

Ross Avenue, Suite 12D13, Dallas, Texas 75202-2733, (214) 665-6427, Monday through Friday 7:30 a.m. to 4:30 p.m.; Tulsa City-County Library, 400 Civic Center, Tulsa, Oklahoma, 74103, (918) 596-7977, Monday through Friday 9:00 a.m. to 9:00 p.m.; Friday and Saturday 9:00 a.m. to 5:00 p.m.; Sunday, September through mid-May 1:00 p.m. to 5:00 p.m.; Oklahoma Department of Environmental Quality, Contact: Eileen Hroch, 5th floor file room, 707 N. Robinson, P.O. Box 1677, Oklahoma City, Oklahoma, 73101, (405) 702-5100, Monday through Friday 8:30 a.m. to 3:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Katrina Coltrain, Remedial Project Manager (RPM), U.S. EPA Region 6

(6SF-LP), 1445 Ross Avenue, Dallas, TX 75202-2733, (214) 665-8143 or 1-800-533-3508 (*coltrain.katrina@epa.gov*).

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: March 1, 2002.

**Lawrence E. Starfield,**  
*Acting Deputy Regional Administrator,*  
*Region 6.*

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

2. Table 1 of appendix B is amended under Oklahoma ("OK") by adding an entry, in alphabetical order, for "Compass Industries Landfill (Avery Drive)" to read as follows:

#### Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
* * *	* * *	* * *	* * *
OK .....	Compass Industries Landfill (Avery Drive) .....	Tulsa.	
* * *	* * *	* * *	* * *

[FR Doc. 02-6485 Filed 3-18-02; 8:45 am]  
BILLING CODE 6560-50-P

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Centers for Medicare & Medicaid Services

#### 42 CFR Part 447

[CMS-2134-N]

RIN 0938-AL05

#### Medicaid Program; Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals: Delay of Effective Date

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Delay of effective date of a final rule.

**SUMMARY:** This document delays the effective date of the final rule entitled "Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals," published in the **Federal Register** on January 18, 2002 (67 FR 2603).

As published, the rule was to be effective March 19, 2002. We are postponing the effective date of the rule to April 15, 2002.

**DATES:** The effective date of the final rule, Medicaid Program: Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals, which amended 42 CFR part 447 and published in the **Federal Register** on January 18, 2002, at 67 FR 2602 is delayed until April 15, 2002.

**FOR FURTHER INFORMATION CONTACT:** Marge Lee, (410) 786-4361.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: March 15, 2002.

**Thomas A. Scully,**  
*Administrator, Centers for Medicare & Medicaid Services.*

Approved: March 15, 2002.

**Tommy G. Thompson,**  
*Secretary.*

[FR Doc. 02-6713 Filed 3-18-02; 8:45 am]

BILLING CODE 4120-01-P

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 67

#### Final Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**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).

**EFFECTIVE DATE:** 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 FIRM is available for inspection as indicated in 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:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) *matt.miller@fema.gov*.

**SUPPLEMENTARY INFORMATION:** FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed

BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

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 rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Acting Administrator, Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

#### 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 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

#### Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

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

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

Accordingly, 44 CFR Part 67 is amended to read 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:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<b>Alaska</b>	
<b>Anchorage (Municipality) Anchorage Division, (FEMA Docket No. B-7415)</b>	
<i>Alyeska Creek:</i>	
At Mount Hood Drive .....	*121
Approximately 970 feet upstream of Olympic Circle Entrance .....	*335
<b>Maps are available for inspection at 4700 South Bagall Street, Anchorage, Alaska.</b>	
<b>Oklahoma</b>	
<b>City of Yukon, (FEMA Docket No. B-7421)</b>	
<i>North Canadian River, Tributary A:</i>	
Approximately 3000 feet below Jon Elm Place .....	*1,260
Approximately 500 feet downstream of U.S. Highway 66 .....	*1,285
Just above Landmark Drive .....	*1,300
<i>Main Stem Turtle Creek:</i>	
Approximately 35000 feet downstream of U.S. Highway 66 .....	*1,271
Just upstream of U.S. Highway 66 .....	*1,286
At confluence of West Branch Turtle Creek and Middle Branch Turtle Creek .....	*1,293
<i>Middle Branch of Turtle Creek:</i>	
At confluence with Main Stem Turtle Creek .....	*1,293
Just downstream of Vandament Avenue .....	*1,310
Approximately 1,500 feet upstream of Vandament Avenue .....	*1,318
Approximately 3,800 feet upstream of Vandament Avenue .....	*1,332

