State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Lubbock	City of Lubbock	Apr. 18, 1996, Apr. 25, 1996, *Lubbock Avalanche Journal.*	The Honorable David R. Langston, Mayor, City of Lubbock, P.O. Box 2000, Lubbock, Texas 79457.	Apr. 1, 1996	480452
Montgomery	Unincorporated areas	Apr. 12, 1996, Apr. 19, 1996. *Conroe Courier.*	The Honorable Alan B. Sadler, Montgomery County Judge, 301 North Thompson, Suite 210, Conroe, Texas 77301.	Mar. 27, 1996	480483
Collin	City of Plano	Apr. 17, 1996, Apr. 24, 1996, *Plano Star Courier.*	The Honorable James N. Muns, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	Mar. 27, 1996	480140

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

Dated: June 25, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–16700 Filed 6–28–96; 8:45 am]

BILLING CODE 6718–04–P

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: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2756.

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 Acting 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)
ARIZONA	
Camp Verde (town), Yavapai County (FEMA Docket No. 7166)	
Verde River:	
Just downstream of State Route 260	*3,074
Just upstream of State Route 260	*3,075
Just upstream of Montezuma Castle Highway	*3,094
Approximately 1,000 feet upstream of Interstate Highway 17	*3,107
Approximately 2.62 miles upstream of Interstate Highway 17	*3,132
Cherry Creek:	
At confluence with Verde River	*3,164
At State Route 279	*3,252
At corporate limits (approximately 3,400 feet upstream of State Route 279)	*3,314
Lucky Canyon Wash:	
At confluence with Verde River	*3,060
At Salt Mine Road	*3,100
Approximately 930 feet upstream of Salt Mine Road	*3,126
Copper Canyon Wash:	
At confluence with Verde River	*3,063
At Salt Mine Road	*3,142
Approximately 980 feet upstream of Salt Mine Road	*3,164
Maps are available for inspection at Town Hall, 473 South Main Street, Camp Verde, Arizona.	
Yavapai County (unincorporated areas) (FEMA Docket No. 7166)	
Verde River:	
Just upstream of State Route 260	*3,074
Just upstream of Montezuma Castle Highway	*3,094
Just upstream of Interstate Highway 17	*3,107
Just downstream of Middle Verde Indian Reservation	*3,132
Chino Valley Stream—East:	
At confluence with Chino Valley Stream	*4,732
At Center Street	*4,760
Approximately 1.55 miles upstream of confluence with Chino Valley Stream	*4,796
Approximately 1.79 miles upstream of confluence with Chino Valley Stream	*4,808
Approximately 3.69 miles upstream of confluence with Chino Valley Stream	*4,906
Miller Creek:	
Approximately 3,400 feet downstream of U.S. Route 89	*4,458
Approximately 2,350 feet downstream of U.S. Route 89	*4,463
Approximately 1,300 feet downstream of U.S. Route 89	*4,468
Approximately 300 feet downstream of U.S. Route 89	*4,473
Approximately 600 feet upstream of U.S. Route 89	*4,478
Approximately 1,250 feet upstream of U.S. Route 89	*4,483
Approximately 2,250 feet upstream of U.S. Route 89	*4,488
Approximately 3,100 feet upstream of U.S. Route 89	*4,493
Approximately 3,800 feet upstream of U.S. Route 89	*4,498
Approximately 4,350 feet upstream of U.S. Route 89	*4,503
Approximately 4,900 feet upstream of U.S. Route 89	*4,508
Approximately 5,600 feet upstream of U.S. Route 89	*4,513
Approximately 6,400 feet upstream of U.S. Route 89	*4,519
At corporate limits (upstream of City of Prescott)	*5,478
At Idylwild Drive	*5,517
At Pine Drive	*5,612
Approximately 2,500 feet upstream of Pine Drive (at limit of detailed study)	*5,672
Cherry Creek:	
At corporate limits	*3,314
Approximately 200 feet upstream of corporate limits (at limit of detailed study)	*3,318
Texas Gulch Main Stem:	
At confluence with Aqua Fria River	*4,490
At Quarter Horse Lane	*4,536
At confluence of Texas Gulch West Branch	*4,568
Texas Gulch West Branch:	
At confluence with Texas Gulch Main Stem	*4,568
Approximately 0.5 mile upstream of confluence with Texas Gulch Main Stem	*4,600
Approximately 1.20 miles upstream of confluence with Texas Gulch Main Stem	*4,660
Approximately 1.58 miles upstream of confluence with Texas Gulch Main Stem	*4,700
Zalesky Wash Main Stem:	
Approximately 0.04 mile upstream of confluence with Verde River	*3,259
Approximately 0.86 mile upstream of confluence with Verde River	*3,293
Robert Wash:	
At U.S. Route 89	*4,394
Approximate 0.25 mile upstream of U.S. Route 89	*4,398
Telephone Tank Wash:	
At confluence with Green Wash	*4,394
At U.S. Highway 89	*4,404
Approximately 0.88 mile upstream of confluence with Green Wash	*4,434
Telephone Tank Wash Breakout:	
At confluence with Green Wash	*4,388
At confluence of Robert Wash	*4,394
At divergence from Telephone Tank Wash	*4,430
J.W. Draw:	
At confluence with Green Wash	*4,394
At Bayberry Drive	*4,412
At Naples Street	*4,462
Approximately 0.41 mile upstream of Naples Street	*4,488
Green Wash:	
At confluence with Big Chino Wash	*4,364
At Big Chino Road	*4,388
Just upstream of Grand Canyon Road	*4,398
At Apsen Drive	*4,460
Approximately 0.36 mile upstream of Enid Drive	*4,504
Dry Well Wash:	
At confluence with Clayton Canyon Wash	*4,420
At Patricia Road	*4,502
At Barbara Road	*4,598
Approximately 500 feet upstream of Barbara Road	*4,608
Clayton Canyon Wash:	
Approximately 0.08 mile upstream of confluence with Big Chino Wash	*4,376
