TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 USC § 1001 and 42 USC § 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion. (6) *Reopener Language* (a) If McDonnell Douglas discovers that a condition at the facility or an assumption related to the disposal of the excluded waste that was modeled or predicted in the petition does not occur as modeled or predicted, then McDonnell Douglas must report any information relevant to that condition, in writing, to the Regional Administrator or his delegate within 10 days of discovering that condition. (b) Upon receiving information described in paragraph (a) from any source, the Regional Administrator or his delegate will determine whether the reported condition requires further action. Further action may include revoking the exclusion, modifying the exclusion, or other appropriate response necessary to protect human health and the environment. (7) *Notification Requirements:* McDonnell Douglas must provide a one-time written notification to any State Regulatory Agency to which or through which the delisted waste described above will be transported for disposal at least 60 days prior to the commencement of such activity. The one-time written notification must be updated if the delisted waste is shipped to a different disposal facility. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.
* *	*	* * * *

[FR Doc. 98–18732 Filed 7–13–98; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7250]

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: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461.

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
Alaska	Homer (City) Kenai Peninsula Borough.	Kachemak Bay	At the northern end of Kachemak Bay Drive.	None	*14
			Near Coal Point	None	*22
			Near the intersection of Lake Street and Ocean Drive.	None	*28
Maps are available for inspection at the City of Homer City Hall, Homer, Alaska.					
Send comments to The Honorable Jack Cushing, Mayor, City of Homer, 491 East Pioneer Avenue, Homer, Alaska 99603. To convert from NGVD to Mean Lower Low Water (MLLW), subtract 9.7 feet.					
Colorado	Loveland (City) Larimer County.	Big Thompson River	Approximately 3,800 feet downstream of U.S. Highway 287.	None	*4,922
			Approximately 550 feet downstream of U.S. Highway 287.	None	*4,926
Maps are available for inspection at Building and Development Services, 500 East Third Street, Loveland, Colorado.					
Send comments to The Honorable Treva Edwards, Mayor, City of Loveland, 500 East Third Street, Loveland, Colorado 80537.					
Kansas	Perry (City) Jefferson County.	Kansas River	Approximately 1 mile southeast of Cedar Street at the southeasternmost corporate limit.	*848	+846
			Approximately 200 feet south of Bridge Street.	*850	+850
		Delaware River	At Union Pacific Railroad crossing over the Delaware River.	*850	+850
Maps are available for inspection at the City of Perry City Hall, 119 Elm Street, Perry, Kansas.					
Send comments to The Honorable Matt Willkomm, Mayor, City of Perry, P.O. Box 724, Perry, Kansas 66073. Please note that to convert to NAVD, add 0.26 foot to NGVD elevations.					
Louisiana	Delhi (Town) Richland Parish.	Bayou Macon	Approximately 1 mile downstream of U.S. 80.	None	*77
			Approximately 0.5 mile upstream of U.S. 80.	None	*77
Maps are available for inspection at 202 Broadway, Delhi, Louisiana.					
Send comments to The Honorable James A. Hopson, Mayor, Town of Delhi, 209 Broadway, Delhi, Louisiana 71232.					
Texas	Cameron County (Unincorporated Areas).	Gulf of Mexico	Approximately 850 feet south of Old Queen Isabella Causeway.	*11	*12
			Approximately 600 feet northeast of the northern corporate limits.	*13	*16
		Laguna Madre	Approximately 4,000 feet south of Old Queen Isabella Causeway.	*10	*8
			Approximately 2,000 feet west of Padre Boulevard.	*6	*8

