

**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 65**

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

**PART 65—[AMENDED]**

1. The authority citation for Part 65 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.

**§ 65.4 [Amended]**

2. The tables published under the authority of § 65.4 are amended as follows:

| State and county | Location                        | Dates and name of newspaper where notice was published                   | Chief executive officer of community   | Effective date of modification | Community No. |
|------------------|---------------------------------|--|--|--------------------------------|---------------|
| California:      |                                 |  |  |                                |               |
| Sacramento ..... | Unincorporated Areas.           | November 23, 1998, November 30, 1998, <i>Sacramento Bee</i> .            | The Honorable Illa Collin, Chairperson, Sacramento County Board of Supervisors, 700 H Street, Room 2450, Sacramento, California 95814.                   | October 23, 1998               | 060262        |
| San Diego .....  | City of San Diego               | November 10, 1998, November 17, 1998, <i>San Diego Union-Tribune</i> .   | The Honorable Susan Golding, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, California 92101.  | October 19, 1998               | 060295        |
| New Mexico:      |                                 |  |  |                                |               |
| Bernalillo ..... | City of Albuquerque.            | November 11, 1998, November 18, 1998, <i>Albuquerque Journal</i> .       | The Honorable Jim Baca, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.  | October 21, 1998               | 350002        |
| Bernalillo ..... | Unincorporated Areas.           | November 11, 1998, November 18, 1998, <i>Albuquerque Journal</i> .       | The Honorable Steve Gallegos, Chairman, Bernalillo County, Board of Commissioners, One Civic Plaza Northeast, 10th Floor, Albuquerque, New Mexico 87102. | October 21, 1998               | 350001        |
| Bernalillo ..... | Village of Corrales             | November 11, 1998, November 18, 1998, <i>Albuquerque Journal</i> .       | The Honorable Gary Kanin, Mayor, Village of Corrales, P.O. Box 707, Corrales, New Mexico 87048.  | October 21, 1998               | 350094        |
| Dona Ana .....   | City of Las Cruces              | November 18, 1998, November 25, 1998, <i>The Sun News</i> .              | The Honorable Rubin A. Smith, Mayor, City of Las Cruces, P.O. Box 20000, Las Cruces, New Mexico 88004.   | October 23, 1998               | 355332        |
| Bernalillo ..... | City of Rio Rancho.             | November 11, 1998, November 18, 1998, <i>Albuquerque Journal</i> .       | The Honorable John Jennings, Mayor, City of Rio Rancho, 3900 Southern Boulevard, Rio Rancho, New Mexico 87124.   | October 21, 1998               | 350146        |
| Oklahoma .....   | City of Shawnee ..              | September 18, 1998, September 25, 1998, <i>Shawnee News-Star</i> .       | The Honorable Chris Harden, Mayor, City of Shawnee, P.O. Box 1448, Shawnee, Oklahoma 74802-1448.   | August 14, 1998 ..             | 400178        |
| Texas:           |                                 |  |  |                                |               |
| Tarrant .....    | City of Dalworthington Gardens. | November 13, 1998, November 20, 1998, <i>Fort Worth Star-Telegram</i> .  | The Honorable Al Taub, Mayor, City of Dalworthington Gardens, 2600 Roosevelt Drive, Dalworthington Gardens, Texas 76016.                                 | October 19, 1998               | 481013        |
| Travis .....     | Unincorporated Areas.           | November 18, 1998, November 25, 1998, <i>Austin American Statesman</i> . | The Honorable Bill Aleshire, Travis County Judge, P.O. Box 1748, Austin, Texas 78767-1748.   | October 26, 1998               | 481026        |

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

Dated: November 24, 1998.

**Michael J. Armstrong,**

Associate Director for Mitigation.

