

- 312 Required Permit.
- 313 No Burn Day.
- 314 Burning Permits.
- 315 Minimum Drying Times.
- 316 Burning Management.
- 317 Mechanized Burners.
- 318 Enforcement Responsibility.
- 319 Penalty.
- 512 Circumvention.
- 513 Source Recordkeeping.
- 514 Public Records and Trade Secrets.
- 515 Provision of Sampling and Testing Facilities.
- 516 Upset and Breakdown Conditions.
- 522 Analysis Fees.
- 523 Permit Fees.
- 703 Contents of Petitions.
- 710 Notice of Public Hearing.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan (SIP) revisions. All the rules listed above have been evaluated and found in accordance with EPA policy and 40 CFR Part 51. Detailed evaluation reports are available for public inspection at the locations listed in the ADDRESSES Section of this notice.

This notice approves all the rule revisions listed above and incorporates them into the California SIP. EPA's approval of the above revisions to the California SIP is being done without prior proposal because the revisions are not controversial. The public is advised that this approval action will be effective 60 days from the date of this Federal Register notice. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

**Note.**—Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

[Sec. 110, and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7410 and 7601(a)]]

Dated: March 1, 1982.

Anne M. Gorsuch,  
Administrator.

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(51) (xv)(B), (80)(i)(B), (92)(ii)(B) and (93)(iii), (iv) as follows:

#### § 52.220 Identification of plan.

- (c) \* \* \*
- (51) \* \* \*
- (xv) \* \* \*
- (B) Deletion of Rules 604 and 605.
- (80) \* \* \*
- (i) \* \* \*
- (B) New Rule 507.
- (92) \* \* \*
- (ii) \* \* \*
- (B) New or amended Rules 102, 203, 211, 301, 305, 306, 324, 325, 601, and 702.
- (93) \* \* \*
- (iii) Plumas County APCD.
- (A) New or amended Rules 203, 301-319, 512-516, 703, and 710.
- (iv) Sierra County APCD.
- (A) New or amended Rules 203, 301-319, 512-516, 522, 523, 703, and 710.

[FR Doc. 82-11217 Filed 4-22-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 123

[W-6-FRC 2109-3]

### Louisiana Department of Natural Resources Underground Injection Control Program Approval

**AGENCY:** Environmental Protection Agency.

**ACTION:** Approval of State Program.

**SUMMARY:** The State of Louisiana has submitted an application under Sections 1422 and 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Classes I, II, III, IV, and V injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Classes I, III, IV, and V wells meets the requirements of Section

1422 of the Act, and that the State's injection well program for Class II oil and natural gas related wells meets the requirements of Section 1425 of the Act. Therefore, this application covering Classes I-V injections is approved.

**EFFECTIVE DATE:** This approval is effective April 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Erlece Allen, Ground Water Protection Section, U.S. Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774. Copies of the responsiveness summary are available from the above address.

**SUPPLEMENTARY INFORMATION:** Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the Federal Register each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, an UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comments, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Consolidated Permits Regulations (40 CFR Parts 122, 123 and 124) and related Technical Criteria and Standards (40 CFR 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Louisiana was listed as needing an UIC program on September

25, 1978 (43 FR 43420). The State of Louisiana submitted an application under Sections 1422 and 1425 on January 15, 1982, for the approval of an UIC program governing Classes I, II, III, IV and V injection wells to be administered by the Louisiana Department of Natural Resources (LDNR). On February 4, 1982, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Louisiana UIC program submitted by the LDNR (47 FR 5262). A public hearing was held on March 8, 1982 in Baton Rouge, Louisiana. After careful review of the application and comments received from the public, I have determined that the Louisiana UIC program submitted by the LDNR meets the requirements established by Federal regulations pursuant to Section 1421 of the SDWA, and the provisions of Section 1425 of the SDWA and hereby approve it.

In this application, Louisiana chose not to assert jurisdiction over Indian lands or reservations for purposes of its UIC program. Therefore, the Environmental Protection Agency will, at a future date, prescribe an UIC program governing injection wells on any Indian lands or reservations in Louisiana.

EPA is publishing this approval effective immediately so that Louisiana can begin issuing UIC permits for Classes I-V wells under the UIC program.

The radioactive tracer survey, as described in the Louisiana application and further justification, is approved as a mechanical integrity test under the provisions of 40 CFR 146.08(d) for use in Louisiana.

#### List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, reporting and recordkeeping requirements, waste treatment and disposal, water pollution control, water supply, intergovernmental relations, penalties, confidential business information.

#### OMB Approval

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

#### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1422 of the Safe Drinking Water Act of an application by a State, including the optional demonstration relating to oil or natural gas provided for under Section 1425 of such Act, will not

have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: April 19, 1982.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 82-11185 Filed 4-22-82; 8:45 am]  
BILLING CODE 6560-50-M

#### 40 CFR Part 123

[W-6-FRL 2109-2]

#### Texas Railroad Commission Underground Injection Control Program Approval

**AGENCY:** Environmental Protection Agency.

**ACTION:** Approval of State Program.

**SUMMARY:** The State of Texas has submitted an application under Sections 1422 and 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing injection wells related to the production of oil or natural gas (Class II wells, as defined by EPA) and wells used for in situ combustion of fossil fuels or for recovery of geothermal energy, and geothermal wells used for heating or aquaculture. The Texas program for the regulation of all other classes and types of injection wells was approved on January 6, 1982. After careful review of the application and comments received from the public, the Agency has determined that this application meets requirements of Sections 1422 and 1425 of the Act, and hereby approves it. The State of Texas now has primary enforcement responsibility over all injection wells in the State.

**EFFECTIVE DATE:** This approval is effective April 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ronald Van Wyk, Ground Water Protection Section, U.S. Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774. Copies of the responsiveness summary are available from the above address.

**SUPPLEMENTARY INFORMATION:** Part C of the Safe Drinking Water Act (SWDA or Act) establishes a national program to protect underground sources of drinking water from endangerment by underground injections through wells. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State underground injection control (UIC) programs. Section 1422 requires that each State submit an application to

administer a UIC program, which must meet the requirements of regulations under Section 1421 to gain EPA approval.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Consolidated Permits Regulations (40 CFR Parts 122, 123 and 124) and related Technical Criteria and Standards (40 CFR 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Texas submitted an application under sections 1422 and 1425 on January 28, 1982, for the approval of a UIC program governing Class II injection wells and wells used for in situ combustion of fossil fuels or for recovery of geothermal energy, and geothermal wells used for heating or aquaculture to be administered by the Texas Railroad Commission (TRC). On February 8, 1982, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Texas UIC program submitted by the TRC (47 FR 5732). A public hearing was held on March 11, 1982 in Dallas, Texas. After careful review of the application and comments received from the public, I have determined that the Texas UIC program submitted by the TRC meets the requirements of Sections 1422 and 1425 of the SDWA, and hereby approve it.

EPA is publishing this approval effective immediately so that the Texas Railroad Commission can begin issuing UIC permits for those injection wells under its jurisdiction.

#### List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information

#### OMB Approval

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

**Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Sections 1422 and 1425 of the Safe Drinking Water Act of an application by the Texas Railroad Commission will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: April 19, 1982.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 82-11184 Filed 4-22-82; 8:45 am]  
BILLING CODE 6560-50-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****41 CFR Ch. 18, Part 3****[Procurement Notice 82-3]****Regulatory Coverage for the Uniform Contract Format**

Dated: March 8, 1982.

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This document, NASA Procurement Notice No. 82-3, is a clarification of NASA's position regarding post-selection increases in the apparent successful offeror's proposed estimated cost. It revises NASA Procurement Regulation 3.501(b)(3), Uniform Contract Format.

**EFFECTIVE DATE:** April 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, D.C. 20546, Telephone: 202-755-2237.

**SUPPLEMENTARY INFORMATION:** After selection of the apparent successful offeror, it is common practice for the Government negotiator to identify any proposal weakness that must be corrected as a condition of contracting. Historically, some negotiators have viewed the solicitation provision as prohibiting them from recognizing any increases in the contractors' estimated costs resulting from correction of such weaknesses. Since it is not intended that the solicitation provision in NASA Procurement Regulation, Part 3.501(b)(3), Uniform Contract Format, Part I, Section C(30), be viewed in that light, NASA Procurement Notice 82-3 is being issued to revise and clarify the provision accordingly.

**List of Subjects in 41 CFR Ch. 18, Part 3  
Government procurement.****PART 3—PROCUREMENT BY  
NEGOTIATION**

NASA Procurement Regulation, 41 CFR Ch. 18, Part 3, § 3.501(b)(3), Uniform Contract Format, Part I, Section C(30) is revised to read as follows:

**§ 3.501 [Amended]**

\* \* \* \* \*  
(b) \* \* \* \* \*  
(3) \* \* \* \* \*  
\* \* \* \* \*

(30) The following provision shall be included in all requests for proposals to be evaluated pursuant to NASA Source Evaluation Board procedures, when award of a cost-reimbursement type contract (with or without incentive arrangements) is contemplated. The purpose of this provision is to advise the offeror(s) selected for final negotiation that they may not unilaterally increase their estimated costs for the reasons cited therein. Government negotiators are cautioned that in those cases where the second exception applies, there may be instances where such costs do not warrant additional fee:

Once the apparent successful offeror has been selected, that offeror may not unilaterally increase the estimated costs submitted with its proposal except for:

(a) Changes resulting from updating of the certified cost or pricing data submitted with its proposal;

(b) Costs resulting from the Government's directed correction of identified weaknesses in the offeror's proposal which must be corrected as a condition of contracting; or

(c) Minor changes in the requirements of the requests for proposals. In such cases, the Government will consider only those increases arising from those requirements that are actually affected by the changes (irrespective of whether the changes result in an increase or decrease in the requirements or are initiated by the Government or the offeror) and then only to the extent such changes are identified and justified.

(42 U.S.C. 2473(c)(1))

L. E. Hopkins,

Deputy Assistant Administrator for Procurement.

[FR Doc. 82-11109 Filed 4-22-82; 8:45 am]

BILLING CODE 7510-01-M

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Public Health Service****42 CFR Part 124****Revision of Income Criteria for  
Eligibility for Uncompensated Services**

**AGENCY:** Health Resources Administration, PHS, HHS.

**ACTION:** Rule-related notice.

**SUMMARY:** This notice announces the applicability of the recent revision of the poverty income guidelines to uncompensated services programs administered by health care facilities pursuant to Titles VI and XVI of the Public Health Service Act.

**DATE:** The revision of the guidelines must be implemented by affected facilities by May 10, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Martin J. Frankel, Director, Division of Facilities Compliance, BHF/HRA, Room 5-22, 3700 East-West Highway, Hyattsville, Maryland 20782; (301)436-7795.

**SUPPLEMENTARY INFORMATION:** On April 9, 1982, the annual revision of the "Poverty Income Guidelines" was issued, effective upon publication (47 FR 15417). That revision affects, among others, health care facilities that have received construction assistance under Title VI or Title XVI of the Public Health Service Act, 42 U.S.C. 291, *et seq.*, and 42 U.S.C. 300q, *et seq.*, respectively. The regulations applicable to those facilities provide that the eligibility of persons for uncompensated services is to be determined in accordance with the current poverty income guidelines of the Community Services Administration (CSA). See 42 CFR 124.506(a). The recently enacted statute which gave this Department authority to revise the guidelines also provides that any reference in law to the CSA guidelines constitutes a reference to, in this case, the present revision. Pub. L. 97-35, 683(c)(1).

The present uncompensated services regulations were issued based on the CSA statutory framework. That framework provided for a 30-day delay in effective date, which assured the assisted facilities adequate time to revise their uncompensated services procedures to accommodate revisions of the guidelines. Therefore, we are interpreting the regulation as permitting a 30-day delay in the effective date of the poverty income guidelines with respect to their implementation by assisted facilities pursuant to § 124.506(a). Subsequent to May 9, 1982, all assisted facilities to whom that regulation applies must determine eligibility for uncompensated services using the revised income criteria published on April 9.

Robert Graham,

Acting Administrator, Health Resources Administration.

April 21, 1982.

[FR Doc. 82-11285 Filed 4-22-82; 8:45 am]

BILLING CODE 4160-17-M

**Health Care Financing Administration**

42 CFR Parts 432 and 433

**Cost Allocation Plans for Public Assistance Programs****AGENCY:** Department of Health and Human Services (HHS).**ACTION:** Interim final rule with comment period.

**SUMMARY:** This rule revises existing regulations concerning the preparation, submission and approval of State agency cost allocation plans used in computing claims for Federal Financial Participation under Title XIX of the Social Security Act. It also reflects the transfer of responsibility for review and approval of the plans to the Division of Cost Allocation (DCA) in the Department's regional offices. This responsibility was previously assigned to the Social and Rehabilitation Service which was abolished by Secretarial Order published on March 9, 1977 (42 FR 13262). The current rule has been rewritten so that it is clearer, easier to understand and more specific.

Although these regulations are final, the Department has decided to invite public comments for the reasons described in the preamble to Subpart E, Cost allocation plans, of 45 CFR Part 95, General Administration—grant programs (public assistance and medical assistance), located elsewhere in this issue. Comments may be submitted in the manner described below. If changes are needed as a result of the comments received those changes will be published in the *Federal Register* along with the comments received and the Department's responses to those comments.

**DATES:** Effective date: May 24, 1982.  
Comment Date: To assure consideration, comments should be mailed by June 22, 1982.

**ADDRESS:** Address comments in writing to: Director, Office of Procurement and Assistance Policy, Office of Procurement Assistance and Logistics, Office of the Assistant Secretary for Management and Budget, U.S. Department of Health and Human Services, Room 513D, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Comments will be available for public inspection at the above address Monday through Friday from 9:00 a.m. to 5:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Edward M. Tracy (202) 245-7411.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rulemaking was published in the *Federal Register* on January 22, 1981, at 46 FR 7011, inviting comments on a proposed revision to the Department's regulations on the preparation, submission and approval of State cost allocation plans for public assistance programs. The regulation, Subpart E of 45 CFR Part 95, consolidates on a Department-wide basis all cost allocation requirements for public assistance agencies into a single regulation. Public comments were invited for 45 days ending March 9, 1981. Comments were received from nine State agencies and one association and are discussed in the preamble to Subpart E of 45 CFR Part 95 located elsewhere in this issue.

