

REPUBLIC during its entire voyage from Detroit to Cleveland. The U.S. Coast Guard Cutter BRISTOL BAY will escort the M/V AMERICAN REPUBLIC throughout the voyage. Other Coast Guard vessels (including Coast Guard Auxiliary) will join in escorting the M/V AMERICAN REPUBLIC at various locations where vessel congestion is expected to be heavy.

The safety zone is being established for the protection of the M/V AMERICAN REPUBLIC and all personnel onboard, as well as for the protection of vessels and personnel operating in the vicinity of the vessel during its voyage. The M/V AMERICAN REPUBLIC is a 634 foot vessel. Because of its size, it is restricted in its ability to maneuver. Since the transit from Detroit to Cleveland will be taking place on a Sunday, media and public interest is expected to be high. Boating traffic on Lake Erie is anticipated to be heavy, particularly in the areas close to the ports of Detroit and Cleveland. The safety zone is essential to ensure vessels and personnel do not interfere with the safe transit of the vessel throughout its voyage and to protect the safety of spectator craft. However, the Captain of the Port may reduce the size of the safety zone within the outer limits prescribed in the regulation whenever it appears to the Captain of the Port that this may be done so with due regard for safety.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231, as set out in the authority section for all of Part 165.

#### Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation, and has so certified in the docket file.

#### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Regulatory Evaluation

This regulation is considered to be nonsignificant under Executive Order 12866 on Regulatory Planning and Review and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034 of February 26, 1979).

#### Small Entities

For the reasons stated in the preamble, the economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

#### Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Subpart C of Part 165 of title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section is added to read as follows:

#### **§ 165.T09-002 Safety Zone: Lake Erie, From Detroit, MI to Cleveland, OH.**

(a) *Location.* The following area is a moving safety zone: Within 200 yards of the M/V AMERICAN REPUBLIC as it transits Lake Erie from Detroit, MI to Cleveland, OH.

(b) *Effective Date.* This section is effective at 8 a.m. on June 9, 1996, and terminates at 11 p.m. on June 9, 1996, unless terminated earlier by the Coast Guard Captain of the Port Detroit or Cleveland.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: April 10, 1996.

G. F. Woolever,

Rear Admiral, U.S. Coast Guard Commander,  
Ninth Coast Guard District.

[FR Doc. 96-9601 Filed 4-12-96; 8:45 am]

BILLING CODE 4910-14-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-7175]

### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations 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 following table.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management

requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

**National Environmental Policy Act**

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

**Regulatory Flexibility Act**

The Acting Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations 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 National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

**Regulatory Classification**

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

**Executive Order 12612, Federalism**

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

**Executive Order 12778, Civil Justice Reform**

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

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

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

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

**PART 67—[AMENDED]**

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

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

**§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Illinois .....	Aroma Park (Village) Kankakee County.	Iroquois River .....	At the confluence with Kankakee River ...	*613	*608
			Approximately 0.3 mile upstream of the confluence with Kankakee River.	*613	*608
		Kankakee River .....	Approximately 0.5 mile downstream of the confluence of Iroquois River.	*613	*608
			At the confluence of Spring Creek .....	*613	*608

Maps available for inspection at the Aroma Park Village Hall, 108 West Front Street, Aroma Park, Illinois.  
Send comments to Ms. Roberta Conrad, President of the Village of Aroma Park, P.O. Box 117, Aroma Park, Illinois 60910.

Illinois .....	Aurora (City) Du Page and Kane Counties.	Mastadon Lake .....	Entire shoreline within the community .....	None	*662
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Maps available for inspection at the Planning Department, Aurora City Hall, 44 East Downer Place, Aurora, Illinois.  
Send comments to The Honorable David Pierce, Mayor of the City of Aurora, 44 East Downer Place, Aurora, Illinois 60507.

Illinois .....	Kankakee County (Unincorporated Areas).	Kankakee River .....	At the upstream side of Interstate Highway 57.	*611	*607
			At the State boundary .....	*631	*630
		Iroquois River .....	At the confluence with Kankakee River ...	*613	*608
			Approximately 0.4 mile upstream of the confluence with Minnie Creek.	*613	*612

Maps available for inspection at the Kankakee County Administrative Building, 189 East Court Street, Kankakee, Illinois.  
Send comments to Mr. Russell Thompson, Chairman of the Kankakee County Board, Kankakee County Administration Building, 189 East Court Street, Kankakee, Illinois 60901.

