

State	City/town/county	Source of flooding	Location	Range of BFEs Elevation in feet *(NGVD)	

Maps are available for inspection at the Wayne County Courthouse, 109 Walnut Street, Greenville, Missouri.

Send comments to Commissioner Brian Polk, Presiding Commissioner, Wayne County Courthouse, P.O. Box 48, Greenville, Missouri 63944.

MO .....	Piedmont (City) Wayne County .....	McKenzie Creek		*460	*520
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Maps are available for inspection at City Hall, 115 West Green Street, Piedmont, Missouri.

Send comments to The Honorable Gaylon Watson, Mayor, City of Piedmont, 115 West Green Street, Piedmont, Missouri 63957.

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

Dated: February 11, 2004.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

[FR Doc. 04-3812 Filed 2-20-04; 8:45 am]

**BILLING CODE 6718-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-P-7643]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs 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 BFEs 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:**

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

These proposed BFEs and modified BFEs, 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate 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 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 of referenced elevation	*Elevation in feet (NGVD)		Communities affected
	Existing	Modified	
<i>Little Blue River:</i> Approximately 6,650 feet downstream of U.S. Highway 81 .....	None .....	*1,440	Thayer County, NE (Unincorporated Areas). City of Hebron, NE.
Approximately 14,320 feet upstream of South First Street .....	None .....	*1,459	

## ADDRESSES

**Thayer County, Nebraska**

Maps are available for inspection at the Thayer County Courthouse, 225 North Fourth Street, Hebron, Nebraska.

Send comments to Mr. Chris Frye, Zoning Administrator, P.O. Box 401, Hebron, Nebraska 68370.

**City of Hebron, Nebraska**

Maps are available for inspection at City Hall, City of Hebron, 216 Lincoln Avenue, Hebron, Nebraska.

Send comments to Mr. David Farnstrom, Zoning Administrator, 216 Lincoln Avenue, Hebron, Nebraska 68370.

<i>Bear Creek:</i> Mouth at Great Miami River .....	N/A .....	*704	Village of New Lebanon, OH. City of Miamisburg, OH. City of Moraine, OH. Montgomery County, OH.
At the confluence of Diehl Run (approximately 5,600 feet upstream of U.S. Highway 35).	N/A .....	*881	
<i>Diehl Run:</i> Confluence at Bear Creek .....	N/A .....	*881	Village of New Lebanon, OH. Montgomery County, OH.
Approximately 35 feet downstream of North Johnsonville Road .....	N/A .....	*960	
<i>Dry Run:</i> Just upstream of Free Pike .....	N/A .....	*804	City of Clayton, OH. City of Dayton, OH. City of Trotwood, OH. Montgomery County, OH.
Approximately 710 feet upstream of Union Road .....	N/A .....	*943	
<i>Garber Run:</i> Mouth at Bear Creek .....	N/A .....	*856	Montgomery County, OH.
Approximately 6,200 feet upstream of Old Dayton Road .....	N/A .....	*934	
<i>Holes Creek:</i> Just upstream of CSX Railroad .....	*725 .....	*722	City of Centerville, OH. City of Moraine, OH. City of W. Carrollton, OH. Montgomery County, OH.
Approximately 200 feet upstream of Silverlake Drive .....	N/A .....	*914	
<i>Little Bear Creek:</i> Confluence at Bear Creek .....	N/A .....	*775	Montgomery County, OH.
Approximately 2,870 feet upstream of Old Dayton Road .....	N/A .....	*935	
<i>North Branch Wolf Creek:</i> Just upstream of Oakes Road .....	N/A .....	*860	City of Clayton, OH. City of Trotwood, OH. Montgomery County, OH.
Just downstream of Interstate 70/U.S. Highway 49 .....	N/A .....	*944	
<i>Poplar Creek:</i> Approximately 250 feet downstream of East Stonequarry Road .....	*864 .....	*865	City of Vandalia, OH.
Approximately 580 feet upstream of East Stonequarry Road .....	*874 .....	*875	
<i>Spring Run:</i> Confluence at Little Bear Creek .....	N/A .....	*819	Montgomery County, OH.
Approximately 2,000 feet upstream of North Snyder Road .....	N/A .....	*916	

## ADDRESSES

**City of Centerville, Ohio**

Maps are available for inspection at the Municipal Government Center, 100 West Spring Valley Road, Centerville, Ohio.

Send comments to Mr. Mike Murray, Assistant City Engineer, City of Centerville, 100 West Spring Valley Road, Centerville, Ohio 45458.

**City of Clayton, Ohio**

Maps are available for inspection at the City Administration Building, 6996 Taywood Road, Englewood, Ohio.

Send comments to Mr. Brian Elkins, Zoning Director, City of Clayton, P.O. Box 280, Clayton, Ohio 45315-0280.

**City of Dayton, Ohio**

Maps are available for inspection at the Planning and Community Development Office, 101 West Third Street, Dayton, Ohio.

Send comments to Mr. Michael Cromartie, Building Inspection Manager, City of Dayton, 271 West Second Street, Dayton, Ohio 45402.