The Department has determined that this rule is not a "major rule" as defined under Executive Order 12291. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. The reporting and recordkeeping requirements contained in this regulation have been approved by The Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The OMB Number for these requirements is 0990-0073.

Accordingly, 42 CFR Parts 432 and 433 are amended as set forth below.

Dated: April 1, 1982.

Richard S. Schweiker,  
*Secretary of Health and Human Services.*

**PART 432—STATE PERSONNEL ADMINISTRATION**

§ 432.60 [Amended]

A. 42 CFR 432.60(c) is removed.

**PART 433—STATE FISCAL ADMINISTRATION**

B. 42 CFR 433.34 is revised to read as follows:

§ 433.34 Cost allocation.

A State plan under Title XIX of the Social Security Act must provide that the single or appropriate Agency will have an approved cost allocation plan on file with the Department in accordance with the requirements contained in Subpart E of 45 CFR Part 95. Subpart E also sets forth the effect on FFP if the requirements contained in that Subpart are not met.

FR Doc. 82-11111 Filed 4-22-82; 8:45 am]  
BILLING CODE 4150-04-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

44 CFR Part 67

**National Flood Insurance Program; Final Flood Elevation Determinations; Arizona, et al.****AGENCY:** Federal Emergency Management Agency.**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or 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 (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new

local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal

standards, the elevations prescribed how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67  
Flood insurance, Floodplains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Prescott Valley (city), Yavapai County, (FEMA-6143)	Aqua Fria River	Most downstream corporate limit crossing	*4,836
			Intersection of Mingus Circle and Mountain View Drive	*4,890
		Navajo Drive Wash	Intersection of Hill Drive and Mountain View Drive	*4,912
			Intersection of Robert Road and Winchester Drive	*4,926
Eastern corner of intersection of Towago Drive and Navajo Drive.				*4,876
Maps available for inspection at Town Planner's Office, Town Hall, Yavapai Road, Prescott Valley, Arizona.				
Arkansas	City of Batesville, Independence County (FEMA-6218)	White River	Just upstream of U.S. Highway 167	*265
		Polk Bayou	Just upstream of Central Avenue (State Highway 69 Bus.)	*270
		Dry Run Creek	Just downstream of State Highway 69 bypass	*280
		Miller Creek	Just upstream of State Highway 106	*278
		Unnamed tributary to White River (backwater from White River)	Just downstream of State Highway 233	*278
		Unnamed tributary to Miller Creek	Just upstream of 20th Street	*265
Just upstream of Missouri Pacific Railroad				*297
Maps available for inspection at City Hall, 170 South Fourth Street, Batesville, Arkansas 72501.				
Arkansas	Unincorporated areas of Jackson County (FEMA-6218)	White River	Just upstream of U.S. Highway 67	*231
		Village Creek	Just upstream of port entrance	*232
			Just upstream of Missouri Pacific Railroad	*230
			Just upstream of county road	*234
		Maple ditch	Just upstream of Arkansas Highway 37	*241
			Just downstream of U.S. Highway 226	*243
		Tuckerman ditch	Just upstream of Main Street	*244
			Just upstream of U.S. Highway 67	*247
		Swam Pond ditch	Just upstream of county road	*236
		Swam Pond ditch tributary	Just upstream of State Highway 37	*237
Just upstream of State Highway 37				*240
Maps available for inspection at County Judge's Office, Jackson County Courthouse, Third and Main Streets, Newport, Arkansas 72501.				
Arkansas	Town of Jacksonport, Jackson County (FEMA-6216)	White River	At intersection of State Highway 69 and Washington Street	*231
Maps available for inspection at City Hall, Jacksonport, Arkansas 72075.				
California	Corning (city), Tehama County (FEMA-6197)	Jewett Creek	Intersection of Fig Lane and Link Avenue	*272
Maps available for inspection at Department of Public Works, 794 3rd Street, Corning, California.				
Delaware	Bowers, town, Kent County (Docket No. FEMA-6216)	Delaware Bay	Entire shoreline within community	*12
Maps available for inspection by contacting Mayor James Parker at (302) 335-9884.				
Delaware	Delaware City, city, New Castle County (Docket No. FEMA-6216)	Delaware River	Coastline from upstream corporate limits to downstream corporate limits.	*12
Maps available for inspection at the Municipal Offices, 407 Clinton Street, Delaware City, Delaware.				
Delaware	Lewes, city, Sussex County (Docket No. FEMA-6216)	Delaware Bay	Entire shoreline within community	*12
Maps available for inspection at the City Hall, East Third Street, Lewes, Delaware.				
Delaware	Slaughter Beach, town, Sussex County (Docket No. FEMA-6216)	Delaware Bay	Coastline from upstream corporate limits to downstream corporate limits.	*12
Maps available for inspection by contacting the Town Secretary at (302) 335-4192.				
Indiana	(T) New Whiteland, Johnson County (Docket No. FEMA-6218)	East Grassy Creek	Just upstream of 500 North Road	*784
			Just downstream of Mooreland Drive	*791
			Just downstream of U.S. Route 31 northbound	*797
Maps available for inspection at the Town Hall, 401 Mooreland Drive, New Whiteland, Indiana.				

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C) Richmond, Wayne County (Docket No. FEMA-6218).	East fork Whitewater River	At downstream extraterritorial limits	*884
			About 250 feet upstream of Test Road	*872
			Just downstream of dam near North 24th Street	*936
			Just downstream of Reservoir Road	*962
			Just upstream of Reservoir Road	*967
			Just downstream of Conrail (about 1,800 feet upstream of Interstate 70)	*977
			Just upstream of Conrail (about 1,800 feet upstream of Interstate 70)	*983
			At state boundary	*988
			At mouth	*910
			West fork east fork Whitewater River	About 100 feet downstream of Waterfall Road
		Just upstream of Waterfall Road		*964
		Just upstream of Interstate 70		*992
		Nolands Fork	About 2,400 feet upstream of Old U.S. Route 27	*1,040
			About 520 feet downstream of Tingler Road	*1,034
		Middle fork east fork Whitewater River	About 250 feet upstream of Tingler Road	*1,036
			At mouth	*919
		Elkhorn Creek	Just downstream of dam	*937
			Just upstream of dam	*993
			Just downstream of State Route 227	*997
			About 400 feet downstream of Elkhorn Falls	*1,004
			Just downstream of Elkhorn Falls	*1,005
		Lick Creek	Just upstream of Elkhorn Falls	*1,036
			Just downstream of Niewoehner Road	*1,048
			About 0.75 mile downstream of Greenmount Road	*1,080
			At state boundary	*1,092
			At downstream extraterritorial limits	*854
		Clear Creek	Just downstream of Test Road	*890
			Just upstream of Test Road	*897
			Just downstream of U.S. Route 40	*955
			Just upstream of Crowe Road	*1,000
			Just downstream of Interstate 70	*1,020
		Short Creek	Just downstream of U.S. Route 40	*944
			Just downstream of Indiana Avenue	*970
			About 500 feet upstream of U.S. Route 35	*1,051
		South Richmond Ditch	At mouth	*855
			Just upstream of Straight Line Pike	*919
			About 200 feet downstream of South 21st Street	*951
			Just downstream of falls near Wernie Road	*1,016
			Just upstream of Wernie Road	*1,032
		South Richmond Ditch	Just downstream of Hodgkin Road	*1,045
			At mouth	*857
			Just downstream of Elks Club Road	*965
			Just upstream of Elks Club Road	*974
			About 200 feet downstream of Chessie System	*984
		South Richmond Ditch	About 500 feet downstream of Wernie Road	*990
			Just upstream of Wernie Road	*996
			About 500 feet upstream of South L Street	*1,001

Maps available for inspection at the City Planning Office, City Hall Municipal Building, 50 North Fifth Street, Richmond, Indiana.

Indiana	(T) Spring Grove, Wayne County (Docket No. FEMA-6218).	West fork east fork Whitewater River	About 450 feet downstream of Chessie System	*917
			About 130 feet downstream of Waterfall Road	*929
		East fork Whitewater River	Just upstream of Waterfall Road	*946
			About 600 feet upstream of Waterfall Road	*949
			Within the corporate limits	*918

Maps available for inspection at 9 Waterfall Road, Richmond, Indiana.

Indiana	(Uninc.) Wayne County (Docket No. FEMA-6218)	East fork Whitewater River	About 2,200 feet downstream of Potters Shop Road	*807
			About 5,200 feet upstream of Beelor Road	*844
		West fork Whitewater River	At downstream county boundary	*853
			At confluence of Greens Fork	*880
			Just downstream of East Milton Road	*908
			Just upstream of East Milton Road	*912
			Just upstream of Delaware Street	*935
		West fork east fork Whitewater River	Just upstream of U.S. Route 35	*1,052
			Just downstream of Randolph County Line Road	*1,075
			At city of Richmond upstream extraterritorial limits	*1,040
		Middle fork east fork Whitewater River	About 6,300 feet upstream of city of Richmond upstream extraterritorial limits	*1,063
			Just upstream of State Route 227 (at city of Richmond extraterritorial limit)	*997
		Elkhorn Creek	Just upstream of Inke Road	*1,052
			About 450 feet upstream of State boundary	*1,116
			At mouth at east fork Whitewater River	*833
			Just downstream of U.S. Route 27	*851
			Just upstream of U.S. Route 27	*857
		Elkhorn Creek	Just downstream of Beeson Road	*878
			Just upstream of Beeson Road	*883

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 500 feet upstream of Fouts Road .....	*998
		Lick Creek .....	Just downstream of Hartman Road .....	*1,079
			At mouth at East Fork Whitewater River .....	*841
		Nettle Creek .....	About 2,500 feet upstream of Abington Pike Road .....	*854
			Just upstream of Hoover Road .....	*1,032
			Just upstream of West Dalton Road .....	*1,066
		Martindale Creek .....	About 3,100 feet upstream of Weaver Road .....	*1,085
			At mouth at West Fork Whitewater River .....	*915
			Just downstream of U.S. Route 40 .....	*931
			Just upstream of Norfolk and Western Railway .....	*1,004
		Nolands Fork .....	About 400 feet upstream of Economy Road .....	*1,097
			At southern county boundary .....	*854
			Just upstream of Watt Road .....	*915
			Just upstream of Conrail (near U.S. Route 40) .....	*967
			Just upstream of Conrail (near New Garden Road) .....	*1,082
		Greens Fork .....	Just downstream of Randolph County Line Road .....	*1,143
			At mouth at West Fork Whitewater River .....	*881
			Just downstream of U.S. Route 40 .....	*941
			Just upstream of Conrail .....	*947
			Just downstream of Davis Road .....	*980
			Just upstream of U.S. Route 35 .....	*1,057
			Just downstream of Randolph County Line Road .....	*1,106
Maps available for inspection at the County Planning Office, 400 East Main Street, Courthouse Annex, Richmond, Indiana.				
Kentucky .....	City of Grayson, Carter County (Docket No. FEMA-6318).	Damron branch .....	Just upstream Walnut Drive .....	*600
		Little Sandy River .....	Just downstream U.S. Highway 60 (Main Street) .....	*586
		Town branch .....	Just upstream of Old State Highway 7 .....	*590
			Just upstream Old State Highway 7 (Hord Street) .....	*598
		Upper Stinson Creek .....	Just upstream of Willow Street .....	*634
			Just downstream U.S. Highway 60 .....	*588
Maps available for inspection at 302 East Main Street, Grayson, Kentucky 41143.				
Kentucky .....	City of Olive Hill, Carter County (Docket No. FEMA-6218).	Tygarts Creek .....	Approximately 200 feet downstream of the Chessie System .....	*757
			Just downstream of State Highway 986 (cross street) .....	*760
			Approximately 100 feet upstream of the confluence of Perry branch .....	*764
		Mill branch .....	Just downstream walk bridge .....	*770
		Henderson branch .....	Approximately 100 feet upstream State Highway 2 .....	*771
			Just downstream of the Henderson Branch Road access .....	*796
Maps available for inspection at City Clerk's Office, City Hall, Railroad Street, Olive Hill, Kentucky 41164.				
Maryland .....	Crisfield, city, Somerset County (Docket No. FEMA-6216).	Little Annessex River .....	Shoreline from approximately 760 feet south of Hammock Point to approximately 520 feet northwest of Lavelette Road (extended) .....	*8
			Somers Cove shoreline from approximately 520 feet northwest of Lavelette Road (extended) to Dock Street (extended) .....	*6
			Shoreline from Dock Street (extended) to 240 feet northwest of Lumber Street (extended) .....	*8
			Shoreline from 240 feet northwest of Lumber Street (extended) to approximately 160 feet southwest of Wellington Road, at the corporate limits .....	*6
			Shoreline from approximately 160 feet northeast of Wellington Road, at the corporate limits to approximately 400 feet southwest of Lorie C. Quinn Sr. Drive at the corporate limits .....	*5
		Daugherty Creek .....	Shoreline from approximately 200 feet west of Brick Kiln Road (extended) to approximately 500 feet west of Hall Highway, at the corporate limits .....	*5
Maps available for inspection at the City Hall, Main Street, Crisfield, Maryland.				
Massachusetts .....	Tyngsborough, town, Middlesex County (Docket No. FEMA-6197).	Merrimack River .....	Downstream Corporate Limits .....	*103
		Lawrence Brook .....	Upstream Corporate Limits .....	*110
			Confluence with Merrimack River .....	*105
			Upstream of Lawndale Road .....	*123
		Mascuppick Brook .....	Upstream of Lakeview Avenue .....	*176
			Confluence of Lawrence Brook .....	*124
			Upstream of Coburn Road .....	*155
		Massapoag Pond .....	Entire shoreline within community .....	*168
Maps available for inspection at the Office of the Selectmen, Town Hall, 10 Kendall Road, Tyngsborough, Massachusetts.				
Michigan .....	(C) Frankenmuth Saginaw County (Docket No. FEMA-6218).	Cass River .....	About 2,700 feet downstream of dam .....	*607
			About 1.1 miles upstream of South Main Street .....	*612
Maps available for inspection at the City Hall, 240 West Genesee Street, Frankenmuth, Michigan.				
Michigan .....	(C) Mt. Pleasant, Isabella County (Docket No. FEMA-6216).	Chippewa River .....	About 0.92 mile downstream of Pickard Avenue .....	*744
			About 200 feet upstream of Ann Arbor Railroad .....	*753
			Just upstream of High Street .....	*760



## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Robinsons branch	80 feet upstream from center of Conrail	*61
Maps available for inspection at Engineer's Office, 100 Municipal Boulevard, Edison, New Jersey.				
New Jersey	Glassboro, borough, Gloucester County (Docket No. FEMA-6218).	Mantua Creek	Downstream corporate limits	*67
			Upstream Greentree Road	*85
			Upstream Fish Pond Road	*111
Maps available for inspection at the Municipal Building, Main and High Streets, Glassboro, New Jersey.				
New Jersey	National Park, borough, Gloucester County (Docket No. FEMA-6218).	Delaware River	Entire shoreline within community	*10
		Woodbury Creek	Entire shoreline within	*10
Maps available for inspection at the Municipal Building, 7 South Grove Avenue, National Park, New Jersey.				
New Jersey	Paulsboro, borough Gloucester County (Docket No. FEMA-6218).	Mantua Creek	Entire shoreline within community	*10
		Delaware River	Entire shoreline within community	*10
Maps available for inspection at the Municipal Building, 1211 Delaware Street, Paulsboro, New Jersey.				
New Jersey	Washington, township, Warren County (Docket No. FEMA-6147).	Musconetcong River	Downstream corporate limits	*334
			State Route 31 (downstream side)	*344
			New Hampton Road (downstream side)	*356
			Changewater Road (downstream side)	*370
			Upstream corporate limits	*383
		Pohatcong Creek	Downstream corporate limits	*370
			Mill Pond Road (downstream side)	*380
			Kinnaman Avenue (downstream side)	*393
			Approximately 80 feet upstream of Plane Hill Road just upstream of dam.	*423
			Mine Hill Road (downstream side)	*423
			Conrail (upstream side)	*453
			Upstream corporate limits	*472
		Shabbecong Creek	Confluence with Pohatcong Creek	*386
			Upstream corporate limits	*388
Maps available for inspection at the Washington Township Municipal Building, Washington, New Jersey.				
New Jersey	Washington, borough, Warren County (Docket No. FEMA-6147).	Shabbecong Creek	Downstream corporate limits	*388
			Approximately 700' upstream of corporate limits (upstream of Access Road bridge).	*394
			Upstream of apartment driveway	*399
			Upstream of bridge abutments	*404
			Upstream of foot bridge	*410
			Approximately 550' downstream of South Wandling Avenue.	*418
			Upstream of South Wandling Avenue	*425
			Upstream of South Lincoln Avenue	*431
			Upstream of Broad Street	*438
			Upstream of Route 31	*446
			Upstream of Flower Avenue	*465
			Upstream corporate limits	*469
		Pohatcong Creek	Approximately 1,525' downstream Kinnaman Road	*391
			Approximately 120' downstream of Kinnaman Road	*393
Maps available for inspection at the office of the Borough Manager, Municipal Buildings, 100 Belvidere Avenue, Washington, New Jersey.				
New Jersey	Woolwich, township, Gloucester County (Docket No. FEMA-6218).	Raccoon Creek	Downstream corporate limits	*9
			Locke Avenue (upstream side)	*9
			Kings Highway (upstream side)	*10
Maps available for inspection at the Municipal Building, Woodstown Road, Swedesboro, New Jersey.				
New York	Baldwinsville, village, Onondaga County (Docket No. FEMA-6181).	Seneca	Downstream corporate limits	*372
			Upstream corporate limits	*378
		Crooked Brook	Confluence with Seneca River	*372
			Downstream of Canton Street	*375
		Tannery Creek	Confluence with Seneca River	*372
			Upstream of East Oneida Street	*379
			Overbrook Lane (extended) (Edgewood Drive)	*398
			Upstream corporate limits	*399
Maps available for inspection at the Village Hall, 16 West Genesee Street, Baldwinsville, New York.				
New York	Brightwaters, village, Suffolk County (Docket No. FEMA-6218).	Great Bay south	Entire shoreline within community	*6
Maps available for inspection at the Village Hall, 40 Seneca Drive, Brightwaters, New York.				
New York	Marcellus, town, Onondaga County (Docket No. FEMA-6181).	Ninemile Creek	Downstream corporate limits	*462
			Upstream of New York State Route 174 (1st crossing)	*484
			Upstream of New York State Route 174 (3rd crossing)	*533
			Upstream of dam No. 4	*571

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream corporate limits of village of Marcellus.....	*606
			Upstream corporate limits of village of Marcellus.....	*674
			Upstream of Lawrence Road.....	*709
			Upstream of abandoned railroad (4th crossing).....	*720
Maps available for inspection at the Town Hall, 18 East Main Street, Marcellus, New York.				
New York	Minoa, village, Onondaga County (Docket No. FEMA-6218).	Limestone Creek	Downstream Corporate Limits.....	*409
			Conrail (upstream).....	*414
			Costello Parkway (upstream).....	*416
Maps available for inspection at the Village Hall, 238 North Main Street, Minoa, New York.				
New York	Pulaski, village, Oswego County (Docket No. FEMA-6218).	Salmon river	Downstream corporate limits.....	*303
			Approximately 4,000' upstream of corporate limits.....	*328
			Upstream of South Jefferson Street.....	*342
			Confluence of Spring Brook.....	*361
			Upstream of northbound Interstate 81.....	*386
			Approximately 1,400' upstream of northbound Interstate 81.....	*391
		Spring Brook	Confluence with Salmon River.....	*363
			Upstream of Maple Avenue (3rd crossing).....	*381
			Upstream of confluence with Spring Brook Reservoir.....	*406
Maps available for inspection at the Office of the Village Clerk, Pulaski, New York.				
New York	Salina, town, Onondaga County (Docket No. FEMA-6053).	Beartrap Creek	Confluence with Ley Creek.....	*374
			Downstream N.Y. State Thruway.....	*375
			Upstream Interstate Route 81 ramp (downstream).....	*376
			Upstream Interstate Route 81 ramp (upstream).....	*391
			100' downstream culvert of Route 81.....	*391
			Downstream Lawrence Road.....	*400
			Upstream corporate limits.....	*407
		Bloody Brook	Confluence with Onondaga Lake.....	*372
			Upstream Oswego Street.....	*374
			Upstream Sunflower Drive.....	*376
			1,300' upstream of Aldenwood Drive.....	*385
			Downstream N.Y. State Thruway.....	*396
			Upstream N.Y. State Thruway.....	*400
			Upstream County Routes 148 and 45.....	*407
			360' upstream of North Street.....	*409
		Ley Creek	Downstream corporate limits.....	*371
			Upstream Lemoine Street.....	*376
			Upstream corporate limits.....	*380
		Sawmill Creek	Confluence with Onondaga Creek.....	*372
			Downstream State Route 370/Cold Springs Road.....	*381
			Duerr Road (upstream).....	*389
			Upstream State Route 57.....	*399
			Upstream corporate limits.....	*399
		Seneca River	Corporate limits (downstream).....	*371
			Corporate limits (upstream).....	*371
Maps available for inspection at the Town Office Building, 913 Liverpool Road, Liverpool, New York.				
North Carolina	Unincorporated areas of Madison County (FEMA-6224).	French Broad River	At Tennessee-North Carolina State line.....	*1,258
			Just upstream of Barnard Bridge (SR 1151).....	*1,525
			Just upstream of Redmon Bridge (SR 1135).....	*1,599
			Just upstream of Southern Railway.....	*1,679
		Spring Creek	Just downstream of State Highway 209 (at the town of Hot Springs corporate limits).....	*1,425
			Just upstream of SR 1169.....	*2,102
			Just upstream of SR 1151.....	*2,138
			Just upstream of State Highway 209 (near Spring Creek School).....	*2,260
			Just downstream of SR 1164.....	*2,350
Maps available for inspection at Madison County Courthouse, Marshall, North Carolina 28753.				
Ohio	(V) Bremen, Fairfield County (Docket No. FEMA-6218).	Rush Creek	About 3,800 feet downstream of Marietta Road.....	*793
			About 920 feet upstream of confluence of Little Rush Creek.....	*797
		Little Rush Creek	At confluence with Rush Creek.....	*796
			About 4,800 feet upstream of Conrail.....	*805
Maps available for inspection at the Mayor's Office, Town Hall, 132 Mulberry Street, Bremen, Ohio.				
Ohio	(V) Covington Miami County (Docket No. FEMA-6218).	Stillwater River	About 0.46 mile downstream of Gettysburg Road.....	*884
			About 0.15 mile downstream of confluence of Covington tributary.....	*888
			About 0.48 mile upstream of Conrail.....	*895
		Covington tributary	About 0.1 mile downstream of Main Street.....	*891
			Just downstream of Main Street.....	*895
			Just upstream of Main Street.....	*898
			About 0.02 mile downstream of Broadway.....	*902
			Just upstream of Broadway.....	*909
			Just downstream of Conrail.....	*915
			Just downstream of Fountain Street.....	*923
Maps available for inspection at the Building Department, Town Hall, 1 South High Street, Covington, Ohio.				

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Junction City, Perry County (Docket No. FEMA-6218).	Rush Creek	About 200 feet downstream of Conrail	*821
			About 2,150 feet upstream of State Route 666	*827
		Tributary F	About 5,500 feet upstream of State Route 666	*830
			Within the corporate limits	*820
Maps available for inspection at the Clerk's Office, Town Hall, Front Street, Junction City, Ohio.				
Ohio	(V) Kirkersville, Licking County (Docket No. FEMA-6218).	South fork Licking River	About 2,750 feet downstream of Fifth Street	*920
			About 425 feet upstream of Fifth Street	*926
Maps available for inspection at the Mayor's Office, Town Hall, 120 North Fourth Street, Kirkersville, Ohio.				
Ohio	(V) New Lexington, Perry County (Docket No. FEMA-6218).	Rush Creek	At downstream corporate limit	*857
			About 1,050 feet upstream of Brooks Street	*869
Maps available for inspection at the City Administrator's Town Hall, 125 South Main Street, New Lexington, Ohio.				
Ohio	(V) North Baltimore, Wood County (Docket No. FEMA-6218).	Rocky Ford Creek	Just upstream of Eagleville Road	*720
			Just downstream of Ridge Avenue	*725
		Rocky Ford tributary	Within the community	*726
Maps available for inspection at the Mayor's Office, Town Hall, 207 North Main Street, North Baltimore, Ohio.				
Ohio	(Uninc.) Shelby County (Docket No. FEMA-6218).	Great Miami River	At downstream county boundary	*882
			Just downstream of Van Demark Road	*914
			Just downstream of Sulphur Heights Hill	*930
			Just upstream of State Route 47	*949
			Just upstream of Johnston-Sagle Road	*959
			Just downstream of Tawawa Maplewood Road	*970
			At upstream county boundary	*973
		Hulls Creek	At mouth	*968
			Just downstream of Chessie System	*986
			Just upstream of Chessie System	*890
			Just downstream of Amsterdam Road	*1,006
		Leatherwood Creek	At mouth	*1,026
			Just upstream of Deam Road	*1,050
			Just downstream of Middletown-Hume Road	*1,083
		Loramie Creek	At downstream county boundary	*880
			Just downstream of Lockington Dam	*889
			About 0.9 mile downstream of Rengelene Road	*933
			Just downstream of State Route 362	*951
			Just upstream of State Route 362	*959
			Just downstream of State Route 29	*962
			Just downstream of Wenger Road	*972
			About 0.83 mile upstream of Interstate 75	*984
		Minster tributary	At mouth	*949
			At upstream county boundary	*949
		Plum Creek	At mouth	*950
			Just upstream of Sidney-Fryeburg Road	*961
			Just upstream of Thompson-Schiff Road	*984
			Just downstream of Fort Loramie-Swanders Road	*1,007
		Swanders Creek	At mouth	*994
			About 500 feet downstream of Fort Loramie-Swanders Road	*999
		Tawawa Creek	At city of Sidney corporate limits	*986
			Just upstream of State Route 29	*998
			At confluence of Leatherwood Creek	*1,026
		Turtle Creek	Just upstream of Smalley Road	*833
			Just downstream of Russell Road	*956
			About 260 feet upstream of Mason Road	*975
			Just upstream of Fort Loramie-Swanders Road	*999
			About 0.5 mile upstream of Wenger Road	*1,011
Maps available for inspection at the Regional Planning Commission, Shelby County Courthouse, Sidney, Ohio.				
Ohio	(V) Sugar Grove, Fairfield County (Docket No. FEMA-6218).	Hocking River	About 460 feet downstream of confluence with Rush Creek	*768
		Rush Creek	About 3,650 feet upstream of Chessie System	*772
			At mouth at Hocking River	*768
			At upstream corporate limits	*772
Maps available for inspection at the Mayor's Office, Town Hall, South Main Street, Sugar Grove, Ohio.				
Pennsylvania	Lower Heidelberg, township, Berks County (Docket No. FEMA-6218).	Tulpehocken Creek	Downstream corporate limits at confluence of Cacoosing Creek	*231
		Cacoosing Creek	Downstream corporate limits at confluence with Tulpehocken Creek	*231
			Most downstream dam (upstream side)	*240
			Sweitzer Road (upstream)	*247
			Downstream farm access road (upstream) (approximately 4,310' upstream of Sweitzer Road)	*259
			State Hill Road (upstream)	*272
			Reedy Road (upstream crossing) (upstream side)	*284
			Upstream of farm access road located approximately 4,800' downstream of U.S. Route 422	*300
			U.S. Route 422 (East Penn Avenue) (downstream)	*323
		Quarry Creek	Approximately 2,330 feet downstream of upstream corporate limits	*342

