

The regulations governing the filing of cable and satellite claims require "the original signature of the claimant or of a duly authorized representative of the claimant." § 252.3(b) (cable); § 257.3(b) (satellite). This Notice however, waives these provisions as set forth herein solely for the purpose of filing claims to the 2001 cable and satellite royalty funds. The Office is not waiving the statutory deadline for the filing either cable or satellite claims, a deadline the Office has no power to waive. *See, United States v. Locke*, 471 U.S. 84, 101 (1985). Thus, claimants are still required to file their claims by July 31, 2002.

Waiver of an agency's rules is "appropriate only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest." *Northeast Cellular Telephone Company v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see also, *Wait Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972). Under ordinary circumstances, the Office is reluctant to waive its regulations. However, the recent disruption in the delivery of the mail constitutes a special-indeed, an extraordinary—circumstance which has forced the Office to deviate from its usual mail processing procedures. Thus, given such uncertainties, the Office believes that the public interest will best be served by waiving, for this filing period only, the requirement that cable and satellite claims bear the original signature of the claimant or of a duly authorized representative of the claimant when, and only when, such claim is filed electronically.

Dated: April 25, 2002.

David O. Carson,
General Counsel.

[FR Doc. 02-10618 Filed 4-29-02; 8:45 am]

BILLING CODE 1410-31-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-B-7428]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1-percent-annual-chance) Flood Elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified Base Flood Elevations for new buildings and their contents.

DATES: These modified Base Flood Elevations are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Director, Federal Insurance and Mitigation Administration, reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified 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: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified Base Flood Elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified Base

Flood Elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified Base Flood Elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified 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.

The changes in Base Flood Elevations are in accordance with 44 CFR 65.4.

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 Administrator, Federal Insurance and

Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified Base Flood Elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This interim 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 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 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.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

| State and county | Location and case No. | Date and name of newspaper where notice was published | Chief executive officer of community | Effective date of modification | Community No. |
|----------------------------|---------------------------------|---|--|--------------------------------|---------------|
| Arizona: Maricopa | City of El Mirage (00-09-083P). | Jan. 31, 2002, Feb. 7, 2002, <i>Arizona Republic</i> . | The Honorable Jose Delgado, Mayor, City of El Mirage, 14405 North Palm Street, El Mirage, Arizona 85335. | Jan. 4, 2002 | 040041 |
| Maricopa | City of Goodyear (02-09-257P). | Jan. 24, 2002, Jan. 31, 2002, <i>Arizona Republic</i> . | The Honorable Bill Arnold, Mayor, City of Goodyear, 119 North Litchfield Road, Goodyear, Arizona 85338. | Jan. 15, 2002 | 040046 |
| Maricopa | City of Peoria (01-09-1060P). | Mar. 7, 2002, March 14, 2002, <i>Arizona Republic</i> . | The Honorable John Keegan, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, Arizona 85345. | June 13, 2002 | 040050 |
| Maricopa | City of Phoenix (01-09-526P). | Jan. 10, 2002, Jan. 17, 2002, <i>Arizona Republic</i> . | The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 Washington Street, 11th Floor, Phoenix, Arizona 85003-1611. | Dec. 12, 2001 | 040051 |

