U.S.C. 1761 *et seq.*) prohibits BLM from issuing rights-of-way under Section 501 on lands designated as wilderness. BLM will consider voluntary acquisition of land or interests in land by exchange, purchase, or donation to reduce or eliminate the need to use wilderness areas for access purposes.

(b) If you hold a valid mining claim or other valid occupancy wholly within a wilderness area, you will be permitted access by means that are consistent with the preservation of wilderness and that have been or are being customarily used with respect to other similar occupancies surrounded by wilderness. Plans approved by BLM under subpart 3809 of this chapter will prescribe the routes of travel that you may use for access to occupancies surrounded by wilderness. These plans will also identify the mode of travel, and other conditions reasonably necessary to preserve the wilderness area.

(c) Before issuing any access authorization, BLM will make certain that:

(1) You have demonstrated a lack of any existing access rights or alternate routes of access available by deed or under State or common law and that access across non-federally owned routes is not reasonably obtainable;

(2) You are allowed to use the combination of routes and modes of travel, including non-motorized modes, that will cause the least impact on the wilderness but, at the same time, will permit the reasonable use of the non-Federal land;

(3) The route that BLM approves is located and constructed to minimize adverse impacts on natural resource values of the wilderness area; and

(4) The location and method of access BLM approves are as consistent as possible with the management of the wilderness area and the management plan for the area.

Dated: December 11, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96–31957 Filed 12–18–96; 8:45 am]

BILLING CODE 4310-84-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7195]

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: Frederick H. Sharrocks Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2796.

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 Executive 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
Florida	Walton County (Unincorporated Areas).	Gulf of Mexico	Approximately 1.6 miles southwest of the intersection of U.S. Route 98 and County Route 30A in the vicinity of Morris Lake.	*5	*10
			Approximately 2,000 feet south of the intersection of U.S. Route 98 and County Route 30A in the vicinity of Inlet Beach.	*8	*12
Maps available for inspection at the Walton County Emergency Operation Center, 75 South Davis Lane, DeFuniak Springs, Florida. Send comments to Mr. Ronnie Bell, Walton County Administrator, P.O. Drawer 689, DeFuniak Springs, Florida 32433.					
Illinois	Long Grove (Village) Lake County.	Diamond Lake	Downstream side of State Route 83	None	*717
		Drain	Approximately 550 feet downstream of State Route 83.	None	*712
		Tributary A to Buffalo Creek.	Approximately 1,600 feet upstream of the confluence with Buffalo Creek.	None	*699
			At the county boundary	None	*704
		Buffalo Creek	Approximately 0.6 mile upstream of Checker Drive.	*711	*710
			Approximately 0.8 mile upstream of Long Grove Road (State Route 53).	*729	*728
Maps available for inspection at the Village of Long Grove Municipal Building, 3110 Old McHenry Road, Long Grove, Illinois 60047. Send comments to Ms. Lenore Simmons, Long Grove Village President, 3110 RFD, Long Grove, Illinois 60047.					
Minnesota	Lakeville (City) Dakota County.	North Creek	At downstream corporate limits	*916	*914
			At confluence of Unnamed Tributary No. 2 to North Creek.	*942	*939
			Approximately 810 feet upstream of Icon Trail.	None	*1,059
		South Creek	At downstream corporate limits	*931	*930
			Approximately 0.9 mile upstream of State Route 50.	*988	*989
		West Branch South Creek	At confluence with South Creek	*942	*944
			Approximately 1,100 feet upstream of Kenrick Avenue.	None	*1,082
		East Branch South Creek	At downstream corporate limits	None	*935
			At upstream side of Hamburg Avenue	None	*1,032
		Marion Branch South Creek.	Approximately 75 feet downstream of CP rail system.	None	*968
			At upstream side of Icalee Path	None	*985
Maps available for inspection at the Lakeville City Engineer's Office, Lakeville City Hall, 20195 Holyoke Avenue, Lakeville, Minnesota. Send comments to The Honorable Duane Zaun, Mayor of the City of Lakeville, Lakeville City Hall, 20195 Holyoke Avenue, Lakeville, Minnesota 55044.					
New Hampshire	Tilton (Town) Belknap County.	Gulf Brook	Just upstream of U.S. Route 3/State Route 11.	*473	*474
			Approximately 0.52 mile upstream of U.S. Route 3/State Route 11.	None	*485
Maps available for inspection at the Tilton Town Hall, Land Use Office, 257 Main Street, Tilton, New Hampshire. Send comments to Mr. Heber Feener, Chairman of the Town of Tilton Board of Selectmen, 257 Main Street, Tilton, New Hampshire 03276.					
New York	Brutus (Town) Cayuga County.	Skaneateles Creek	Approximately 560 feet downstream of Farm Bridge.	*382	*383
			Approximately 1,370 feet upstream of Farm Bridge.	*384	*387
		Cold Spring Brook	Approximately 50 feet upstream of River Forest Drive.	*383	*384
			At the confluence with Old Erie Canal	*397	*396
		North Brook	At the Old Erie Canal	*397	*396
			Approximately 20 feet upstream of the Old Erie Canal.	*397	*396
Maps available for inspection at the Brutus Town Clerk's Office, 9021 North Seneca Street, Weedsport, New York. Send comments to Ms. Ann Petrus, Brutus Town Supervisor, 9021 North Seneca Street, Weedsport, New York 13166.					
New York	Gardiner (Town) Ulster County	Mara Kill	At County Road No. 7	None	*239
			Approximately 1,140 feet upstream of Sparkling Ridge Road.	None	*539

