

within a 500-foot radius of a shoreside fireworks display in approximate position 37°(29.20' N, 076° 18.50' W.

(b) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on his behalf.

(c) *Regulations:* (1) All persons are required to comply with the general regulations governing safety zones found in section 165.23 of this part.

(2) Persons or vessels requiring entry into or passage through this safety zone must first request authorization from the Captain of the Port. The Coast Guard representative enforcing the safety zone can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484-8192.

(3) The Captain of the Port will notify the public of changes in the status of this safety zone by marine information broadcast on VHF marine band radio, channel 22 (157.1 MHz).

(d) *Effective Date:* This section is in effect from 9 p.m. until 10 p.m. on July 4, 2000.

Dated: June 6, 2000.

J. E. Schriener,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 00-15518 Filed 6-19-00; 8:45 am]

BILLING CODE 4910-15-U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1-percent-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, or (e-mail) matt.miller@fema.gov.

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).
IOWA	
Harrison County (Unincorporated Areas) (FEMA Docket No. 7302)	
<i>Missouri River:</i>	
Approximately 20,000 feet downstream of Highway 30	*1,005
Approximately 10,000 feet upstream of 120th Street ..	*1,032
Maps are available for inspection at the Harrison County, Emergency Management Agency, 116 North 2nd Avenue, Logan, Iowa.	
Polk County (Unincorporated Areas) (FEMA Docket No. 7306)	
<i>Beaver Creek:</i>	
At mouth (approximately 3,950 feet downstream from Northwest Beaver Drive	*805