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
			Upstream corporate limits.....	*354
Maps available for inspection at the Township Building, Lower Heidelberg, Pennsylvania.				
Pennsylvania .....	Rostraver, township, Westmoreland County (Docket No. FEMA-6181).	Monongahela River.....	Downstream corporate limits.....	*756
			Upstream Webster-Donora Highway.....	*757
			First upstream corporate limits.....	*759
			Second upstream corporate limits.....	*760
			Upstream corporate limits.....	*762
			Confluence of Sewickley Creek.....	*769
			First upstream corporate limits.....	*771
			Approximately 2,080' downstream of State Route 981.....	*783
			Approximately 6,600' upstream of State Route 981.....	*788
			Upstream corporate limits.....	*790
			Confluence with Pollock Run.....	*974
			Approximately 1,150' upstream of golf course access road.....	*1,008
			Pollock Run.....	*779
			Approximately 1,170' downstream of Coal Hollow Bridge.....	*801
			Upstream of Legislative Route 64087 (upstream crossing).....	*825
			Upstream of State Route 136.....	*849
			Upstream of Pollock Drive access bridge.....	*877
			Pollock Drive (extended).....	*914
			Approximately 3,100' upstream of State Route 201 (1st crossing).....	*949
			Upstream of State Route 123 (Willowbrook Road).....	*974
			Upstream of State Route 51.....	*987
			Approximately 420' upstream of State Route 51.....	*763
			Upstream of access ramp to Interstate Route 70 (North Bound).....	*764
			Approximately 800' upstream of abandoned railroad (first crossing).....	*808
			Approximately 1,030' downstream of State Route 200.....	*837
			Downstream Interstate Route 70 (First crossing).....	*860
			Upstream Finely Road.....	*891
			Approximately 600' upstream of State Route 201.....	*896
			Confluence of tributary No. 2 and No. 3.....	*896
			Confluence with Speers Run and tributary No. 3.....	*941
			Upstream of Norfolk and Western Railway (first crossing).....	*1,003
			Approximately 130' upstream of Norfolk and Western Railway (3rd crossing).....	*896
			Confluence with Speers Run and tributary No. 2.....	*912
			Upstream of Interstate Route 70.....	*932
			Approximately 830' upstream of Bonnie Street ballfield bridge.....	*849
			Approximately 325' upstream of confluence with Speers Run.....	*862
			Approximately 555' upstream of Interstate Route 70.....	
Maps available for inspection at the Rostraver Township Municipal Building, Belle Vernon, Pennsylvania.				
Pennsylvania .....	Sinking Spring, borough; Berks County (Docket No. FEMA-6181).	Cacoosing Creek.....	Approximately 720' downstream of downstream corporate limits.....	*299
			Downstream corporate limits.....	*302
			U.S. Route 422 (upstream).....	*326
			Approximately 1,000' upstream of upstream corporate limits.....	*329
Maps available for inspection at the Borough Hall, Sinking Spring, Pennsylvania.				
Pennsylvania .....	Upper Moreland, Montgomery County (Docket No. FEMA-6218).	Pennypack Creek.....	Paper Mill Road (upstream).....	*142
			First upstream corporate limits.....	*157
			Second upstream corporate limits.....	*162
			Mason Mill Road (upstream).....	*179
			Davisville Road (upstream).....	*189
			Downstream crossing of Conrail (upstream side).....	*200
			Confluence of Flamingo Creek.....	*213
			Upstream corporate limits.....	*224
			Byberry Road (upstream).....	*178
			Conrail (upstream).....	*183
			Upstream corporate limits.....	*185
			Confluence with Pennypack Creek.....	*213
			West Moreland Avenue (upstream).....	*223
			Upstream corporate limits.....	*232
			Confluence with Pennypack Creek.....	*200
			Old York Road.....	*201
			Confluence with Pennypack Creek.....	*190
			Brooks Street (upstream).....	*227
			Old York and Easton Roads (downstream).....	*268
Maps available for inspection at the Upper Moreland Township Municipal Building, Willow Grove, Pennsylvania.				
South Carolina .....	Unincorporated areas of Florence County (Docket No. FEMA-6224).	Jeffries Creek.....	At State Highway 327.....	*56
			Approximately 500 feet upstream from confluence of Cane Branch.....	*64
			Just upstream of Seaboard Coast Line Railroad.....	*71

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
			Approximately 500 feet downstream of second loop road.	*97
			Just downstream of north bound lane of Interstate Highway 95.	*108
		Middle Branch.....	Just upstream of Colonial Heights dam.....	*119
			At National Cemetery Road.....	*56
			Just upstream of State Highway 724.....	*73
			Just downstream of Seaboard Coast Line Railroad.....	*79
		Polk Swamp Canal.....	Just upstream of Sea Board Coast Line Railroad.....	*90
			Just upstream of National Cemetery Road.....	*61
		Polk Swamp.....	Just downstream of State Road 918.....	*73
			Just upstream of National Cemetery Road.....	*78
			Just downstream of Old Marion Highway.....	*80
		Adams branch.....	Approximately 300 feet at downstream of State Highway 327.	*86
			Just upstream of State Highway 327.....	*98
			Approximately 100 feet downstream of confluence of unnamed tributary.	*103
		Unnamed tributary to Adams branch.....	Just downstream of Williamson Road (State Road 925).	*117
		Two Mile Creek.....	Approximately 150 feet downstream of State Road 925.	*106
		Black Creek.....	Approximately 500 feet upstream of State Highway 327.	*69
			Approximately 200 feet downstream of North Irby Street.	*77
		McCall branch.....	Approximately 100 feet downstream of Douglas Street..	*98
			Just upstream of Seaboard Coast Line Railroad.....	*113
		Tributary 1 to McCall branch.....	Just downstream of Douglas Street.....	*99
		Tributary 2 to McCall branch.....	Just upstream of confluence of tributary 3.....	*101
			Just downstream of State Highway 343, North Irby Street.	*117
		Tributary 3 to McCall branch.....	Just downstream of State Highway 343, North Irby Street.	*118
		High Hill Creek.....	Approximately 100 feet upstream of south bound lane of Interstate Highway 95.	*80
			Approximately 700 feet downstream of Pisgah Road.....	*89
		Cane branch.....	Just upstream of Clausen Road.....	*86
		Eastman branch.....	Approximately 300 feet downstream of Seaboard Coast Line Railroad.	*93
		Pye Branch.....	Approximately 150 feet downstream of National Cemetery Road.	*94
			Just downstream of Jefford Street.....	*104
			Approximately 100 feet upstream of Old Mars Bluff Road.	*113
		Beaverdam Creek.....	Approximately 400 feet downstream of Hoffmeyer Road.	*107
			Approximately 500 feet downstream of State Highway 193.	*118
		Beaverdam tributary.....	Just upstream of south bound lane of Interstate Highway 95.	*111
		Middle Swamp.....	Approximately 200 feet upstream of Pamplico Highway..	*79
			Approximately 100 feet upstream of Seaboard Coast Line Railroad.	*87
			Just downstream of confluence of Alligator branch.....	*92
			Approximately 700 feet downstream of Forest Lake dam.	*103
			Just upstream of Forest Lake dam.....	*11
			Just upstream of Seaboard Coast Line Railroad.....	*118
		Unnamed tributary to Middle Swamp.....	Just upstream of State Highway 888.....	*126
			Just downstream of Peniel Road.....	*116
		Alligator branch.....	Just downstream of Whippoorwill Road.....	*99
			Approximately 250 feet downstream of State Highway 136.	*123
		Alligator branch tributary 1.....	Just downstream of confluence of tributary 2.....	*112
			Approximately 300 feet downstream of State Highway 136.	*117
		Alligator branch tributary 2.....	Just downstream of State Highway 136.....	*122
		Lake Swamp.....	Just downstream of southbound lane of Interstate Highway 95.	*119
			Just downstream of U.S. Highway 76.....	*126
			Approximately 700 feet upstream of State Highway 145.	*131
		Sparrow Swamp.....	Approximately 700 feet downstream of Interstate Highway 95.	*111
			State Road 477 extended.....	*115
			Just upstream of U.S. Highway 76.....	*125
		Lynches Lake.....	Just upstream of Seaboard Coast Line Railroad.....	*130
			Just upstream of State Highway 730.....	*53
			Just upstream of Church Street.....	*63
			Approximately 100 feet upstream of U.S. Highway 52.....	*65
Maps available for inspection at Florence County Courthouse, City-County Complex, Florence, South Carolina 29501.				
Tennessee.....	Town of Hartsville, Trousdale County (FEMA-6197).....	Little Goose Creek.....	Just upstream of Broadway Street.....	*469
			Just downstream of McMurry Boulevard (State Highway 10 and 25).	*477

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Big Goose Creek.....	Just downstream of McMurry Boulevard (Highway 25)....	*470
		Welch branch.....	Just upstream of Hale Street extended.....	*471
		Cumberland River.....	Just downstream of Tennessee Highway 141.....	*466
Maps available for inspection at Town Register's Office, Town Hall, 210 Broadway Street, Hartsville, Tennessee 37074.				
Tennessee.....	Unincorporated areas of Trousdale County (FEMA 6197).	Cumberland River.....	Just downstream of confluence of Rocky Creek..... Just upstream of U.S. Highway 231 and State Highway 10.	*458 *460
		Big Goose Creek.....	Just downstream of State Highway 141..... Just downstream of State Highway 25 (McMurray Boulevard).	*466 *470
		Little Goose Creek.....	Just upstream of State Highway 25..... Just downstream of Old Lafayette road.....	*471 *495
		Rocky Creek.....	Approximately 260 feet upstream of State Highway 10 and 25. Approximately 400 feet downstream of Louisville and Nashville Railroad.	*478 *514
		Dixon Creek.....	Just upstream of Willard Road.....	*551
		Welch Branch.....	Just downstream of U.S. Highway 231..... Just downstream of State Highway 25.....	*486 *527
			Just downstream from Durham Road.....	*500
			Just downstream of Dixon Creek Road.....	*536
			Approximately 500 feet downstream from old State Highway 25.	*499
Maps available for inspection at Trousdale County Executive's Office, County Courthouse, Main Street, Hartsville, Tennessee 37074.				
Texas.....	City of Lubbock, Lubbock County (FEMA-6218).....	North fork Double Mountain Fork Brazos.	Upstream of Parkway Boulevard..... Downstream of Topeka and Santa Fe Railway.....	*3,153 *3,168
		Yellow House draw.....	Upstream of Atchison Topeka and Santa Fe Railway.....	*3,169
		Playa system A1.....	Upstream of Municipal Drive..... Upstream of Atchison Topeka and Santa Fe Railway.....	*3,170 *3,178
		Playa system A2.....	Just downstream of Atchison Topeka and Santa Fe Railway.	*3,212
		Playa system B.....	Upstream of Clovis Road (U.S. Highway 84).....	*3,216
		Playa system C.....	Approximately 2,300 feet upstream of Quaker Avenue..... Downstream of Frankford Avenue.....	*3,231 *3,258
		Playa system D1.....	Downstream of Loop 289.....	*3,248
		Playa system D2.....	Upstream of 4th Street.....	*3,261
		Playa system E1.....	Downstream of Milwaukee Avenue.....	*3,273
		Playa system E2.....	Upstream of Avenue W.....	*3,204
		Playa system F.....	Downstream of Canton Avenue.....	*3,211
		Playa system G1.....	Upstream of Quaker Avenue.....	*3,227
		Playa system G2.....	Downstream of 19th Street.....	*3,240
		Playa system H.....	Upstream of the intersection of Avenue U and 41st Street.	*3,207
		Playa system I.....	Downstream of Loop 289 (near 70th Street).....	*3,222
		Playa system J1.....	Upstream of 57th Street.....	*3,256
		Playa system J2.....	Upstream of Elgin Avenue.....	*3,225
			Upstream of Loop 289.....	*3,185
			Upstream of U.S. Highway 87.....	*3,201
			Approximately 500 feet downstream of 98th Street.....	*3,203
			Upstream of Flint Avenue.....	*3,228
			Upstream of 98th Street.....	*3,221
			Upstream of Loop 289 (westbound).....	*3,216
			Upstream of Zenith Avenue.....	*3,191
			Upstream of Erskine Street.....	*3,196
			Upstream of Guave Avenue.....	*3,206
			Upstream of Loop 289.....	*3,193
Maps available for inspection at the Building Inspector's Office, City Hall, Lubbock, Texas 79457.				
Virginia.....	Grundy, town, Buchanan County (Docket No. FEMA-6218).	Levisa fork.....	Downstream corporate limits..... Swinging bridge (downstream)..... Footbridge (downstream).....	*1,024 *1,029 *1,043
		Slate Creek.....	Confluence of Slate Creek..... Hoot Owl Road (State Route 615) (downstream)..... Second corporate limits crossing (downstream).....	*1,054 *1,067 *1,074
			Upstream corporate limits..... Confluence with Levisa Fork.....	*1,081 *1,054
			Confluence of Newhouse branch.....	*1,069
			Walnut Street (upstream).....	*1,082
			Maple Street (downstream).....	*1,092
			Upstream corporate limits.....	*1,109
Maps available for inspection at the Town Office, Grundy, Virginia.				
Virginia.....	Wachapreague, town, Accomack County (Docket No. FEMA-6224).	Atlantic Ocean.....	From southern corporate limits to Finney Creek..... From Finney Creek to Richardson Avenue extended to corporate limits.	*13 *12
			From Richardson Avenue extended to corporate limits to northern corporate limits.	*11
Maps available for inspection at the Town Hall, Main Street, Wachapreague, Virginia.				
Washington.....	Bellingham (city), Whatcom County (FEMA-6218).....	Squalicum Creek.....	100 feet upstream from center of Guide Meridian Street.	*87
		Whatcom Creek.....	150 feet upstream from center of Interstate Highway 5.	*54
		Padden Creek.....	Intersection of Donovan Avenue and 22nd Street.....	*109

