

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

Dated: September 30, 2002.

Anthony S. Lowe,
Administrator, Federal Insurance and
Mitigation Administration.
[FR Doc. 02-25961 Filed 10-10-02; 8:45 am]
BILLING CODE 6718-04-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 and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations 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 DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations 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 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 table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations 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 base flood elevations and proposed modified base flood elevations 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.

The Agency 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 Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations 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 Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final 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 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 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 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) • Elevation in feet (NAVD)
CONNECTICUT	
Newtown (Town), Fairfield County (FEMA Docket No. D-7516)	
<i>Pond Brook:</i> Approximately 850 feet downstream of Currutuck Road	*331
Approximately 440 feet upstream of U.S. Route 6	*403
Maps available for inspection at the Edmond Town Hall, 45 Main Street, Newtown, Connecticut.	
ILLINOIS	
Milan (Village), Rock Island County (FEMA Docket Nos D-7512 and D-7528)	
<i>Eckhart Creek (Zone AO):</i> East of Chaney Lane and approximately 500 feet south of Interstate Route 280	#1
Approximately 600 feet north of W 10th Avenue and approximately 450 feet east of 9th Street	#1
Northwest of Missouri Kansas and Texas Railroad and approximately 600 feet south of Interstate Route 280	#1
<i>Rock River:</i> Approximately 0.63 mile downstream of Missouri, Kansas, and Texas Railroad	*564
Approximately 530 feet upstream of U.S. Route 67 ...	*564
<i>North Channel Rock River:</i> At confluence with Rock River	*564
Approximately 300 feet downstream of the Sears Dam	*564
Maps available for inspection at the Village of Milan Administrative Office, 321 West 2nd Avenue, Milan, Illinois.	
INDIANA	
Carmel (City), Hamilton County (FEMA Docket No. D-7512)	
<i>Cool Creek:</i> Approximately 0.975 mile upstream of confluence with West Fork White River	*743
At East 146th Street	*818

