

Dated: August 27, 2008.

**Susan Parker Bodine,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. E8-20389 Filed 9-2-08; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-1002]

#### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1 percent annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before December 2, 2008.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community's map repository. The

respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1002, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) [bill.blanton@dhs.gov](mailto:bill.blanton@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:**

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) [bill.blanton@dhs.gov](mailto:bill.blanton@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs 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 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.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

*Administrative Procedure Act Statement.* This matter is not a

rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Executive Order 12866, Regulatory Planning and Review.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

*Executive Order 13132, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This proposed rule meets the applicable standards of Executive Order 12988.

#### 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:

State	City/town/county	Source of flooding	Location**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in Local Tidal Datum	
				Existing	Modified
<b>Unincorporated Areas of Maui County, Hawaii</b>					
Hawaii .....	Unincorporated Areas of Maui County.	Kaluaiahakoko Stream	Approximately 25 feet upstream of confluence with Pacific Ocean. Approximately 500 feet upstream of Piilani Highway.	None	^3
Hawaii .....	Unincorporated Areas of Maui County.	Kamaole Gulch .....	Approximately 90 feet upstream of confluence with Pacific Ocean. Approximately 325 feet upstream of Piilani Highway.	None	^138
Hawaii .....	Unincorporated Areas of Maui County.	Waikapu Stream .....	Approximately 255 feet downstream of Kuihelani Highway. Approximately 1.6 miles upstream of Honoapiilani Highway.	None	^6 ^120 ^191 ^781

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Local Tidal Datum.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Unincorporated Areas of Maui County**

Maps are available for inspection at Maui County Planning Department, 250 South High Street, 2nd Floor, Wailuku, HI.

**City of Norfolk, Virginia**

Virginia .....	City of Norfolk .....	Chesapeake Bay .....	Approximately 320 feet north of the intersection of Ocean Avenue and 20th Street.	+7.6	+9.1
Virginia .....	City of Norfolk .....	Eastern Branch Elizabeth River.	Approximately 500 feet southwest of Atlantic Street and Waterfront Avenue.	+8.1	+9.1
Virginia .....	City of Norfolk .....	Elizabeth River .....	Approximately 1650 feet west of the intersection of Redgate Avenue and Norfolk Southern Railroad Yard Access Road. Approximately at the waterfront edge of the Norfolk and Southern Railyard.	+7.6	+9.1 +9.1

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

**ADDRESSES**

**City of Norfolk**

Maps are available for inspection at 400 Granby Street, Norfolk, VA 23510.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**St. Clair County, Illinois, and Incorporated Areas**

Catawba Creek .....	At confluence with Richland Creek .....	+497	+493	City of Belleville.
	Approximately 570 feet downstream of Catawba Avenue.	+497	+496	

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Douglas Creek .....	At confluence with Richland Creek .....	+433	+432	Unincorporated Areas of St. Clair County.
	Approximately 600 feet upstream of confluence with Richland Creek.	+433	+432	
Kaskaskia River .....	At County Boundary with Randolph County .....	+395	+392	Unincorporated Areas of St. Clair County, Village of New Athens.
	Approximately 8,000 feet upstream of Illinois Central Railroad.	+395	+394	
Little Silver Creek .....	At confluence with Silver Creek .....	+429	+428	Unincorporated Areas of St. Clair County.
	Approximately 7,900 feet upstream of Interstate Highway 62 Westbound.	+432	+431	
Mississippi River .....	Approximately 7,390 feet downstream of Southern County Boundary with Monroe County.	None	+420	City of Centreville, City of East St. Louis, Unincorporated Areas of St. Clair County, Village of Alorton, Village of Brooklyn, Village of Cahokia, Village of Caseyville, Village of Dupo, Village of East Carondelet, Village of Fairmont City, Village of Sauget, Village of Washington Park.
	Approximately 4,435 feet upstream of Northern County Boundary with Madison County.	None	+429	
Northwest Tributary to Ogles Creek.	At confluence with Unnamed Tributary to Ogles Creek	+534	+531	
	Approximately 110 feet upstream of the confluence with Unnamed Tributary to Ogles Creek.	+534	+533	City of Ofallon.
Prairie Du Pont Diversion Channel.	At confluence with Mississippi River .....	+423	+422	
	Approximately 1,200 feet upstream of confluence with Mississippi River.	+423	+422	Unincorporated Areas of St. Clair County.
Richland Creek .....	Approximately 3,000 feet downstream of Schluetter-Germaine Road.	+450	+449	
	Approximately 1,090 feet upstream of North Green Mount Road.	None	+530	City of Belleville, City of Ofallon, Unincorporated Areas of St. Clair County, Village of Shiloh, Village of Smithton, Village of Swansea.
Silver Creek .....	At confluence with Kaskaskia River .....	+395	+394	
	Approximately 250 feet downstream of Five Forks Road.	+395	+394	
Wolf Branch .....	At confluence with Richland Creek .....	+500	+496	Village of Swansea.
	Approximately 30 feet downstream of Morgan Street	+500	+499	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Belleville**

