

(5) "When using this product [in bold type] pupils may become enlarged temporarily."

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Dated: June 14, 2000.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 00-15631 Filed 6-20-00; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1952

**State Plans: Coverage of the United States Postal Service and Other Coverage Issues—Changes to Level of Federal Enforcement for Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, the Virgin Islands, Washington and Wyoming; Correction**

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**ACTION:** Final rule; correction.

**SUMMARY:** The Occupational Safety and Health Administration published in the *Federal Register* on June 9, 2000 (65 FR 36617), a document amending its regulations on State Plans to reflect Federal coverage of the United States Postal Service and other coverage issues. In subpart Q, Kentucky, § 1952.236, where the plan may be inspected, was inadvertently designated as § 1952.96. This document corrects that designation.

**EFFECTIVE DATE :** June 9, 2000.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Friedman, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U. S. Department of Labor, Room N3637, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-1999.

#### SUPPLEMENTARY INFORMATION:

##### Correction of Publication

In the final rule (FR Doc. 00-14150) published in the *Federal Register* on June 9, 2000 (65 FR 36617), make the following correction:

#### PART 1952—[CORRECTED]

##### § 1952.236 [Corrected]

On page 36625, in the first column, following amendatory instruction 31,

correctly designate § 1952.96 as § 1952.236.

**Authority:** This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, D.C. the 14th day of June, 2000.

**Charles N. Jeffress,**

*Assistant Secretary.*

[FR Doc. 00-15558 Filed 6-20-00; 8:45 am]

BILLING CODE 4510-26-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, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-3461.

**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 Associate Director, Mitigation Directorate, 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 National Flood Insurance Program. 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.

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)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<b>DELAWARE</b>		<b>Maps available for inspection</b> at the Wilson's Mills Town Hall, 22 Fire Department Road, Wilson's Mills, North Carolina.	
<b>New Castle County (Unincorporated Areas) (FEMA Docket No. 7303)</b>		<b>OHIO</b>	
<i>Unnamed Tributary to Mill Creek:</i>		<b>Harbor View (Village), Lucas County (FEMA Docket No. 7295)</b>	
Just upstream of Loblolly Court .....	*267	<i>Maumee Bay:</i> Approximately 300 feet east of the intersection of Autokee Street and Lakeview Avenue .....	*579
Approximately 870 feet upstream of Loblolly Court ....	*281	<b>Maps available for inspection</b> at the Harbor View Village Hall, 327 Lakeview Drive, Harbor View, Ohio.	
<b>Maps available for inspection</b> at the New Castle Government Center, 87 Reads Way, New Castle, Delaware.		<b>Holland (Village), Lucas County (FEMA Docket Nos. 7227 and 7295)</b>	
<b>NEW YORK</b>		<i>Drennan Ditch:</i>	
<b>Peru (Town), Clinton County (FEMA Docket No. 7307)</b>		At confluence with Wolf Creek .....	*619
<i>Ausable River:</i>		At Village corporate limits .....	*634
Approximately 0.59 mile downstream of U.S. Route 9 .....	*103	<i>Wolf Creek:</i>	
Approximately 0.83 mile upstream of U.S. Route 9 .....	*116	Approximately 1,200 feet downstream of Holloway Road .....	*617
<i>Little Ausable River:</i>		Approximately 700 feet upstream of Holloway Road ..	*620
Upstream side of Delaware and Hudson Railroad bridge .....	*103	<b>Maps available for inspection</b> at the Village of Holland Municipal Building, 1245 Clarion, Holland, Ohio.	
Downstream side of Jarvis Road .....	*321	<b>Oregon (City), Lucas County (FEMA Docket No. 7295)</b>	
<i>Silver Stream:</i>		<i>Maumee Bay:</i> Approximately 1,300 feet northwest of the intersection of Alabama Street and Mississippi Street	*580
Approximately 320 feet downstream of U.S. Route 9 .....	*103	<i>Lake Erie:</i> At the intersection of Norden Road and Jacobs Road .....	*579
Downstream side of I-87 Northbound .....	*185	<b>Maps available for inspection</b> at the City of Oregon Building and Zoning Inspection Department, 5330 Seaman Road, Oregon, Ohio.	
<i>Button Brook:</i>		<b>Sylvania (City), Lucas County (FEMA Docket No. 7227)</b>	
At confluence with Little Ausable River .....	*284	<i>Schrieber Ditch:</i>	
Downstream side of Peasleeville Road .....	*366	Approximately 850 feet downstream of Centennial Road .....	*673
<b>Maps available for inspection</b> at the Peru Town Hall, 3036 Main Street, Peru, New York.		Downstream side of Centennial Road .....	*676
		<b>Maps available for inspection</b> at the City of Sylvania Administration Building/Services Department, 6730 Monroe Street, Suite 101, Sylvania, Ohio.	
		<b>Toledo (City), Lucas County (FEMA Docket Nos. 7227 and 7295)</b>	
		<i>Ottawa River:</i>	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At the City of Toledo corporate limits .....	*580
At CSX Transportation .....	*580
<i>Swan Creek:</i>	
At the confluence with Maumee River .....	*580
Approximately 105 feet upstream of Monroe Street ...	*580
<i>Maumee River:</i>	
At the confluence with Maumee Bay .....	*580
Approximately 0.6 mile downstream of the corporate limits .....	*581
<i>Maumee Bay:</i> Entire coastline within the City of Toledo	*580
<i>Otter Creek:</i>	
Upstream side of Taylor Road .....	*585
Downstream side of Seaman Street .....	*585
<i>Haefner Ditch:</i>	
Approximately 330 feet upstream of Holland-Sylvania Road .....	*634
Approximately 0.5 mile upstream of Holland-Sylvania Road .....	*638
<i>Hill Ditch:</i>	
Upstream side of Elmer Drive	*627
Approximately 600 feet upstream of Orchard Hills Boulevard .....	*637
<i>Delaware Creek:</i>	
Confluence with Maumee River .....	*581
Approximately 30 feet downstream of Rohr Road .....	*581
<b>Maps available for inspection</b> at the City of Toledo Division of Building Inspection, One Government Center, Suite 1600, Toledo, Ohio.	
<b>Waterville (Village), Lucas County (FEMA Docket No. 7227)</b>	
<i>Maumee River:</i>	
Approximately 0.8 mile upstream of Dutch Road .....	*607
Approximately 1.2 miles upstream of Forst Road .....	*624
<b>Maps available for inspection</b> at the Waterville Village Hall, 25 North Second Street, Waterville, Ohio.	
<b>Whitehouse (Village), Lucas County (FEMA Docket No. 7295)</b>	
<i>Lone Oak Ditch:</i>	
Just downstream of Whitehouse-Spencer Road	*645
Just upstream of Waterville Street .....	*655
<b>Maps available for inspection</b> at the Village of Whitehouse Zoning and Building Department, 6655 Providence Street, Whitehouse, Ohio.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<b>PENNSYLVANIA</b>	
<b>Delaware Water Gap (Borough), Monroe County (FEMA Docket No. 7303)</b>	
<i>Delaware River:</i>	
Approximately 1.2 miles downstream of Interstate 80 .....	*313
Approximately 500 feet downstream of confluence with Cherry Creek .....	*321
<b>Maps available for inspection</b> at the Delaware Water Gap Borough Office, 49 Main Street, Delaware Water Gap, Pennsylvania.	