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Baker Creek.....	Intersection of Guide Meridian Street and northwest on ramp to Interstate Highway 5.	*106
		Tributary W.....	250 feet upstream from center of Interstate Highway 5.	*98
		Connelley Creek.....	50 feet upstream from center of Donovan Avenue.....	*122
		Bellingham Bay.....	At mouth of Padden Creek.....	*8
Maps available for inspection at Planning Department, 210 Lottie Street, Bellingham, Washington 98225.				
Washington.....	Kittitas County (unincorporated areas) (FEMA-6216).....	Manastash Creek.....	50 feet upstream from the centerline of Brown Road..... At intersection of Barnes Road and Manastash Creek.....	*1,577 *1,637
Maps available for inspection at Office of the County Commissioner, 5th and Main, Ellensburg, Washington.				
Washington.....	McCleary (town), Grays Harbor County (FEMA-6218)....	East fork Wildcat Creek.....	Intersection of creek and center of Old Olympic Highway (State Highway 108).	*238
Maps available for inspection at City Hall, McCleary, Washington.				
Washington.....	Nooksack (city), Whatcom County (FEMA-6181).....	Sumas River.....	At the intersection of Madison Street and East 2nd Street.	*82
		Johnson Creek.....	50 feet east along Madison Street from its intersection with West 2nd Street.	*81
Maps available for inspection at City Hall, 193 Madison Street, Nooksack, Washington.				
West Virginia.....	New Martinsville, city, Wetzel County (Docket No. FEMA-6218).	Ohio River.....	Downstream corporate limits..... Confluence of Williams Run..... Confluence of Leininger Run..... Upstream corporate limits.....	*636 *637 *638 *639
		Fishing Creek.....	Downstream corporate limits..... Upstream corporate limits.....	*636 *636
		Doolin Run.....	Confluence with Fishing Creek..... Upstream corporate limits.....	*636 *636
		Williams Run.....	Confluence with Ohio River..... Upstream corporate limits.....	*637 *637
		Leininger Run.....	Confluence with Ohio River..... Orchard Drive (upstream).....	*638 *638
Maps available for inspection at the City Hall, 203 Main Street, New Martinsville, West Virginia.				
Wisconsin.....	(C) Kenosha, Kenosha County (Docket No. FEMA-6218).	Lake Michigan.....	At shoreline.....	*584
		Pike Creek.....	About 0.55 mile downstream of 22nd Avenue..... About 0.35 mile upstream of 22nd Avenue..... At 30th Avenue storm sewer inlet..... About 0.35 mile upstream of 30th Avenue storm sewer inlet..... About 0.66 mile upstream of 30th Avenue storm sewer inlet.....	*603 *607 *616 *620 *629
		Von Gunten Creek.....	At 39th Avenue..... About 0.4 mile upstream of 39th Avenue..... Just upstream of State Highway 142..... Just downstream of 47th Avenue..... At upstream corporate limit.....	*650 *652 *661 *667 *693
		Pike River.....	Just upstream of 30th Avenue..... About 500 feet upstream of 30th Avenue..... About 1,700 feet upstream of 30th Avenue..... At the mouth..... Just downstream of Alford Park Drive..... At State Highway 32..... Just upstream of the Chicago and North Western Railroad.	*632 *633 *642 *584 *589 *593 *595
Maps available for inspection at the Planning Department, City Hall, 625 West 52nd Street, Kenosha, Wisconsin.				
Wisconsin.....	(C) Waukesha, Waukesha County (Docket No. FEMA-6218).	Pebble Creek.....	Just upstream of County Highway D..... About 800 feet upstream of Chicago and North Western Railroad.	*797 *805
		Pebble Brook tributary.....	About 400 feet upstream of mouth.....	*811
		Fox River.....	About 1,000 feet upstream of Southwest Avenue..... Just upstream of County Highway A..... Just upstream of North Prairie Avenue..... Just upstream of North Barstow Street..... About 0.3 mile upstream of East Moreland Boulevard.....	*816 *793 *802 *814 *815
Maps available for inspection at the Director of Public Works' Office, City Hall, Waukesha, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: April 2, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-10892 Filed 4-22-82; 6:45 am]

BILLING CODE 6718-03-M

## 44 CFR Part 67

National Flood Insurance Program;  
Final Flood Elevation Determinations;  
Connecticut, et al.AGENCY: Federal Emergency  
Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood  
elevations are listed below for selected  
locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or 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 (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

## FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60. Pursuant to the provisions of 5 U.S.C.

605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the bases for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67  
Flood insurance, Floodplains.

The final base (100-year) flood elevations for selected locations are:

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
Connecticut	Manchester, town, Hartford County (Docket No. FEMA-5920).	Hockanum River	Corporate limits	*73	
			Upstream side of Middle Turnpike	*80	
			Downstream side of New State Road	*83	
			Upstream side of New State Road	*88	
			2,300' upstream from Adams Street	*98	
			Conrail Bridge	*105	
			North Main Street Bridge	*109	
			Union Street Bridge	*122	
			Upstream side of Union Pond Dam	*145	
			1,100' downstream from Tolland Turnpike	*148	
			400' downstream from Tolland Turnpike	*158	
			Tolland Turnpike	*164	
			Corporate limits	*176	
			Bigelow Brook	Hillard Street Bridge	*88
				Upstream side of Adams Street	*95
		Upstream side of breached dam, 350' upstream from Adams Street		*101	
		1,600' upstream from West Middle Turnpike		*120	
		400' downstream from Broad Street		*131	
		Broad Street Bridge		*136	
		Edgarton Street		*140	
		1,300' upstream from Edgarton Street		*150	
		1,975' upstream from Edgarton Street		*185	
		450' downstream from North Main Street		*178	
		North Main Street Bridge		*206	
		Summit Street Bridge		*220	
		Hop Brook	East Middle Turnpike	*263	
			Parker Street Bridge	*278	
			Woodbridge Street Bridge	*287	
			Weaver Road Bridge	*294	
			220' upstream from Weaver Road Bridge	*301	
			1,750' downstream from Dog Pound Road	*75	
			1,200' upstream from Dog Pound Road	*85	
			West Olcott Street Bridge	*89	
West Center Street Bridge	*100				
Downstream side of Hartford Road Bridge	*106				
650' upstream from Hartford Road Bridge	*114				
1,850' downstream from Keeney Street Bridge	*124				
Keeney Street Bridge	*137				
600' upstream from Interstate Route 84 (Exit Ramp)	*147				

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			1,700' upstream from Interstate Route 84 (Exit Ramp) ...	*157
			Prospect Street Bridge .....	*167
			1,000' upstream from Prospect Street Bridge .....	*177
			1,850' upstream from Prospect Street Bridge .....	*187
			South Main Street Bridge .....	*198
			1,450' upstream from South Main Street .....	*210
			Confluence with Porter Brook .....	*220
			Confluence with Hop Brook .....	*220
		Porter Brook .....	1,400' downstream from Charter Oak Street Bridge .....	*235
			Charter Oak Street Bridge .....	*246
			1,400' upstream from Charter Oak Street Bridge .....	*256
			Autumn Street Bridge .....	*264
			850' downstream from dam .....	*272
			Dam .....	*292
		Lydall Brook .....	North School Street Bridge .....	*145
			600' upstream from North School Street Bridge .....	*157
			1,100' upstream from North School Street Bridge .....	*167
			Oakland Street Bridge .....	*175
			1,300' upstream from Oakland Street Bridge .....	*186
			Downstream side of Dam (2,350' upstream from Oakland Street Bridge) .....	*199
			Upstream side of dam .....	*209
			900' upstream Railroad Bridge .....	*229
			Downstream side of dam (1,370' upstream from Railroad Bridge) .....	*239
			Upstream side of dam .....	*248
			Downstream side of dam (500' upstream from Parker Street Bridge) .....	*252
			Upstream side of dam .....	*264
			Ambassador Drive Bridge .....	*270
			Vernon Street Bridge .....	*285
			650' upstream from Vernon Street Bridge .....	*292
		Folly Brook .....	Interstate Route 84 .....	*114
			Bidwell Street Bridge .....	*121
			950' upstream from Bidwell Street Bridge .....	*130
			Wetherell Street Bridge .....	*139
			725' upstream from Wetherell Street Bridge .....	*150
			Downstream of dam (650' downstream from Keeney Street Bridge) .....	*166
			Upstream side of dam .....	*176
			175' upstream from Keeney Street Bridge .....	*179
Maps available for inspection at the Town of Manchester Municipal Building, 41 Center Street, Manchester, Connecticut.				
Idaho .....	Coeur d'Alene (city), Kootenai County (FEMA-6052) .....	Lake Coeur d'Alene .....	Intersection of Mullan Avenue and Park Drive .....	*2,137
			Intersection of College Drive and River Avenue .....	*2,137
			Intersection of the shoreline and corporate limits near East Lakeshore Drive .....	*2,137
Maps available for inspection at City Clerk's Office, 8th & Mullen, Coeur d'Alene, Idaho.				
Illinois .....	(V), Browning, Schuyler County (Docket No. FEMA-5944) .....	Illinois River .....	At the downstream corporate limits .....	*450
			At the upstream corporate limits .....	*450
Maps available for inspection at the Public Works Office, Village Hall, Browning, Illinois.				
Illinois .....	(V), Matteson, Cook County (Docket No. FEMA-5978) .....	Butterfield Creek .....	Just upstream of Crawford Avenue .....	*684
			Just downstream of 207th Street .....	*687
			About 0.27 mile downstream of Cicero Avenue .....	*692
			Just upstream of Cicero Avenue .....	*693
			About 0.15 mile downstream of Interstate 57 .....	*694
			About 1.0 mile upstream of Central Avenue .....	*695
		Butterfield Creek East Branch .....	Just upstream of Lincoln Highway (corporate limits) .....	*685
			Just downstream of Lincoln Highway, about 0.24 mile upstream of Governors Highway .....	*691
			Just upstream of Corvette Place, about 0.40 mile upstream of Governors Highway .....	*693
			Just upstream of Lincoln Highway, about 0.57 mile downstream of Conrail .....	*695
			Just upstream of Conrail .....	*701
			About 0.08 mile upstream of Elgin Joliet and Eastern Railway .....	*703
		East Branch Tributary .....	Mouth at Butterfield Creek East Branch .....	*701
			Just upstream of Elgin Joliet and Eastern Railway .....	*705
Maps available for inspection at the Clerk's Office, Municipal Building, 3625 West 215th Street, Matteson, Illinois.				
Louisiana .....	Gonzales (town) Ascension Parish (FEMA-5701) .....	Bayou Francois .....	Kansas City Southern Railroad—75 feet upstream from centerline .....	*8
			State Highway 44 (Burnside Avenue)—50 feet upstream from centerline .....	*10
		Bayou Boyle .....	Interstate Highway 10—25 feet upstream from centerline .....	*10
		Bayou Boyle Central .....	State Highway 44 (South Burnside Avenue)—25 feet upstream from centerline .....	*10
		Bayou Boyle North .....	State Highway 30—50 feet upstream from centerline .....	*10
		Bayou Narcisse .....	U.S. Highway 61—60 feet upstream from centerline .....	*11
		New River .....	Kansas City Southern Railroad—50 feet upstream from centerline .....	*10

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			North Marchand Avenue—25 feet upstream from centerline.	*11
Maps available for inspection at Town Hall, 120 South Erma Boulevard, Gonzales, Louisiana.				
Michigan	(Chtr. Twp.), Brownstown, Wayne County (Docket No. FEMA-6005).	Smith Creek	About 975 feet downstream Telegraph Road	*598
			About 850 feet downstream West Road	*604
			Just downstream Beech Daly Road	*608
		Brownstown Creek	Just upstream Fort Street northbound	*586
			Just downstream Vreeland Road	*589
		Marsh Creek	Just upstream Fort Street northbound	*585
			Just downstream Vreeland Road	*586
		Silver Creek	Mouth at Huron River	*578
			At confluence of Smith Creek	*578
			About 2,700 feet downstream Arsenal Road	*601
			Just downstream Van Horn Road	*604
		Morrison Drain	Mouth at Silver Creek	*578
			About 500 feet downstream Woodruff Road	*579
		Huron River	Mouth at Lake Erie	*578
			Upstream corporate limits (about 0.9 mile upstream of River Road)	*578
		Blakely Drain	Just upstream King Road	*593
			Just upstream Detroit, Toledo and Ironton Railroad	*601
			Just downstream Pennsylvania Road	*608
		Lake Erie	Along corporate limits	*578
Maps available for inspection at the Public Service Office, Brownstown Township Hall, 21313 Telegraph Road, Trenton, Michigan.				
New York	Elbridge, village, Onondaga County (Docket No. FEMA-6080).	Skaneateles Creek	Corporate limits	*511
			Upstream of Valley Drive State Route 31C	*532
			Corporate limits	*542
Maps available for inspection at the Village Office, 111 South Street, Elbridge, New York.				
New York	Elbridge, town, Onondaga County (Docket No. FEMA-6080).	Seneca River	Downstream corporate limits	*381
			Upstream corporate limits	*382
		Skaneateles Creek	Downstream corporate limits	*387
			Upstream New York State Thruway	*394
			Upstream Conrail	*401
			Upstream corporate limits with Village of Jordan	*427
			Upstream Valley Drive	*450
			Approximately 1,968' upstream Valley Drive	*466
			Approximately 3,552' upstream Valley Drive	*485
			Approximately 5,162' upstream Valley Drive	*499
			Downstream corporate limits with Village of Elbridge	*518
			Upstream corporate limits with Village of Elbridge	*541
			Downstream Hamilton Road	*547
Maps available for inspection at Elbridge Town Hall, Jordan, New York.				
New York	Jordan, village, Onondaga County (Docket No. FEMA-6080).	Skaneateles Creek	Downstream corporate limits	*401*408
			Upstream side of dam	*417
			Upstream side of Elbridge Street	*427
			Upstream corporate limits	
Maps available for inspection at Village Hall, Mechanic Street, Jordan, New York.				
Pennsylvania	Perry, township, Berks County (Docket No. FEMA-5824).	Tributary No. 2	Downstream corporate limits (first crossing)	*331
			Private Lane 1,700 feet upstream from corporate limits (upstream)	*353
			Main Street (upstream)	*361
			Culvert at Legislative Route 160 (downstream)	*370
			Culvert at Township Route 733 (upstream)	*380
Maps available for inspection at the Perry Township Building.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: April 2, 1982.

