

1. The authority citation for part 4 continues to read as follows:

**Authority:** R.S. 2478, *as amended*, 43 U.S.C. sec. 1201, unless otherwise noted.

2. Section 4.21 is amended by revising paragraphs (a) and (c) to read as follows:

**§ 4.21 General provisions.**

(a) *Effect of decision pending appeal.* Except as otherwise provided by law or regulation:

(1) A decision will not be effective during the time in which a party adversely affected may file a notice of appeal, and the timely filing of a notice of appeal will suspend the effect of the decision appealed from pending a decision on the appeal. However, any party or agency official may request, in writing, that the Director or an Appeals Board place the decision, or any part of it, into effect immediately when the public interest requires.

(2) An appellant may petition for a stay of a decision which is in effect under a regulation in this title or Title 30. The stay request may be filed during the time in which a notice of appeal may be filed. The stay request must be filed with the Director or an Appeals Board in accordance with the standards in paragraph (b)(1) and (b)(2) of this section.

\* \* \* \* \*

(c) *Exhaustion of administrative remedies* No decision that at the time of its issuance is subject to appeal to the Director or an Appeals Board will be considered final so as to be agency action subject to judicial review under 5 U.S.C. 704, unless it has been made effective pending a decision on appeal under paragraph (a)(1) of this section or other applicable regulations.

Dated: August 19, 1997.

**Robert J. Lamb,**

*Acting Assistant Secretary—Policy, Management and Budget.*

[FR Doc. 97-22891 Filed 8-27-97; 8:45 am]

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**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

**44 CFR Part 67**

[Docket No. FEMA-7226]

**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:** Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

**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 for Mitigation 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 .....	Butte County and Incorporated Areas.	Big Chico Creek .....	At Bidwell Avenue extended, approximately 6,400 feet downstream of Rose Avenue.	None	*158
			At diversion structure footbridge, approximately 1,700 feet upstream of Manzanita Avenue.	None	*266
		Lindo Channel .....	Approximately 2,000 feet downstream of Nord Avenue.	None	*168
			Just upstream of Manzanita Avenue .....	None	*254
			Just upstream of diversion weir dividing flow from creek diversion channel.	None	*269
		Mud Creek .....	At Nord Highway .....	None	*163
			At confluence with Sycamore Creek, approximately 150 feet upstream of Highway 99 northbound.	None	*175
		Mud Creek Diversion Channel.	At confluence with Sycamore Creek, approximately 1,400 feet upstream of Cohasset Road.	None	*192
			Approximately 2,850 feet upstream of Wildwood Avenue.	None	*272
		Sycamore Creek .....	At confluence with Mud Creek, approximately 150 feet upstream of Highway 99 northbound.	None	*175
			Just downstream of Cohasset Road .....	None	*190
			Approximately 5,900 feet upstream of Mud Creek Diversion Channel.	None	*234
		Butte Creek .....	Approximately 2,550 feet downstream of Aguas Frias Road.	None	*104
			Approximately 200 feet downstream of Skyway.	None	*243
			Just upstream of Skyway .....	*246	*246
		Butte Creek-Right Overbank Flooding.	At intersection of Aguas Frias Road and the alignment of Nelson Road and Butte-Glenn County line.	None	*97
			At Bruce Lane, approximately 4,000 feet south of its intersection with Hegan Lane.	None	*190
		Butte Creek-Left Overbank Flooding.	At downstream limit of detailed study in the inside area of levees.	None	*94
			On Durnel Drive, just north of Hamlin Slough levees.	None	*123
		Hamlin Slough .....	Just downstream of Highway 99 .....	None	*215
	At confluence with Butte Creek .....	None	*119		
	Approximately 6,000 feet upstream of Esquon Road.	None	*145		
Little Chico-Butte Diversion Channel.	At Oroville-Chico Highway (Zone AO) .....	None	#1		
	At a low water crossing, approximately 950 feet downstream of an abandoned railroad.	None	*226		
Comanche Creek .....	Just downstream of diversion structure ...	None	*297		
	Approximately 14,750 feet downstream of Crouch Road.	None	*123		
Little Chico Creek .....	Just downstream of Highway 99 .....	None	*216		
	Approximately 5,840 feet downstream of a wooden bridge approximately 4,400 feet downstream of Alberton Avenue.	None	*124		
	Approximately 3,750 feet upstream of Stilson Canyon Road.	None	*344		

Maps are available for inspection at the Butte County Library, 1108 Sherman Avenue, Chico, California.

