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List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Air pollution control, Gasoline, Incorporation by reference, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: October 20, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, it is proposed to amend part 86 of title 40 of the Code of Federal Regulations as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

Subpart A—[Amended]

2. Section 86.094-17 is amended by revising paragraph (j) to read as follows:

§ 86.094-17 Emission control diagnostic system for 1994 and later light-duty vehicles and light-duty trucks.

* * * * *

(j) Demonstration of compliance with California OBD II requirements (Title 13 California Code section 1968.1), as modified pursuant to California Mail Out #95-03 (January 19, 1995), shall satisfy the requirements of this section through the 1998 model year except that compliance with Title 13 California Code section 1968.1(d), pertaining to tampering protection, is not required to satisfy the requirements of this section.

[FR Doc. 95-27070 Filed 10-31-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7157]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations 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 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 following table.

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 proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, 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 Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed 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 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)		
				Existing	Modified	
California	San Joaquin County. (Unincorporated Areas).	Bear Creek (Overflow north of Bear Creek).	West of Union Pacific Railroad and south of Pixley Slough.	None	*19	
			Just east of Southern Pacific Railroad	None	*36	
			Just east of State Highway 99	None	*42	
			Just east of Alpine Road	None	*55	
				4,000 feet downstream from Jack Tone Road.	None	*83
		Bear Creek (Channel)	At Kettleman Lane	*75	*77	
			At Jack Tone Road	*88	*88	
			Just downstream of Tully Road	None	*96	
		Bear Creek (Overflow south of Bear Creek).	Just east of Thornton Road	None	*12	
			Just east of Union Pacific Railroad	None	*22	
			Just east of State Highway 99 and north of Eightmile Road.	None	*39	
			Above confluence of Mosher Creek	None	*60	
			At Sargent Road Tributary	None	*85	
		Paddy Creek (Overflow from West Bank).	At confluence with Bear Creek	*71	*73	
			At confluence of Middle Paddy Creek	None	*76	
			Just downstream of Sargent Road	None	*89	
		Paddy Creek (Overflow from East Bank).	At confluence with Bear Creek	None	*67	
			Above confluence of South Paddy Creek	*73	*73	
			Above confluence of Middle Paddy Creek	None	*78	
			Just south of Sargent Road	None	*90	
		Middle Paddy Creek (Overflow from South Bank).	At confluence with Paddy Creek	None	#1	
		South Paddy Creek (Overflow from South Bank).	At confluence with Paddy Creek	None	*69	
		Stockton Diversion Canal (Overflow from North Bank).	At confluence with Calaveras River	*29	*28	
			Just east of State Highway 99	#1	*32	
			Just east of State Highway 88	*34	*33	
			At Copperopolis Road	None	*41	
		Mormon Slough (Overflow from North Bank).	At divergence of Stockton Diverting Canal.	None	*41	
			Approximately 6,000 feet upstream of Copperopolis Road Crossing of Diverting Canal.	None	*45	
			1,000 feet south of Flood Road	None	*95	
		Mormon Slough (Overflow from South Bank).	At Southern Pacific Railroad	None	*83	
			At Milton Road	None	*85	
			1,500 feet downstream of Flood Road	None	*97	
Upstream of Southern Pacific Railroad	None		*89			
Potter Creek A (Overflow from South Bank).	Just downstream of Milton Road	None	*90			
Potter Creek A (Channel and South Bank Overflow).	Just north of Milton Road	None	*92			
	Just upstream of Fine Avenue	None	*104			
Potter Creek B (Overflow from North Bank).	Just north of Milton Road	#1	*85			
	Approximately 3,000 feet west of Fine Avenue.	None	*99			
	Just west of Fine Avenue	None	*102			
Potter Creek B (Overflow from South Bank).	At Milton Road	None	*87			
	Just west of Fine Avenue	None	*102			
Potter Creek B (Main Channel and both Overbanks).	Approximately 1,500 feet east of Fine Avenue.	None	*105			

Maps are available for inspection at San Joaquin County Flood Control and Water Conservation District, 1810 East Hazelton Avenue, Stockton, California.