| State and county | Location and case No. | Date and name of newspaper where notice was published | Chief executive officer of community | Effective date of modification | Community No. |
|------------------|-------------------------------------|--|---|--------------------------------|---------------|
| Maricopa | City of Scottsdale (01-09-1199P). | Feb. 28, 2002, Mar. 7, 2002, <i>Arizona Republic</i> . | The Honorable Mary Manross, Mayor, City of Scottsdale, 3939 Civic Center Boulevard, Scottsdale, Arizona 85251. | June 5, 2002 | 045012 |
| Maricopa | City of Surprise (00-09-083P). | Jan. 31, 2002, Feb. 7, 2002, <i>Arizona Republic</i> . | The Honorable Joan Shafer, Mayor, City of Surprise, 12425 West Bell Road, Suite D100, Surprise, Arizona 85374. | Jan. 4, 2002 | 040053 |
| Maricopa | City of Surprise (02-09-165P). | Mar. 7, 2002, Mar. 14, 2002, <i>Arizona Republic</i> . | The Honorable Joan Shafer, Mayor, City of Surprise, 12425 West Bell Road, Suite D-100, Surprise, Arizona 85374. | Feb. 19, 2002 | 040053 |
| Maricopa | Unincorporated Areas (00-09-083P). | Jan. 31, 2002, Feb. 7, 2002, <i>Arizona Republic</i> . | The Honorable Janice Brewer, Chairperson, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003. | Jan. 4, 2002 | 040037 |
| Maricopa | Unincorporated Areas (01-09-1158P). | Mar. 15, 2002, Mar. 22, 2002, <i>Arizona Republic</i> . | The Honorable Janice Brewer, Chairperson, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003. | Mar. 5, 2002 | 040037 |
| Pima | City of Tucson (00-09-051P). | Nov. 8, 2001, Nov. 15, 2001, <i>Arizona Daily Star</i> . | The Honorable Robert Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726. | Nov. 2, 2001 | 040076 |
| California: | | | | | |
| Alameda | City of Livermore (01-09-344P). | Feb. 7, 2002, Feb. 14, 2002, <i>Tri-Valley Herald</i> . | The Honorable Cathie Brown, Mayor, City of Livermore, 1052 South Livermore Avenue, Livermore, California 94550. | Dec. 19, 2001 | 060008 |
| Alameda | Unincorporated Areas (01-09-344P). | Jan. 11, 2002, Jan. 18, 2002, <i>Inter-City Express</i> . | The Honorable Scott Haggerty, Chairman, Alameda County Board of Supervisors, 1221 Oak Street, Suite 536, Oakland, California 94612. | Dec. 19, 2001 | 060001 |
| Riverside | Unincorporated Areas (02-09-069P). | Dec. 21, 2001, Dec. 28, 2001, <i>The Press—Enterprise</i> . | The Honorable Jim Venable, Chairman, Riverside County Board of Supervisors, 4080 Lemon Street, 14th Floor, Riverside, California 92501. | Nov. 27, 2001 | 060245 |
| San Diego | City of Escondido (02-09-498X). | Feb. 8, 2002, Feb. 15, 2002, <i>North County Times</i> . | The Honorable Lori Holt Pfeiler, Mayor, City of Escondido, 201 North Broadway, Escondido, California 92025. | Feb. 19, 2002 | 060290 |
| San Diego | City of San Diego (02-09-498X). | Feb. 8, 2002, Feb. 15, 2002, <i>San Diego Daily Transcript</i> . | The Honorable Dick Murphy, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, California 92101. | Feb. 19, 2002 | 060295 |
| Santa Clara .. | City of Santa Clara (01-09-1106P). | Jan. 24, 2002, Jan. 31, 2002, <i>San Jose Mercury News</i> . | The Honorable Judy Nadler, Mayor, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, California 95050. | Jan. 4, 2002 | 060350 |
| Solano | City of Vacaville (01-09-935P). | Mar. 21, 2002, Mar. 28, 2002, <i>The Reporter</i> . | The Honorable David Fleming, Mayor, City of Vacaville, City Hall, 650 Merchant Street, Vacaville, California 95688. | Feb. 21, 2002 | 060373 |
| Ventura | City of Fillmore (01-09-709P). | Jan. 31, 2002, Feb. 7, 2002, <i>The Fillmore Gazette</i> . | The Honorable Donald Gunderson, Mayor, City of Fillmore, Fillmore City Hall, Central Park Plaza, 250 Central Avenue, Fillmore, California 93015-1907. | May 8, 2002 | 060415 |
| Ventura | Unincorporated Areas (01-09-709P). | Jan. 31, 2002, Feb. 7, 2002, <i>The Fillmore Gazette</i> . | The Honorable Frank Schillo, Chairman, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, California 93009. | May 8, 2002 | 060413 |
| Adams | Unincorporated Areas (00-08-342P). | Oct. 6, 2001, Oct. 24, 2001, Oct. 27, 2001, <i>Brighton Standard—Blade</i> . | The Honorable Marty Flaum, Chairman, Adams County Board of Commissioners, 450 South Fourth Avenue, Brighton, Colorado 80601. | Jan. 23, 2002 | 080001 |

