

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Marin (FEMA Docket No. 7224).	City of Novato	July 1, 1997, July 8, 1997, <i>Marin Independent Journal</i> .	The Honorable. Pat Eklund, Mayor, City of Novato, 900 Sherman Avenue, Novato, California 94945.	June 13, 1997	060178
Sonoma (FEMA Docket No. 7224).	City of Petaluma ..	June 17, 1997, June 24, 1997, <i>Argus Courier</i> .	The Honorable Patricia Hilligoss, Mayor, City of Petaluma, P.O. Box 61, Petaluma, California 94953.	June 2, 1997	060379
Santa Clara (FEMA Docket No. 7224).	City of San Jose ..	July 1, 1997, July 8, 1997, <i>San Jose Mercury News</i> .	The Honorable Susan Hammer, Mayor, City of San Jose, 801 North First Street, Room 600, San Jose, California 95110.	June 12, 1997	060349
North Dakota: Dunn (FEMA Docket No. 7224).	City of Halliday	June 20, 1997, June 27, 1997, <i>Dunn County Herald</i> .	The Honorable Leo Lesmeister, Mayor, City of Halliday, P.O. Box 438, Halliday, North Dakota 58642.	June 9, 1997	380029
Dunn (FEMA Docket No. 7224).	Unincorporated Areas.	June 20, 1997, June 27, 1997, <i>Dunn County Herald</i> .	The Honorable Orris Bang, Chairman, Dunn County Board of Commissioners, Dunn County Auditor's Office, P.O. Box 105, Manning, North Dakota 58642.	June 9, 1997	380026
Oklahoma: Oklahoma (FEMA Docket No. 7224).	City of Edmond ...	June 12, 1997, June 19, 1997, <i>Edmond Evening Sun</i> .	The Honorable Bob Rudkin, Mayor, City of Edmond, P.O. Box 2970, Edmond, Oklahoma 73083.	May 28, 1997	400252
Tulsa (FEMA Docket No. 7224).	City of Tulsa	June 17, 1997, June 24, 1997, <i>Tulsa World</i> .	The Honorable M. Susan Savage, Mayor, City of Tulsa, 200 Civic Center, Tulsa, Oklahoma 74103.	May 23, 1997	405381
Texas: Dallas (FEMA Docket No. 7224).	City of Carrollton	June 20, 1997, June 27, 1997, <i>Metrocrest News</i> .	The Honorable Milburn Gravley, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011-0535.	June 4, 1997	480167
Tarrant (FEMA Docket No. 7224).	City of Grapevine	June 19, 1997, June 26, 1997, <i>The Grapevine Sun</i> .	The Honorable William D. Tate, Mayor, City of Grapevine, 200 South Main, Grapevine, Texas 76051.	June 4, 1997	480598
Kerr (FEMA Docket No. 7193).	City of Ingram	June 12, 1996, June 19, 1996, <i>The Kerrville Daily Times</i> .	The Honorable Nina Jane Bird Raymer, Mayor, City of Ingram, 409 Highway 27 West, Ingram, Texas 78025.	May 31, 1996	481592
Kerr (FEMA Docket No. 7193).	City of Kerrville	June 12, 1996, June 19, 1996, <i>The Kerrville Daily Times</i> .	The Honorable Charles P. Johnson, Mayor, City of Kerrville, 800 Junction Highway, Kerrville, Texas 78028-5069.	May 31, 1996	480420
Kerr (FEMA Docket No. 7193).	Unincorporated Areas.	June 12, 1996, June 19, 1996, <i>The Kerrville Daily Times</i> .	The Honorable Robert A. Denson, Kerr County Judge, 700 Main, Kerrville, Texas 78028.	May 31, 1996	480419
Kaufman (FEMA Docket No. 7224).	City of Terrell	July 1, 1997, July 8, 1997, <i>Terrell Tribune</i> .	The Honorable Don L. Lindsay, Mayor, City of Terrell, P.O. Box 310, Terrell, Texas 75160.	June 17, 1997	480416

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

Dated: December 18, 1997.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 97-33932 Filed 12-29-97; 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 DATE: 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 FIRM is available for inspection as indicated in 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: 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 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.

