

Regulatory Classification

This proposed 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 proposed 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 proposed to be amended 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.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding and location of referenced elevation	Elevation in feet (NAVD) ¹ existing/modified	Communities affected
<i>West Nishnabotna River:</i> At U.S. Highway 6	None—1,077	City of Council Bluffs. City of Oakland.
Approximately 4,850 feet upstream of Honeysuckle Road/County Highway G42	None—1,088	Pottawattamie County.
<i>Mosquito Creek:</i> Approximately 5,785 feet downstream of Interstate 29	None—980	Pottawattamie County.
Approximately 1,760 feet downstream of Interstate 29	None—983.	
<i>Mosquito Creek:</i> Intersection of E. South Omaha Bridge and 192nd Street	None—#1	Pottawattamie County.
Intersection of Basswood Road and 192nd Street	None—#1.	
<i>Missouri River:</i> Approximately 5,250 feet upstream of Interstate 480	None—985	City of Carter Lake.
Approximately 8,925 feet upstream of Interstate 480	None—985.	

ADDRESSES:

City of Council Bluffs

Maps are available for inspection at the Community Development Office, 403 Willow Street, Council Bluffs, Iowa.
Send comments to The Honorable Thomas P. Hanafan, Mayor, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503.

City of Oakland

Maps are available for inspection at City Hall, 101 North Main Street, Oakland, Iowa.
Send comments to The Honorable Gayle Perkins, Mayor, City of Oakland, 906 Oakland Avenue, Oakland, Iowa 51560.

Pottawattamie County (Unincorporated Areas)

Maps are available for inspection at the County Courthouse, 227 South 6th Street, Council Bluffs, Iowa.
Send comments to Chairman Melvyn Houser, 227 South 6th Street, Council Bluffs, Iowa 51501.

City of Carter Lake

Maps are available for inspection at City Hall, 950 Locust Street, Carter Lake, Iowa.
Send comments to The Honorable Emil Hausner, Mayor, City of Carter Lake, 950 Locust Street, Carter Lake, Iowa 51510.

¹ North American Vertical Datum.

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

Dated: June 29, 2004.

David I. Maurstad

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.*

[FR Doc. 04-15295 Filed 7-6-04; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-P-7649]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities

listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the 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).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed 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: Doug Bellomo, P.E., Hazard

Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management

requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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Executive Order 12778, Civil Justice Reform

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§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in Feet* (NGVD)	
				Existing	Modified
AR	Arkadelphia (City) Clark County.	Mill Creek	Approximately 1,820 feet downstream of North Eighth Street.	*192	*193
		.....	Approximately 2,800 feet upstream of 26th Street.	*248	*245
		Maddox Branch	Approximately 25 feet downstream of Union Pacific Railroad.	*None	*186
		.....	Approximately 425 feet upstream of South 12th Street.	*None	*207

Maps are available for inspection at the Town Hall, 700 Clay Street, 121, Arkadelphia, Arkansas. Send comments to Ms. Barbara Coplen, City Manager, City of Arkadelphia, Town Hall, 700 Clay Street, Arkadelphia, Arkansas 71923.

LA	Jonesville (Town) Catahoula Parish.	Black River	Approximately 4,100 feet downstream of U.S. Highway 84.	*None	*63
		.....	At the confluence of Little River	*None	*63
		Little River	At the confluence with Black River	*None	*63
		.....	Approximately 100 feet upstream of the divergence of Airport Canal.	*None	*63

Maps are available for inspection at the Town Hall, 400 Third Street, Jonesville, Louisiana. Send comments to The Honorable Mike Wilson, Mayor, Town of Jonesville, Town Hall, 400 Third Street, Jonesville, Louisiana 71343.

NE	Otoe County (Unincorporated Areas).	Little Nemaha River	Approximately 7,450 feet downstream of State Highway 67.	*None	*970
		.....	Approximately 7,550 feet upstream of State Highway 67.	*None	*982

Maps are available for inspection at the County Courthouse, 1021 Central Avenue, Nebraska City, Nebraska. Send comments to Ms. Joy W. Schroder, Chairperson, Otoe County Board of Commissioners, P.O. Box 493, Nebraska City, Nebraska 68410.

*National Geodetic Vertical Datum of 1929.

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

Dated: June 29, 2004.

David I. Maurstad,

*Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.*

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96-45; FCC 04-127]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications
Commission.

ACTION: Notice of proposed rulemaking;
solicitation of comments.