Lee M. Thomas,  
Associate Director, State and Local Programs and Support.

[FR Doc. 82-10937 Filed 4-22-82; 8:45 am]

BILLING CODE 6718-03-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

## 45 CFR Part 73b

## Standards of Conduct; Debarment of Former Employees for Violations of Post-Employment Restrictions

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

**SUMMARY:** The "Ethics in Government Act of 1978" (Act), as amended, provides that if the head of a department finds that a former officer or employee of the department has violated provisions of the Act relating to post-employment conflicts of interest, he may prohibit that person from appearing before that department, or from communicating with that department with the intent to influence, on behalf of any person (except the United States) for a period of not more than five years, or to take other appropriate debarment or disqualification action. This regulation establishes procedures to be used by this Department in determining whether debarment or disqualification action is appropriate. The procedures provide for notice and a hearing prior to final action on allegations of misconduct.

EFFECTIVE DATE: April 23, 1982.

## FOR FURTHER INFORMATION CONTACT:

Darrel J. Grinstead, Assistant General Counsel, Business and Administrative Law Division (202-245-7752).

**SUPPLEMENTARY INFORMATION:** The Office of Government Ethics has published a general regulation dealing with such administrative enforcement proceedings, 5 CFR 737.27.

Publication of this rule as a proposed rule is not required. 5 U.S.C. 533(b)(3)(A).

## List of Subjects in 45 CFR Part 73b

Administrative practice and procedure, conflict of interests.

Title 45 CFR is amended by adding a new Part 73b to read as follows:

## PART 73b—DEBARMENT OR SUSPENSION OF FORMER EMPLOYEES

Sec.

- 73b.1 Scope.
- 73b.2 Rules and regulations.
- 73b.3 Reports of violations.
- 73b.4 Proceedings.
- 73b.5 Hearings.

Authority: 18 U.S.C. 207(j).

## § 73b.1 Scope.

This part contains rules governing debarment or disqualification action against a former officer or employee of the Department, including former and retired officers of the commissioned corps of the Public Health Service, because of violation of the post-employment restrictions of the conflict of interest laws and regulations.

## § 73b.2 Rules and regulations.

This part will be applied in conformance with the standards established by the Office of Government Ethics in its regulations, 5 CFR Part 737, and interpretations thereof. Former officers and employees of the Department may request advice and assistance in compliance with those regulations from the Assistant General Counsel, Business and Administrative Law Division, Department of Health and Human Services.

## § 73b.3 Reports of violations.

(a) If an officer or employee of the Department has reason to believe that a former officer or employee of the Department has violated any provision of 18 U.S.C. 207 (a), (b) or (c) or if any such officer or employee receives information to that effect, he/she shall promptly make a written report thereof which shall be forwarded to the Inspector General. If any other person has information of such violations, he/she may make a report thereof to the Inspector General or to any officer or employee of the Department.

(b) The Inspector General shall coordinate proceedings under this part with the Department of Justice in cases where it appears criminal prosecution is warranted.

## § 73b.4 Proceedings.

(a) Upon a determination by the Assistant General Counsel, Business and Administrative Law Division, or his/her designee, after investigation by the Inspector General, that there is reasonable cause to believe that a former officer or employee, including a former special Government employee, of the Department of Health and Human Services (former departmental employee) has violated 18 U.S.C. 207 (a), (b) or (c), the Assistant General Counsel, or his/her designee, shall cause a copy of written charges of the violation(s) to be served upon such individual, either personally or by registered mail. The charges shall be accompanied by a notice to the former departmental employee to show cause within a specified time of not less than 30 days after receipt of the notice why he/she should not be prohibited from engaging

in representational activities in relation to matters pending in the Department, as authorized by 18 U.S.C. 207(j), or subjected to other appropriate debarment or disqualification action under that statute. The notice to show cause shall include:

(1) A statement of allegations, and their bases, sufficiently detailed to enable the former departmental employee to prepare an adequate defense;

(2) Notification of the right to a hearing, and that failure to answer shall constitute a waiver of defense; and

(3) An explanation of the method by which a hearing may be requested.

(b) If a former departmental employee who submits an answer to the notice to show cause does not request a hearing or if the Assistant General Counsel does not receive an answer within the time prescribed by the notice, the Assistant General Counsel shall forward the record, including the report(s) of investigation, to the Assistant Secretary for Personnel Administration (Assistant Secretary). In the case of a failure to answer, such failure shall constitute a waiver of defense.

(c) Upon receipt of a former departmental employee's request for a hearing, the Assistant General Counsel shall notify him/her of the time and place thereof, giving due regard both to such person's need for an adequate period to prepare a suitable defense and an expeditious resolution of allegations that may be damaging to his or her reputation.

(d) The presiding officer at the hearing and any related proceedings shall be a federal administrative law judge. He/she shall insure that the former departmental employee has the following rights:

- (1) To self-representation or representation by counsel,
- (2) To introduce and examine witnesses and submit physical evidence,
- (3) To confront and cross-examine adverse witnesses,
- (4) To present oral argument, and
- (5) To a transcript or recording of the proceedings, upon request.

(e) The Assistant General Counsel shall designate one or more officers or employees of the Department to present the evidence against the former departmental employee and perform other functions incident to the proceedings.

(f) A decision adverse to the former departmental employee must be sustained by substantial evidence that he/she violated 18 U.S.C. 207 (a), (b) or (c). If a judgment of conviction has been entered by a Federal district court

against the former departmental employee for violation of 18 U.S.C. 207 (a), (b) or (c), regardless of whether the judgment is based upon a verdict or a plea of guilty, such judgment of conviction shall be conclusive evidence of a violation of 18 U.S.C. 207 (a), (b) or (c), unless and until the judgment is vacated or reversed on appeal.

(g) The administrative law judge shall issue an initial decision based exclusively on the transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, and shall set forth in the decision findings and conclusions, supported by reasons, on the material issues of fact and law presented on the record.

(h) Within 30 days after issuance of the initial decision, either party may appeal in writing to the Assistant Secretary who in that event shall issue the final decision based on the record of the proceedings or those portions thereof cited by the parties to limit the issues. If the final decision modifies or reverses the initial decision, the Assistant Secretary shall specify the findings of fact and conclusions of law that vary from those of the presiding officer.

(i) If a former departmental employee fails to appeal from an adverse initial decision within the prescribed period of time, the administrative law judge shall forward the record of the proceedings to the Assistant Secretary.

(j) In the case of a former departmental employee who filed an answer to the notice to show cause but did not request a hearing, the Assistant Secretary shall make the final decision on the record submitted to him by the Assistant General Counsel pursuant to subsection (b) of this section.

(k) In a case where:

(1) The defense has been waived,

(2) The former departmental employee has failed to appeal from an adverse initial decision, or

(3) The Assistant Secretary has issued a final decision that the former departmental employee violated 18 U.S.C. 207 (a), (b) or (c).

The Assistant Secretary may issue an order:

(i) Prohibiting the former departmental employee from making, on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, the Department on a pending matter of business for a period not to exceed five years, or

(ii) Prescribing other appropriate debarment or disqualification action,

such as limiting the action to a particular organization or organizations within the Department.

(l) An order issued under either paragraph (k)(i) or (ii) of this section shall be supplemented by a directive to officers and employees of the Department not to engage in conduct in relation to the former departmental employee that would contravene such order.

#### § 73b.5 Hearings.

(a) Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be closed unless an open hearing is requested by the respondent, except that if classified information or protected information of third parties is likely to be adduced at the hearing, it will remain closed. If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to him/her, he/she shall be deemed to have waived the right to a hearing and the administrative law judge may make a decision on the basis of the record before him/her at that time.

(b) The rules of evidence prevailing in courts of law and equity are not controlling in hearings under this part. However, the administrative law judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(c) Depositions for use at a hearing may, with the consent of the parties in writing or the written approval of the administrative law judge be taken by either the Assistant General Counsel or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories. There shall be at least 10 days written notice to the other party. The requirement of a 10-day written notice may be waived by the parties in writing. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogation shall be mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

Dated: March 23, 1982.

Richard S. Schweiker,  
Secretary.

[FR Doc. 82-11172 Filed 4-22-82; 8:45 am]

BILLING CODE 4150-04-M

#### Office of the Secretary

#### Office of Family Assistance

#### Office of Child Support Enforcement

#### Office of Human Development Services

45 CFR Parts 75, 95, 205, 232, 302, 304, 1392

#### Cost Allocation Plans for Public Assistance Programs

AGENCY: Health and Human Services Department (HHS).

ACTION: Interim final rule with comment period.

SUMMARY: This rule revises existing regulations concerning the preparation, submission and approval of State agency cost allocation plans used in computing claims for Federal Financial Participation under public assistance programs. It also reflects the transfer of responsibility for review and approval of the plans to the Division of Cost Allocation (DCA) in the Department's regional offices. This responsibility was previously assigned to the Social and Rehabilitation Service which was abolished by Secretarial Order published on March 9, 1977 (42 FR 13262). The current rule has been rewritten so that it is clearer, easier to understand and more specific. The Department's Informal Grant Appeals regulation relative to cost allocation plans and indirect cost rates (45 CFR Part 75) is also being updated and revised to make it consistent with Supart E, Cost allocation plans, of 45 CFR Part 95, General administration—grant programs (public assistance and medical assistance).

Although these regulations are final, the Department has decided to invite public comments for the reasons described in the Supplementary Information below. Comments may be submitted in the manner described below. If changes are needed as a result of the comments received, those changes will be published in the Federal Register along with the comments received and the Department's responses to those comments.

DATES: Effective date: May 24, 1982.  
Comment date: To assure consideration,

comments should be mailed by June 22, 1982.

**ADDRESS:** Address comments in writing to: Director, Office of Procurement and Assistance Policy, Office of Procurement Assistance and Logistics, Office of the Assistant Secretary for Management and Budget, U.S. Department of Health and Human Services, Room 513D, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Comments will be available for public inspection at the above address Monday through Friday from 9:00 a.m. to 5:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Edward M. Tracy (202) 245-7411.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rule Making was published in the Federal Register on January 22, 1981 at 46 FR 7011, inviting comments on a proposed revision to the Department's current regulations on the preparation, submission and approval of State cost allocation plans for public assistance programs. The regulation, Subpart E of 45 CFR Part 95, consolidates on a Department-wide basis all cost allocation requirements for public assistance agencies into a single regulation. Public comments were invited for 45 days ending March 9, 1981. Comments were received from nine State agencies and one association and were considered in the development of the final regulation.

In the intervening period of time, however, a number of changes have been introduced that have necessitated revisions to the Notice of Proposed Rulemaking. In addition, a Guide designed to assist States in the preparation and implementation of cost allocation plans for public assistance agencies has been developed with the assistance of a number of States and is being circulated for comment to all States. We believe it appropriate, therefore, that this regulation be issued as interim final to give the public an opportunity to comment and recommend additional changes. Commentators may also wish to address the General Accounting Office findings in their Report HRD-81-51 issued May 18, 1981 recommending that more detailed standards be included in the regulation. Comments are also solicited indicating whether the flexibility provided in this regulation that allows for a variety of State organization alignments, program configurations and accounting structures currently in existence is adequate or inadequate. Comments or changes that should be made to assist States in preparing and obtaining approved cost allocation plans, while assuring the

necessary documentation as required for audit purposes, are desirable. The suggested areas of consideration for comment should not be construed as restricting comments to those areas; all comments will be considered.

The Notice of Proposed Rulemaking was published before the Administration proposed or Congress established seven block grant programs in the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The Notice of Proposed Rulemaking included Title XX of the Social Security Act which is now a part of the Social Services Block Grant. Since the block grant regulations deleted all regulations in 45 CFR Part 1395 and Part 1396, the references to Title XX are removed from this rule. The Social Services Block Grant will be treated as a State operated program for cost allocation purposes and the State need only separate the Title XX Block Grant costs from those incurred under other programs. In addition, 45 CFR 1392.64 contains a cross reference to 45 CFR 1395.2 in establishing cost allocation requirements for Service Programs for Families and Children under Parts A and B of Title IV of the Social Security Act. Since Part 1395 has been removed as of October 1, 1981, 45 CFR 1392.64 has been revised to reference Subpart E of 45 CFR Part 95.

The comments to the Notice of Proposed Rulemaking were generally favorable, especially with respect to consolidating the cost allocation requirements in one location, strengthening and simplifying the cost allocation plan approval process and in simplifying the cost disallowance and appeal process. The following summarizes and discusses the public comments and the major changes made in the regulation in consideration of these comments:

### 1. Scope

**Comment:** The regulations does not indicate whether the approval of a cost allocation plan by the Department's regional Divisions of Cost Allocation (DCAs) also applies to programs of other Federal Agencies.

**Response:** The Office of Management and Budget Circular A-87 requires that a single Federal agency (referred to as the "cognizant agency") be designated to approve a State agency's cost allocation plan on behalf of all Federal agencies. A list of cognizant agencies was published in the Federal Register on February 28, 1980 at 45 FR 13396. Since this subject is adequately covered in these documents, it is not necessary that it also be addressed in this regulation.

### 2. Definitions

**Comment:** The definition of "administrative costs" is too broad since it would include the direct delivery of social services by State agency staffs. These costs are a direct program cost and should therefore be excluded from the definition of administrative costs so that there is not a distortion of the true administrative costs of the Title XX program.

**Response:** Pub. L. 97-35 has since established the Title XX Social Services Block Grant. Also, the term "administrative costs" has been changed in the interim final rule to clarify the intended meaning and to eliminate any possible confusion. "State agency costs" include all costs normally identified as "indirect" as well as costs incurred by the State agency in the direct delivery of services. The Department continues to require the inclusion of all State agency costs in the cost allocation plan in order to ensure that they are properly distributed to the appropriate programs on a consistent basis as required by the cost principles published by OMB.

**Comment:** The definition of a "State agency" should be clarified to indicate how it applies in situations where there is one large department (i.e., an "umbrella Department") that has several operating components or agencies, each of which may administer one or more of the programs identified in § 95.503. Specifically, is the "State agency" defined to be the overall department or is it defined as the individual component or agency.