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<i>East Branch of Turtle Creek:</i>	
At confluence with Main Stem Turtle Creek .....	*1,277
At confluence of Cornwell Branch .....	*1,288
Just downstream of Chicago Rock Island and Pacific Railroad .....	*1,297
Approximately 300 feet upstream of Vandament Avenue .....	*1,322
<i>West Branch of Turtle Creek:</i>	
At confluence with Main Stem Turtle Creek .....	*1,293
Just upstream of Yukon Avenue .....	*1,311
Approximately 1,500 feet upstream of Yukon Avenue .....	*1,321
<i>Cornwell Branch of East Branch Turtle Creek:</i>	
At confluence with East Branch Turtle Creek .....	*1,288
At intersection of Yukon Avenue and Czech Hall Road .....	*1,298
Approximately 270 feet upstream of the intersection of Bass Avenue and Czech Hall Road .....	*1,319
<i>Holly Branch of Middle Branch Turtle Creek:</i>	
At confluence with Middle Branch Turtle Creek .....	*1,314
Approximately 1,400 feet upstream of Holly Avenue .....	*1,338
<i>North Canadian River:</i>	
Approximately 900 feet downstream of Main Street (U.S. Highway 66) .....	*1,286
Approximately 1,350 feet downstream of Main Street (U.S. Highway 66) .....	*1,297
<i>North Canadian River, Tributary B, West Branch:</i>	
At confluence with North Canadian River Tributary B .....	*1,291
Approximately 1150 feet upstream of confluence with North Canadian River Tributary B .....	*1,302
<i>North Canadian River, Tributary C:</i>	
Approximately 1,100 feet downstream of Main Street (U.S. Highway 66) .....	*1,286
Approximately 3,200 feet upstream of Main Street (U.S. Highway 66) .....	*1,309
<i>North Canadian River, Tributary C, West Branch 1:</i>	
At confluence with North Canadian River Tributary C .....	*1,289
Just downstream of Oil Field Road .....	*1,322
<i>North Canadian River, Tributary C, West Branch 2:</i>	
At confluence with North Canadian River Tributary C .....	*1,306
Just downstream of Church Hill Road .....	*1,332
<b>Maps are available for inspection at 528 West Main Street, Yukon, Oklahoma.</b>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
<b>Iowa</b>		
<b>FEMA Docket No. (B-7423)</b>		
<b>Iowa River:</b>		
Approximately 10,000 feet upstream of the confluence with Snyder Creek ....	*636	Johnson County, City of Iowa City, City of Coralville.
Just downstream of U.S. Highway 6 .....	*644	
Approximately 4,000 feet upstream of Coralville Dam .....	*657	
<b>Ralston Creek:</b>		
Just upstream of the North Branch Ralston Creek Detention Dam .....	*700	City of Iowa City, Johnson County.
Approximately 500 feet upstream of Scott Boulevard .....	*731	
<b>South Branch Ralston Creek:</b>		
Just upstream of Scott Boulevard .....	*723	City of Iowa City, Johnson County.
Approximately 3,700 feet upstream of Scott County Boulevard .....	*727	
<b>North Branch Snyder Creek:</b>		
Approximately 4,500 feet downstream of U.S. Route 6 .....	*650	City of Iowa City, Johnson County.
Approximately 2,050 feet upstream of Chicago Rock Island and Pacific Railroad.	*668	
<b>Clear Creek:</b>		
At confluence with Iowa River .....	*654	Johnson County, City of Iowa City, City of Tiffin.
Approximately 4,100 feet upstream of Camp Cardinal Road .....	*668	
Approximately 5,300 feet downstream of Interstate 80 .....	*672	
<b>Willow Creek:</b>		
At confluence with Iowa River .....	*642	City of Iowa City, Johnson County.
Approximately 650 feet upstream of U.S. Route 218 .....	*721	
<b>West Branch Snyder Creek:</b>		
At confluence with North Branch Snyder Creek .....	*662	Johnson County, City of Iowa City.
Approximately 900 feet upstream of the West Spur Railroad .....	*673	
<b>Middle Branch Willow Creek:</b>		
At confluence with Willow Creek .....	*677	City of Iowa City.
Approximately 300 feet upstream of Mormon Trek Boulevard .....	*690	