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)
<i>Hot Lick Creek:</i> At confluence with Cool Creek	*770	At confluence with West Fork White River	*746	Entire shoreline within community	*814
Approximately 450 feet upstream from confluence with Cool Creek	*770	Approximately 100 feet downstream of State Route 37	*809	<i>Musselman Ditch:</i> At confluence with West Fork White River	*771
<i>Little Cool Creek:</i> At confluence with Cool Creek	*806	Maps available for inspection at the Town of Fishers Administrative Offices, One Municipal Drive, Fishers, Indiana.		Approximately 1,400 feet upstream of Promise Road ...	*780
Approximately 150 feet downstream of most upstream crossing of East 136th Street	*845	Hamilton County (Unincorporated Areas) (FEMA Docket No. D-7510)		<i>Sly Run:</i> At confluence with Cicero Creek	*762
<i>Little Eagle Creek:</i> At county boundary	*861	<i>Mud Creek:</i> Approximately 180 feet downstream of East 146th Street	*831	At confluence of Sly Run East Fork and Sly Run West Fork	*821
At West 146th Street	*865	At Atlantic Road	*845	<i>Vestal Ditch:</i> Approximately 200 feet downstream of abandoned railroad	*772
<i>Kirkendall Creek:</i> At confluence with Vestal Ditch	*768	<i>Sand Creek:</i> At East 146th Street	*821	Just downstream of East 161st Street	*776
At East 146th Street	*770	At Prairie Baptist Road	*840	<i>Sly Run East Fork:</i> At confluence of Sly Run West Fork	*821
<i>Mitchener Ditch:</i> Approximately 100 feet downstream of Cherry Tree Road	*771	<i>Musselman Ditch:</i> Approximately 1,400 feet upstream of Promise Road ...	*780	Just downstream of Hinkle Road	*865
At East 146th Street	*804	Approximately 0.5 mile upstream of Victory Chapel Road	*795	<i>Sly Run West Fork:</i> At confluence of Sly Run East Fork	*821
<i>Spring Mill Run:</i> Approximately 300 feet upstream of confluence with Williams Creek	*794	<i>Kirkendall Creek:</i> At East 146th Street	*770	Approximately 125 feet upstream of Little Chicago Road	*830
At confluence with Well Run	*853	At Hinkle Road	*821	Maps available for inspection at the City of Noblesville Department of Planning and Development, 16 South Tenth Street, Noblesville, Indiana.	
<i>Vestal Ditch:</i> At confluence with West Fork White River	*746	<i>Vestal Ditch:</i> At East 146th Street	*769	Westfield (Town), Hamilton County (FEMA Docket No. D-7510)	
At East 146th Street	*769	Approximately 1,600 feet downstream of East 161st Street	*775	<i>Cool Creek:</i> Just upstream of East 146th Street	*818
<i>Well Run:</i> At confluence with Spring Mill Run	*853	Maps available for inspection at the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana.		Just downstream of East 186th Street	*870
Approximately 1,000 feet downstream of Torrey Pines Circle	*860	Noblesville (City), Hamilton County (FEMA Docket No. D-7510)		<i>Grassy Branch:</i> Approximately 600 feet downstream of Westfield Park Road	*894
Maps available for inspection at the City of Carmel Department of Community Services, 1 Civic Square, Carmel, Indiana.		<i>Britton Branch:</i> Just upstream of Allisonville Road	*751	Approximately 0.57 mile upstream of State Route 32 ..	*906
Cicero (Town), Hamilton County (FEMA Docket No. D-7510)		Just downstream of Norfolk and Western Railroad	*800	<i>Kirkendall Creek:</i> Just upstream of Hinkle Road	*822
<i>Morse Reservoir:</i> Entire shoreline within community	*814	<i>Elmwood-Wilson Ditch:</i> At confluence with Stony Creek	*756	Just downstream of East 161st Street	*832
Maps available for inspection at the Cicero Town Hall, 70 North Byron Street, Cicero, Indiana.		Approximately 500 feet downstream of State Route 37	*768	<i>Little Eagle Creek:</i> Approximately 1,250 feet downstream of West 146th Street	*861
Fishers (Town), Hamilton County (FEMA Docket No. D-7510)		<i>Kirkendall Creek:</i> Just upstream of abandoned railroad	*785	Just downstream of Casey Road	*911
<i>Mud Creek:</i> At East 96th Street	*781	Just downstream of East 156th Street	*793	<i>North Cool Creek:</i> Just upstream of East 186th Street	*870
At East 126th Street	*815	<i>Mallery Granger Ditch:</i> At confluence with West Fork White River	*765	Just downstream of intersection of Tomlinson Road and East 191st Street	*892
At East 106th Street	*785	Approximately 800 feet downstream of East 211th Street	*805	<i>Sly Run East Fork:</i> Just upstream of Hinkle Road	*866
At Interstate 69	*806	<i>Mill Creek:</i> At confluence with Sly Run ..	*766	Approximately 0.4 mile upstream of Hinkle Road	*872
<i>West Fork White River:</i> Approximately 1.2 miles downstream of confluence of Britton Branch	*745	Approximately 600 feet upstream of Little Chicago Road	*819		
Approximately 0.8 mile upstream of confluence of Britton Branch	*748	<i>Morse Reservoir:</i>			
<i>Britton Branch:</i>					