| State and county | Location and case No. | Date and name of newspaper where notice was published | Chief executive officer of community | Effective date of modification | Community No. |
|-----------------------------|--------------------------------------|--|---|--------------------------------|---------------|
| Adams | Unincorporated Areas (01-08-416P). | Jan. 23, 2002, Jan. 30, 2002, <i>Brighton Standard—Blade</i> . | The Honorable Ted Strickland, Chairman, Adams County Board of Commissioners, 450 South Fourth Avenue, Brighton, Colorado 80601. | Apr. 9, 2002 | 080001 |
| Adams and Boulder. | City of Broomfield (01-08-416P). | Jan. 2, 2002, Jan. 9, 2002, <i>Boulder Daily Camera</i> . | The Honorable William Berens, Mayor, City of Broomfield, One Descombes Drive, Broomfield, Colorado 80020. | Apr. 9, 2002 | 085073 |
| El Paso | Unincorporated Areas (01-08-226P). | Feb. 6, 2002, Feb. 13, 2002, <i>El Paso County News</i> . | Mr. Ed Jones, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Third Floor, Colorado Springs, Colorado 80903-2208. | May 14, 2002 | 080059 |
| Gilpin | City of Black Hawk (01-08-251P). | Mar. 15, 2002, Mar. 22, 2002, <i>Weekly Register Call</i> . | The Honorable Kathryn Ecker, Mayor, City of Black Hawk, P.O. Box 17, Black Hawk, Colorado 80422. | June 20, 2002 | 080076 |
| Larimer | City of Fort Collins (02-08-045P). | Mar. 21, 2002, Mar. 28, 2002, <i>Fort Collins Coloradoan</i> . | The Honorable Ray Martinez, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, Colorado 80522-0580. | Mar. 6, 2002 | 080102 |
| Larimer | Unincorporated Areas (01-08-404P). | Jan. 3, 2002, Jan. 10, 2002, <i>Fort Collins Coloradoan</i> . | The Honorable Kathay Rennels, Chairperson, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, Colorado 80522-1190. | Apr. 10, 2002 | 080101 |
| Hawaii: Hawaii | Hawaii County (01-09-1038P). | Jan. 17, 2002, Jan. 24, 2002, <i>Hawaii Tribune Herald</i> . | The Honorable Harry Kim, Mayor, Hawaii County, 25 Aupuni Street, Hilo, Hawaii 96720. | Dec. 27, 2001 | 155166 |
| Nevada: Elko | City of Elko (01-09-621P). | Jan. 31, 2002, Feb. 7, 2002, <i>Elko Daily Free Press</i> . | The Honorable Mike Franzosa, Mayor, City of Elko, 1751 College Avenue, Elko, Nevada 89801. | May 8, 2002 | 320010 |
| Independent | City of Carson (01-09-066P). | Dec. 21, 2001, Dec. 28, 2001, <i>Nevada Appeal</i> . | The Honorable Ray Masayko, Mayor, City of Carson City, 201 North Carson Street, Suite 2, Carson City, Nevada 89701. | Nov. 29, 2001 | 320001 |
| Washoe | City of Reno (01-09-689P). | Jan. 10, 2002, Jan. 17, 2002, <i>Reno Gazette Journal</i> . | The Honorable Jeff Griffin, Mayor, City of Reno, P.O. Box 1900, Reno, Nevada 89505-1900. | Dec. 14, 2001 | 320020 |
| Oklahoma: Oklahoma | City of Edmond (02-06-210P). | Mar. 7, 2002, Mar. 14, 2002, <i>Edmond Evening Sun</i> . | The Honorable Sandra Naifeh, Mayor, City of Edmond, P.O. Box 2970, Edmond, Oklahoma 73083-2970. | June 12, 2002 | 400252 |
| Oregon: Coos | City of Bandon (00-10-382P). | Jan. 2, 2002, Jan. 9, 2002, <i>Western World</i> . | The Honorable Brian M. Vick, Mayor, City of Bandon, City Hall, P.O. Box 433, Bandon, Oregon 97411. | Dec. 10, 2001 | 410043 |
| South Dakota: Pennington | Town of New Underwood (02-08-085P). | Jan. 10, 2002, Jan. 17, 2002, <i>Rapid City Journal</i> . | The Honorable Benita White, Mayor, Town of New Underwood, P.O. Box 278, New Underwood, South Dakota 57761. | Dec. 14, 2001 | 460092 |
| Texas: Collin | City of Plano (01-06-1678P). | Mar. 15, 2002, Mar. 22, 2002, <i>Plano Star Courier</i> . | The Honorable Jeran Akers, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086-0358. | Mar. 5, 2002 | 480140 |
| Virginia: Prince William | City of Manassas (01-03-207P). | Mar. 14, 2002, Mar. 21, 2002, <i>Manassas Journal Messenger</i> . | The Honorable Marvin L. Gillum, Mayor, City of Manassas, 9027 Center Street, Room 101, Manassas, Virginia 20110. | June 21, 2002 | 510122 |
| Prince William | Unincorporated Areas (01-03-207P). | Mar. 14, 2002, Mar. 21, 2002, <i>Manassas Journal Messenger</i> . | The Honorable Sean Connaughton, Chairman, Prince William County Board of Supervisors, One County Complex Court, Prince William, Virginia 22192. | June 21, 2002 | 510119 |
| Washington: Mason | Skokomish Indian Tribe (01-10-496P). | Feb. 28, 2002, Mar. 7, 2002, <i>Shelton Mason County Journal</i> . | The Honorable Denny Hurtado, Chairman, Skokomish Tribal Council, North 80 Tribal Center Road, Shelton, Washington 98584. | Feb. 7, 2002 | 530326 |

