

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

Dated: April 21, 2008;

**David I. Maurstad,**

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

[FR Doc. E8-10337 Filed 5-7-08; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**Final Flood Elevation Determinations**

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps

are available for inspection as indicated on the table below.

**ADDRESSES:** The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final rule is categorically excluded

from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

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

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

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

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

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

**PART 67—[AMENDED]**

■ 1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
<b>Clarke County, Alabama, and Incorporated Areas</b> <b>Docket No.: FEMA-D-7826</b>			
Alabama River .....	459 feet upstream of the intersection of Reedy Creek and Cross Section A.	+35	Unincorporated Areas of Clarke County.
	2,439 feet downstream of intersection of Alabama River and Silver Creek Lake Road.	+61	
East Basset Creek .....	The point where East Basset Creek and County Highway 15 intersect.	+34	Unincorporated Areas of Clarke County.
	10,906 feet upstream of the intersection of East Basset Creek and County Highway 15.	+45	
Tombigbee River .....	1,332 feet downstream of the intersection of Tombigbee River and Southern Railway.	+35	Unincorporated Areas of Clarke County.
	3,783 feet downstream of the intersection of Tombigbee River and U.S. Highway 43.	+36	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
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**ADDRESSES****Unincorporated Areas of Clarke County**

Maps are available for inspection at 114 Court Street, Grove Hill, AL 36451.

**Lee County, Kentucky, and Incorporated Areas  
Docket No.: FEMA-B-7748**

Kentucky River-North Fork Kentucky River.	Approximately 150 feet downstream of confluence with Mirey Creek. Approximately 1550 feet downstream of confluence with Blaines Branch.	+668  +671	Unincorporated Areas of Lee County.
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\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

= North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****Unincorporated Areas of Lee County**

Maps are available for inspection at Lee County Courthouse, 256 Main Street, Beattyville, KY 41311.

**Tunica County, Mississippi, and Incorporated Areas  
Docket No.: FEMA-B-7724**

Buck Island Bayou .....	At Fields Road .....	+189	Tunica County (Unincorporated Areas).
Jack Lake Bayou .....	At Highway 3 .....	+189	Tunica County (Unincorporated Areas).
Minton Bayou .....	At Verner Road .....	+191	Tunica County (Unincorporated Areas).
White Oak Bayou .....	At confluence with Jack Lake Bayou .....	+189	Tunica County (Unincorporated Areas).
White Oak Bayou .....	At Fields Road .....	+190	Tunica County (Unincorporated Areas).
White Oak Bayou Tributary .....	At Highway 4 .....	+181	Tunica County (Unincorporated Areas).
White Oak Bayou Tributary .....	At Highway 61 .....	+186	Town of Tunica, Tunica County (Unincorporated Areas).
White Oak Bayou Tributary .....	At Academy Road .....	+190	Town of Tunica, Tunica County (Unincorporated Areas).
White Oak Bayou Tributary .....	At Fox Island Road .....	+192	Town of Tunica, Tunica County (Unincorporated Areas).

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****Town of Tunica**

Maps are available for inspection at Town Hall, 909 River Road, Tybuca, MS 38676.

**Tunica County (Unincorporated Areas)**

Maps are available for inspection at Office of Planning and Development, 1061 South Court Street, Tunica, MS 38676.

**Dyer County, Tennessee, and Incorporated Areas  
Docket No.: FEMA-D-7822**

Mississippi River .....	Approximately 720 feet downstream from the confluence of Obion River.	+268	Unincorporated Areas of Dyer County.
Mississippi River .....	County boundary .....	+281	Unincorporated Areas of Dyer County.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****Unincorporated Areas of Dyer County**

Maps are available for inspection at Building Inspector's Office, #1 Veterans Square, Dyersburg, TN 38025.

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Dated: April 21, 2008.

**David I. Maurstad,**

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

[FR Doc. E8-10336 Filed 5-7-08; 8:45 am]

BILLING CODE 9110-12-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 27

[WT Docket Nos. 03-66; 03-67; 02-68; IB Docket No. 02-364; ET Docket No. 00-258; FCC 08-83]

#### Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands; Reviewing of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; declaratory ruling.