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)
Maps available for inspection at the Westfield Town Hall, 130 Penn Street, Westfield, Indiana.		Maps available for inspection at the Bessemer City Hall, 132 West Virginia Avenue, Room 207, Bessemer City, North Carolina.		Approximately 325 feet downstream of Arrowood Dam	*788
NEW HAMPSHIRE				<i>Unnamed Tributary 2 to Long Creek:</i>	
Errol (Town), Coos County (FEMA Docket No. D-7516)		Cherryville (Town), Gaston County (FEMA Docket No. D-7512)		At the confluence with Long Creek	*741
<i>Akers Pond:</i>		<i>Beaverdam Creek:</i>		Approximately 1,645 feet downstream of Iowa Avenue	*793
Entire shoreline within community	*1,231	Approximately 150 feet downstream of Sullivan Drive	*868	<i>Unnamed Tributary to Abernathy Creek:</i>	
Maps available for inspection at the Errol Town Office Building, 33 Main Street, Errol, New Hampshire.		Approximately 500 feet upstream of Pink Street	*916	At the confluence with Abernathy Creek	*721
NORTH CAROLINA		Maps available for inspection at the Cherryville Town Hall, 116 South Mountain Street, Cherryville, North Carolina.		Approximately 625 feet upstream of Eleventh Street	*789
Belmont (City), Gaston County (FEMA Docket No. D-7512)				<i>Abernathy Creek:</i>	
<i>Catawba River:</i>		Cramerton (Town), Gaston County (FEMA Docket No. D-7524)		Approximately 2,250 feet downstream of the confluence of Unnamed Tributary to Abernathy Creek	*716
Approximately 3,650 feet downstream of Norfolk Southern Railroad	*585	<i>Duharts Creek:</i>		Approximately 660 feet upstream of Interstate 85	*771
Approximately 250 feet upstream of Interstate 85	*587	At the confluence with South Fork Catawba River	*577	<i>Beaverdam Creek:</i>	
<i>South Fork Catawba River:</i>		Approximately 1.31 miles upstream of 8th Avenue	*611	Approximately 425 feet downstream of Dallas Cherryville Highway/State Route 277	*834
Approximately 3.18 miles downstream of Armstrong Ford Road	*571	Maps available for inspection at the Cramerton Town Hall, 155 North Main Street, Cramerton, North Carolina.		Approximately 25 feet upstream of Pink Street	*916
At Armstrong Ford Road	*571			<i>Oates Creek:</i>	
<i>Curtis Branch:</i>		Gaston County (Unincorporated Areas) (FEMA Docket No. D-7512)		Approximately 100 feet downstream of Interstate 85	*726
At the confluence with South Fork Catawba River	*571	<i>Catawba Creek:</i>		Approximately 1.1 miles upstream of Interstate 85	*790
Approximately 980 feet upstream of the confluence with South Fork Catawba River	*571	Approximately 838 feet downstream of Union New Hope Road	*588	<i>Tributary C-10:</i>	
Maps available for inspection at the Belmont City Hall, 115 North Main Street, Belmont, North Carolina.		Approximately 1,475 feet upstream of Beatty Road	*626	At the confluence of Tributary C-10-1	*715
Bessemer City (City), Gaston County (FEMA Docket No. D-7512)		<i>Catawba River:</i>		Approximately 100 feet upstream of East Hudson Boulevard	*732
<i>Unnamed Tributary 2 to Long Creek:</i>		At the confluence with Lake Wylie	*571	<i>Tributary C-10-1:</i>	
Approximately 1,645 feet downstream of Iowa Avenue	*793	Approximately 2.8 miles upstream of the confluence with Dutchman's Creek	*594	Approximately 575 feet downstream of East Hudson Boulevard	*720
Approximately 325 feet upstream of Maine Avenue	*820	<i>Duharts Creek:</i>		Approximately 650 feet upstream of East Hudson Boulevard	*731
<i>Oates Creek:</i>		Approximately 0.60 mile downstream of Cramerton Road	*604	<i>Kittys Branch:</i>	
Approximately 1.12 miles upstream of Interstate 85	*790	Approximately 0.35 mile upstream of Lowell-Bethesda Road	*656	At the confluence with Catawba River	*585
Approximately 1.5 miles upstream of Interstate 85	*840	<i>Fites Creek:</i>		Approximately 40 feet downstream of CSX Transportation	*585
<i>Unnamed Tributary 1 to Long Creek:</i>		Approximately 25 feet downstream of CSX Transportation	*615	<i>South Fork Catawba River:</i>	
Approximately 290 feet downstream of Arrowood Dam	*788	Approximately 1.1 miles upstream of West Catawba Avenue	*674	At the confluence with Catawba River	*571
Approximately 1,190 feet upstream of Arrowood Dam ..	*830	<i>Tributary R-5:</i>		At Armstrong Ford Road	*571
<i>Unnamed Tributary to Abernathy Creek:</i>		Approximately 150 feet downstream of Interstate 85	*714	<i>Nancy Hanks Branch:</i>	
Approximately 650 feet upstream of Eleventh Street	*789	Approximately 0.50 mile upstream of Oates Road	*814	At confluence with Catawba River	*585
Approximately 875 feet upstream of Eleventh Street	*790	<i>Unnamed Tributary 1 to Long Creek:</i>		Approximately 3,620 feet upstream of the confluence with Catawba River	*585
		Approximately 625 feet upstream of the confluence with Long Creek	*773	<i>Stowe Branch:</i>	
				At the confluence with Catawba River	*585
				Approximately 1,470 feet upstream of the confluence of Stowe Tributary	*585
				<i>Stowe Tributary:</i>	
				At the confluence with Stowe Branch	*585