Illinois .....	Momence (City) Kankakee County.	Kankakee River (Main Channel).	Approximately 0.52 mile downstream of Dixie Highway.	*620	*615
			Approximately 625 feet upstream of Union Pacific Railroad.	*623	*620
		Kankakee River North Channel .....	Just upstream of spillway .....	*620	*618
			Approximately 475 feet upstream of Union Pacific Railroad.	*623	*620

Maps available for inspection at the City Hall, 123 West River Street, Momence, Illinois.  
Send comments to The Honorable James Moody, Mayor of the City of Momence, City Hall, 123 West River Street, Momence, Illinois 60954.

New York .....	Newport (Town) Herkimer County.	West Canada Creek	Approximately 200 feet downstream of Old State Road.	None	*686
			Approximately 1.02 miles upstream of Old State Road.	None	*696

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Newport Town Hall, West Street, Newport, New York.

Send comments to Mr. Michael McEvoy, Supervisor of the Town of Newport, Box 519, Newport, New York 13416.

New York .....	Oyster Bay (Town) Nassau County.	Hempstead Harbor .	Approximately 100 feet west of the intersection of Glenwood Road and Shore Road.	*14	*16
		Atlantic Ocean: South Oyster Bay.	Approximately 525 feet west of the intersection of Atwater Place and West Shore Drive.	*8	*9
			Approximately 250 feet southeast of the intersection of Sunset Boulevard and Bay Drive.	*9	*8
		Beaver Lake .....	Approximately 950 feet northeast of Kentuck Lane.	None	*12

Maps available for inspection at the Oyster Bay Town Department of Planning and Development, 74 Audry Avenue, Oyster Bay, New York.

Send comments to Mr. Lewis Yevoli, Oyster Bay Town Supervisor, 54 Audry Avenue, Oyster Bay, New York 11771.

Pennsylvania .....	Hempfield (Township) Westmoreland County.	Sewickley Creek .....	Approximately 0.5 mile downstream of confluence with Buffalo Run.	None	*930
			Approximately 1,000 feet downstream of confluence with Buffalo Run.	*933	*932

Maps available for inspection at Hempfield Municipal Building, Woodward Drive, Greensburg, Pennsylvania.

Send comments to Mr. Jed Yurt, Supervisor for the Township of Hempfield, R.D. #6, Box 500, Greensburg, Pennsylvania 15601.

Pennsylvania .....	Rostraver (Township) Westmoreland County.	Speers Run .....	Approximately 0.2 mile downstream of State Route 200.	*808	*811
			At confluence of Speers Run Tributary 2 and 3.	*896	*903
		Speers Run .....	At confluence with Speers Run .....	*896	*903
		Tributary 2 .....	At downstream side of Norfolk and Western Railway culvert.	*993	*990
		Speers Run .....	At confluence with Speers Run .....	*896	*903
		Tributary 3 .....	Approximately 0.3 mile upstream of Norfolk and Western Railway.	*932	*931
		Speers Run .....	At confluence with Speers Run .....	*843	*844
		Tributary 4 .....	Approximately 40 feet downstream of Norfolk and Western Railway.	*862	*863
		Monongahela River .	At county boundary .....	*756	*757
	At upstream side of Interstate Route 70 ..	*762	*764		
	Youghiogheny River	At the downstream corporate limits (in the area of Collinsburg Road).	None	*769	

Maps available for inspection at the Rostraver Township Municipal Building, R.D.#4 Port Royal Road, Belle Vernon, Pennsylvania.

Send comments to Mr. Austin A. Cratty, President of the Rostraver Township Board of Supervisors, R.D.#4 Municipal Building, Belle Vernon, Pennsylvania 15012.

Pennsylvania .....	South Huntingdon (Township). Westmoreland County	Sewickley Creek .....	Approximately 0.5 feet downstream of confluence with Buffalo Run.	None	*930
			Approximately 1,000 feet downstream of confluence with Buffalo Run.	*933	*932

Maps available for inspection at the South Huntingdon Township Hall, 75 Supervisor Drive, West Newton, Pennsylvania.