**Response:** In those States where this form of organizational arrangement exists, the term "State agency" for purposes of this regulation, is defined to mean the individual component or agency that is directly responsible for the administration of, or supervising the administration of, a program noted in § 95.503. This point has been clarified in the rule.

We recognize, though, that this is a narrow definition but believe that it will simplify the overall cost allocation plan preparation process. For instance, the development of a cost allocation plan will not be required for those components or agencies of a overall department that do not have any direct Federal awards. In addition, in those situations where a cost allocation plan is required for more than one component or agency within the State department, we encourage the consolidation of individual plans into one overall submission wherever possible. We also encourage that the Director, DCA be

consulted during the plan preparation process.

Further, where an action is required, the term "State" has been substituted for the term "State agency." This has been done to allow States flexibility in the preparation and submission of required plans and amendments. As stated in the NPRM, the "State agency" would have had to submit its plan directly to the DCA, without clearly allowing the Governor or umbrella agency a role.

While we believe that most States will continue to write and submit plans from the agency directly responsible for the administration of the program, this revision will allow alternative processes to be used at State option. In all cases, we would expect the expertise of the State agency administering each program to be reflected in the plan.

### 3. Cost Allocation Plan Requirements

*Comment:* Official organizational charts are developed and issued once a year. The requirement of submitting organizational charts with every cost allocation plan submission is therefore an unnecessary additional administrative burden.

*Response:* The submission of an organizational chart is only required in those instances where a plan or plan amendment is being proposed because of an organizational change that materially affects the distribution of costs (see § 95.509). The submission of an organizational chart depicting the change being proposed to a currently approved plan is necessary to allow for an adequate evaluation of the proposal. In those situations where "official" organizational charts are prepared on an annual basis, the plan or plan amendment submitted should, as a minimum, include an interim chart that clearly reflects the organizational relationships and responsibilities of the units being described in the proposal. The accuracy of the interim chart should be certified by the Director of the State agency.

*Comment:* The requirement for including the " \* \* \* estimated cost impact resulting from a proposed change \* \* \*" should be eliminated or significantly revised. Determining the actual impact would be difficult to predict in a number of cases and, where obtainable, would be prejudicial and only hinder the approval process.

*Response:* The requirement for the " \* \* \* estimated cost impact resulting from a proposed change \* \* \*" was suggested by a Task Force of State finance officers that worked with the Department in developing the regulation. This provision was proposed as a means

of simplifying the current procedure that requires the " \* \* \* estimated costs for an annual period by cost centers or pools which include the costs of all organizational units \* \* \*". While we agree that the acceptance of a proposed cost allocation procedure should be governed primarily by the equity of the procedure, an indication of the dollar effect of the procedure is useful in determining the scope of the Department's review of the procedure. In all situations it may not be practical to obtain this data without incurring significant additional costs and therefore we have modified the language contained in the Notice. Where it is not practical to obtain this information, the revised language requires that the State agency reach agreement with the DCA on an alternative approach, prior to submitting a cost allocation proposal.

*Comment:* The regulation should address the submission of cost allocation plans for local government agencies who operate public assistance programs under a "State supervised" system.

*Response:* We agree with this comment and have modified the regulation by adding a new paragraph § 95.507(b)(7). The current requirements allow for the submission of a cost allocation plan for local public assistance agencies as part of a State agency's cost allocation plan. However, this has generally been limited to one plan for all local agencies within the State. The revised regulation specifically suggests that the affected State agency consult with the DCA on this matter during the development of the cost allocation plan.

### Other Matters

The Department's Informal Grant Appeals Procedures (Part 75 of this Title) have also been updated and amended to make them consistent with Subpart E of Part 95 and Part 16 of this Title. Part 75 has been amended to reflect current organizational identifications of various components of the Department and incorporates the cost disallowance/appeal procedure previously addressed in the Notice of Proposed Rulemaking for Subpart E of Part 95 (46 FR 7011). Consequently, proposed rulemaking procedures were considered unnecessary with respect to Part 75. Part 75 with the above modifications will be published in its entirety to facilitate reading.

The Department has determined that this is not a "major rule" as defined in Executive Order 12291. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a

substantial number of small entities. The reporting and recordkeeping requirements contained in this regulation have been approved by OMB in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The OMB number for these requirements is 0990-0073.

Accordingly, a new Subpart E is added to 45 CFR Part 95 and 45 CFR Parts 75, 205, 232, 302, 304 and 1392 are amended as follows.

Dated: April 1, 1982.  
Richard S. Schweiker,  
Secretary of Health and Human Services.

## PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

A. 45 CFR 205.150 is revised to read as follows:

### § 205.150 Cost allocation.

A State plan under Title I, IV-A, X, XIV, or XVI (AABD) of the Social Security Act must provide that the State agency will have an approved cost allocation plan on file with the Department in accordance with the requirements contained in Subpart E of 45 CFR Part 95. Subpart E also sets forth the effect on FFP if the requirements contained in that Subpart are not met.

## PART 1392—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF THE SOCIAL SECURITY ACT

B. 45 CFR 1392.64 is revised to read as follows:

### § 1392.64 Cost allocation.

A State plan for the Child Welfare Services Program and the services program in the territories under Title IV Parts A and B of the Social Security Act must provide that the State agency will have an approved cost allocation plan on file with the Department in accordance with the requirements contained in Subpart E of 45 CFR Part 95. Subpart E also sets forth the effect on FFP if the requirements contained in that Subpart are not met.

## PART 232—SPECIAL PROVISIONS APPLICABLE TO TITLE IV-A OF THE SOCIAL SECURITY ACT

### § 232.30 [Amended]

C. The title to § 232.30 is revised as follows:

### § 232.30 Cost of staff of special administrative units.

\* \* \* \* \*

In addition, 45 CFR 232.30 paragraph (a) is removed, and the (b) preceding the second paragraph is also removed.

#### PART 302—STATE PLAN REQUIREMENTS

##### § 302.16 [Redesignated as § 304.15 and Revised]

D. 45 CFR 302.16 is redesignated as § 304.15 and is revised to read as follows:

A State agency in support of its claims under Title IV-D of the Social Security Act must have an approved cost allocation plan on file with the Department in accordance with the requirements contained in Subpart E of 45 CFR Part 95. Subpart E also sets forth the effect on FFP if the requirements contained in that subpart are not met.

#### PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE

E. 45 CFR Part 95 is amended by adding a new Subpart E to read as follows:

##### Subpart E—Cost Allocation Plans

- Sec.
- 95.501 Purpose.
  - 95.503 Scope.
  - 95.505 Definitions.
  - 95.507 Plan requirements.
  - 95.509 Cost allocation plan amendments and certifications.
  - 95.511 Approval of the cost allocation plan or plan amendment.
  - 95.513 Disapproval of the cost allocation plan or plan amendment.
  - 95.515 Effective date of a cost allocation plan or plan amendment.
  - 95.517 Claims for Federal financial participation.
  - 95.519 Cost disallowance.

Authority: Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.

##### Subpart E—Cost Allocation Plans

##### § 95.501 Purpose.

This subpart establishes requirements for:

- (a) Preparation, submission, and approval of State agency cost allocation plans for public assistance programs; and
- (b) Adherence to approved cost allocation plans in computing claims for Federal financial participation.

##### § 95.503 Scope.

This subpart applies to all State agency costs applicable to awards made under Title I, IV-A, IV-B, IV-C, IV-D, IV-E, X, XIV, XVI (AABD), and XIX, of the Social Security Act, and under the Refugee Act of 1980, Title IV, Chapter 2 of the Immigration and Nationality Act

(8 U.S.C. 1521 *et seq.*), and under Title V of Pub. L. 96-422, the Refugee Education Assistance Act of 1980.

##### § 95.505 Definitions.

As used in this subpart:

"State agency costs" include all costs incurred by or allocable to the State agency except expenditures for financial assistance, medical vendor payments, and payments for services and goods provided directly to program recipients such as day care services, family planning services or household items as provided for under the approved State program plan.

"Cost allocation plan" means a narrative description of the procedures that the State agency will use in identifying, measuring, and allocating all State agency costs incurred in support of all programs administered or supervised by the State agency.

"FFP" or "Federal financial participation" means the Federal Government's share of expenditures made by a State agency under any of the programs cited in § 95.503.

"Operating Divisions" means The Department of Health and Human Services (HHS) organizational components responsible for administering public assistance programs. These components are the Social Security Administration, Office of Human Development Services, Office of Child Support Enforcement, Health Care Financing Administration, and Office of Refugee Resettlement.

"Public assistance programs" means the programs cited in § 95.503.

"State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Northern Mariana Islands, and Guam.

"State agency" means the State agency administering or supervising the administration of the State plan for any program cited in § 95.503. A State agency may be an organizational part of a larger State department that also contains other components and agencies. Where that occurs, the expression "State agency" refers to the specific component or agency within the State department that is directly responsible for the administration of, or supervising the administration of, one or more programs identified in § 95.503.

"State Plan" means a comprehensive written commitment by the State agency to administer or supervise the administration of any of the public assistance programs cited in § 95.503 in accordance with all Federal requirements.

##### § 95.507 Cost allocation plan requirements.

(a) The State shall submit a cost allocation plan for the State agency as required below to the Director, Division of Cost Allocation (DCA), in the appropriate HHS Regional Office. The plan shall:

(1) Describe the procedures used to identify, measure, and allocate all costs to each of the programs operated by the State agency;

(2) Conform to the accounting principles and standards prescribed in Office of Management and Budget Circular A-87, and other pertinent Department regulations and instructions;

(3) Be compatible with the State plan for public Assistance Programs described in 45 CFR Chapters II, III and XIII, and 42 CFR Chapter IV Subchapter C; and

(4) Contain sufficient information in such detail to permit the Director, Division of Cost Allocation, after consulting with the Operating Divisions, to make an informed judgment on the correctness and fairness of the State's procedures for identifying, measuring, and allocating all costs to each of the programs operated by the State agency.

(b) The cost allocation plan shall contain the following information:

(1) An organizational chart showing the placement of each unit whose costs are charged to the programs operated by the State agency.

(2) A listing of all Federal and all non-Federal programs performed, administered, or serviced by these organizational units.

(3) A description of the activities performed by each organizational unit and, where not self-explanatory an explanation of the benefits provided to Federal programs.

(4) The procedures used to identify, measure, and allocate all costs to each benefiting program and activity (including activities subject to different rates of FFP).

(5) The estimated cost impact resulting from the proposed changes to a previously approved plan. These estimated costs are required solely to permit an evaluation of the procedures used for identifying, measuring, and allocating costs. Therefore, approval of the cost allocation plan shall not constitute approval of these estimated costs for use in calculating claims for FFP. Where it is impractical to obtain this data, an alternative approach should then be negotiated with the Director, DCA, prior to submission of the cost allocation plan.

(6) A statement stipulating that wherever costs are claimed for services provided by a governmental agency outside the State agency, that they will be supported by a written agreement that includes, at a minimum (i) the specific service(s) being purchased, (ii) the basis upon which the billing will be made by the provider agency (e.g. time reports, number of homes inspected, etc.) and (iii) a stipulation that the billing will be based on the actual cost incurred. This statement would not be required if the costs involved are specifically addressed in a State-wide cost allocation plan, local-wide cost allocation plan, or an umbrella/department cost allocation plan.

(7) If the public assistance programs are administered by local government agencies under a State supervised system, the overall State agency cost allocation plan shall also include a cost allocation plan for the local agencies. It shall be developed in accordance with the requirements set forth above. More than one local agency plan shall be submitted if the accounting systems or other conditions at the local agencies preclude an equitable allocation of costs by the submission of a single plan for all local agencies. Prior to submitting multiple plans for local agencies, the State should consult with the Director, DCA. Where more than one local agency plan is submitted, the State shall identify the specific local agencies covered by each plan.

(8) A certification by a duly authorized official of the State stating:

(i) That the information contained in the proposed cost allocation plan was prepared in conformance with Office of Management and Budget Circular A-87.

(ii) That the costs are accorded consistent treatment through the application of generally accepted accounting principles appropriate to the circumstances.

(iii) That an adequate accounting and statistical system exists to support claims that will be made under the cost allocation plan; and

(iv) That the information provided in support of the proposed cost allocation plan is accurate.

(9) Other information as is necessary to establish the validity of the procedures used to identify, measure, and allocate costs to all programs being operated by the State agency.

#### § 95.509 Cost allocation plan amendments and certifications.

(a) The State shall promptly amend the cost allocation plan and submit the amended plan to the Director, DCA if any of the following events occur:

(1) The procedures shown in the existing cost allocation plan become outdated because of organizational changes, changes in Federal law or regulations, or significant changes in program levels, affecting the validity of the approved cost allocation procedures.

(2) A material defect is discovered in the cost allocation plan by the Director, DCA or the State.

(3) The State plan for public assistance programs is amended so as to affect the allocation of costs.

(4) Other changes occur which make the allocation basis or procedures in the approval cost allocation plan invalid.

(b) If a State has not submitted a plan or plan amendment during a given State fiscal year, an annual statement shall be submitted to the Director, DCA certifying that its approved cost allocation plan is not outdated. This statement shall be submitted within 60 days after the end of that fiscal year.

#### § 95.511 Approval of the cost allocation plan or plan amendment.

(a) The Director, DCA, after consulting with the affected Operating Divisions, shall notify the State in writing of his/her findings. This notification will be made within 60 days after receipt of the proposed plan or amendment and shall either: (1) Advise the State that the plan or plan amendment is approved or disapproved, (2) advise the State of the changes required to make the plan or amendment acceptable, or (3) request the State to provide additional information needed to evaluate the proposed plan or amendment. If the DCA cannot make a determination within the 60-day period, it shall so advise the State.

(b) For purpose of this subpart, State agency cost allocation plans which have been approved by an authorized official of the Department of HHS prior to the effective date of this regulation are considered approved until such time as a new plan or plan amendment is required by § 95.509(a).

#### § 95.513 Disapproval of the cost allocation plan or plan amendment.

(a) The Director, DCA, shall notify a State in writing of the disapproval of its cost allocation plan or plan amendment. The notification will set forth the reasons for the determination and the basic changes required in sufficient detail to enable the State to respond and will inform the State of its opportunity for reconsideration of the determination under 45 CFR Part 75.