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)
Approximately 1,260 feet upstream of the confluence with Stowe Branch	*585	Approximately 480 feet upstream of Laurel Lane	*731	Approximately 100 feet downstream of Interstate 85	*726
Maps available for inspection at the Gaston County Planning/Code Enforcement Office, 212 West Main Avenue, Gastonia, North Carolina.		Tributary C-8: At the confluence with Catawba Creek	*699	Maps available for inspection at the City of Gastonia Engineer's Office, 181 South Street, Gastonia, North Carolina.	
Gaston County (Unincorporated Areas) (FEMA Docket No. D-7512)		Approximately 0.34 mile upstream of Scotch Drive	*736	McAdenville (Town), Gaston County (FEMA Docket No. D-7512)	
Gastonia (City), Gaston County (FEMA Docket No. D-7512)		Tributary C-9: At the confluence with Catawba Creek	*702	South Fork Catawba River: Approximately 2,950 feet downstream of Main Street	*584
Forest Brook Branch: At confluence with Catawba Creek	*635	Approximately 0.30 mile upstream of confluence with Catawba Creek	*717	Approximately 1.9 miles upstream of Highway 85	*611
Approximately 125 feet upstream of Pineridge Avenue	*821	Tributary C-10: At the confluence with Catawba Creek	*715	Maps available for inspection at the McAdenville Town Hall, 125 Main Street, McAdenville, North Carolina.	
Duharts Creek: Approximately 1,200 feet upstream of Cramerton Road	*629	Approximately 100 feet upstream of East Hudson Boulevard	*732	Mount Holly (City), Gaston County (FEMA Docket No. D-7512)	
Approximately 450 feet upstream of Redbud Drive	*666	Tributary C-10-1: At the confluence with Tributary C-10	*715	Catawba River: Approximately 230 feet upstream of Interstate 85	*587
Catawba Creek: Approximately 0.85 mile downstream of the confluence with Forest Brook Branch	*625	Approximately 575 feet downstream of East Hudson Boulevard	*720	Approximately 1,910 feet upstream of confluence of Dutchmans Creek	*591
Approximately 650 feet upstream of Vance Street	*769	Tributary C-11: At the confluence with Catawba Creek	*717	Fites Creek: At confluence with Catawba River	*589
Crowders Creek: Approximately 2,000 feet upstream of the confluence of Tributary R-4	*688	Approximately 1,210 feet upstream of Efirid Street	*759	Approximately 75 feet downstream of CSX Transportation	*613
Approximately 850 feet upstream of the confluence of Tributary R-5	*688	Tributary C-12: At the confluence with Catawba Creek	*718	Dutchmans Creek: At confluence with Catawba River	*592
Tributary C-3: At the confluence with Catawba Creek	*649	Approximately 275 feet upstream of Oakland Street (Abandoned)	*760	Approximately 3,750 feet upstream of North Main Street	*592
Approximately 1,200 feet upstream of Steeple Chase Road	*696	Tributary C-14: At the confluence with Catawba Creek	*728	Maps available for inspection at the Mount Holly City Hall, 131 South Main Street, Mount Holly, North Carolina.	
Tributary C-4: At the confluence with Catawba Creek	*655	Approximately 300 feet upstream of Tenth Avenue ...	*735	Wisconsin	
Approximately 2,000 feet upstream of the confluence with Catawba Creek	*681	Tributary C-15: At the confluence with Catawba Creek	*737	Lincoln County (Unincorporated Areas) (FEMA Docket No. D-7528)	
Tributary C-5: At the confluence with Catawba Creek	*658	Approximately 540 feet upstream of Home Trail	*746	Wisconsin River: Approximately 1.37 miles downstream of Alexander Dam	*1,258
Approximately 1,350 feet upstream of East Hudson Boulevard	*681	Tributary C-16: At the confluence with Catawba Creek	*744	At downstream side of Alexander Dam	*1,261
Tributary C-5-1: Approximately 25 feet upstream of the confluence with Tributary C-5	*658	Approximately 475 feet upstream of the confluence of Tributary C-16-1	*753	Prairie River: Approximately 660 feet downstream of Mill Street	*1,263
Approximately 1,325 feet upstream of East Hudson Boulevard	*680	Tributary C-16-1: At the confluence with Tributary C-16	*747	Approximately 1.1 miles upstream of U.S. Business Highway 51	*1,274
Tributary C-6: At the confluence with Catawba Creek	*680	Approximately 1,310 feet upstream of the confluence with Tributary C-16	*758	Maps available for inspection at the Lincoln County Zoning Office, 1110 East Main Street, Merrill, Wisconsin.	
Approximately 0.4 mile upstream of East Hudson Boulevard	*735	Tributary R-5: Approximately 140 feet downstream of the confluence of Oates Creek	*707		
Tributary C-7: Approximately 250 feet upstream of the confluence with Catawba Creek	*695	Approximately 410 feet upstream of the confluence of Oates Creek	*714		
		Avon Creek: At the confluence with Catawba Creek	*703		
		Approximately 75 feet downstream of U.S. Route 29/74	*778		
		Oates Creek: At the confluence with Tributary R-5	*708		