SUMMARY: In this document, the Commission seeks comment on the *Recommended Decision*, FCC 04]-1, February 27, 2004, of the Federal-State Joint Board on Universal Service (Joint Board) concerning the process for designation of eligible telecommunications carriers (ETCs) and the Commission's rules regarding high-cost universal service support. We seek comment on whether the Joint Board's recommendations should be adopted, in whole or in part, in order to preserve and advance universal service, maintain competitive neutrality, and ensure long-term sustainability of the universal service fund. We also seek comment on several related proposals to streamline our rules governing annual certifications and submission of data by competitive ETCs seeking high-cost support.

DATES: Comments are due on or before August 6, 2004. Reply comments are due on or before September 7, 2004.

ADDRESSES: All filings must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See **SUPPLEMENTARY INFORMATION** for further filing instructions.

FOR FURTHER INFORMATION CONTACT: Gina Spade, Assistant Chief, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7105, TTY (202) 418-0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* in CC Docket No. 96-45, FCC 04-127, released June 8, 2004. The full text of this document is available for public inspection during

regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554.

I. Introduction

1. In this *Notice of Proposed Rulemaking*, (NPRM), FCC 04-127, June 8, 2004, we seek comment on the *Recommended Decision* of the Federal-State Joint Board on Universal Service (Joint Board) concerning the process for designation of eligible telecommunications carriers (ETCs) and the Commission's rules regarding high-cost universal service support. In its *Recommended Decision*, the Joint Board recommended that the Commission adopt permissive Federal guidelines for States to consider in their proceedings to designate ETCs under section 214 of the Communications Act of 1934, as amended (Act). In addition, the Joint Board recommended that the Commission limit the scope of high-cost support to a single connection that provides a subscriber access to the public telephone network. Finally, the Joint Board recommended that the Commission further develop the record on specific issues identified in its *Recommended Decision* relating to the high-cost support mechanism, including identification of mobile wireless customer location, and standards for the submission of accurate, legible, and consistent maps. We seek comment on whether the Joint Board's recommendations should be adopted, in whole or in part, in order to preserve and advance universal service, maintain competitive neutrality, and ensure long-term sustainability of the universal service fund. We also seek comment on several related proposals to streamline our rules governing annual certifications and submission of data by competitive ETCs seeking high-cost support.

II. Issues for Comment

2. *ETC Designation Process.* We seek comment on the Joint Board's recommendation regarding the ETC designation process, which we incorporate by reference. In addition to the existing minimum eligibility requirements specified in section 214(e)(1) of the Act, the Joint Board recommended that the Commission adopt permissive Federal guidelines encouraging State commissions to consider certain additional minimum qualifications when evaluating ETC designation requests. The Joint Board also recommended that the Commission further develop the record on ways in which State commissions may determine whether an applicant satisfies the additional minimum qualifications

as part of the ETC designation process. The Joint Board recommended that State commissions apply these permissive Federal guidelines in all ETC proceedings, and that State commissions use a higher level of scrutiny for ETC applicants seeking designation in areas served by rural carriers, consistent with section 214(e)(2) of the Act. While the Joint Board did not endorse adoption of a specific cost-benefit test for the purpose of making public interest determinations under section 214(e)(2), it indicated that states may properly consider the level of Federal high-cost per-line support to be received by ETCs in making public interest determinations. The Joint Board noted that the public interest analysis should be consistent with the purposes and goals of the Act itself. Finally, the Joint Board recommended that the Commission encourage States to use the annual certification process for all ETCs to ensure that Federal universal service support is used to provide the supported services and for associated infrastructure costs. We encourage commenters to address with particularity these issues concerning the ETC designation process in their comments.

3. *Scope of Support.* We seek comment on the Joint Board's recommendation to limit the provision of high-cost support to a single connection that provides a subscriber access to the public telephone network. Commenters should describe how the Commission may develop competitively neutral rules and procedures that do not create undue administrative burdens. We specifically request comments from Universal Service Administrative Company (USAC) on the administration of a primary line approach. To minimize the potential impact of restricting the scope of support in areas served by rural carriers, the Joint Board recommended that the Commission seek comment on restating, or "rebasement," the total high-cost support flowing to a rural carrier's study area on "primary" or single connections, and on other possible measures including "lump sum" and "hold harmless" proposals associated with a primary line restriction. In conjunction with certain of these measures, the Joint Board also recommended that high-cost support in areas served by rural carriers be capped on a per-line basis when a competitive carrier is designated as an ETC and be adjusted annually by an index factor. We seek comment on the Joint Board's recommended approach to limit the scope of support, specifically on the