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 950 feet downstream from Northwest Beaver Drive	*806	Approximately 500 feet upstream of State Highway 359	*4,858	Approximately 2,350 feet upstream of Southeast 395th Avenue	*1,011
Approximately 5,650 feet upstream of Northwest Beaver Drive	*810	Approximately 1,500 feet upstream of State Highway 359	*4,906	Maps are available for inspection at the Clackamas County Department of Transportation and Development, 902 Abernathy Road, Oregon City, Oregon.	
Maps are available for inspection at the Planning Division, 5895 NE 14th Street, Des Moines, Iowa.		Maps are available for inspection at the Mineral County Courthouse, Clerk and Treasurer's Office, Corner of 1st and A Street, Hawthorne, Nevada.		Sandy (City), Clackamas County (FEMA Docket No. 7302)	
KANSAS		OKLAHOMA		TEXAS	
Holton (City), Jackson County (FEMA Docket No. 7306)		Roger Mills County and Incorporated Areas (FEMA Docket No. 7306)		Kerr County and Incorporated Areas (FEMA Docket No. 7278)	
<i>Banner Creek:</i> At Union Pacific Railroad	*1,017	<i>White Shield Creek Tributary "B":</i> At its confluence with White Shield Creek	*1,737	<i>Tickle Creek:</i> Approximately 1,980 feet downstream of 362nd Avenue	*684
At "P" Road	*1,035	Approximately 150 feet upstream of Steele Street	*1,778	Approximately 1,620 feet upstream of Highway 211	*946
Maps are available for inspection at City Hall, 430 Pennsylvania Avenue, Holton, Kansas.		White Shield Creek: At State Route 34	*1,702	Maps are available for inspection at the Planning and Development Department, 39250 Pioneer Boulevard, Sandy, Oregon.	
Jackson County (Unincorporated Areas) (FEMA Docket No. 7306)		Approximately 50 feet upstream from Steele Street	*1,754	TEXAS	
<i>Banner Creek:</i> At its confluence with Elk Creek	*1,002	<i>Memorial Park Tributary:</i> At its confluence with Sergeant Major Creek	*1,938	Kerr County and Incorporated Areas (FEMA Docket No. 7278)	
At "M" Road	*1,092	Approximately 884 feet upstream from U.S. Highway 283 (Main Street)	*1,977	<i>Stream TC-1:</i> Approximately 2,300 feet downstream of Interstate Highway 10	*1,662
Maps are available for inspection at the Planning and Zoning Office, 500 Illinois Avenue, Holton, Kansas.		<i>Dry Creek:</i> At its confluence with Sergeant Major Creek	*1,941	Just upstream of Interstate Highway 10	*1,718
Reno County and Incorporated Areas (FEMA Docket No. 7306)		Approximately 8,400 feet upstream of confluence with Sergeant Major Creek	*1,985	<i>Stream QC-2:</i> Just downstream of State Highway 16	*1,706
<i>Arkansas River:</i> Just downstream of State Route 50	*1,517	<i>Sergeant Major Creek:</i> At its confluence with Washita River	*1,923	Just upstream of Interstate Highway 10	*1,761
Just downstream of Union Pacific Railroad	*1,523	Approximately 8,600 feet upstream from confluence with Dry Creek	*1,974	<i>Stream QC-1:</i> Just upstream of Leslie Road	*1,688
<i>Unnamed Tributary to Sand Creek:</i> Just upstream of U.S. Highway 50	*1,519	<i>Washita River:</i> At State Route 34	*1,703	Approximately 200 feet upstream of Interstate Highway 10	*1,801
Just downstream of Main Street	*1,531	Approximately 16,800 feet upstream from its confluence with Sergeant Major Creek	*1,949	<i>Quinlan Creek:</i> Just upstream of State Highway 27	*1,606
Maps are available for inspection at the Public Works Department, 206 W. 1st Avenue, Hutchinson, Kansas.		Maps are available for inspection at the County Courthouse, Lmales and Broadway Avenue, Cheyenne, Oklahoma.		Approximately 900 feet upstream of Interstate Highway 10	*1,719
Maps are available for inspection at City Hall, 2 South Main, South Hutchinson, Kansas.		Maps are available for inspection at City Hall, 714 Main Street, Hammon, Oklahoma.		<i>Town Creek:</i> Just upstream of State Highway 27	*1,624
Maps are available for inspection at the Planning Department, 125 E. Avenue B, Hutchinson, Kansas.		Maps are available for inspection at City Hall, 317 N. Broadway, Cheyenne, Oklahoma.		Approximately 200 feet downstream of Schreiner Road	*1,630
NEVADA		OREGON		Approximately 900 feet upstream of Interstate Highway 10	*1,689
Mineral County (Unincorporated Areas) (FEMA Docket No. 7302)		Clackamas County (Unincorporated Areas) (FEMA Docket No. 7302)		<i>Elm Creek:</i> Approximately 600 feet upstream of Goat Creek Road	*1,649
<i>Corey Creek:</i> Approximately 50 feet downstream of U.S. Highway 95	*4,253	<i>Tickle Creek:</i> Approximately 2,600 feet downstream of Southeast 362nd Avenue	*672	Approximately 800 feet upstream of Laurel Wood Drive	*1,764
Approximately 3.6 miles upstream of 1st Street in Hawthorne	*5,028			<i>Camp Meeting Creek:</i> Approximately 500 feet downstream of Preston Trail	*1,592
Corey Creek Overflow:				Approximately 2,100 feet upstream of Southway Drive	*1,699

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
<p>Maps are available for inspection at the Upper Guadalupe River Authority, 125 Lehmann Drive, Kerrville, Texas.</p> <p>Maps are available for inspection at the City of Kerrville, 800 Junction Highway, Kerrville, Texas.</p>	
WASHINGTON	
<p>Clark County (Unincorporated Areas) (FEMA Docket No. 7250)</p> <p><i>East Fork Lewis River:</i> Approximately 17,000 feet downstream of Daybreak Road *32</p> <p>Approximately 400 feet downstream of Daybreak Road *75</p> <p>Maps are available for inspection at the Clark County Department of Community Development, Development Services Division, Office of Engineering Review, 1408 Franklin Street, Vancouver, Washington.</p>	

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

Dated: June 14, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96-98; FCC 00-183]

Clarification of the Commission's Rules Regarding Use of Combinations of Unbundled Network Elements To Provide Exchange Access Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification.