Send comments to Mr. Scott Painter, Chairman of the South Huntingdon Board of Supervisors, 75 Supervisor Drive, West Newton, Pennsylvania 15089.

Tennessee .....	Shelbyville (City) Bedford County.	Duck Creek .....	Approximately 0.6 mile downstream of Sims Road	None	719
			Approximately 0.65 mile upstream of the confluence of Bomar Creek.	None	747
		Bomar Creek .....	At confluence with Duck River .....	None	*745
			Approximately 750 feet upstream of State Route 64 (Wartrace Pike).	None	*750
		Flat Creek .....	At the confluence with Duck River .....	None	*730
			Approximately 1.1 miles upstream of U.S. Route 231 (South Cannon Boulevard).	None	*740
	Pettus Branch .....	Approximately 700 feet upstream of River Road.	None	*731	

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Little Hurricane Creek.	At Cemetery Road .....	None	*753
			At Peacock Lane .....	None	*749
		Tributary to Little Hurricane Creek.	Approximately 0.8 mile upstream of State Route 10 and 82 (U.S. Route 231).	None	*780
			At confluence with Little Hurricane Creek	None	*761
			At Fairfield Pike .....	None	*785

Maps available for inspection at the Shelbyville City Hall, 109 Lane Parkway, Shelbyville, Tennessee.

Send comments to The Honorable Albert C. Stephenson, Mayor of the City of Shelbyville, 109 Lane Parkway, Shelbyville, Tennessee 37160.

Wisconsin .....	Chetek (City) Barron County.	Lake Chetek .....	Entire shoreline within corporate limits ....	None	*1040
		Prairie Lake .....	Entire shoreline within corporate limits ....	None	*1040

Maps available for inspection at the Chetek City Clerk's Office, 220 Stout Street, Chetek, Wisconsin.

Send comments to The Honorable Shirley A. Webb, Mayor of the City of Chetek, P.O. Box 194, Chetek, Wisconsin 54728.

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

Dated: April 9, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96-9607 Filed 4-17-96; 8:45 am]

BILLING CODE 6718-04-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Ch. I**

[CS Docket No. 96-83; FCC 96-151]

**Preemption of Restrictions on Over-the-Air Reception Devices**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Notice of Proposed Rulemaking ("NPRM") requests comment on issues concerning the implementation of section 207 of the Telecommunications Act of 1996 as it relates to television broadcast signals and multichannel multipoint distribution services. The NPRM will assist the Commission in devising regulations in this area. The NPRM will provide interested parties an opportunity to submit comments that will provide the Commission with a sufficient record on which to base ultimate regulations.

**DATES:** Interested parties may file comments on or before May 6, 1996 and reply comments on or before May 21, 1996. Written comments by the public on the proposed and/or modified information collections are due on or before May 6, 1996. Written comments must be submitted by the Office of

Management and Budget (OMB) on the proposed and/or modified information collections on or before June 17, 1996.

**ADDRESSES:** An original and six copies of all comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Randi Albert of the Cable Services Bureau, 2033 M Street, N.W., Room 700Q, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20054, or via the Internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, D.C. 20503 or via the Internet to [fain-t@al.eop.gov](mailto:fain-t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Randi Albert or Jacqueline Spindler, Cable Services Bureau, (202) 416-0800. For additional information concerning the information collections contained herein, contact Dorothy Conway at 202-418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's NPRM in CS Docket No. 96-83, FCC No. 96-151, adopted April 2, 1996 and released April 4, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554.

This NPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

**OMB Approval Number:** None.

**Title:** Preemption of Restrictions on Over-the-Air Reception Devices—Notice of Proposed Rulemaking.

**Type of Review:** New collection.

**Respondents:** State and local governments; small businesses.

**Number of Respondents:** The Commission asks commenters to provide estimates of the volume of waivers and requests for declaratory rulings we might expect to receive on an annual basis. At this time, we estimate parties will annually prepare 200 requests for declaratory rulings and 100 petitions for waivers; for an annual total of 300 respondents.

**Estimated Time Per Response:** Preparation of a request for declaratory ruling prepared without outside counsel will require an average of 10 hours, and