Send comments to The Honorable David Baker, County Administrator, San Joaquin County Courthouse, 222 East Weber Avenue, Stockton, California 95202.

	Stockton (City)	San Joaquin County.	Bear Creek (Overflow between Bear Creek and Mosher Creek).	Just east of Interstate Highway 5	None	*12
				Just east of Western Pacific Railroad	None	*22
				Just east of West Lane	None	*23
				East of Southern Pacific Railroad and north of Morada Lane.	None	*30
			Mosher Creek (Overflow from South Bank).	Just west of State Highway 99	None	*35
				East of Western Pacific Railroad and west of West Lane.	None	*22

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified

Maps are available for inspection at Community Development Department/Building Department, City of Stockton, 345 North El Dorado Street, Stockton, California 95202.

Send comments to The Honorable Joan Darrah, Mayor, City of Stockton, Office of the City Council, City Hall, 425 North El Dorado Street, Stockton, California 95202.

Louisiana	St. Mary Parish (Unincorporated Areas).	Lower Atchafalaya (Berwick Bay).	Approximately 11,880 feet downstream of the Southern Pacific Railroad.	*10	*10
		Ponding Areas	Approximately 10,820 feet upstream of the Southern Pacific Railroad.	*12	*12
			Ponding area west of the City of Patterson, from north of the Southern Pacific Railroad to Bayou Teche.	*3	*1.5
			Ponding area west of the Town of Berwick, from north of the Southern Pacific Railroad to Bayou Teche.	*3	*1.5
		Ponding area south of the Southern Pacific Railroad, north of the southern portion of levee ring.	*1.5	*1.5	

Maps are available for inspection at the St. Mary Parish Courthouse, 500 Main Street, Fifth Floor, Franklin, Louisiana.

Send comments to The Honorable Connie M. Fournet, St. Mary Parish Judge, St. Mary Parish Government, 500 Main Street, Fifth Floor, Courthouse, Franklin, Louisiana 70538.

New Mexico	Bosque Farms (Village). Valencia County	Rio Grande (East Overbank).	Approximately 4,200 feet downstream of South Bosque Loop.	*4,857	*4,857
			Approximately 200 feet downstream of Esperanza Road.	*4,864	*4,864
			Approximately 2,500 feet upstream of North Bosque Loop.	*4,871	*4,870

Maps are available for inspection at Village Hall, 1455 West Bosque Farms, Bosque Farms, New Mexico.

Send comments to The Honorable Carl Allen, Mayor, Village of Bosque Farms, P.O. Box 660, Peralta, New Mexico 87042.

New Mexico	Los Lunas (Village) Valencia County	Rio Grande (East Overbank).	Approximately 1,000 feet downstream of the State Highway 49 bridge.	None	*4,844
			Approximately 500 feet upstream of Lujan Street.	None	*4,846
			Approximately 4,500 feet upstream of Lujan Street.	None	*4,851
		Rio Grande (West Overbank).	Approximately 250 feet downstream of Castillo Street.	None	*4,842
			East Main Street at State Highway 49	None	*4,851
			Approximately 1,000 feet upstream of Griego Road.	None	*4,861
	Rio Grande (Main Channel).	At State Highway 49	None	*4,852	

Maps are available for inspection at City Hall, 660 Main Street, Los Lunas, New Mexico.

Send comments to The Honorable Louis F. Huning, Mayor, Village of Los Lunas, P.O. Box 1209, Los Lunas, New Mexico 87031.

New Mexico	Valencia County (Unincorporated Areas).	Rio Grande (Main Channel).	Approximately 20,200 feet downstream of State Highway 49.	None	*4,833
			Approximately 100 feet upstream of State Highway 49.	None	*4,852
			Approximately 10,000 feet upstream of State Highway 49.	*4,860	*4,861
			Approximately 25,000 feet upstream of State Highway 49.	*4,873	*4,874
			Approximately 28,200 feet upstream of State Highway 49.	None	*4,876
		Rio Grande (East Overbank).	Approximately 2,400 feet downstream of White House Road.	None	*4,829
			Approximately 2,000 feet upstream of White House Road.	*4,836	*4,834
			At State Highway 49	*4,849	*4,845
			Approximately 3,300 feet upstream of Peralta Boulevard.	*4,864	*4,862
			Approximately 12,000 feet upstream of Peralta Boulevard.	None	*4,871

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
		Rio Grande (West Overbank).	At Cordova Road	None	*4,833
			At State Highway 49	None	*4,851
			Approximately 24,000 feet upstream of State Highway 49.	None	*4,873

Maps are available for inspection at 444 Luna Avenue, Los Lunas, New Mexico.