Send comments to The Honorable John Blacklock, Chief Administrative Officer, Butte County Administrative Department, 25 County Center Drive, Oroville, California 95965.

Maps are available for inspection at Merriam Library, California State University, Chico, California.

Send comments to Mr. Tom Lando, City Manager, City of Chico, 411 Main Street, Chico, California 95928.

Maps are available for inspection at the City of Oroville Public Works Department, City Hall, 1735 Montgomery Street, Oroville, California.

Send comments to The Honorable Dennis Diver, Mayor, City of Oroville, 1735 Montgomery Street, Oroville, California 95965.

	Gilroy (City) Santa Clara County.	Uvas Creek East Overbank Above Highway 101.	Just above Highway 101 .....	None	*186
			Approximately 2,000 feet upstream of Highway 101.	*190	*192

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet. (NGVD)	
				Existing	Modified
		West Branch Llagas Creek.	Approximately 500 feet upstream of Golden Gate Avenue.	*231	*232
		West Branch Llagas Creek, East Split.	Approximately 300 feet north of Day Road.	#1	*222
			Approximately 500 feet north of Golden Gate Avenue.	#1	*232
		Uvas Creek East Overbank Above SPRR.	Ponding north of Bolsa Road between the Southern Pacific Railroad and Uvas Creek.	None	*175
			Just south of intersection of Monterey Highway and the Southern Pacific Railroad.	None	*187

Maps are available for inspection at the City of Gilroy City Hall, 7351 Rosanna Street, Gilroy, California.  
 Send comments to Mr. Jay Baska, City Administrator, City of Gilroy, 7351 Rosanna Street, Gilroy, California 95020.

	Morgan Hill (City) Santa Clara County.	Madrone Channel .....	Approximately 300 feet downstream of East Dunne Avenue.	None	*353
		Tennant Creek .....	Just downstream of Cochran Road .....	None	*378
			Approximately 0.5 mile downstream of Fountain Oaks Drive.	None	*347
			Approximately 0.25 mile upstream of Fountain Oaks Drive.	None	*361
		Watsonville Road Overflow.	At convergence with Llagas Creek .....	#1	*303
			West of El Camino Real and 400 feet south of Watsonville Road.	#1	*319
		West Little Llagas Creek ..	Approximately 3,000 feet downstream of Monterey Highway.	*310	*316
			Just upstream of Watsonville Road .....	*318	*321
			Along Del Monte Avenue, 1,000 feet north of Wright Avenue.	None	*352
			Approximately 1,800 feet upstream of Llagas Road.	*384	*384

Maps are available for inspection at the City of Morgan Hill Public Works Department, 100 Edes Court, Morgan Hill, California.  
 Send comments to The Honorable Dennis Kennedy, Mayor, City of Morgan Hill, 17555 Peak Avenue, Morgan Hill, California 95037.

