

(iii) At least three other members of the program's staff.

(2) The quality improvement committee—

(i) Must implement a quality improvement plan for the evaluation of its operation and services and review and revise annually; and

(ii) Must meet at least quarterly to identify quality of care issues; and

(iii) Must develop and implement appropriate plans of action to correct identified quality deficiencies; and

(iv) Must ensure that identified quality deficiencies are corrected within an established time period.

(3) The VA Under Secretary for Health may not require disclosure of the records of such committee unless such disclosure is related to the compliance with the requirements of this section.

(o) *Disaster and emergency preparedness.* (1) The program management must have detailed written plans and procedures to meet all potential emergencies and disasters, such as fire, severe weather, bomb threats, and missing participants.

(2) The program management must train all employees in emergency procedures when they begin to work in the program, periodically review the procedures with existing staff, and carry out unannounced staff drills using those procedures.

(p) *Transfer procedure.* (1) The program management must have in effect a written transfer procedure that reasonably assures that—

(i) Participants will be transferred from the adult day health care program to the hospital, and ensured of timely admission to the hospital when transfer is medically appropriate as determined by a physician; and

(ii) Medical and other information needed for care and treatment of participants will be exchanged between the institutions.

(2) The transfer must be with a hospital sufficiently close to the adult day health care program to make transfer feasible.

(q) *Compliance with Federal, State, and local laws and professional standards.* The program management must operate and provide services in compliance with all applicable Federal, State, and local laws, regulations, and codes, and with accepted professional standards and principles that apply to professionals providing services in such a facility. This includes the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) and the Cash Management Improvement Acts of 1990 and 1992 (31 U.S.C. 3335, 3718, 3720A, 6501, 6503).

(r) *Relationship to other Federal regulations.* In addition to compliance

with the regulations set forth in this subpart, the program must meet the applicable provisions of other Federal laws and regulations, including but not limited to, those pertaining to nondiscrimination on the basis of race, color, national origin, handicap, or age (38 CFR part 18); protection of human subjects of research (45 CFR part 46), section 504 of the Rehabilitation Act of 1993 (29 U.S.C. 794); Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707); restrictions regarding lobbying (31 U.S.C. 1352); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

Although these regulations are not in themselves considered requirements under this part, their violation may result in the termination or suspension of, or the refusal to grant or continue payment with Federal funds.

(s) *Intermingling.* A facility recognized as a State home for providing adult day health care may only provide adult day health care in the areas of the facility recognized as a State home for providing adult day health care.

(t) *VA management of State veterans homes.* Except as specifically provided by statute or regulations, VA employees have no authority regarding the management or control of State homes providing adult day health care.

(Authority: 38 U.S.C. 101, 501, 1741–1743) (The Office of Management and Budget has approved the information collection requirements in this paragraph under control number 2900–0160.)

§ 52.220 Transportation.

Transportation of participants to and from the adult day health care facility must be a component of the overall program.

(a)(1) Except as provided in paragraph (a)(2) of this section, the adult day health care program management must provide or contract for transportation to enable participants, including persons with disabilities, to attend the program and to participate in facility-sponsored outings.

(2) The veteran or the family of a veteran may decline transportation offered by the adult day health care program management and make their own arrangements for the transportation.

(b) The adult day health care program management must have a transportation policy that includes routine and emergency procedures, with a copy of the relevant procedures located in all program vehicles.

(c) All vehicles transporting participants to and from adult day health care must be equipped with a device for two-way communication.

(d) All facility-provided and contracted transportation systems must meet local, State and federal regulations.

(e) The time to transport participant to or from the facility must not be more than 60 minutes except under unusual conditions, e.g., bad weather.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

[FR Doc. 02–150 Filed 1–4–02; 8:45 am]