Send comments to Mr. Paul H. Gabaldon, County Manager, Valencia County, P.O. Box 1119, Los Lunas, New Mexico 87031.

Oklahoma	Noble County (Unincorporated Areas).	Cow Creek	Approximately 5,400 feet downstream of the Atchison, Topeka and Santa Fe Railroad.	None	*968	
			Just upstream of the Atchison, Topeka and Santa Fe Railroad.	None	*974	
			Approximately 6,600 feet upstream of confluence of Calf Creek.	None	*1,001	
		Golf Course Tributary	Golf Course Lake Tributary.	Approximately 3,700 feet downstream of U.S. Route 77.	None	*972
				At Seventh Street	None	*992
				Just downstream of 15th Street	None	*1,017
		Wills Lake Tributary	Unnamed Tributary to Cow Creek.	Just upstream of 15th Street	None	*1,023
				Approximately 500 feet downstream of Quail Creek Road.	None	*995
				Approximately 300 feet upstream of Quail Creek Road.	None	*1,001
		Unnamed Tributary to Cow Creek.	Unnamed Tributary to Cow Creek.	Approximately 1,200 feet downstream of U.S. Route 64.	None	*977
				At U.S. Route 64	None	*987
				Approximately 2,600 feet downstream of Interstate Route 88.	None	*988
			Approximately 1,000 feet upstream of Interstate Route 88.	None	*1,008	

Maps are available for inspection at 300 Courthouse Drive, Perry, Oklahoma.

Send comments to The Honorable Jim Lemon, Chairman, Noble County Board of Commissioners, P.O. Box 409, Perry, Oklahoma 73077.

Oklahoma	Perry (City) Noble County	Cow Creek	Just upstream of Ivanhoe Street at corporate limits.	None	*978		
			Just downstream of U.S. Highway 64	None	*980		
			Just downstream of Cedar Street	None	*984		
			At confluence with South of Highway 77 Tributary.	None	*992		
		Calf Creek	Cherokee Strip Tributary ..	At southernmost corporate limits	None	*996	
				At confluence with Cow Creek	None	*989	
				Just upstream of Cedar Street	None	*1,018	
				Just upstream of 15th Street	None	*1,020	
				Just upstream of 25th Street	None	*1,047	
				Just upstream of St. Louis-San Francisco Railroad.	None	*1,063	
		Ditch Witch Tributary	South of Highway 77 Tributary.	Just upstream of Interstate Highway 35 ..	None	*1,083	
				At confluence with Calf Creek	None	*1,048	
				Just upstream of U.S. Highway 64	None	*1,049	
		Unnamed Tributary A of Calf Creek.	Unnamed Tributary B of Calf Creek.	Just upstream of Interstate Highway 35 ..	None	*1,090	
				At confluence with Calf Creek	None	*1,029	
				Just upstream of U.S. Highway 64	None	*1,032	
		Unnamed Tributary C of Calf Creek.	Leo Park Tributary	At confluence with Cow Creek	None	*992	
				Just upstream of the Atchison, Topeka and Santa Fe Railroad at corporate limits.	None	*998	
				At confluence with Calf Creek	None	*1,023	
					Just upstream of St. Louis-San Francisco Railroad.	None	*1,023
					At confluence with Calf Creek	None	*1,025
					Approximately 2,000 feet upstream of confluence with Calf Creek.	None	*1,035
					Just upstream of St. Louis-San Francisco Railroad.	None	*1,052
					At confluence with Calf Creek	None	*1,024
			Just upstream of St. Louis-San Francisco Railroad.	None	*1,027		
			At confluence with Cow Creek	None	*984		