Maps are available for inspection at City Hall, Department of Economic Development and Planning, 101 South Illinois Street, Belleville, IL 62220.

**City of Centreville**

Maps are available for inspection at City Hall, 5800 Bond Avenue, Centreville, IL 62207.

**City of East St. Louis**

Maps are available for inspection at City Hall, 301 River Park Drive, East St. Louis, IL 62201.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**City of Ofallon**

Maps are available for inspection at City Hall, 255 South Lincoln Street, O'Fallon, IL 62269.

**Unincorporated Areas of St. Clair County**

Maps are available for inspection at County Courthouse, #10 Public Square, 2nd Floor, Belleville, IL 62220.

**Village of Alorton**

Maps are available for inspection at Village Hall, 4821 Bond Avenue, Alorton, IL 62207.

**Village of Brooklyn**

Maps are available for inspection at Village Hall, 312 South Fifth Street, Lovejoy, IL 62059.

**Village of Cahokia**

Maps are available for inspection at Village of Cahokia Annex Building, Department of Code Enforcement, 201 West Fourth Street, Cahokia, IL 62206.

**Village of Caseyville**

Maps are available for inspection at Village Hall, 909 South Main Street, Caseyville, IL 62232.

**Village of Dupo**

Maps are available for inspection at Village Hall, 100 North Second Street, Dupo, IL 62239.

**Village of East Carondelet**

Maps are available for inspection at Village Hall, 950 State Street, East Carondelet, IL 62240.

**Village of Fairmont City**

Maps are available for inspection at Village Hall, 2601 North 41st Street, Fairmont City, IL 62201.

**Village of New Athens**

Maps are available for inspection at Village Hall, 905 Spotsylvania Avenue, New Athens, IL 62264.

**Village of Sauget**

Maps are available for inspection at Village Hall, 2897 Falling Springs Road, Sauget, IL 62206.

**Village of Shiloh**

Maps are available for inspection at Village Hall, 1 Park Drive, Shiloh, IL 62269.

**Village of Smithton**

Maps are available for inspection at Village Hall, 101 South Main Street, Smithton, IL 62285.

**Village of Swansea**

Maps are available for inspection at Government Center, 1400 North Illinois Street, Swansea, IL 62226.

**Village of Washington Park**

Maps are available for inspection at Village Hall, 5218 North Park Drive, Washington Park, IL 62204.

**Allen County, Kansas, and Incorporated Areas**

Flooding source(s)	Location of referenced elevation**	Effective	Modified	Communities affected
Coon Creek .....	Approximately 0.60 mile downstream of Highway 54 ..	+955	+954	City of Iola, Unincorporated Areas of Allen County.
	Approximately 115 feet upstream of North Kentucky Street.	+990	+988	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Iola**

Maps are available for inspection at 2 West Jackson, Iola, KS 66749.

**Unincorporated Areas of Allen County**

Maps are available for inspection at 1 North Washington, Iola, KS 66749.

**Van Buren County, Michigan, and Incorporated Areas**

Flooding source(s)	Location of referenced elevation**	Effective	Modified	Communities affected
Maple Creek .....	Approximately 0.4 mile upstream of Ollie Hosier Drive	None	+645	Township of Bangor.
	Approximately 800 feet downstream of 34th Avenue ..	None	+648	
South Branch Black River .....	Approximately 900 feet upstream of Kal-Haven Trail ..	None	+585	City of South Haven.
	Downstream side of 71 1/2 Street .....	None	+585	

\* National Geodetic Vertical Datum.

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

+ North American Vertical Datum.

# Depth in feet above ground.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of South Haven**

Maps are available for inspection at 539 Phoenix Street, South Haven, MI 49090.