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

Dated: April 22, 2002.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02-10558 Filed 4-29-02; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[FCC 02-100, MM Docket Nos. 89-120, 90-195, 91-352, 92-214]

FM Broadcasting Services; Northweye, Cuba, Waynesville, Lake Ozark, and Eldon, Missouri; Brookline, Missouri; Ava, Branson, and Mountain Grove, Missouri; and Columbia, Bourbon, Leasburg, Gerald, Dixon, and Cuba, Missouri

AGENCY: Federal Communications Commission.

ACTION: Final rule; application for review denied.

SUMMARY: The Commission denied an application for review filed by Lake Broadcasting, the former licensee, *inter alia*, of Station KBMX(FM), Eldon, Missouri. The Commission held that the staff properly dismissed as moot Lake's petition for reconsideration in MM Docket 89-120, seeking to upgrade the class of the Eldon station, because the license for Station KBMX(FM), as well as the other stations licensed to Lake or controlled by its principal shareholder, Michael Rice, had been revoked and those actions became final and no longer subject to judicial review. See 66 FR 58409 (November 21, 2001).

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Dockets 89-120, 90-195, 91-352, and

92-214, adopted March 27, 2002, and released April 18, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center (room CY-A257), 445 12th Street, S.W., Washington, DC 20554. The complete text of this decision may be also purchased from the Commission's copy contractor, Qualex International Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 02-10595 Filed 4-29-02; 8:45 am]

BILLING CODE 6712-01-P