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 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 for Mitigation 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 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)
ARKANSAS	
Central City (town), Sebastian County (FEMA Docket No. 7222)	
<i>Vache Grasse Creek:</i> At State Highway 255	*399
Maps are available for inspection at the Town of Central City Town Hall, 1101 Highway 255, Central City, Arkansas.	
Stuttgart (city) and Arkansas County (Unincorporated areas) (FEMA Docket No. 7222)	
<i>Bull Ditch:</i> Approximately 6,700 feet downstream of Oak Street (extended)	1*211
Just upstream of Vine Street	2*213
<i>Lateral 1:</i> At confluence with Bull Ditch	2*212
Approximately 50 feet downstream of Park Avenue	2*213
<i>Lateral 1A:</i> At confluence with Lateral 1	2*213
<i>Ditch 7:</i> At confluence with Ditch 7A ..	2*198
Approximately 950 feet upstream of St. Louis Southwestern Railroad	2*200
<i>Ditch 7A:</i> Just upstream of County Road	1*198
Approximately 8,100 feet upstream of County Road	2*206
<i>Ditch 7B:</i> At confluence with Ditch 7	2*198
Just upstream of Buerkle Street	2*203
<i>Elm Prong:</i> Just upstream of Route 130	1*212
<i>Mill Bayou:</i>	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Just upstream of Route 130 (downstream crossing)	1*212
Approximately 1,100 feet upstream of Route 130 (upstream crossing)	2*214
<i>Ditch 3B:</i> At confluence with Mill Bayou	1*213
Approximately 1,000 feet upstream of McCracken Street	2*215
<i>Main Ditch:</i> Approximately 9,100 feet downstream of Railroad Spur	1*201
Just downstream of Railroad Spur	1*211
Just upstream of 19th Street East	2*214
<i>Lateral A:</i> At confluence with Main Ditch	2*214
<i>Stuttgart King Bayou Ditch:</i> Just downstream of County Road	1*197
Just upstream of Fourth Street	2*202
Maps are available for inspection at the City of Stuttgart Water Department, 612 South College, Stuttgart, Arkansas.	
Maps are available for inspection at the Arkansas County Courthouse, 101 Court Square, Dewitt, Arkansas.	
¹ Affects Arkansas County. ² Affects the City of Stuttgart.	
Sebastian County (Unincorporated areas) (FEMA Docket No. 7222)	
<i>Vache Grasse Creek:</i> At Old Military Road (State Highway 256)	*399
Maps are available for inspection at the County Courthouse, 35 South Sixth Street, Fort Smith, Arkansas.	
CALIFORNIA	
Lake County (Unincorporated areas) (FEMA Docket No. 7218)	
<i>Putah Creek:</i> Approximately 8,450 feet downstream of confluence of Coyote Creek	*940
Approximately 200 feet downstream of confluence of Coyote Creek	*956
Approximately 500 feet downstream of State Highway 29	*964
<i>Putah Creek Left Overbank:</i> At southeast meeting of Mountain Meadow Roads North and South	*953
Approximately 700 feet upstream of confluence of Coyote Creek, east of levee	*955
<i>Coyote Creek:</i> Approximately 1,400 feet downstream of Hartman Road	*957