BILLING CODE 8320–01–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)
HAWAII	
Maui County, (FEMA Docket No. B-7421)	
<i>Unnamed Stream at Kuau Point:</i>	
Approximately 720 feet downstream of Hana Highway	*14
Approximately 750 feet upstream of Hana Highway ...	*29
Maps are available for inspection at the Department of Planning, 250 South High Street, Wailuku, Hawaii.	
WASHINGTON	
Skokomish Indian Tribe, (FEMA Docket No. B-7421)	
<i>Skokomish River:</i>	
Just downstream of State Route 106	*16
Approximately 3,000 feet upstream of U.S. Route 101	*31
Maps are available for inspection at the Natural Resources Office, North 541 Tribal Center Road, Shelton, Washington.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
CALIFORNIA		City of La Mesa, City of San Diego
FEMA Docket No. (B-7420)		
Alvarado Creek: At Pennsylvania Lane ext., approximately 1,000 feet downstream of 70th street	*379	
Approximately 2000 feet downstream of Lake Murray Boulevard	*407	
Approximately 900 feet downstream of Comanche Boulevard	*425	
Approximately 300 feet upstream of Fletcher Parkway	*454	
ADDRESSES:		
City of La Mesa: Maps are available for inspection at the Department of Public Works Community Development, City Hall, 8130 Allison Avenue, La Mesa, California.		
City of San Diego: Maps are available for inspection at the City Development Services Center, 1222 1st Avenue, 3rd Floor, San Diego, California.		
NEW MEXICO		
FEMA Docket No. (B-7421)		City of Farmington, San Juan County.
Animas River: Approximately 1,300 feet downstream of Miller Avenue	+5,276	
Just upstream of Broadway Street	+5,304	
Approximately 4,300 feet upstream of Browning Parkway	+5,361	
San Juan River: Approximately 8,600 feet downstream of Route 371	+5,223	
Approximately 2,200 feet downstream of Route 371	+5,242	
Wyper Arroyo: Approximately 100 feet upstream of U.S. Highway 550	+5,499	
Just upstream of confluence of Wyper Arroyo Tributary	+5,559	
Approximately 3,800 feet upstream of confluence of Wyper Arroyo Tributary	+5,668	
Wyper Arroyo Tributary: Just upstream of confluence of Wyper Arroyo	+5,559	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
Approximately 3,450 feet upstream of confluence with Wyper Arroyo	+5,662	
<i>Carl Arroyo:</i>		
Approximately 1,700 feet downstream of U.S. Route 550	+5,451	
Just upstream of Winnifred Drive	+5,535	
Approximately 3,900 feet upstream of Winnifred Drive	+5,635	
<i>Hood Arroyo:</i>		
Approximately 1,800 feet downstream of Hubbard Street	+5,403	
Just upstream of Pinon Hills Blvd	+5,530	
Approximately 850 feet upstream of Hogan Avenue	+5,714	
<i>Hood Arroyo Tributary:</i>		
Just upstream of Hogan Avenue	+5,640	
Approximately 4,200 feet upstream of Hogan Avenue	+5,820	
<i>Porter Arroyo:</i>		
Approximately 1,300 feet downstream of Windsor Drive	+5,509	
Just upstream of confluence of Porter Arroyo Tributary C	+5,622	
Approximately 4,200 feet upstream of North College Road	+5,796	
<i>Porter Arroyo Tributary C:</i>		
At confluence with Porter Arroyo	+5,620	
Approximately 1,300 feet upstream of confluence with Porter Arroyo	+5,654	
<i>Porter Arroyo Tributary B:</i>		
At confluence with Porter Arroyo	+5,645	
Approximately 1,100 feet upstream of confluence with Porter Arroyo	+5,682	
<i>Porter Arroyo Tributary A:</i>		
At confluence with Porter Arroyo near North College Road	+5,670	
Approximately 2,100 feet upstream of confluence with Porter Arroyo	+5,752	
<i>Butler Arroyo:</i>		
Just upstream of 30th Street	+5,508	
Approximately 4,000 feet upstream of 30th Street	+5,606	
<i>Dustin Arroyo:</i>		
Approximately 400 feet downstream of 30th Street	+5,489	
Approximately 700 feet upstream of Cerrillos Drive	+5,667	
<i>Farmers Mutual Ditch:</i>		
Approximately 300 feet downstream of Westland Park Drive	+5,227	
Approximately 1,500 feet upstream of Westland Park Drive, near its divergence from San Juan River.	+5,236	
<i>Westland Park Drive Runoff:</i>		
Approximately 800 feet downstream of Westland Park Drive	+5,225	
Approximately 150 feet upstream of Westland Park Drive	+5,235	
ADDRESSES:		
City of Farmington:		
Maps are available for inspection at City Hall, 800 Municipal Drive, Farmington, New Mexico.		
San Juan County:		
Maps are available for inspection at the Office of Building Inspector, 100 South Oliver, Aztec, New Mexico.		
OREGON		
FEMA Docket No. (B-7421)		
<i>Wagner Creek:</i>		
Just upstream of Rapp Road	*1,654	Jackson County
Approximately 1,100 feet upstream of a Private Culvert in the Stream Valley just south of the junction of Ashland Mine Road and Wagner Creek Road.	*2,201	
At confluence with Bear Creek	*1,562	City of Talent
Just upstream of Rouge Valley Highway 99	*1,593	
Just downstream of Rapp Road	*1,652	
ADDRESSES:		
Jackson County:		
Maps are available for inspection at the Roads, Parks and Planning Services, 10 South Oakdale Avenue, Medford, Oregon.		
City of Talent:		
Maps are available for inspection at City Hall, 204 East Main Street, Talent Oregon.		
UTAH		
FEMA Docket No. (B-7420)		
<i>Willow Creek (West):</i>		
Just upstream of 11400 South Street	*4,362	City of Draper
Approximately 100 feet upstream of 12300 South Street	*4,409	
Approximately 1,250 feet upstream of 150 East Road	*4,441	
	*2,201	
<i>Midas Creek:</i>		
At confluence with Jordan River	*4,322	Salt Lake County.
Approximately 250 feet upstream of 3600 West Street	*4,603	(Uninc. Areas), City of Riverton, City of South Jordan
ADDRESSES:		