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

Dated: May 16, 2000.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 00-14294 Filed 6-20-00; 8:45 am]

**BILLING CODE 6718-04-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2 and 15

[ET Docket No. 94-124; FCC 00-161]

### Use of Radio Frequencies Above 40 GHz for New Radio Applications.

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; denial.

**SUMMARY:** This document denies the Petitions for Reconsideration filed by the National Radio Astronomy Observatory ("NRAO") and New England Digital Distribution, Inc., ("NEDD"). These petitions requested reconsideration of the Commission's Third Report and Order ("third Order") in this proceeding. This action reaffirms the previous Commission decisions on the spurious emission limit for unlicensed vehicular radar devices operating in the 76-77 GHz band, and the coordination channel and transmitter identification requirements contained in the spectrum etiquette for unlicensed operation in the 59-64 GHz band.

**FOR FURTHER INFORMATION CONTACT:** Rodney Conway, Office of Engineering and Technology, (202) 418-2904.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, ET Docket 94-124, FCC 00-161, adopted May 8, 2000 and May 17, 2000. The full

text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

### Summary of the Memorandum Opinion and Order

1. The NRAO filed a Petition for Reconsideration requesting a more stringent spurious emission limit of 2 pW/cm<sup>2</sup> rather than the limit of 1000 pW/cm<sup>2</sup> for vehicle radar systems operating in the 76-77 GHz band. NEDD filed a Petition for Reconsideration of the coordination channel and transmitter identification requirements of the spectrum etiquette for unlicensed operation in the 59-64 GHz band. These petitions requested reconsideration of the Commission's Third Report and Order ("Third Order") in this proceeding, 63 FR 42276, August 7, 1998.

### Emission Limits Above 200 GHz

2. The NRAO requests a more stringent spurious emission limit of 2 pW/cm<sup>2</sup> as measured at three meters for unlicensed devices operating in the 76-77 GHz band. The NRAO petition provides no new information to support its request; it instead points to comments filed by the National Academy of Sciences Committee on Radio Frequencies ("CORF") earlier in this proceeding as the basis for its request. NRAO alleges that, in the Third Order, the Commission did not adequately address the specific concerns or calculations set forth by CORF, nor did it explain the basis of its beliefs in rejecting CORF's proposed limits in favor of those recommended by the National Telecommunications and Information Administration ("NTIA"). NRAO believes that such a failure to address the key argument is arbitrary and capricious and does not constitute reasoned decision-making.

3. Our review reveals that CORF essentially assumes that the vehicular radars will be within boresight of or targeted at the radio astronomy receive antenna and be capable of radiating a coherent and focused emission directly into a 0 dBi side lobe of a radio astronomy antenna without taking into account any attenuation from the atmosphere, intervening terrain, angular separation or elevation separation that may be present. In addition, we note that IEEE Vehicular Radar Standards