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)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 300 feet downstream of Hartman Road	*961	Maps are available for inspection at the Lake County Department of Public Works, Lake County Courthouse, 255 North Forbes Street, Room 309, Lakeport, California.		Approximately 520 feet upstream of Wilson Street	*851
Butts Canyon Creek:				Maps are available for inspection at the City of Fort Scott City Hall, 1 East Third Street, Fort Scott, Kansas.	
Approximately 3,600 feet downstream of Loconomi Road	*1,082				
Approximately 4,100 feet upstream of Butts Canyon Road	*1,115	Palmdale (city) and Los Angeles County (Unincorporated areas) (FEMA Docket No. 7222)		Lyons (city), Rice County (FEMA Docket No. 7206)	
Copsey Creek:		Anaverde Creek:		Salt Creek:	
At confluence with Cache Creek	*1,331	Just downstream of Antelope Valley Freeway (California State Highway 14)	*2,742	Approximately 3,000 feet downstream of American Road	*1,654
Approximately 100 feet upstream of Morgan Valley Road	*1,348	Approximately 5,000 feet upstream of Tierra Subida, at an unnamed road	*2,876	At Second Street	*1,686
Approximately 950 feet upstream of Morgan Valley Road	*1,351	Just upstream of Leona Si-phon	*2,929	Surprise Creek:	
Herdon Creek:				Approximately 200 feet downstream of American Road	*1,662
At confluence with Cache Creek	*1,331	Maps are available for inspection at the City of Palmdale, 712 East Palmdale Boulevard, Palmdale, California.		At Second Street	*1,686
Just upstream of Bonham Road	*1,345			Maps are available for inspection at City Hall, 217 East Avenue South, Lyons, Kansas.	
Approximately 4,700 feet upstream of Bonham Road ..	*1,371				
Long Valley Creek:		Maps are available for inspection at 23920 Valencia Boulevard, Santa Clarita, California.		NEBRASKA	
Approximately 150 feet downstream of New Long Valley Road	*1,099			Otoe County (Unincorporated areas) (FEMA Docket No. 7222)	
Approximately 9,550 feet upstream of Old Long Valley Road	*1,181	Redding (city) and Shasta County (Unincorporated areas) (FEMA Docket No. 7222)		Missouri River:	
Long Valley Creek—Right Overbank Split Flow:		Olney Creek:		Approximately 3.8 miles downstream of confluence of Camp Creek	*913
At convergence with main channel, approximately 1,540 feet upstream of Old Long Valley Road	*1,145	Just upstream of Anderson-Cottonwood Irrigation District Canal	*481	Approximately 23.1 miles upstream of confluence of Camp Creek	*940
At divergence from main channel, approximately 4,850 feet upstream of Old Long Valley Road	*1,169	Approximately 100 feet upstream of Texas Springs Road	*530	Maps are available for inspection at the Otoe County Courthouse, 1021 Central Avenue, Nebraska City, Nebraska.	
Wolf Creek:		Stillwater Creek:			
At confluence with North Fork Cache Creek	*1,129	At Dersch Road	*409	OREGON	
Approximately 1,350 feet upstream of Wolf Creek Road crossing, upstream of dam	*1,230	Approximately 9,100 feet upstream of Dersch Road	*437	Gold Beach (city), Curry County (FEMA Docket No. 7218)	
Morrison Creek:		At Rancho Road	*475	Pacific Ocean:	
Just upstream of State Highway 20	*1,332	Approximately 500 feet upstream of Rancho Road	476	Along shoreline, just south of mouth of Cuniff Creek	*15
Approximately 540 feet upstream of Foothill Road	*1,368	Maps are available for inspection at the City of Redding Development Services Department, 760 Parkview Avenue, Redding, California.		Along shoreline, approximately 3,800 feet north of mouth of Hunter Creek	*20
Eighth Avenue Drain and North Tributary:		Maps are available for inspection at the Shasta County Department of Public Works, 1855 Placer Street, Redding, California.		Maps are available for inspection at the City of Gold Beach City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.	
Just downstream of State Highway 20	*1,332				
Just downstream of Foothill Road	*1,385	KANSAS		SOUTH DAKOTA	
Eighth Avenue Drain—South Tributary:		Fort Scott (city), Bourbon County (FEMA Docket No. 7222)		Custer (city), Custer County (FEMA Docket No. 7218)	
Approximately 50 feet downstream of Ninth Avenue	*1,349			French Creek:	
Just upstream of Foothill Road	*1,384	Buck Run:		At eastern corporate limits, approximately 400 feet upstream of County Road 394	*5,270
17th Avenue Drain:		At Wall Street	*799	Downstream of U.S. Highway 16A	*5,333
Just upstream of State Highway 20	*1,332	Just upstream of Tenth Street	*831	Laughing Water Creek:	
Approximately 890 feet upstream of Trailer Park upstream crossing	*1,373	Approximately 1,200 feet upstream of 23rd Street	*895	At confluence with French Creek	*5,292
Thurston Creek:		Buck Run East Fork:		At unnamed road approximately 250 feet upstream of Clay Street	*5,338
Approximately 5,970 feet downstream of Soda Bay Road	*1,765	At confluence with Buck Run Just upstream of St. Louis-San Francisco Railroad	*870	Highway 385 Tributary:	
Approximately 4,150 feet upstream of Soda Bay Road, second upstream crossing	*1,869	Buck Run Tributary:			
		At confluence with Buck Run	*814		