**Addresses***Johnson County and Unincorporated Areas**City of Iowa City, Iowa:*

Maps are available for inspection at the County Courthouse, P.O. Box 325, Allison, Iowa.

*City of Tiffin, Iowa:*

Maps are available for inspection at Tiffin City Hall, 211 Main Street, Tiffin, Iowa.

*City of Coralville:*

Maps are available for inspection at the Coralville City Hall, 1512 17th Street, Coralville, Iowa.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities affected
<b>Missouri</b>		
<b>FEMA Docket No. (B-7421)</b>		
<b>Joachim Creek:</b>		
Approximately 3,500 feet downstream of the New State Highway 110 bridge	*474	City of De Soto.
Approximately 550 feet upstream of Highway E .....	*525	
<b>Joachim Creek:</b>		
Approximately 3,000 feet downstream of the New Highway 110 bridge .....	*474	Jefferson County (Uninc. Areas).
Approximately 1,700 feet upstream of the County Highway E .....	*528	

**Addresses***City of De Soto*

Maps are available for inspection at City Hall, 17 Boyd Street, De Soto, Missouri.

*Jefferson County and Unincorporated Areas*

Maps are available for inspection at Jefferson County, Building and Zoning Commission, 300 2nd Street, Hillsboro, Missouri.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
<b>Nebraska</b>		
<b>FEMA Docket No. (B-7420)</b> <i>Shell Creek:</i> Approximately 800 feet downstream of County Bridge located at the west section-line of the southwest 1/4 of Section 9, T17N, R4E. Approximately 2,000 feet downstream of State Highway 30 ..... Approximately 4,600 feet downstream of State Highway 15 ..... At County Bridge on Colfax/Platte County boundary located approximately 300 feet south of middle of west section Line of Section 19.	*1,331 *1,348 *1,368 *1,445	Colfax County (Uninc. Areas), City of Schuyler.

**Addresses***Colfax County and Unincorporated Areas*

Maps are available for inspection at the Community Map Repository, 411 East 11th Street, Schuyler, Nebraska.

*City of Schuyler*

Maps are available for inspection at 1103 B Street, Schuyler, Nebraska.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
<b>Oklahoma</b>		
<b>FEMA Docket No. (B-7404)</b> <i>Chisholm Creek:</i> Approximately 3,900 feet downstream of Danforth Street ..... Just upstream of Memorial Road ..... Just downstream of Hefner Road ..... <i>Chisholm Creek Tributary 3( Pond Creek):</i> At confluence with Chisholm Creek ..... Just upstream of Danforth Road .....	*1,052 *1,124 *1,167 *1,049 *1,074	City of Edmond, City of Oklahoma City.

**Addresses:***City of Edmond*

Maps are available for inspection at 100 East First Street, Edmond, Oklahoma.

*City of Oklahoma City*

Maps are available for inspection at 420 West Main Street, Oklahoma City, Oklahoma.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
<b>Utah</b>		
<b>FEMA Docket No. (B-7421)</b> <i>Jordan River:</i> Approximately 3,100 feet downstream of the Golf Cart Bridge at Camp Wil- liams Military Reservation. At Cedar Fort Road ..... Approximately 1,400 feet upstream of Saratoga Road ..... Approximately 3,100 feet downstream of Saratoga Road ..... Approximately 1,400 feet upstream of Saratoga Road ..... Approximately 3,100 feet downstream of the Golf Cart Bridge at Camp Wil- liams Military Reservation. Approximately 1,500 feet downstream of Saratoga Road .....	*4,491 *4,493 *4,494 *4,493 *4,494 *4,491 *4,493	Utah County (Uninc. Areas). City of Saratoga Springs. City of Lehi.