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)
River Falls (City), St. Croix and Pierce Counties (FEMA Docket No. D-7528)	
Kinnickinnic River: Approximately 1.1 miles downstream of the confluence of South Fork Kinnickinnic River	*806
Approximately 400 feet upstream of State Route 35/65	*898
Rocky Branch: Approximately 850 feet upstream of confluence with Kinnickinnic River	*805
Approximately 2,230 feet upstream of confluence with Kinnickinnic River	*814
South Fork Kinnickinnic River: At confluence with Kinnickinnic River	*828
Approximately 575 feet upstream of State Route 35/65	*906
South Fork Kinnickinnic River Tributary No. 2: At confluence with South Fork Kinnickinnic River	*906
Approximately 950 feet upstream of South Fork Kinnickinnic River	*907
Maps available for inspection at the River Falls City Hall, 123 East Elm Street, River Falls, Wisconsin.	

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

Dated: September 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

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BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 90 and 95

[WT Docket No. 98-182; FCC 02-139]

1998 Biennial Regulatory Review—Private Land Mobile Radio Services

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: In this document, the Commission addresses six petitions for reconsideration or clarification of the Report and Order in WT Docket No. 98-182. The Commission affirms the decision to create a new Citizens Band

Radio Service named the Multi-Use Radio Service (MURS), updates the Airport Terminal Use (ATU) and adopts additional revisions to the Commission's rules on its own motion. The Commission also adopts a rule revision to remove the low power restriction from certain frequencies currently reserved for low power operation on a primary basis for cargo handling purposes at docksides. The Commission also eliminates the eligibility restriction on school and park operations in the Public Safety Pool.

DATES: Effective November 12, 2002.

FOR FURTHER INFORMATION CONTACT: Guy Benson, Esquire at (202) 418-2946 <gbenson@fcc.gov>, Mr. Brian Marenco at 418-0838 <bmarenco@fcc.gov>, or John Evanoff, Esquire at 418-0848 <jevanoff@fcc.gov>, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Memorandum Opinion and Order and Second Report and Order, FCC 02-139, adopted on May 2, 2002 and released on May 23, 2002 as corrected in Erratum DA-02-2256 adopted September 12, 2002 and released September 13, 2002. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

1. The major decisions we adopt in the *Memorandum Opinion and Order* today include:

- **MURS:** We affirm the decision to license by rule (i.e., eliminate individual licensing for, and instead license by rule) five VHF frequencies that were formerly licensed under Part 90 for low-power, industrial/business use, by placing frequencies in a new Part 95 Citizens Band Radio Service named the Multi-Use Radio Service (MURS).

- **Eligibility:** We decline to restrict the use of MURS to Part 90 Industrial/Business Pool eligibles. The general public is licensed by rule to use MURS for communications related to personal or business activities.

- **Technical provisions:** We revise the MURS technical rules to balance the benefits of adding technical flexibility against the disadvantages of potential degradation of the existing operations of business and industrial users. As with other services licensed by rule, the rules we adopt for MURS focus on technical equipment certification requirements. We also clarify that MURS is a two-way, short-distance, voice or data communication service intended for transmissions that do not typically require long duty cycles.

Under the revised rules, MURS units are:

- Permitted to have detachable antennas;
 - Permitted to have external antennas up to 6.1 meters (20 feet) above a structure or 18.3 meters (60 feet) above the ground, whichever is higher;
 - Permitted to have a total power output (TPO) of up to two (2) watts (instead of two (2) watts effective radiated power);
 - Not permitted to be used as cordless telephones, radiofacsimile (imaging), or for continuous carrier mode operations; and
 - Not permitted to be used for repeater operations.
- **ATU list:** We update the Airport Terminal Use (ATU) list found in Section 90.35(c)(61) of the Rules. The ATU list identifies, by name and reference coordinates, the airports at which certain 450 MHz band frequencies are reserved for stations located on or near the airports and used in connection with the servicing and supplying of aircraft.

2. The major decisions we adopt in the *Second Report and Order* include:

- **"Dockside" frequencies for high-power:** We also address the comments and other filings in response to the *Further Notice* in this proceeding. Specifically, we adopt the proposal of the American Automobile Association (AAA) to revise the power limit on certain frequencies currently reserved for low power operations on a primary basis for cargo handling purposes at docksides. We are not, however, adopting AAA's proposal to require all applicants to obtain AAA's concurrence to use these frequencies.

- **Public Safety Pool eligibility:** We adopt our proposal to eliminate the eligibility restriction on school and park operations in the Public Safety Pool under Section 90.20 of our Rules. We also eliminate the restriction prohibiting State highway maintenance systems from operating on certain Public Safety Pool channels.