Just downstream of Clayton Canyon Dam	*4,480
Just upstream of Clayton Canyon Dam	*4,500
At Barbara Road	*4,520
Approximately 320 feet upstream of Barbara Road	*4,525
Timon Wash:	
Approximately 0.50 mile upstream of confluence with Big Chino Wash	*4,395
At Ahonen Road	*4,438
At Barbara Road	*4,524
Approximately 320 feet upstream of Barbara Road	*4,528
Model Creek:	
Just upstream of U.S. Route 89	*4,460
Approximately 1,000 feet upstream of U.S. Route 89	*4,461
Approximately 2,000 feet upstream of U.S. Route 89	*4,464
Approximately 3,000 feet upstream of U.S. Route 89	*4,467
Approximately 4,000 feet upstream of U.S. Route 89	*4,473
Approximately 4,400 feet upstream of U.S. Route 89	*4,476
West Fork Miller Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 500 feet upstream of confluence with Model Creek	*4,460
Approximately 1,500 feet upstream of confluence with Model Creek	*4,463
Approximately 2,500 feet upstream of confluence with Model Creek	*4,465
Approximately 3,500 feet upstream of confluence with Model Creek	*4,470
Approximately 4,500 feet upstream of confluence with Model Creek	*4,474
Approximately 4,800 feet upstream of confluence with Model Creek	*4,475
Maps are available for inspection at the Yavapai County Flood Control District, 500 South Marina Street, Prescott, Arizona.	
CALIFORNIA	
Red Bluff (city), Tehama County (FEMA Docket No. 7170)	
Reeds Creek:	
Approximately 430 feet upstream of Southern Pacific Railroad	*268
Just downstream of South Jackson Street	*271
Approximately 180 feet downstream of western corporate limits	*279
East Sand Slough:	
Just upstream of Gilmore Ranch Road extended, at corporate limits	*267
Approximately 150 feet downstream of Antelope Boulevard	*269
Approximately 550 feet upstream of Antelope Boulevard	*271
Brewery Creek Tributary:	
Approximately 750 feet downstream of Monroe Avenue	*274
Approximately 130 feet downstream of Monroe Avenue	*280
Just upstream of Monroe Avenue	*291
Maps are available for inspection at the Community Development Department, City of Red Bluff, City Hall, 555 Washington Street, Red Bluff, California.	
NEW MEXICO	
Bernalillo County and Incorporated Areas (FEMA Docket No. 7166)	
Rio Grande:	
Approximately 1,000 feet downstream of Interstate 25	*4,902
Approximately 3,000 feet upstream of Interstate 25	*4,906
At confluence with South Diversion Channel	*4,924
Rio Grande East Overbank:	
Approximately 1,300 feet downstream of Interstate 25	*4,900
Just downstream of Interstate 25	*4,903
Approximately 3,500 feet upstream of Interstate 25	*4,905
Approximately 20,400 feet upstream of Interstate 25	*4,922
Arroyo A–B:	
Approximately 150 feet north of Amalia Road	*4,970
Approximately 550 feet north of Amalia Road	*4,980
Just upstream of Sage Road	*4,995
Ponding area west of Arenal Canal	*4,951
Ponding area northwest of intersection of Sage Road and Coors Boulevard	*5.001
Ponding area north of Tower Road and west of Coors Boulevard	*5,029
Arroyo A–C:	
Approximately 1,140 feet downstream of Gonzales Road	*5,006
Just upstream of Gonzales Road	*5,008
Approximately 630 feet upstream of intersection of Forsythe Road and Corregidor Place	*5,012
Ponding area just upstream of Old Coors Road	*5,012
Arroyo B–A:	
Approximately 100 feet upstream of Unser Boulevard	*5,087
Just upstream of 86th Street	*5,115
Approximately 1,000 feet upstream of 86th Street (limit of detailed study)	*5,133
Ponding area west of 94th Street and south of Central Avenue	*5,169
Arroyo B–B:	
Approximately 650 feet downstream of Unser Boulevard	*5,081
Just upstream of 86th Street	*5,105
Approximately 400 feet upstream of 90th Street	*5,135
Approximately 1,900 feet upstream of 90th Street (limit of detailed study)	*5,171
Shallow flooding between Stinson Street and 300 feet upstream of 75th Street	*5,080
Arroyo B–C:	
Just upstream of Unser Boulevard	*5,079
Approximately 80 feet downstream of 86th Street	*5,093
Approximately 240 feet downstream of 94th Street	*5,120
Approximately 1,050 feet upstream of 94th Street (limit of detailed study)	*5,140
Shallow flooding between Unser Boulevard and Abeyta Road	#1
Ponding Area 18:	*5,009
Ponding Area:	
Along Trujillo Road approximately 500 feet east of Bataan Drive	*5,009
Ponding Area:	
Along Dennison Road approximately 500 feet east of Bataan Drive	*5,009
Ponding Area:	
North of Eucariz Avenue approximately 500 feet east of Bataan Drive	*5,008
Ponding Area:	
Along Yerba Road south of Eucariz Avenue	*5,002
Ponding Area:	
Between Coors Boulevard and Corona Drive and between Redlands Road and Pheasant Avenue	*5,100
Maps are available for inspection at the Bernalillo County Planning Office, One Civic Plaza Northwest, Fifth Floor, Room 5025, Albuquerque, New Mexico.	
Maps are available for inspection at the City of Albuquerque Planning Department, One Civic Plaza Northwest, Albuquerque, New Mexico.	
WYOMING	
Laramie (city), Albany County (FEMA Docket No. 7170)	
Laramie River:	
Approximately 2,260 feet downstream of Curtis Street	*7,129
Just upstream of Curtis Street	*7,132
Just downstream of new Wyoming Highway	*7,137
Just upstream of Interstate Highway 80	*7,141
Approximately 1,000 feet upstream of Interstate Highway 80	*7,143
Maps are available for inspection at the City of Laramie, City Engineer's Office, City Hall, 406 Ivinson Street, Laramie, Wyoming.	