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)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with French Creek	*5,318	Maps are available for inspection at the City of Denton, City Hall West, 221 North Elm, Denton, Texas.		At Snohomish-King County line, approximately 6 miles downstream of Burlington Northern Railroad	*748
Approximately 2,700 feet above mouth	*5,347	Maps are available for inspection at the City of Roanoke City Hall, 201 Bowie Street, Roanoke, Texas.		Approximately 100 feet downstream of Fifth Street, in the Town of Skykomish	*926
Maps are available for inspection at the City of Custer City Hall, 622 Crook Street, Custer, South Dakota.				Approximately 0.52 mile upstream of U.S. Highway 2 (Northeast Stevens Pass Highway)	*1,039
Custer County (Unincorporated areas) (FEMA Docket No. 7218)		Highland Village (city), Denton County (FEMA Docket No. 7222)		<i>Middle Fork Snoqualmie River:</i>	
<i>French Creek:</i>		<i>Hickory Creek Arm Tributary 1:</i>		Approximately 0.35 mile downstream of Mount Si Road	*467
Just upstream of Sewage Disposal Plant Road	*5,252	At Sellmeyer Lane	*537	Approximately 0.44 mile upstream of Mount Si Road ..	*495
Just upstream of County Road 394	*5,269	At Tanglewood Lane	*552	Approximately 3.57 miles upstream of Mount Si Road ..	*629
Just downstream of an unnamed road approximately 580 feet upstream of County Road 395	*5,345	<i>Hickory Creek Arm Tributary 2:</i>		<i>North Fork Snoqualmie River:</i>	
<i>Highway 385 Tributary:</i>		At confluence with Hickory Creek Arm Tributary 1	*539	At mouth, approximately 0.36 mile downstream of 428th Avenue Southeast	*427
Approximately 1,000 feet upstream from confluence with French Creek	*5,327	At Lakevista West	*544	Approximately 2.06 miles upstream of 428th Avenue Southeast	*482
At unnamed road approximately 4,400 feet upstream of confluence with French Creek	*5,369	<i>Copperas Branch:</i>		<i>South Fork Skykomish River:</i>	
Maps are available for inspection at the Custer County Courthouse, 420 Mt. Rushmore Road, Custer, South Dakota.		Approximately 670 feet downstream of Cuero Place, at the Cities of Highland Village and Lewisville corporate limits ..	*569	Approximately 200 feet upstream of confluence with Maloney Creek	*922
		Approximately 710 feet upstream of Sellmeyer Lane	*580	Approximately 0.46 mile upstream of Fifth Street North	*940
		Maps are available for inspection at the City of Highland Village City Hall, 1800 FM 407, Highland Village, Texas.		<i>North Creek:</i>	
				At confluence with Sammomish River	*22
		Lewisville (city), Denton County (FEMA Docket No. 7222)		At 208th Street Southeast	*122
		<i>Copperas Branch:</i>		Maps are available for inspection at the King County Department of Development and Environmental Services, 3600 136th Place Southeast, Bellevue, Washington.	
		Along Aspen Drive, 300 feet north of intersection with Maxwell Drive	*569	Maps are available for inspection at the Town of Skykomish, 119 Fourth Street North, Skykomish, Washington.	
		Maps are available for inspection at the City of Lewisville City Hall, 1197 West Main Street, Lewisville, Texas.		Maps are available for inspection at the City of Issaquah Planning Department, 130 East Sunset Way, Issaquah, Washington.	
				Maps are available for inspection at the City of Redmond, 15670 Northeast 85th Street, Redmond, Washington.	
TEXAS		WASHINGTON		Selah (city), Yakima County (FEMA Docket No. 7218)	
Denton County (and Incorporated areas) (FEMA Docket No. 7222)		King County (and Incorporated areas) (FEMA Docket No. 7222)		<i>Yakima River:</i>	
<i>Clear Creek:</i>		<i>North Fork Issaquah Creek:</i>		Approximately 700 feet upstream of Selah Highway Bridge	*1,088
Just upstream of Interstate Highway 35	*620	At confluence with Issaquah Creek	*51	Approximately 7,700 feet upstream of Selah Highway Bridge	*1,098
Just upstream of FM 455	*669	Approximately 150 feet upstream of Southeast 62nd Street	*56		
Approximately 24,100 feet upstream of Waide Road ..	*698	Approximately 570 feet upstream of 66th Street	*90	Maps are available for inspection at the City of Selah Building Department, City Hall, 115 West Naches Avenue, Selah, Washington.	
<i>Duck Creek:</i>		<i>Bear Creek:</i>			
Approximately 4,450 feet downstream of Duck Creek Road	*623	Approximately 100 feet upstream of State Route 202	*42		
Just upstream of Sam Bass Road	*691	Approximately 100 feet upstream of Northeast Novelty Hill Road	*62		
<i>Milam Creek:</i>		Approximately 80 feet upstream of Avondale Road ..	*90		
Approximately 1,450 feet above mouth	*561	<i>Evans Creek:</i>			
Approximately 540 feet upstream of Interstate 35 southbound frontage road	*666	At confluence with Bear Creek	*47		
<i>North Hickory Creek:</i>		Approximately 0.74 mile upstream of confluence with Bear Creek	*55		
Just upstream of FM 156 (First Street extended)	*675	<i>South Fork Skykomish River:</i>			
Approximately 600 feet upstream of Plainview Road	*686				
<i>Elizabeth Creek:</i>					
Approximately 6,200 feet above mouth	*571				
Approximately 130 feet upstream of John Day Road	*731				
Maps are available for inspection at the Denton County Government Center, Department of Planning, 306 North State Route 288, Denton, Texas.					