**Addresses:***Utah County and Unincorporated Areas:*

Maps are available for inspection at the County Public Works Building, 2855 South State Street, Provo, Utah.

*City of Saratoga Springs:*

Maps are available for inspection at City Hall, City Manager's Office, 2015 South Redwood, Lehi, Utah.

*City of Lehi:*

Maps are available for inspection at the Building and Planning Department, 99 West Main Street, Lehi, Utah.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
<b>Washington</b>		
<b>FEMA Docket No. (B-7421)</b>		
<i>Wenatchee River:</i>		
At confluence with Chumstick Creek .....	*1,078	Chelan County (Uninc. Areas).
At confluence with Icicle Creek .....	*1,111	
<i>Wenatchee River:</i>		
At confluence with Chumstick Creek .....	*1,079	City of Leavenworth.
At confluence with Icicle Creek .....	*1,111	

**Addresses***Chelan County and Unincorporated Areas*

Maps are available for inspection at Community Map Repository, County Planning Department, 411 Washington Street, Wenatchee, Washington.

*City of Leavenworth:*

Maps are available for inspection at City Hall, Department of Community Development, 700 Highway 2, Leavenworth, Washington.

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

Dated: March 13, 2002.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 02-6574 Filed 3-18-02; 8:45 am]

**BILLING CODE 6718-04-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 2, 27 and 73**

[GN Docket No. 01-74; DA 02-607]

**Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; deadlines for filing oppositions to petitions for reconsideration and replies to oppositions to petitions for reconsideration.

**SUMMARY:** This document gives notice of petitions for reconsideration of the Report and Order in GN Docket No. 01-74, FCC 01-364, concerning the reallocation and service rules for the 698-746 MHz spectrum band (Television Channels 52-59), and sets an expedited schedule for filing oppositions to the petitions for

reconsideration and replies to such oppositions.

**DATES:** Oppositions are due on or before March 25, 2002, and replies are due on or before April 1, 2002.

**ADDRESSES:** Oppositions and replies may be filed by paper or electronically. If filed by paper by hand delivery, documents should be delivered to 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. If filed by overnight delivery service (other than U.S. Postal Service Express and Priority Mail), filings must be received at the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554; those deliveries will then be diverted to the Commission's Capitol Heights facility. Oppositions and replies filed electronically (by email or by facsimile) should be done as set forth in this document. In addition, one copy of each opposition and reply must be delivered to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, by facsimile (202) 863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com).

**FOR FURTHER INFORMATION CONTACT:** G. William Stafford, Wireless Telecommunications Bureau, at (202) 418-0563, email: [wstaffor@fcc.gov](mailto:wstaffor@fcc.gov); Michael Rowan, Wireless Telecommunications Bureau, at (202) 418-1883, email: [mrowan@fcc.gov](mailto:mrowan@fcc.gov); or Jamison Prime, Office of Engineering

and Technology, at (202) 418-1883, email: [jprime@fcc.gov](mailto:jprime@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of a Public Notice released March 14, 2001. The complete text is available for inspection and copying during normal business hours in the FCC Reference Center (CY-A257), 445 12th Street, SW., Washington, DC. It may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893. It is also available on the Commission's web site at <http://www.fcc.gov>.

1. Notice is hereby given that the parties listed have petitioned the Commission for reconsideration and clarification of the Report and Order in GN Docket No. 01-74, FCC 01-364, 67 FR 5491 (February 6, 2002). In the Report and Order, the Commission adopted allocation and service rules for the 698-746 MHz spectrum band ("Lower 700 MHz Band"), currently comprising television Channels 52-59, in order to reclaim and license this spectrum in accordance with statutory mandate. This spectrum is being reclaimed for new commercial services as part of the transition of television broadcasting from analog to digital transmission systems. The Communications Act of 1934, as amended, requires the Commission to assign spectrum reclaimed from