**Township of Bangor**

Maps are available for inspection at 32550 CR 687, Bangor, MI 49013.

**Onondaga County, New York, and Incorporated Areas**

Harbor Brook .....	Approximately 300 feet upstream of the confluence with Onondaga Lake.	+371	+372	City of Syracuse, Town of Geddes, Town of Onondaga.
Limestone Creek .....	Approximately 860 feet upstream of State Route 173	+781	+782	Town of Manlius, Village of Fayetteville, Village of Manlius, Village of Minoa.
	Approximately 2,990 feet upstream of North Manlius Road.	+398	+399	
Meadow Brook .....	Approximately 160 feet upstream of Pompey Center Road.	+724	+725	City of Syracuse, Town of Dewitt.
	Confluence with Old Erie Canal Feeder .....	+431	+429	
Ninemile Creek .....	Approximately 220 feet downstream of Meadow Brook Drive.	+544	+541	Town of Geddes, Town of Camillus, Town of Marcellus, Village of Camillus, Village of Marcellus.
	Approximately 2,150 feet upstream of the confluence with Onondaga Lake.	+372	+371	
Onondaga Creek .....	Approximately 350 feet upstream of Otisco Valley Road.	None	+781	City of Syracuse, Town of Onondaga.
	Just upstream of Bear Street .....	None	+371	
Skaneateles Creek .....	Approximately 1.1 miles upstream of Dorwin Avenue	+432	+431	Town of Elbridge, Town of Skaneateles, Village of Elbridge, Village of Jordan, Village of Skaneateles.
	Approximately 1.4 miles downstream of Interstate 90	+387	+385	
	Approximately 960 feet upstream of Kelley Street .....	+859	+860	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Syracuse**

Maps are available for inspection at City Hall, Syracuse, NY 13202.

**Town of Camillus**

Maps are available for inspection at 4600 West Genesee Street, Municipal Building, Syracuse, NY 13219.

**Town of Dewitt**

Maps are available for inspection at Town Hall, 5400 Butternut Drive, East Syracuse, NY 13057.

**Town of Elbridge**

Maps are available for inspection at Town of Elbridge Municipal Building, Jordan, NY 13080.

**Town of Geddes**

Maps are available for inspection at Town Hall, 1000 Woods Road, Solvay, NY 13209.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Town of Manlius</b>				
Maps are available for inspection at 301 Brooklea Drive, Fayetteville, NY 13066.				
<b>Town of Marcellus</b>				
Maps are available for inspection at Town Hall, 24 East Main Street, Marcellus, NY 13108.				
<b>Town of Onondaga</b>				
Maps are available for inspection at Town Offices, 4801 West Seneca Turnpike, Syracuse, NY 13215.				
<b>Town of Skaneateles</b>				
Maps are available for inspection at Town Offices, 24 Jordan Street, Skaneateles, NY 13152.				
<b>Village of Camillus</b>				
Maps are available for inspection at Village Hall, 37 Main Street, Camillus, NY 13031.				
<b>Village of Elbridge</b>				
Maps are available for inspection at 210 West Main Street, Elbridge, NY 13060.				
<b>Village of Fayetteville</b>				
Maps are available for inspection at 425 East Genesee Street, Fayetteville, NY 13066.				
<b>Village of Jordan</b>				
Maps are available for inspection at 7 Mechanis Street, Jordan, NY 13080.				
<b>Village of Manlius</b>				
Maps are available for inspection at 1 Arkie Albanese Avenue, Manlius, NY 13104.				
<b>Village of Marcellus</b>				
Maps are available for inspection at 6 Slocumbe Avenue, Marcellus, NY 13108.				
<b>Village of Minoa</b>				
Maps are available for inspection at 213 Osborne Street, Minoa, NY 13116.				
<b>Village of Skaneateles</b>				
Maps are available for inspection at 46 East Genesee Street, Skaneateles, NY 13152.				