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Union Gap (city), Yakima County (FEMA Docket No. 7218) <i>Yakima River:</i> Just upstream of Ahtanum Road at the corporate limits Approximately 3,700 feet upstream of Ahtanum Road at the corporate limits	*971 *982
Maps are available for inspection at the City of Union Gap Department of Community Development, City Hall, 102 West Ahtanum Road, Union Gap, Washington.	
Yakima (city), Yakima County (FEMA Docket No. 7218) <i>Yakima River:</i> Approximately 1.1 miles downstream of East Nob Hill Road Approximately 1.8 miles upstream of Burlington Northern Railroad	*986 *1,083
Maps are available for inspection at the City of Yakima Department of Community and Economic Development, City Hall, 129 North Second Street, Yakima, Washington.	
Yakima County (Unincorporated areas) (FEMA Docket No. 7218) <i>Yakima River:</i> Approximately 2,200 feet downstream of Interstate Highway 82 (near Wapato Dam) Approximately 600 feet upstream of confluence with Selah Creek	*945 *1,152
Maps are available for inspection at the Yakima County Planning Department, Yakima County Courthouse, Room 417, 128 North Second Street, Yakima, Washington.	
WYOMING	
Sheridan County (Unincorporated areas) (FEMA Docket No. 7222) <i>Big Goose Creek:</i> Approximately 1,800 feet downstream of State Highway 388 Approximately 4 miles upstream of Works Street	*3,697 *3,800
<i>Little Goose Creek:</i> Approximately 1,250 feet downstream of Brundage Lane Just upstream of County Road 66	*3,782 *3,836
<i>Tongue River:</i> Approximately 2 miles downstream of Wolf Creek Road, at the north section line of Section 20	*3,728