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
Salt Lake County (Unincorporated. Areas): Maps are available for inspection at 2001 South State Street, Suite N3300, Salt Lake City, Utah. City of Draper: Maps are available for inspection at the Engineer Department, 12441 South 900 East, Draper, Utah. City of Riverton: Maps are available for inspection at City Hall, 949 East 12400 South Street, Riverton, Utah. City of South Jordan: Maps are available for inspection at 10996 South Redwood Road, South Jordan, Utah.		

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

Dated: December 19, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02-321 Filed 1-4-02; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 6 and 7

[WT Docket No. 96-198; DA 01-2730]

Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons With Disabilities

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the deadline by which providers of telecommunications services and manufacturers of telecommunications equipment and customer premises equipment must provide the Commission with the designation of an agent on whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission. Each provider and manufacturer must inform the Commission of its designation of an agent by January 31, 2002. The designation must include the agent's name or department designation, business address, telephone number, TTY number (if available), facsimile number, and Internet e-mail address.

DATES: The amendment to 47 CFR Part 6.18 and 7.18 published at 64 FR 63235 (November 19, 1999) will become effective January 31, 2002.

FOR FURTHER INFORMATION CONTACT: Jenifer Simpson (202) 418-0008 (voice), (202) 418-0034 (TTY) or Dana Jackson (202) 418-2247 (voice), (202) 418-7898 (TTY), Disabilities Rights Office, Consumer Information Bureau.

SUPPLEMENTARY INFORMATION: This designation of agent must be filed with the Commission's Secretary, Magalie Salas, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC, 20554. An additional copy should be sent to the Disabilities Rights Office, Consumer Information Bureau, Room 5-A741, 445 12th Street, SW, Washington, DC, 20554, Attn: Dana Jackson. We intend to continue posting the required information on the FCC's web site within the Consumer Information Bureau (CIB) and administering the posting within CIB's Disabilities Rights Office. Contact information for manufacturers is posted at http://www.fcc.gov/cib/dro/section255_manu.html; contact information for service providers is posted at http://www.fcc.gov/cib/dro/service_providers.html; and contact information for affected colleges and universities is posted at http://www.fcc.gov/cib/dro/section255_colleges.html.

This document is available to individuals with disabilities requiring accessible formats (electronic ASCII text, Braille, large print and audio) by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or by sending an email to fccinfo@fcc.gov.

On September 29, 1999, the Commission released a Report and Order and Further Notice of Inquiry (RO/FNOI) adopting a framework for implementing Section 255 of the Communications Act of 1934, as amended, which requires telecommunications equipment manufacturers and service providers to ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. A summary of this RO/FNOI was published in the **Federal Register**. See 64 FR 63277; 64 FR 63235.

Among the new rules is a requirement that equipment manufacturers and service providers each designate an agent for service of informal and formal complaints received by the Commission. This rule entails information collection

requirements, and in the RO/FNOI, the Commission stated that "some of the information collection requirements in this Report and Order are contingent on approval by OMB," including the designation of agent requirement. The information collection was approved by OMB on October 29, 2001. See OMB No. 3060-0833. This publication announces the effective date of the Commission's requirement that equipment manufacturers and service providers subject to the requirements of Section 255 of the Act designate an agent upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. The designation shall include, for both the manufacturer and the provider, a name or department designation, business address, telephone number, and if available, TTY number, facsimile number, and Internet e-mail address. More information on this subject can be found in the Commission's Public Notice, DA 01-2730, released December 19, 2001.

Federal Communications Commission.

Thomas D. Wyatt,

Associate Chief (Operations), Consumer Information Bureau.

[FR Doc. 01-32243 Filed 1-4-02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 96-40; FCC 01-340]

Repeal of the Scrambling of Sexually Explicit Adult Video Service Programming Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission has repealed a section of its multichannel video and cable television