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

Dated: June 25, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–16699 Filed 6–28–96; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20 and 24

[WT Docket No. 96–59; GN Docket No. 90–314; FCC 96–278]

Broadband Personal Communications Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the Commission's broadband Personal Communications Services (''PCS'') rules. The Commission concludes that the present record is insufficient to support the race-based F block rules under the strict scrutiny standard of judicial review required by the Supreme Court's decision in *Adarand Constructors, Inc.* v. *Peña,* or to support the gender-based rules under the intermediate scrutiny standard that currently applies to those rules. Taking account of the need to award the remaining broadband PCS licenses expeditiously and to promote the rapid deployment of new services to the public, as well as the statutory objective of disseminating licenses among a wide variety of applicants, the Commission makes the F block rules race- and gender-neutral to avoid the delay that would likely result from legal challenges to the special provisions for minority- and women-owned businesses. The Commission also amends its D, E, and F block rules and broadband PCS rules generally to streamline procedures, reduce administrative burdens, and minimize the possibility of insincere bidding and bidder default. Finally, the Commission, in response to *Cincinnati Bell Telephone Co.* v. *FCC,* eliminates the cellular/PCS cross-ownership rule and the PCS spectrum cap in favor of the 45 MHz cap on Commercial Mobile Radio Services spectrum.