**SUMMARY:** In this document, the Commission continues its efforts to transform its rules and policies governing the licensing of the Educational Broadband Service (EBS) and the Broadband Radio Service (BRS) in the 2495-2690 MHz (2.5 GHz) band, with respect to petitions for reconsideration filed in response to the *Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order (Big LEO Order on Reconsideration and AWS 5th MO&O and BRS/EBS 3rd MO&O and 2nd R&O)*. Also, the Commission's actions in this proceeding further refine its rules to enable licensees to deploy new and innovative wireless services in the 2.5 GHz band. We believe that these actions will facilitate the promotion of broadband service to all Americans.

**DATES:** Effective June 9, 2008, except for § 27.1221(f), which contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The FCC will publish a document in the **Federal Register** announcing the effective date for that section.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. A copy of any comments on the Paperwork Reduction

Act information collection requirements contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-B441, 445 12th Street, SW., Washington, DC 20554 or via the Internet at [Judith.B.Herman@fcc.gov](mailto:Judith.B.Herman@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the *Big LEO Third Order on Reconsideration and Sixth Memorandum Opinion and Order*, please contact Howard Griboff, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, at 202-418-0657 or via the Internet at [Howard.Griboff@fcc.gov](mailto:Howard.Griboff@fcc.gov) or Jamison Prime, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, at 202-418-7474 or via the Internet at [Jamison.Prime@fcc.gov](mailto:Jamison.Prime@fcc.gov). For further information concerning the *BRS/EBS Fourth Memorandum Opinion and Order and Declaratory Ruling* contact John Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, at (202) 418-0797 or via the Internet to [John.Schauble@fcc.gov](mailto:John.Schauble@fcc.gov). For additional information concerning Paperwork Reduction Act information collection requirements contained in this document, contact Judith B. Herman at (202) 418-0214, or via the Internet at [PRA@fcc.gov](mailto:PRA@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Third Order on Reconsideration and Sixth Memorandum Opinion and Order and Fourth Memorandum Opinion and Order (Big LEO 3rd Order on Reconsideration and AWS 6th MO&O and BRS/EBS 4th MO&O) and Declaratory Ruling*, FCC 08-83, adopted on March 18, 2008 and released on March 20, 2008. The full text of this document, including attachments and related documents, is available for public inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text of these documents and related Commission documents may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300 or (800) 387-3160, contact BCPI at its Web site: <http://www.bcpweb.com>. When ordering documents from BCPI,

please provide the appropriate FCC document number, for example, FCC 08-83. The complete text of these documents is also available on the Commission's Web site at [http://wireless.fcc.gov/edocs\\_public/attachment/FCC-08-83A1doc](http://wireless.fcc.gov/edocs_public/attachment/FCC-08-83A1doc). This full text may also be downloaded at: <http://wireless.fcc.gov/releases.html>. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available by contacting Brian Millin at (202) 418-7426, TTY (202) 418-7365, or via e-mail to [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

## Summary

### I. Introduction and Executive Summary

1. In this *Big LEO 3rd Order on Reconsideration and AWS 6th MO&O and Order and BRS/EBS 4th MO&O*, the Commission takes the following actions with respect to petitions for reconsideration filed in response to the *Big LEO Order on Reconsideration and AWS 5th MO&O and BRS/EBS 3rd MO&O and 2nd R&O*:

- Grant a petition, in part, by adopting the part 1, subpart Q competitive bidding rules for future BRS auctions, seeking further comment on rules for future licenses for EBS spectrum, and directing WTB to review inventory and schedule auction(s) of unassigned BRS spectrum as soon as practicable.
- Adopt the small business size standards and bidding credits proposed in the *BRS/EBS FNPRM* ("small business"—an entity with attributed average annual gross revenues not exceeding \$40 million for the preceding three years; "very small business"—an entity with attributed average annual gross revenues not exceeding \$15 million for the same period; and an "entrepreneur"—an entity with attributed annual average gross revenues not exceeding \$3 million for the same period).
- Deny a petition requesting that the Commission permit licensees to self-transition before January 21, 2009, the deadline for proponents to file an Initiation Plan with the Commission.
- Grant a petition asking the Commission to correct the inconsistency between the *BRS/EBS 3rd MO&O* and the text of § 27.1236(b)(6), and on the Commission's own motion, change references in §§ 27.1231(f), 27.1236(a), 27.1236(b)(1) and 27.1236(b)(6) to dates certain.
- Deny as moot a petition requesting that the Commission clarify the requirements for multichannel video programming distribution (MVPD) operators seeking to opt out of the transition.