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 Gardiner Town Hall, Route 44/55, Gardiner, New York. Send comments to Mr. LeRoy Carlson, Gardiner Town Supervisor, P.O. Box 1, Route 44/55, Gardiner, New York 12525.					
Ohio	Canal Winchester (Village). Franklin County	Tussing-Bachman-Bush Ditch.	Just downstream of County Route 7 (Groveport Road).	*743	*741
			At upstream county boundary	None	*769
Maps available for inspection at the Canal Winchester Village Hall, 10 North High Street, Canal Winchester, Ohio. Send comments to The Honorable Marsha Hall, Mayor of the Village of Canal Winchester, P.O. Box 226, 10 North High Street, Canal Winchester, Ohio 43110.					
Ohio	Franklin County (Unincorporated Areas).	Georges Creek	At confluence with Georges Creek	None	*747
		Overland Flow	Approximately 2,080 feet upstream of confluence with Georges Creek.	None	*751
Maps available for inspection at the Franklin County Zoning Department, 373 South High Street, 15th Floor, Columbus, Ohio. Send comments to Mr. Philip Laurien, Franklin County Development Director, 373 South High Street, 15th Floor, Columbus, Ohio 43215.					
Pennsylvania	Alsace (Township) Berks County.	Bernhart Creek	Approximately 1,650 feet downstream of Pricetown Road.	None	*472
			Approximately 1,200 feet downstream of Pricetown Road.	None	*482
Maps available for inspection at the Alsace Township Office, 65 Woodside Avenue, Temple, Pennsylvania. Send comments to Mr. Joseph E. Williams, Chairman of the Alsace Township Board of Supervisors, 65 Woodside Avenue, Temple, Pennsylvania 19560.					
Pennsylvania	Benton (Borough) Columbia County.	Fishing Creek	Approximately 50 feet downstream of dam, which is located approximately 450 feet upstream of State Route 487.	*765	*766
			At upstream corporate limits	*775	*777
Maps available for inspection at the Benton Borough Hall, 3rd and Center Streets, Benton, Pennsylvania. Send comments to The Honorable Larry Houseweart, Mayor of the Borough of Benton, P.O. Box T, Benton, Pennsylvania 17814.					
Pennsylvania	Exeter (Township) Berks County.	Tributary B to Antietam Creek.	Approximately 250 feet upstream of confluence with Antietam Creek.	None	*390
			Approximately 810 feet upstream of confluence with Antietam Creek.	None	*395
Maps available for inspection at the Exeter Township Engineering Office, 4975 DeMass Road, Reading, Pennsylvania. Send comments to Ms. Linda Buler, Chairperson of the Township of Exeter Board of Supervisors, P.O. Box 4068, Reading, Pennsylvania 19606.					
Pennsylvania	Heidelberg (Township) Berks County.	Tulpehocken Creek	Approximately 270 feet downstream of U.S. 422.	None	*359
			Downstream side of U.S. 422	None	*359
		Furnace Creek No. 2	At downstream corporate limits	None	*508
			Approximately 50 feet upstream of the downstream corporate limits.	None	*508
Maps available for inspection at the Heidelberg Township Building, 373 Charming Forge Road, Robesonia, Pennsylvania. Send comments to Mr. Robert Manbeck, Heidelberg Township Administrator, P.O. Box 241, Robesonia, Pennsylvania 19551.					
Pennsylvania	Lock Haven (City) Clinton County.	Sugar Run	At its confluence with West Branch Susquehanna River.	*569	*572
			Approximately 320 feet upstream of State Route 120.	*569	*572
Maps available for inspection at the Lock Haven City Engineer's Office, Lock Haven City Hall, 20 East Church Street, Lock Haven, Pennsylvania. Send comments to The Honorable Harold C. Yost, Jr., Mayor of the City of Lock Haven, 20 East Church Street, Lock Haven, Pennsylvania 17745.					
Pennsylvania	Marion (Township) Berks County.	Tulpehocken Creek	Approximately 270 feet downstream of U.S. 422.	None	*359
			Approximately 1,200 feet upstream of U.S. 422.	None	*361
Maps available for inspection at the Marion Township Municipal Building, 20 South Water Street, Womelsdorf, Pennsylvania. Send comments to Mr. Kenneth L. Keppley, Chairman of the Township of Marion Board of Supervisors, 20 South Water Street, Womelsdorf, Pennsylvania 19567.					
Pennsylvania	Muhlenberg (Township) Berks County.	Bernhart Creek	Approximately 450 feet downstream of Kutztown Road.	*284	*283
			Approximately 1,050 feet upstream of Crystal Rock Road.	*483	*480