EFFECTIVE DATE: July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mark Bollinger, Wireless Telecommunications Bureau, (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in WT Docket No. 96–59; GN Docket No. 90–314; FCC 96–278, adopted June 21, 1996, and released June 24, 1996. The complete text is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, DC. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, N.W., Washington, DC 20037.

Synopsis of the Report and Order

I. Introduction

1. In this Report and Order, the Commission modifies the competitive bidding and ownership rules for broadband Personal Communications Services (''PCS''). Many of the rule modifications concern the treatment of ''designated entities,'' *i.e.*, small businesses, rural telephone companies, and businesses owned by members of minority groups and women, under the broadband PCS F block rules. The Commission also amends the D, E, and F block rules and other broadband PCS rules in order to encourage sincere bidding, streamline the auction process, and lessen administrative burdens. In addition, in response to the remand from the U.S. Court of Appeals for the Sixth Circuit in *Cincinnati Bell Telephone Co.* v. *FCC,* 69 F.3d 752 (6th Cir. 1995), the Commission modifies the rules governing cellular licensees' ownership of broadband PCS licenses in all frequency blocks.

II. Rules Affecting Designated Entities

A. Meeting the Adarand Standard

2. In *Adarand Constructors, Inc.* v. *Peña,* 115 S. Ct. 2097 (1995), the Supreme Court held that all racial classifications, whether imposed at the federal, state or local government level, must be analyzed by a reviewing court under strict scrutiny, which requires such classifications to be narrowly tailored to further a compelling governmental interest. An intermediate scrutiny standard of review (under which a provision is constitutional if it serves an important governmental objective and is substantially related to achievement of that objective) applies to gender-based measures. Having evaluated the record before it, the Commission concludes that this record is insufficient to support the race- and gender-based F block provisions and revises the F block rules in this Report and Order to make them race- and gender-neutral. Overall, the commenters agree that this approach will best serve the goal of rapidly conducting the F block auction with the least risk of judicial delay. Moreover, this type of approach was upheld by the D.C. Circuit Court of Appeals, which held in *Omnipoint* v. *FCC,* 78 F.3d 620 (D.C. Cir. 1996), that the Commission acted reasonably in concluding that, in light of the additional time it would take to develop a record to support the race- and gender-based provisions of the C block rules, it should revise these rules by providing the most favorable terms to all small businesses. The Commission concludes that making the F block rules race- and gender-neutral will serve the public interest by enabling it to auction the remaining broadband PCS licenses as expeditiously as possible. Because many minority- and women-owned entities are small businesses and will therefore qualify for the same special provisions that would have applied to them under the previous rules, the Commission also believes that the amended rules will continue to fulfill the mandate under Section 309(j) of the Communications Act, as amended, 47 U.S.C. 309(j)(3), to provide opportunities for minority- and women-owned businesses to become providers of spectrum-based services.

1. Control Group Equity Structures

3. The F block auction is limited to applicants that, together with their affiliates and persons or entities that hold interests in them, have gross revenues of less than $125 million in each of the last two years and total assets of less than $500 million. As part of its decision to make the F block rules race- and gender-neutral, the Commission concludes that the 50.1/49.9 percent equity option, previously available to minority- and women-owned applicants only, should be available to all small businesses and entrepreneurs. Applicants may use this control group equity structure to establish eligibility to participate in the F block auction. It requires the control group to own at least 50.1 percent of the applicant's total equity; of that 50.1 percent equity, at least 30 percent must be held by qualifying investors. If these and certain other requirements are met, the remaining 49.9 percent of the applicant's equity may be held by non-controlling investors, and the gross revenues and total assets of any such investor will not be attributed.

4. The Commission adopts this rule modification because it reduces the likelihood of legal challenges to the F block rules and enhances the opportunities for a wide variety of applicants to obtain licenses and rapidly deploy broadband PCS; and because it believes that making the same equity structures available to both C and F block applicants is necessary so that C