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 the Cameron County Engineering Office, 805 West Price Road, Brownsville, Texas. Send comments to The Honorable Gilbert Hinojosa, Cameron County Judge, 964 East Harrison, Brownsville, Texas 78520.					
Texas	Mount Pleasant (City) Titus County.	Hart Creek Tributary	Approximately 1,300 feet downstream of Alexander Road.	None	*322
			Approximately 130 feet upstream of State Highway 49.	*359	*359
			Approximately 290 feet downstream of West Sixth Street.	None	*407
		Tributary 1	At confluence with Hart Creek Tributary	None	*330
			Approximately 1,300 feet upstream of confluence with Hart Creek Tributary.	None	*344
		Tributary 2	At confluence with Hart Creek Tributary	None	*358
			Approximately 1,900 feet upstream of Stark Street.	None	*370
		Tributary 3	At confluence with Hart Creek Tributary	None	*377
			Approximately 1,620 feet upstream of West First Street.	None	*384
Maps are available for inspection at the City of Mount Pleasant Public Works Facility, 1412 North Washington, Mount Pleasant, Texas. Send comments to The Honorable Jerry Boatner, Mayor, City of Mount Pleasant, 501 North Madison, Mount Pleasant, Texas 75455–3650.					
	Muenster (City) Cooke County.	Brushy Elm Creek	Approximately 400 feet downstream of Eddy Road.	None	*957
			Approximately 150 feet downstream of U.S. Highway 82.	None	*963
			Approximately 200 feet downstream of Ash Street.	None	*967
		Tributary 1	Approximately 150 feet downstream of U.S. Highway 82.	None	*975
			Approximately 270 feet upstream of Fifth Street.	None	*997
			Approximately 2,150 feet upstream of Seventh Street.	None	*1,020
		Tributary 2	Approximately 150 feet downstream of Ash Street.	None	*971
			Approximately 1,100 feet upstream of Ash Street.	None	*995
		Tributary 3 Emergency Spillway.	At confluence with Tributary 3	None	*965
			Approximately 900 feet downstream of Sixth Street.	None	*1,000
		Tributary 3	At confluence with Tributary 3 Emergency Spillway.	None	*965
			At Sixth Street	None	*1,000
			Approximately 1,200 feet upstream of confluence with Tributary 4.	None	*1,018
		Tributary 4	At confluence with Tributary 3	None	*1,007
			Approximately 180 feet upstream of confluence with Tributary 3.	None	*1,008
Maps are available for inspection at the City of Muenster City Hall, 400 North Main, Muenster, Texas. Send comments to The Honorable Henry Weinzepfel, Mayor, City of Muenster, P.O. Box 208, Muenster, Texas 78252.					
	South Padre Island (Town) Cameron County.	Gulf of Mexico	Approximately 150 feet northeast of intersection of Gulf Street and Gulf Boulevard.	*8	*12
			Approximately 500 feet northeast of intersection of Gulf Street and Gulf Boulevard.	*13	*16
		Laguna Madre	At intersection of Palm Street at Laguna Boulevard.	*6	*8
Maps are available for inspection at the Town of South Padre Island Building Department, 4405 Padre Boulevard, South Padre Island, Texas. Send comments to The Honorable Edmund Cyganiewicz, Mayor, Town of South Padre Island, 4501 Padre Boulevard, South Padre Island, Texas 78597.					
	Travis County and Incorporated Areas.	Barton Creek	Approximately 4,000 feet downstream of Fitzhugh Road.	*940	*930

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet. (NGVD)	
				Existing	Modified
			Approximately 740 feet upstream of Fitzhugh Road.	*951	*943
		Bear Creek	At confluence with Onion Creek	*618	*617
			Approximately 4.4 miles upstream of Rock Dam (Approximately 240 feet upstream of County boundary).	None	*805
		Bear Creek Tributary	At confluence with Bear Creek	*655	*656
			Approximately 9 feet upstream of FM 1626.	*655	*656
			Approximately 20 feet upstream of FM 1626.	*656	*656
		Boggy Creek South	At confluence with Onion Creek	*560	*558
			Approximately 300 feet upstream of Bluff Springs Road.	*560	*559
			Approximately 375 feet upstream of Bluff Springs Road.	*560	*560
		Cottonmouth Creek	At confluence with Onion Creek	*479	*477
			Approximately 5,150 feet (0.98 mile) upstream of confluence with Onion Creek.	*481	*480
			Approximately 5,350 feet (1.01 miles) upstream of confluence with Onion Creek.	*481	*481
		Little Bear Creek	At confluence with Bear Creek	*636	*634
			Approximately 1.8 miles upstream of confluence with Bear Creek (at County boundary).	*675	*672
		Long Branch	Approximately 1,090 feet downstream of dam.	*1,015	*1,013
			Approximately 1,835 feet upstream of dam (at County boundary).	*1,036	*1,035
		Marble Creek	At confluence with Onion Creek	*538	*540
			Approximately 1,650 feet upstream of William Cannon Drive.	*543	*544
			Approximately 1,700 feet upstream of William Cannon Drive.	*544	*544
		Onion Creek	At confluence with the Colorado River	*414	*414
			Approximately 2,060 feet upstream of confluence with the Colorado River.	*416	*417
			Approximately 1.4 miles upstream of confluence of Garlic Creek (approximately 150 feet upstream of County boundary).	None	*645
		Rinard Creek	At confluence with Onion Creek	*578	*576
			Approximately 1,370 feet upstream of Bradshaw Road.	*578	*577
			Approximately 1,405 feet upstream of Bradshaw Road.	*578	*578
		Slaughter Creek	At confluence with Onion Creek	*572	*571
			Approximately 3,850 feet upstream of confluence with Onion Creek.	*573	*572
			Approximately 4,100 feet upstream of confluence with Onion Creek.	*573	*573
		Williamson Creek	At confluence with Onion Creek	*524	*526
			Approximately 2,940 feet upstream of Jimmy Cliff Drive.	*528	*529
			Approximately 3,030 feet upstream of Jimmy Cliff Drive.	*529	*529
		Williamson Creek Tributary 1.	At confluence with Williamson Creek	*524	*526
			Approximately 2,480 feet upstream of confluence with Williamson Creek.	*525	*526
			Approximately 2,520 feet upstream of confluence with Williamson Creek.	*526	*526
		Williamson Creek Tributary 2.	At confluence with Williamson Creek	*524	*526
			Approximately 2,410 feet upstream of confluence with Williamson Creek.	*526	*526