	Santa Clara County (Unincorporated Areas).	Alamitos Creek .....	At projection of Pfeiffer Court across Graystone Lane.	*258	*260
			At confluence of Arroyo Calero .....	*283	*283
		East Little Llagas Creek ...	At confluence with Llagas and Church Creeks.	*248	*248
		Madrone Channel .....	Just upstream of Middle Avenue .....	None	*304
			At confluence with East Little Llagas Creek.	None	*305
			Approximately 2,000 feet upstream of East Main Avenue.	None	*369
		San Tomas Aquino Creek	At intersection of Davis and Gianera Streets.	None	*15
			At intersection of Fillmore and North Fourth Streets.	None	*17
		Tennant Creek .....	At confluence with East Little Llagas Creek.	None	*288
			Just upstream of Middle Avenue .....	None	*308
			Approximately 1,500 feet upstream of Tennant Avenue.	None	*346
		Uvas Creek .....	Just above the Southern Pacific Railroad	None	*174
			Just upstream of Hecker Pass Highway (Highway 152).	None	*246
		Watsonville Road Overflow.	Just below Uvas Reservoir .....	None	*398
			Just downstream of Watsonville Road .....	#1	*320
		West Branch Llagas Creek.	At confluence with Llagas Creek .....	*303	*303
			Just upstream of Day Road .....	*221	*221
			Along Turlock Avenue between Highland Avenue and Fitzgerald Road.	None	#1
			Approximately 2,500 feet upstream of Coolidge Avenue.	None	*291
		West Little Llagas Creek ..	Just upstream of Highway 101 .....	*303	*305

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet. (NGVD)	
				Existing	Modified
		Calabazas Creek .....	Just downstream of Monterey Highway ... Approximately 600 feet downstream of Prospect Road.	*314 *290	*316 *290
		Middle Avenue Overflow (from West Little Llagas Creek).	Just downstream of Prospect Road ..... At confluence with Llagas Creek just north of San Martin Avenue.	*300 None	*297 *283
		West Branch Llagas Creek-Upper Split.	At intersection of Middle and Murphy Avenues.	#1	*305
		Uvas Creek (South Split)	Approximately 1,000 feet west of Coolidge Avenue.	None	*278
			At Harding Avenue, 500 feet north of intersection with Highland Avenue.	None	*267
			Just north of Bloomfield Avenue between Monterey Highway and the Southern Pacific Railroad.	None	*166
			Approximately 3,000 feet north of Bloomfield Avenue between Monterey Highway and the Southern Pacific Railroad.	None	*179

Maps are available for inspection at the Santa Clara County Department of Land Use and Development, Central Permit Office, 70 West Hedding Street, San Jose, California.

Send comments to The Honorable Ron Gonzales, Chairperson, Santa Clara County Board of Supervisors, 70 West Hedding Street, Tenth Floor, San Jose, California 95110.

Louisiana .....	Calcasieu Parish (Unincorporated Areas).	Belfield Lateral .....	Approximately 2,000 feet upstream of Joe Miller Road. At the intersection of Stafford and Park Roads.	*23 *23	*24 *24
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Maps are available for inspection at 1015 Pithon Street, Lake Charles, Louisiana.

Send comments to The Honorable Allen August, Parish President, Calcasieu Parish Police Jury, 1015 Pithon Street, Lake Charles, Louisiana 70602.

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

Dated: August 15, 1997.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

[FR Doc. 97-22943 Filed 8-27-97; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 51**

[CC Docket No. 96-98, FCC 97-295]

**Implementation of the Local Competition Provisions in the Telecommunications Act of 1996**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission is issuing this Further Notice of Proposed Rulemaking (Further NPRM) seeking comment on whether requesting carriers may use unbundled shared transport facilities in conjunction with unbundled switching, to originate or terminate interexchange traffic to customers to whom the requesting carrier does not

provide local exchange service. We also seek comment on whether similar use restrictions may apply to the use of unbundled dedicated transport facilities. The Commission's goal is to increase competition in the local exchange and exchange access market.

**DATES:** Comments are due on or before October 2, 1997 and Reply Comments are due on or before October 17, 1997. Written comments by the public on the proposed and/or modified information collections are due October 2, 1997. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before October 27, 1997.

**ADDRESSES:** Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Room 222, Washington, DC 20554, with a copy to Janice Myles of the Common Carrier Bureau, 1919 M Street NW., Room 544, Washington, DC 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 1231 20th St. NW., Washington, DC 20036. In addition to filing comments

with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street NW., Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street NW., Washington, DC 20503 or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Kalpak Gude, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418-1580. For additional information concerning the information collections contained in this Further NPRM contact Dorothy Conway at (202) 418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rulemaking adopted and released August 18, 1997 (FCC 97-295). The full text of this Further NPRM is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St. NW., Room 239, Washington, DC. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/Common>