[FR Doc. 98-32299 Filed 12-3-98; 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:** 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 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.<br>*Elevation in feet (NGVD) |
|---|---|
| <b>CALIFORNIA</b>   |   |
| <b>Menlo Park (City), San Mateo County (FEMA Docket No. 7246)</b>   |   |
| <i>Shallow Flooding:</i>  |   |
| At the intersection of Laurel Avenue and Haight Street  | *24   |
| At the intersection of Pope Street and Woodland Avenue  | *43   |
| At the intersection of Willow and Middlefield Roads   | *56   |
| <b>Maps are available for inspection at the City of Menlo Park Engineering Department, 701 Laurel Street, Menlo Park, California.</b> |   |
| <b>LOUISIANA</b>  |   |
| <b>Slidell (City), St. Tammany Parish (FEMA Docket No. 7246)</b>  |   |
| <i>Diversion Canal (W-14 Main):</i>   |   |
| At Daney Street   | *9  |
| Approximately 700 feet upstream of Pawns Road   | *19.5   |

| Source of flooding and location  | #Depth in feet above ground.<br>*Elevation in feet (NGVD) |
|--|---|
| <i>Bayou Vincent:</i>  |   |
| Approximately 1,500 feet downstream of West Hall Avenue  | *9  |
| Approximately 1,000 feet downstream of Interstate Highway 12   | *13.8   |
| <i>West Diversion Canal:</i>   |   |
| At confluence with Bayou Vincent   | *11.8   |
| At confluence with Diversion Canal (W-14 Main)   | *15.1   |
| <i>Rein Canal West:</i>  |   |
| At confluence with Diversion Canal (W-14 Main)   | *14.1   |
| At confluence with Rein Canal East   | *15.1   |
| <i>Rein Canal East:</i>  |   |
| 2,800 feet above confluence with French Branch   | *15   |
| <b>Maps are available for inspection at the City of Slidell City Hall, 2056 Second Street, Slidell, Louisiana.</b> |   |
| <b>St. Tammany Parish (Unincorporated Areas) (FEMA Docket No. 7246)</b>  |   |
| <i>West Diversion Canal:</i>   |   |
| At confluence with Bayou Vincent   | *11.8   |
| 2,600 feet upstream of Southern Railroad   | *14.6   |
| <i>Bayou Vincent:</i>  |   |
| Approximately 1,000 feet downstream of West Hall Road  | *9  |
| Approximately 1,000 feet downstream of Interstate Highway 12   | *16.5   |
| <i>Rein Canal East:</i>  |   |
| At confluence with French Branch   | *14.2   |
| 160 feet upstream of Interstate Highway 10   | *14.8   |
| <i>Diversion Canal (W-14 Main):</i>  |   |
| At Daney Street  | *9  |
| Approximately 700 feet upstream of Pawns Boulevard   | *19.8   |
| <b>Maps are available for inspection at 21490 Koop Road, Mandeville, Louisiana.</b>                                |   |
| <b>OREGON</b>  |   |
| <b>Douglas County (Unincorporated Areas) (FEMA Docket No. 7218)</b>  |   |
| <i>Cow Creek (Near Riddle):</i>  |   |
| At confluence with South Umpqua River  | *656  |
| Approximately 2,100 feet upstream of Glenbrook Road  | *713  |
| <i>Cow Creek (Near Glendale):</i>  |   |
| Approximately 3,400 feet downstream of confluence of McCullough Creek  | *1,359  |
| At Rueben Road   | *1,396  |
| <i>Cow Creek:</i>  |   |
| Approximately 300 feet upstream of White Horse Creek Road  | *1,702  |
| Approximately 1,700 feet upstream of confluence of Sugar Creek   | *1,928  |