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Just upstream of Wolf Creek Road	*3,761
Approximately 3 miles upstream of Wolf Creek Road	*3,776
<i>Fivemile Creek:</i> At township line between Townships 85 and 86 West	*3,776
Approximately 800 feet upstream of township line between Townships 85 and 86 West	*3,780
Maps are available for inspection at the Sheridan County Engineering Department, 224 South Main Street, Sheridan, Wyoming.	

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

Dated: December 18, 1997.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 97-33930 Filed 12-29-97; 8:45 am]

BILLING CODE 6718-04-P

LEGAL SERVICES CORPORATION

45 CFR Part 1643

Restriction on Assisted Suicide, Euthanasia, and Mercy Killing

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule is intended to implement a new statutory restriction that amends the Legal Services Corporation Act and is applicable to recipients of grants from the Legal Services Corporation. The restriction prohibits the use of LSC funds by recipients for legal or other assistance that would cause, assist in, advocate for, or fund assisted suicide, euthanasia, or mercy killing.

DATES: This final rule is effective on January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, (202) 336-8817.

SUPPLEMENTARY INFORMATION: The Assisted Suicide Funding Restriction Act of 1997 ("Assisted Suicide Act" or "Act"), Pub. L. 105-12, was enacted and became effective on April 30, 1997. Several provisions of the Assisted Suicide Act expressly apply to the Legal Services Corporation ("LSC" or "Corporation"), one of which amends Section 1007(b) of the LSC Act, 42 U.S.C. 2996f(b)(11). This rule is intended to implement this legislation as it applies to the Corporation and its recipients.

On September 19, 1997, the Corporation's Operations and Regulations Committee ("Committee") of the LSC Board of Directors ("Board") held public hearings in Washington, DC, on a draft proposed rule in Washington, DC, and, after making revisions to the draft, adopted a proposed rule for publication in the **Federal Register** for public notice and comment. The Corporation received two timely comments, one from the Advocacy Training/Technical Assistance Center ("ATTAC") and another from the National Legal Center for the Medically Dependent & Disabled, Inc. ("Legal Center"). Both comments stated that, in general, the proposed rule fairly and accurately reflected the intent of Congress in enacting the Assisted Suicide Act. ATTAC, however, recommended including several clarifying provisions in the final rule and questioned whether the recordkeeping provision should be less burdensome. The comment from the Legal Center urged that the final rule address the effect of the rule on free speech activities in a public forum. These comments are addressed more specifically in the section-by-section analysis below.

On November 14, 1997, the Committee met in Washington, DC, to consider public comment and act on a draft final rule. The Committee made several clarifying changes to the proposed rule and recommended adoption of the revised rule to the Board. The Board adopted the recommended rule as final on November 15, 1997.

Background and Summary of Law

The stated purpose of the Assisted Suicide Act is to maintain current Federal policy that Federal funds not be used to support, assist in, or advocate for assisted suicide, euthanasia or mercy killing. H. Rep. No. 46, 105th Cong., 1st Sess. at 3 (April 8, 1997). Although assisted suicide, euthanasia and mercy killing are illegal in almost all states, Congress was concerned that pending litigation might change the status quo and wanted to make it clear by legislation that, regardless of a change in State law, Federal policy would remain the same. H. Rep. at 3-4. Subsequent to the passage of the Act, the Supreme Court upheld as constitutional laws in the States of New York and Washington which prohibit assisted suicide and euthanasia. See *Vacco v. Quill*, 117 S. Ct. 2293 (1997); *Washington v. Glucksberg*, 117 S. Ct. 2302 (1997). The State of Oregon, on the other hand, adopted an initiative in 1996 that legalized physician-assisted suicide for