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 Muhlenberg Township Engineering Department, Muhlenberg Township Building, First Floor, 555 Raymond Street, Reading, Pennsylvania.					
Send comments to Mr. Stephen J. Geras, President of Muhlenberg Township, 555 Raymond Street, Reading, Pennsylvania 19605.					
Pennsylvania	Reading (City) Berks County.	Bernhart Creek	Approximately 80 feet upstream of Richmond Street.	None	*283
			Approximately 200 feet upstream of Richmond Street.	None	*285
Maps available for inspection at the Reading City Hall, 815 Washington Street, Reading, Pennsylvania.					
Send comments to The Honorable Paul J. Angstadt, Mayor of the City of Reading, Reading City Hall, 815 Washington Street, Reading, Pennsylvania 19601–3690.					
Pennsylvania	Richmond (Township) Berks County.	Willow Creek	Approximately 1,450 feet upstream of Poplar Street.	None	*474
			Approximately 0.44 mile downstream of State Route 1010.	None	*404
		Maiden Creek	At State Route 143	None	*327
		Unnamed Tributary to Willow Creek.	Approximately 1,500 feet upstream of North Richmond Road.	None	*376
			Downstream face of Vine Street bridge	None	*394
Maps available for inspection at the Richmond Township Building, Off Route 222 at Route 662, Moselem Springs, Pennsylvania.					
Send comments to Mr. Gary Angstadt, Chairman of the Township of Richmond Board of Supervisors, P.O. Box 474, Fleetwood, Pennsylvania 19522.					
Pennsylvania	Womelsdorf (Borough) Berks County.	Tulpehocken Creek	Approximately 150 feet downstream of U.S. 422 bridge.	None	*359
			Approximately 1,250 feet upstream of U.S. 422 bridge.	None	*361
Maps available for inspection at the Womelsdorf Borough Hall, 101 West High Street, Womelsdorf, Pennsylvania.					
Send comments to Mr. Vincent Balistrieri, President of the Womelsdorf Borough Council, 101 West High Street, Womelsdorf, Pennsylvania 19567.					
Pennsylvania	Woodward (Township) Clinton County.	West Branch Susquehanna River.	Approximately 1 mile downstream of Woodward Avenue.	*563	*564
			Approximately 800 feet upstream of CONRAIL.	*578	*579
		Reeds Run	At confluence with West Branch Susquehanna River.	*564	*566
			Approximately 950 feet upstream of Church Street.	*565	*566
		Queens Run	At confluence with West Branch Susquehanna River.	*575	*576
			Approximately 500 feet upstream of Farransville Road.	*575	*576
Maps available for inspection at the Woodward Township Building, 101 Riverside Terrace, Lock Haven, Pennsylvania.					
Send comments to Mr. Charles C. Rine, Jr., Chairman of the Woodward Township Board of Supervisors, 101 Riverside Terrace, Lock Haven, Pennsylvania 17745–9608.					
Wisconsin	West Bend (City) Washington County.	Silver Creek	Approximately 52 feet downstream of City Park Drive.	*900	*899
			Downstream side of West Washington Street culvert.	*933	*932
		Silverbrook Creek	Upstream side of Silverbrook Drive	*927	*928
			Approximately 900 feet upstream of U.S. Highway 45.	None	*955
		Washington Creek	Approximately 200 feet downstream of Valley Avenue.	*980	*981
			Approximately 450 feet upstream of Shepherds Drive.	None	*1,002
Maps available for inspection at the West Bend City Hall, 1115 South Main Street, West Bend, Wisconsin.					
Send comments to The Honorable Michael Miller, Mayor of the City of West Bend, 1115 South Main Street, West Bend, Wisconsin 53095–4658.					

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

Dated: December 10, 1996.