SUMMARY: This document clarifies certain requirements regarding the obligation of incumbent local exchange carriers to provide combinations of unbundled network elements to competitive telecommunications carriers for the provision of exchange access service. This action is needed to clarify the requirements that the Commission adopted in the Supplemental Order in this docket, and is also intended to provide the telecommunications industry with more

clearly defined standards for using such combinations.

DATES: Effective June 20, 2000.

FOR FURTHER INFORMATION CONTACT: Jodie Donovan, Attorney Advisor, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Supplemental Order Clarification in CC Docket No. 96-98, FCC 00-183, adopted May 19, 2000 and released June 2, 2000. On November 5, 1999, the Commission released the Third Report and Order and Fourth Further Notice of Proposed Rulemaking (FNPRM) in this docket (65 FR 2367, Jan. 14, 2000; 65 FR 2542, Jan. 18, 2000). On November 24, 1999, the Commission released a Supplemental Order (65 FR 2367, 2368, Jan. 14, 2000; 65 FR 2542, 2547, Jan. 18, 2000) that modified the Third Report and Order and Fourth FNPRM with regard to the ability of requesting carriers to use combinations of unbundled network elements to provide exchange access service prior to resolution of the Fourth FNPRM. The Supplemental Order Clarification clarifies certain requirements contained in the Supplemental Order. The complete text of the Supplemental Order Clarification is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, SW, Washington, DC. It is also available on the Commission's website at <http://www.fcc.gov>.

Synopsis of the Supplemental Order Clarification

1. The Commission adopts a Supplemental Order Clarification in CC Docket No. 96-98 regarding the obligation of incumbent local exchange carriers (LECs) to provide access by competitive LECs to unbundled loop-transport combinations for the provision of exchange access service. This order is needed to clarify certain requirements that the Commission adopted in the Supplemental Order in this docket (65 FR 2542, 2547, Jan. 18, 2000).

2. In particular, this document extends the temporary constraint identified in the Supplemental Order in CC Docket No. 96-98 while the Commission compiles an adequate record in the Fourth FNPRM (65 FR 2367, Jan. 14, 2000) regarding the ability of requesting carriers to use unbundled loop-transport combinations as a

substitute for the incumbent LECs' special access service. Until the Commission resolves the issues in the Fourth FNPRM, interexchange carriers (IXCs) may not substitute an incumbent LEC's unbundled loop-transport combinations for special access services unless they provide a significant amount of local exchange service, in addition to exchange access service, to a particular customer. This temporary constraint does not apply to stand-alone loops. By issuing the Supplemental Order Clarification, the Commission does not decide any of the substantive issues contained in the Fourth FNPRM.

3. The primary issue on which the Commission must build an adequate record concerns its identification of the network elements that "should be made available" for purposes of 47 U.S.C. section 251(d)(2). In considering whether loop-transport combinations meet the "impair" standard in section 251(d)(2), the Commission must determine whether the local exchange and exchange access markets, although legally distinct, are otherwise interrelated from an economic and technological perspective, such that a finding that a network element meets the "impair" standard for the local exchange market would itself entitle competitors to use that network element solely or primarily in the exchange access market. Unless the Commission finds that these markets are inextricably interrelated in these other respects, it is unlikely that Congress intended to compel the Commission, once it determines that a network element meets the "impair" standard for the local exchange market, to grant competitors access—for that reason alone, and without further inquiry—to that same network element solely or primarily for use in the exchange access market.

4. The Commission extends the temporary constraint so that it may take into account the market effects of its new unbundling rules (65 FR 2542, Jan. 18, 2000) as it conducts its "impair" analysis for special access service, and must allow a meaningful period of time to elapse from the date on which those new rules became effective. The Commission will therefore issue a Public Notice in early 2001 to gather evidence on this issue so that it may then resolve it expeditiously. In addition, the Commission and the parties need more time to evaluate the issues raised in the record in the Fourth FNPRM.

5. To reduce uncertainty for incumbent LECs and requesting carriers and to maintain the status quo while the Commission reviews the issues