(b) If the State in accordance with 45 CFR Part 75, wishes to request a reconsideration of the DCA's determination, the application for

reconsideration must be postmarked no later than 30 days after receipt of the DCA's determination letter.

#### § 95.515 Effective date of a cost allocation plan amendment.

As a general rule, the effective date of a cost allocation plan amendment shall be the first day of the calendar quarter following the date of the event that required the amendment (See § 95.509). However, the effective date of the amendment may be earlier or later under the following conditions:

(a) An earlier date is needed to avoid a significant inequity to either the State or the Federal Government.

(b) The information provided by the State which was used to approve a previous plan or plan amendment is later found to be materially incomplete or inaccurate, or the previously approved plan is later found to violate a Federal statute or regulation. In either situation, the effective date of any required modification to the plan will be the same as the effective date of the plan or plan amendment that contained the defect.

(c) It is impractical for the State to implement the amendment on the first day of the next calendar quarter. In these instances, a later date may be established by agreement between the State and the DCA.

#### § 95.517 Claims for Federal financial participation.

(a) A State must claim FFP for costs associated with a program only in accordance with its approved cost allocation plan. However, if a State has submitted a plan or plan amendment for a State agency, it may, at its option claim FFP based on the proposed plan or plan amendment, unless otherwise advised by the DCA. However, where a State has claimed costs based on a proposed plan or plan amendment the State, if necessary, shall retroactively adjust its claims in accordance with the plan or amendment as subsequently approved by the Director, DCA. The State may also continue to claim FFP under its existing approved cost allocation plan for all costs not affected by the proposed amendment.

#### § 95.519 Cost disallowance.

If costs under a Public Assistance program are not claimed in accordance with the approved cost allocation plan (except as otherwise provided in § 95.517), or if the State failed to submit an amended cost allocation plan as required by § 95.509, the costs improperly claimed will be disallowed.

(a)(1) If the issue affects the program(s) of only one Operating

Division and does not affect the programs of other Operating Divisions or Federal departments, that Operating Division will determine the amount of the disallowance and will also inform the State of its opportunity for reconsideration of the determination in accordance with the Operating Division's procedures. Prior to issuing the notification, however, the Operating Division shall consult with the DCA to ensure that the issue does not affect the programs of other Operating Divisions or Federal departments.

(2) If the State wishes to request a reconsideration of the Operating Division's determination, it must submit the request in accordance with the Operating Division's procedures.

(b)(1) If the issue affects the programs of more than one Operating Division, or Federal department or the State, the Director, DCA, after consulting with the Operating Divisions, shall determine the amount inappropriately claimed under each program. The Director, DCA will notify the State of this determination, of the dollar affect of the determination on the claims made under each program, and will inform the State of its opportunity for reconsideration of the determination under 45 CFR Part 75. The State will subsequently be notified by the appropriate Operating Division as to the disposition of the funds in question.

(2) If the State, in accordance with 45 CFR Part 75, wishes to request a reconsideration of the DCA's determination, the application for reconsideration must be postmarked no later than 30 days after receipt of the DCA's determination letter. In considering an appeal under this process, the Regional Director shall consult with HHS Operating and staff Divisions as appropriate.

F. 45 CFR Part 75 is revised to read as follows:

## PART 75—INFORMAL GRANT APPEALS PROCEDURES

### Subpart A—Indirect Cost Appeals

- Sec.  
75.1 Purpose.  
75.2 Scope.  
75.3 Definitions.  
75.4 Notification.  
75.5 Submission to the Regional Director.  
75.6 Action by the Regional Director.

Authority: Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.

### Subpart A—Indirect Cost Appeals

#### § 75.1 Purpose.

This subpart establishes informal procedures for resolving disputes arising in the negotiation of indirect cost rates and certain other cost allocations (as set

forth in § 75.2) that are used in determining amounts to be reimbursed under grants awarded by the Operating Divisions of the Department of Health and Human Services. A grantee must exhaust the procedures set forth in this subpart prior to appealing a disputed issue(s) to the Departmental Grants Appeals Board under Part 16 of this subtitle.

#### § 75.2 Scope.

(a) This subpart applies to all disputes arising from determinations made by a Director, Division of Cost Allocation (DCA), in the Department's regional Offices including, but not limited to:

(1) Indirect cost rates negotiated with colleges and universities, State and local government agencies, hospitals, and non-profit institutions.

(2) Patient care rates and amounts associated with the care of patients participating in research programs supported by the Department.

(3) Cost allocation plans negotiated with State and local units of government other than plans provided for under paragraph (a)(5) of this section.

(4) Fringe benefit rates, computer rates or costing methodologies and other special rates negotiated with colleges and universities, State and local government agencies, hospitals, and non-profit institutions.

(5) Cost allocation plans with State public assistance agencies as described in Subpart E of 45 CFR Part 95.

(6) Disallowances by the Director, DCA, of costs as described in Subpart E of 45 CFR Part 95.

(b) Notwithstanding paragraph (a) of this section, this subpart shall not be applicable to disputed issues which are appealed to the Armed Services Board of Contract Appeals under a contract with the Department.

#### § 75.3 Definitions.

For purposes of this subpart:  
(a) "Grantee" means the agency institution or organization named as grantee in a grant award document issued by an Operating Division of the Department. For disputes involving cost allocation plans, this term also includes a State or local unit of government which includes an agency that is named as grantee in a grant award document and a State agency as defined in Subpart E of 45 CFR Part 95.

(b) Other terms shall have the meaning set forth in Part 74 of this title, unless the context below indicates otherwise.

#### § 75.4 Notification.

Where an agreement cannot be reached between the Director, DCA, and

the grantee, the Director, DCA will promptly notify the grantee in writing of the Director's determination. This notification will set forth the reasons for the determination in sufficient detail to enable the grantee to respond and will inform the grantee of its opportunity for reconsideration under this subpart.

#### § 75.5 Submission to the Regional Director.

If the grantee wishes to request reconsideration of the DCA Director's determination, it may submit an application for such reconsideration to the Regional Director. The grantee's application must be postmarked or hand delivered no later than 30 days after receipt of the notification described in § 75.4. The Regional Director, however, may grant an extension of time for submission of the application if the extension is requested and justified by the grantee. Although the application need not follow any prescribed format, it must clearly identify the issue(s) in dispute and must contain a full statement of the grantee's position on such issue(s) along with pertinent facts and reasons in support of its position.

#### § 75.6 Action by the Regional Director.

(a) Upon receipt of an application for reconsideration, the Regional Director will immediately notify the grantee that its application has been received and will be acted upon as soon as possible.

(b) The Regional Director will review all background material on the issue(s). Within 30 days after receipt of the grantee's application, and with at least 10 days' written notice, the grantee will be provided the opportunity to meet with the Regional Director to discuss the issue(s) and to submit additional information in support of its position. The Regional Director may consult the DCA, other regional officials, Departmental central office officials, and other individuals in conducting the review.

(c) Within 45 days after the meeting described in § 75.6(b) (or 45 days after submission of any supplemental information provided by the grantee) the Regional Director will notify the grantee in writing of the decision, in accordance with the provisions of § 74.304 of this title. If the Regional Director's decision is adverse to the grantee's position, this notification will state the basis of the decision and will inform the grantee of its right to appeal the decision to the Departmental Grants Appeals Board under Part 16 of this title.

(d) The Regional Director may delegate the responsibilities described in this section to another senior

Departmental official in his region. This delegation, however, may not be made to the Director, Regional Administrative Support Center, or to the Director, DCA.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 83

#### Stations on Shipboard in the Maritime Services; Editorial Amendment

##### Correction

In FR Doc. 82-9636 appearing on page 15333 in the issue of Friday, April 9, 1982, make the following correction:

On page 15334, middle column, four lines from the bottom of the page, "§ 83.243 [Amended]" should be removed.

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[Docket No. 20846; FCC 82-130]

### 47 CFR Part 90

#### Interconnection of Private Land Mobile Radio Systems With the Public Switched Telephone Network in Certain MHz Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document adopts new rules to enable private radio communication systems licensed under Part 90 in the 800 MHz bands to interconnect with the facilities of the public switched telephone network. These rules are necessary to enable private licensees to better utilize their radio systems by allowing interconnected operation under certain conditions. An accompanying petition for rulemaking is dismissed as moot.

**DATES:** Effective May 17, 1982.

**FOR FURTHER INFORMATION CONTACT:** Charles Turner, Al Catalano, Keith Plourd, Mobile and Fixed Radio Branch, Private Radio Bureau, Washington, D.C. 20554, (202) 634-2443, Room 5120.

##### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 47 CFR Part 90

##### Business and Industry, Radio.

In the matter of amendment of Part 90 of the Commission's rules to prescribe policies and regulations to govern the interconnection of Private Land Mobile Radio Systems with the Public Switched Telephone Network in the Bands 806-

821 and 851-866 MHz,<sup>1</sup> Docket No. 20846.

#### Second Report and Order

Adopted: March 18, 1982.

Released: April 8, 1982.

#### I. Introduction

1. We initiated this proceeding to develop new regulations to govern the interconnection (I/C) of private land mobile radio systems (PLMRS) licensed under Part 90 of our rules with the facilities of the public switched telephone network (PSTN), *Notice of Inquiry and Notice of Proposed Rule Making*, Docket No. 20846, 41 FR 28540 (July 12, 1976). In our *First Report and Order* we adopted new policies and rules to govern the I/C of private systems authorized in the bands below 512 MHz. We decided, however, to postpone a decision on I/C of private systems licensed in the 800 MHz bands.<sup>2</sup>

2. On reconsideration of the *First Report and Order*, we modified and clarified some of the policies and rules we first adopted.<sup>3</sup> However, we left undisturbed our decision to inquire further before amending the regulations to govern I/C at 800 MHz. For that purpose we issued a *Further Notice of Proposed Rule Making*.<sup>4</sup> We have considered the issues outlined in the *Further Notice* and our conclusions concerning I/C for private systems at 800 MHz are specified in this *Second Report and Order*.

#### II. Background

3. In Docket No. 18262 we adopted the allocation plan for the 800 MHz bands.<sup>5</sup> This plan sought to maximize spectrum usage by allocating spectrum according to the type of land mobile technology (i.e. "system") employed. This systems approach was chosen over the "block" allocation approach, which allocates frequencies according to categories of usage. Block allocation was employed to

<sup>1</sup>The proposal as originally captioned was to amend Parts 89, 91 and 93 of the Commission's rules and regulations. However, Parts 89, 91 and 93 have been consolidated under New Part 90. 47 CFR Part 90. See *Report and Order*, Docket No. 21348, 43 FR 54788 (November 22, 1978). Accordingly, we have corrected the caption to reflect this interim action.

<sup>2</sup>*First Report and Order* (FCC 78-622), Docket No. 20846, *General Mobile Radio-Interconnection*, 69 FCC 2d 1831 (1978), 43 FR 38396 (August 29, 1978).

<sup>3</sup>*Memorandum Opinion and Order* (FCC 79-720), Docket No. 20846, 44 FR 67119 (November 23, 1979).

<sup>4</sup>*Further Notice of Proposed Rule Making* (FCC 79-18), Docket No. 20846, *Interconnection of Private Land Mobile Radio Systems*, 70 FCC 2d 1976 (1979), 44 FR 7987 (February 8, 1979).

<sup>5</sup>*Second Report and Order*, Docket No. 18262, 46 FCC 2d 752 (1974), *recon. granted in part*, 51 FCC 2d 945 (1975), *clarified* 55 FCC 2d 771 (1975), *aff'd sub nom. NARUC v. FCC*, 525 F2d 630 (D.C. Cir. 1976), *cert. denied* 425 U.S. 992 (1976).

divide the spectrum among private users operating below 512 MHz, e.g., Police Radio Services, Fire Radio Service, Special Emergency Radio Service, Power Radio Service, etc.

4. Docket No. 18262 envisioned that "dispatch" was to be the primary mode of communication for 800 MHz conventional and trunked systems operated by private users. To provide for the development of mobile radiotelephone capability for the general public, 40 MHz of spectrum was allocated to common carriers for the development of cellular systems. However, recognizing that private radio systems needed some radiotelephone capability, we decided to permit I/C capability with the PSTN on an ancillary basis. In light of the history of Docket No. 18262 and the I/C rules already adopted for below 512 MHz, we devised the following issues in the *Further Notice* to explore the permissible options for I/C at 800 MHz:

(a) The needs and requirements of eligibles and licensees in the Public Safety, Industrial, and Land Transportation Radio Services for interconnected systems licensed in the 806-821 MHz and 851-866 MHz bands, including conventional and trunked systems.

(b) The impact, if any, of this proposal on the Commission's overall regulatory program for the 806-947 MHz band. We are particularly interested in comments on the potential impact of interconnection as now allowed in the bands below 800 MHz on the Commission's spectrum efficiency and service objectives which formed the bases for our decision in Docket No. 18262.

(c) Whether the geographic limitations on interconnection we have adopted for the Automobile Emergency, Business, Special Emergency, Special Industrial, and Taxicab Radio Services for the lower bands should also be made to apply at 800 MHz, since the frequency shortage constraints above 800 MHz are not as severe as in the bands below 800 MHz.

5. Comments and replies were filed and have been considered.<sup>6</sup> Now we resolve the issues concerning I/C at 800 MHz and amend our rules to reflect the decisions we have reached.<sup>7</sup>

<sup>6</sup>The parties filing comments and replies are listed at *Appendix A*. In referring to these parties in our decision, we will use the abbreviated titles also set out at *Appendix A*.

<sup>7</sup>The rules as amended are set out at *Appendix B*. In their comments, API and UTC incorporate requests seeking, in effect, reconsideration of actions taken in our *First Report and Order* in Docket No. 20846. We disposed of their requests on reconsideration in our November 23, 1979, *Memorandum Opinion and Order*, Docket No. 20846, *supra* n.3. Accordingly, except where appropriate, we will not address these points further. Additionally, UTC and the California Mobile Radio Association (now the National Mobile Radio Association, herein CMRA) in separate pleadings, ask for reconsideration or clarification of

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