Craig S. Wingo,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 96–32265 Filed 12–18–96; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket Nos. 91–221 and 87–8; FCC 96–438]

Local Television Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this *Second Further NPRM,* the Commission makes several tentative conclusions and proposals concerning the modification of the local television ownership rule and the radio-television cross-ownership rule. Specifically, we invite comment on our tentative conclusion to modify the local television ownership rule to a generally less restrictive Designated Market Area (''DMA'') and Grade A signal contour standard and on a number of specific waiver standards for the local television ownership rule. We also seek comment as we reexamine the radio-television cross-ownership rule in light of changes to the radio-television cross-ownership waiver policy and local radio ownership rules contemplated by the Telecommunications Act of 1996 (''1996 Act''). In addition, the Commission tentatively concludes that it will establish the adoption date of this *Second Further NPRM (i.e.,* November 5, 1996) as the grandfathering date for television local marketing agreements (''LMAs'') in the event television LMAs are considered attributable under our ownership rules. The purpose of this *Second Further Notice of Proposed Rulemaking* is to invite additional comments on our local television ownership rule, radio-television cross-ownership rule, and the treatment of existing television LMAs in light of the enactment of the 1996 Act.

DATES: Comments are due by February 7, 1997, and reply comments are due by March 7, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Alan Baughcum (202) 418–2170 or Kim Matthews (202) 418–2130 of the Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rule Making in MM Docket Nos. 91–222 and 87–8, adopted November 5, 1996, and released November 7, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, N.W. Washington, D.C. 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Second Further Notice of Proposed Rulemaking

I. Background

1. Last year, the Commission adopted a broad-ranging *Further Notice of Proposed Rule Making* in this docket (hereinafter *TV Ownership Further NPRM).* In that item, the Commission proposed changes or revisions to the national television ownership rule, the local television ownership rule, and the radio-television cross-ownership rule. In addition, the Commission requested comment as to whether certain broadcast television local marketing agreements (''LMAs'') should be considered to be an attributable interest in a manner similar to radio LMAs.

2. On February 8, 1996, the Telecommunications Act of 1996 (the ''1996 Act'') was signed into law. Section 202 of the 1996 Act directs the Commission to undertake significant and far-reaching revisions to its broadcast media ownership rules, some of which—like the relaxation of the national television ownership limit—were proposed in the *TV Ownership Further NPRM.* Section 202 also requires us to review other aspects of our local ownership rules which were also the subject of the *TV Ownership Further NPRM.* In particular, Section 202 requires the Commission to do the following: (1) to conduct a rulemaking proceeding concerning the retention, modification or elimination of the television duopoly rule; and (2) to extend the Top 25 market/30 independent voices one-to-a-market waiver policy to the Top 50 markets, ''consistent with the public interest, convenience, and necessity.'' Additionally, both the Act and its legislative history contain statements regarding the appropriate treatment of existing television local marketing agreements (''LMAs'') under our ownership rules. Because our previous request for comments occurred before the enactment of the 1996 Act, we believe inviting additional comments pertaining to the duopoly rule, the radio-television cross-ownership rule, and the treatment of existing television LMAs is appropriate.

3. We confine this *Second Further NPRM* to issues related to our local television ownership rule (the duopoly rule), the one-to-a-market rule, and LMA grandfathering issues. Issues relating to the national television ownership limit, which was specifically modified by the 1996 Act, were addressed in a previously released Order implementing these modifications (*See Order,* FCC 96–991, 61 FR 10691 (March 15, 1996) and are also discussed in a separate *NPRM* adopted contemporaneously with this *Second Further NPRM.* In addition, issues related to the broadcast attribution rules are the subject of a *Further NPRM* in our attribution proceeding that is also being adopted today.

4. In the sections that follow, we invite comment on several discrete issues prompted by the 1996 Act. We also take this opportunity to solicit further comment in light of our review of comments filed in this proceeding to date. Specifically, we invite comment on our tentative conclusion to modify the local television ownership rule to a generally less restrictive Designated Market Area (''DMA'') and Grade A signal contour standard and on a number of specific waiver standards for the local television ownership rule. We also seek comment as we reexamine the radio-television cross-ownership rule in light of the 1996 Act. Finally, we seek comment on how, if we decide to make television local marketing agreements (''LMAs'') attributable for ownership purposes, existing LMAs should be treated under the Act and the new rules.

II. The Local Television Ownership Rule

A. Background

5. Our local television ownership rule presently prohibits common ownership of two television stations whose Grade B signal contours overlap. The *TV Ownership Further NPRM* set out a comprehensive analytical framework for reviewing this rule in light of three principal goals. First, we seek through our local television ownership rule to promote diversity, particularly program and viewpoint diversity. Second, we intend to foster the competitive operation of broadcast television stations' program distribution and advertising markets. Finally, we seek to promote greater certainty by adopting