**City of Miamisburg, Ohio**

Maps are available for inspection at City Annex Building, 10 North First Street, Miamisburg, Ohio.

Send comments to Mr. John Creech, City Planner, 10 North First Street, Miamisburg, Ohio 45342.

**City of Moraine, Ohio**

Maps are available for inspection at the Community Development Department, Municipal Building, 4200 Dryden Road, Moraine, Ohio.

Send comments to Mr. Scott Young, Building and Zoning Administrator, City of Moraine, Municipal Building, 4200 Dryden Road, Moraine, Ohio 45439.

**Village of New Lebanon, Ohio**

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD)		Communities affected
	Existing	Modified	

Maps are available for inspection at the Municipality of New Lebanon Village Offices, 198 South Clayton Road, New Lebanon, Ohio. Send comments to Mr. Allen Moe, Village Engineer, 3939 Vanco Lane, Vandalia, Ohio 45377.

#### City of Trotwood, Ohio

Maps are available for inspection at the Department of Public Works, Trotwood Government Center, 4 Strader Drive, Trotwood, Ohio. Send comments to Mr. Thomas Odenigbo, Public Works Director, Department of Public Works, Trotwood Government Center, 4 Strader Drive, Trotwood, Ohio 45426-2600.

#### City of Vandalia, Ohio

Maps are available for inspection at the City of Vandalia City Building, 333 James E. Bohanan Memorial Drive, Vandalia, Ohio 45377. Send comments to Mr. Robert G. Galvin, P.E., Deputy City Engineer, City of Vandalia, City Engineer's Office, 333 James E. Bohanan Memorial Drive, Vandalia, Ohio 45449.

#### City of West Carrollton, Ohio

Maps are available for inspection at the City of West Carrollton Civic Center, 300 East Central Avenue, West Carrollton, Ohio. Send comments to Mr. David Humphreys, Director of Planning and Economic Development, City of West Carrollton Civic Center, 300 East Central Avenue, West Carrollton, Ohio 45449.

#### Montgomery County, Ohio

Maps are available for inspection at Montgomery County Administration Building, 451 West Third Street, Room 800, Dayton, Ohio. Send comments to Mr. Joseph Litvin, Montgomery County Engineer, Montgomery County Administration Building, 451 West Third Street, Room 800, Dayton, Ohio 45422.

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

Dated: February 11, 2004.

#### Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 04-3813 Filed 2-20-04; 8:45 am]

BILLING CODE 6718-04-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 22, 24, 27 and 90

[WT Docket No. 03-264; FCC 03-334]

#### Biennial Regulatory Review—Streamlining and Harmonizing Various Rules Affecting Wireless Radio Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Commission opens a proceeding to streamline and harmonize licensing provisions in the wireless radio services (WRS) that were identified in part during the Commission's 2000 and 2002 biennial regulatory reviews pursuant to the Communications Act of 1934, as amended ("Communications Act" or "Act"). Specifically, the Commission proposes various amendments to the rules to modify or eliminate provisions that treat licensees differently and/or have become outdated as a result of technological change, supervening changes to related Commission rules, and/or increased competition within WRS.

**DATES:** Comments are due on or before April 23, 2004 and reply comments are due on or before May 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jay Jackson, Wireless Telecommunications Bureau, at (202) 418-0620.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's *Notice of Proposed Rulemaking (NPRM)*, FCC 03-334, in WT Docket No. 03-264, adopted on December 29, 2003, and released on January 7, 2004. The full text of the *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Information Center, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text may be purchased from the Commission's duplicating contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 863-2893. The complete text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov).

#### Synopsis of MO&O

1. In the *2000 Biennial Review Report* and *2002 Biennial Review Report*, the Commission supported proposals to streamline, harmonize, and update a number of regulations after reviewing various WRS rule parts pursuant to section 11 of the Act. Section 11 of the Act requires the Commission to review biennially its regulations that are applicable to providers of telecommunications service in order to determine whether any rule is "no longer necessary in the public interest as the result of meaningful economic competition." Following such reviews, the Commission is required to modify or

repeal any such regulations that are no longer in the public interest. Since the release of the biennial review reports, the Commission has considered modifying or repealing certain regulations by issuing notices of proposed rulemakings as appropriate. This *NPRM* addresses additional proposals, identified in the 2000 and/or 2002 biennial review reports, to streamline and harmonize WRS rules that may no longer be necessary in the public interest pursuant to section 11 of the Act.

2. To a great extent, technological changes and/or successive changes to various Commission licensing rules have made it appropriate to review whether many of these rules are obsolete and no longer in the public interest. Accordingly, the *NPRM* seeks comment on streamlining and harmonizing these rules if they no longer serve the public interest in their current form notwithstanding any findings regarding the level of competition among existing services. In its *2002 Biennial Review Report*, the Commission clarified the scope and standard of review for future proceedings conducted pursuant to section 11. In so doing, the Commission acknowledged that it has broad discretion to review the continued need for any rule even in the absence of a congressional mandate such as section 11. Accordingly, this *NPRM* seeks comment pursuant to the Commission's broad authority to consider any proposed modifications to or eliminations of these existing rules under the Commission's general public interest standard. Under this broader