**Caldwell County, North Carolina, and Incorporated Areas**

Angley Creek .....	Approximately 300 feet upstream of the confluence with Gunpowder Creek.	None	+1178	Unincorporated Areas of Caldwell County, City of Lenoir, Town of Hudson.
	Approximately 600 feet upstream of Southeast Starcross Road.	None	+1252	
Gunpowder Creek .....	At the confluence with Catawba River .....	None	+936	Unincorporated Areas of Caldwell County, City of Lenoir, Town of Granite Falls, Town of Hudson.
	Approximately 700 feet upstream of Southeast Applegate Court.	None	+1321	
Lower Creek .....	At the Burke/Caldwell County boundary .....	None	+1026	Unincorporated Areas of Caldwell County, City of Lenoir, Town of Gamewell.
	Approximately 1,900 feet upstream of Cedar Rock Circle (State Road 1706).	+1130	+1131	
Zacks Fork Branch .....	At the confluence with Zacks Fork Creek .....	+1106	+1104	City of Lenoir.
	Approximately 1,350 feet upstream of the confluence with Zacks Fork Creek.	+1106	+1105	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Lenoir**

Maps are available for inspection at Lenoir City Hall, 801 West Avenue Northwest, 3rd Floor, Lenoir, NC.

**Town of Gamewell**

Maps are available for inspection at Gamewell Town Hall, 2750 Old Morganton Road, Lenoir, NC 28645.

**Town of Granite Falls**

Maps are available for inspection at Granite Falls Town Hall, 30 Park Square, Granite Falls, NC.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**Town of Hudson**

Maps are available for inspection at Hudson Town Hall, 550 Central Street, Hudson, NC.

**Unincorporated Areas of Caldwell County**

Maps are available for inspection at Caldwell County Courthouse, 1051 Harper Avenue, Lenoir, NC.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 22, 2008.

**David I. Maurstad,**

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-20304 Filed 9-2-08; 8:45 am]

**BILLING CODE 9110-12-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 2, 15, 27, and 74**

[WT Docket Nos. 08-166, 08-167; FCC 08-188]

**Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this Notice of Proposed Rulemaking and Order (NPRM), to facilitate the DTV transition the Commission tentatively concludes to amend its rules to make clear that the operation of low power auxiliary stations within the 700 MHz Band will no longer be permitted after the end of the DTV transition. The Commission also tentatively concludes to prohibit the manufacture, import, sale, offer for sale, or shipment of devices that operate as low power auxiliary stations in the 700 MHz Band. In addition, for those licensees that have obtained authorizations to operate low power auxiliary stations in spectrum that includes the 700 MHz Band beyond the end of the DTV transition, the Commission tentatively concludes that it will modify these licenses so as not to permit such operations in the 700 MHz Band after February 17, 2009. The Commission also seeks comment on

issues raised by the Public Interest Spectrum Coalition (PISC) in its informal complaint and petition for rulemaking (PISC petition or petition).

**DATES:** Interested parties may file comments on or before October 3, 2008, and reply comments on or before October 20, 2008.

**ADDRESSES:** You may submit comments, identified by WT Docket No. 08-166 and 08-167, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- Mail: Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Bill Stafford, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau at (202) 418-0563 or [Bill.Stafford@fcc.gov](mailto:Bill.Stafford@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking and Order in WT Docket Nos. 08-166 and 08-167, FCC 08-188, adopted August 15, 2008, and released on August 21, 2008. This summary should be read with its companion document, the final rule summary published elsewhere in this

issue of the **Federal Register**. The full text of the public notice is available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554; the contractor's Web site, <http://www.bcpweb.com>; or by calling (800) 378-3160, facsimile (202) 488-5563, or e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com). Copies of the public notice also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket numbers, WT Docket No. 08-166 and WT Docket No. 08-167. Additionally, the complete item is available on the Federal Communications Commission's Web site at <http://www.fcc.gov>.

**Synopsis of the Notice of Proposed Rulemaking****Introduction**

The Digital Television Transition and Public Safety Act of 2005 (DTV Act) set a firm deadline for the end of the digital television (DTV) transition of February 17, 2009, at which time the spectrum in the 698-806 MHz band (700 MHz Band), currently occupied by television broadcasters in TV Channels 52-69, will be fully available for public safety as well as commercial wireless services. As the Commission has recognized, it is incumbent on the Commission to take all steps necessary to make this spectrum effectively available both to public safety and commercial licensees at the end of the DTV transition.

1. In this Notice of Proposed Rulemaking and Order (NPRM), the Commission considers broadcast low power auxiliary stations, which have been permitted to operate on TV Channels 52-69 in the 700 MHz Band, as well as in several other bands, on a secondary non-interference basis. The Commission tentatively concludes to amend its rules to make clear that the operation of low power auxiliary stations within the 700 MHz Band will