| Source of flooding and location  | #Depth in feet above ground.<br>*Elevation in feet (NGVD) |
|--|---|
| <b>Maps are available for inspection</b> at the Douglas County Planning Department, Justice Building, Room 106, Douglas County Courthouse, Roseburg, Oregon. |   |
| <b>Douglas County (Unincorporated Areas) (FEMA Docket No. 7246)</b>  |   |
| <i>Newton Creek:</i>   |   |
| Just upstream of Stephens Street .....   | *519  |
| Approximately 1,180 feet upstream of Parker Road .....   | *583  |
| <i>South Umpqua River:</i>   |   |
| Approximately 5,600 feet downstream of confluence of Newton Creek .....  | *429  |
| At confluence of Newton Creek .....  | *433  |
| <b>Maps are available for inspection</b> at the Douglas County Planning Department, Justice Building, Room 106, Douglas County Courthouse, Roseburg, Oregon. |   |
| <b>Roseburg (City), Douglas County (FEMA Docket No. 7246)</b>  |   |
| <i>South Umpqua River:</i>   |   |
| Approximately 5,160 feet downstream of confluence with Newton Creek .....  | *428  |
| Approximately 170 feet downstream of confluence with Newton Creek .....  | *437  |
| Just downstream of Interstate Highway 5 .....  | *443  |
| <i>Newton Creek:</i>   |   |
| At confluence with the South Umpqua River .....  | *433  |
| Just upstream of Edenbower Boulevard .....   | *486  |
| Just upstream of Stephens Street .....   | *520  |
| <b>Maps are available for inspection</b> at the City of Roseburg Community Development Department, 900 Southeast Douglas Avenue, Roseburg, Oregon.           |   |

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

Dated: November 24, 1998.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 54, 64 and 69

[CC Docket Nos. 97-21 and 96-45; FCC 98-206]

### Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** In this document, the Commission reconsiders its July 18, 1997 order to the extent that the Universal Service Worksheet (Worksheet) attached to that order required universal service contributors to report as end-user telecommunications revenues those revenues derived from the provision of inside wiring maintenance. The Commission amends its rules to permit the Administrator of the federal universal service support mechanisms to utilize Telecommunications Relay Services Fund data to verify the accuracy of revenue information provided on the Worksheet. The Commission also amends its rules to clarify that a telecommunications carrier seeking reimbursement from the Administrator may request that the amount of the discount afforded to that school or library be applied either as an offset to the carrier's universal service contribution obligation or reimbursed to the carrier from the universal service support mechanisms.

**EFFECTIVE DATE:** January 4, 1999.

**FOR FURTHER INFORMATION CONTACT:** Lisa Boehley, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document released on November 17, 1998. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

### Summary of Second Report and Order in CC Docket No. 97-21, Third Order on Reconsideration in CC Docket No. 97-21 and Sixth Order on Reconsideration in CC Docket No. 96-45

#### I. Introduction

1. In this Order, we reconsider the Commission's July 18, 1997 order to the extent that the Universal Service Worksheet attached as an appendix to that order required universal service

contributors to report as end-user telecommunications revenues those revenues derived from the provision of inside wiring maintenance. We also adopt amendments to the Commission's Part 54 and Part 64 rules to permit the Administrator of the federal universal service support mechanisms to utilize Telecommunications Relay Services (TRS) Fund data to verify the accuracy of revenue information provided on the Universal Service Worksheet by contributors to the universal service support mechanisms. In addition, we amend §§ 54.515 of our rules to clarify that a telecommunications carrier seeking reimbursement from the Administrator for the provision of services to a school or library may request that the amount of the discount afforded to that school or library be applied either as an offset to the carrier's universal service contribution obligation or reimbursed to the carrier from the universal service support mechanisms. We find, however, that a carrier that fails to remit its monthly universal service obligation is not entitled to choose direct reimbursement under the universal service support mechanism for schools and libraries. Rather, any support amounts owed to such a carrier under the support mechanism for schools and libraries must first be applied as an offset to the carrier's contribution obligation.

#### II. Inside Wiring Maintenance

2. We reconsider the *NECA Order*, 62 FR 41294 (August 1, 1997), to the extent that the Worksheet attached as an appendix to that order required universal service contributors to include as end-user telecommunications revenues those revenues derived from the provision of inside wiring maintenance. We are persuaded by petitioners that the provision of inside wiring maintenance does not constitute "telecommunications" or a "telecommunications service" and we therefore conclude that revenues derived from this activity should not be included as end-user telecommunications revenues on the Worksheet. As the Commission stated in the *Inside Wiring Order*, 51 FR 44479 (December 10, 1986), inside wiring is severable from underlying common carrier transmission services and includes all telephone plant located on the customer's side of the demarcation point marking the end of the telephone network.

3. We conclude that inside wiring maintenance—the maintenance of telephone plant—does not constitute telecommunications or a telecommunications service because it