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 the Travis County Transportation and Natural Resources Department, Executive Office Building, 411 West 13th Street, Austin, Texas.					
Send comments to The Honorable Bill Aleshire, Travis County Judge, P.O. Box 1748, Austin, Texas 78767.					
Maps are available for inspection at the City of Austin Watershed Engineering Division, 206 East Ninth Street, Suite No. 17102, Austin, Texas.					
Send comments to The Honorable Kirk Watson, Mayor, City of Austin, P.O. Box 1088, Austin, Texas 78767.					
Washington	Clark County (Unincorporated Areas).	East Fork Lewis River	Approximately 17,000 feet downstream of Daybreak Road.	*31	*32
		.....	Approximately 400 feet downstream of Daybreak Road.	*76	*75
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.					
Send comments to The Honorable Betty Sue Morris, Chairperson, Clark County Board of Commissioners, P.O. Box 5000, Vancouver, Washington 98666–5000.					

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

Dated: July 7, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98–18724 Filed 7–13–98; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket No. 92–264; FCC 98–138]

Horizontal Ownership Limits

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: In the *Further Notice of Proposed Rulemaking* (''*Further Notice*''), the Commission seeks comment on possible revisions of the cable television horizontal ownership rules and the method by which horizontal ownership is calculated. The Commission seeks comment on whether, in light of evolving market conditions, the horizontal ownership limit should remain at 30% of homes passed nationwide by cable, and also seeks comment on the 35% minority-control allowance. The *Further Notice* also seeks comment on whether the Commission should revise the rules to consider the presence in the market of all multichannel video programming providers (''MVPDs'') rather than cable operators alone, and whether to base the limit on actual subscribers rather than on homes passed. The *Further Notice* is part of a companion *Memorandum Opinion and Order on Reconsideration* which is summarized elsewhere in this issue of the **Federal Register**.

DATES: Comments are due on or before August 14, 1998, and reply comments are due on or before September 3, 1998.

FOR FURTHER INFORMATION CONTACT: John Norton, Cable Services Bureau, (202) 418–7200.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Further Notice of Proposed Rulemaking,* MM Docket No. 92–264, FCC 98–138 adopted June 23, 1998, and released June 26, 1998. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW, Washington, D.C. 20036.

Synopsis of the Notice of Proposed Rulemaking

1. In the Second Report and Order in MM Docket No. 92–264, 58 FR 60135, November 15, 1993 (''*Second Report and Order*''), the Commission adopted the horizontal ownership rules, which provide that no person may hold attributable interests in cable systems reaching more than 30% of all homes passed nationwide by cable. In the *Second Report and Order,* the Commission stated that it planned to review subscriber limits every five years to determine whether such limits are reasonable under the prevailing market conditions and whether such limits continue to serve the objectives for which they were adopted. The rules in question were adopted in 1993, and the Commission believes that it is appropriate to review these rules to address intervening changes in the communications marketplace.

2. In the *Further Notice,* the Commission seeks comment on whether 30% remains the appropriate horizontal ownership limit in light of evolving market conditions. The current rules further allow ownership of additional cable systems reaching up to 35% of cable homes passed, provided such additional cable systems are minority-controlled. The purpose of the 35% minority-control allowance was to encourage diversity of viewpoints by fostering increased minority participation and ownership in the cable industry, through increased multiple systems operator (''MSO'') investment in minority-owned cable systems. The Commission seeks comment on the constitutionality of the minority-control allowance in light of the Supreme Court's decision in *Adarand Constructors, Inc.* v. *Pena,* 515 U.S. 200 (1995). Recognizing that the minority-control allowance has never been utilized by any MSO, the Commission also seeks comment on the effectiveness of this rule and on the development of alternative rules to promote minority participation consistent with the standards set forth in *Adarand.*

3. The Commission also seeks comment on two specific issues concerning the method of ownership calculation: (1) whether the rules should consider the presence in the market of all MVPDs rather than cable operators alone, and (2) whether the rules should be based on actual subscriber numbers rather than on homes passed. The rules proposed in the *Further Notice* would