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Just upstream of Cedar Street	None	*988
			Approximately 1,200 feet upstream of Cedar Street.	None	*990
		Golf Course Tributary	Just upstream of easternmost corporate limits.	None	*973
			Just upstream of U.S. Route 77	None	*980
			Just upstream of Seventh Street	None	*992
		Golf Course Lake Tributary.	Just downstream of 15th Street	None	*1,018
			At confluence with Golf Course Tributary	None	*995
		Brookwood Park Tributary	Just upstream of Quail Creek Road	None	*1,001
			At confluence with Golf Course Tributary	None	*978
			Just upstream of U.S. Route 77	None	*997
			Just upstream of Seventh Street	None	*1,009
			Just upstream of Ninth Street	None	*1,019
		Wills Lake Tributary	Approximately 600 feet upstream of the confluence with Cow Creek.	None	*980
			Just downstream of U.S. Route 64	None	*986

Maps are available for inspection at 732 Delaware, Perry, Oklahoma.

Send comments to The Honorable G. L. Hollingsworth, Mayor, City of Perry, 622 Cedar Street, Perry, Oklahoma 73077.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")
 Dated: October 24, 1995.
 Richard T. Moore,
Associate Director for Mitigation.
 [FR Doc. 95-27083 Filed 10-31-95; 8:45 am]
 BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[WT Docket No. 95-157; RM-8643; FCC 95-426]

Plan for Sharing the Costs of Relocation

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a *Notice of Proposed Rule Making* ("Notice"), proposing a plan for sharing the costs of relocating microwave facilities operating in the 1850 to 1990 MHz ("2 GHz") band. The Commission's proposal would establish a system whereby Personal Communications Services ("PCS") licensees that incur costs to relocate microwave links outside of their assigned licensing areas or spectrum blocks would receive reimbursement for a portion of those costs from other PCS licensees that benefit from the resulting clearance of the spectrum. In addition to cost-sharing issues, the Commission asks for comment on whether to clarify certain other aspects of the Commission's microwave relocation

rules. Specifically, the Commission seeks comment on whether to clarify the definition of "good faith" negotiations, which are required during the mandatory negotiation period; whether to clarify the definition of "comparable" facilities, which must be provided to microwave incumbents by PCS licensees who seek involuntary relocation; whether to clarify the rules that allow relocated microwave licensees a 12-month trial period to ensure their new facilities are comparable; whether to continue to grant microwave applications for primary status in the 2 GHz band; and whether to place a time limit on a PCS licensee's obligation to provide comparable facilities. Also, the Commission stated that, as of the date the *Notice* was adopted, it would grant primary status applications only for minor modifications that would not add to the relocation costs of PCS licensees.

DATES: Comments must be filed on or before November 30, 1995, and reply comments must be filed on or before December 21, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Linda I. Kinney, (202) 418-0620, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Notice*, adopted on October 12, 1995, and released on October 13, 1995. The complete text of this *Notice* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 239, 1919 M Street NW., Washington,

D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street NW., Suite 140, Washington, D.C. 20037.

I. Background

In the *First Report and Order and Third Notice of Proposed Rule Making* in ET Docket No. 92-9, 57 FR 49020 (October 29, 1992) ("*ET First Report and Order*"), the Commission reallocated the 1850-1990, 2110-2150, and 2160-2200 MHz bands from private and common carrier fixed microwave services to emerging technology services. The Commission also established procedures for 2 GHz microwave incumbents to be cleared off of emerging technology spectrum and relocated to available frequencies in higher bands. The *ET First Report and Order* set forth a regulatory framework that encourages incumbents to negotiate voluntary relocation agreements with emerging technology licensees or manufacturers of unlicensed devices when frequencies used by the incumbent are needed to implement the emerging technology. The *ET First Report and Order* also stated that, should voluntary relocation negotiations fail, the emerging technology licensee could request mandatory relocation of the existing facility, provided that the emerging technology service provider pays the cost of relocating the incumbent to a comparable facility.

In the Commission's 1993 *Third Report and Order and Memorandum Opinion and Order* in ET Docket No. 92-9, 58 FR 46547 (September 2, 1993) ("*ET Third Report and Order*"), as