

## Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-10061 (62 FR 35068, June 30, 1997) and amendment 39-11948 (65 FR 69239, November 16, 2000), and by adding a new airworthiness directive (AD), to read as follows:

**Boeing:** Docket 2001-NM-251-AD.

Supersedes AD 97-14-04, Amendment 39-10061; and AD 2000-22-02 R1, Amendment 39-11948.

**Applicability:** All Model 737 series airplanes; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or

repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent an uncommanded rudder hardover event and consequent loss of control of the airplane due to inherent failure modes, including single-jam modes, and certain latent failure or jams combined with a second failure or jam; accomplish the following:

#### Installation

(a) Within 5 years after the effective date of this AD, do the actions required by paragraphs (a)(1) and (a)(2) of this AD, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

(1) Install a new rudder control system that includes new components such as an aft torque tube, hydraulic actuators, and associated control rods, and additional wiring throughout the airplane to support failure annunciation of the rudder control system in the flight deck. The system also must incorporate: two separate inputs, each with an override mechanism, to two separate servo valves on the main rudder power control unit (PCU); and an input to the standby PCU that will also include an override mechanism.

(2) Make applicable changes to the adjacent systems to accommodate the new rudder control system.

#### Alternative Methods of Compliance

(b)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 97-14-04, amendment 39-10061, are not considered to be approved as alternative methods of compliance with this AD.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on November 6, 2001.

**Vi L. Lipski,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-28334 Filed 11-9-01; 8:45 am]

**BILLING CODE 4910-13-U**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-B-7420]

### 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 (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 following table.

**FOR FURTHER INFORMATION CONTACT:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make determinations of BFE and modified BFEs 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 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 Acting Administrator, Federal Insurance and Mitigation

Administration certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs 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

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

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD)		Communities affected
		Effective	Modified	

**CALIFORNIA  
San Diego County and Incorporated Areas**

Alvarado Creek .....	At Pennsylvania Lane extension, approximately 1,000 feet downstream of 70th Street.	None	*379	City of La Mesa, City of San Diego.
	Approximately 2,000 feet downstream of Lake Murray Boulevard.	None	*407	
	Approximately 900 feet downstream of Comanche Boulevard.	None	*425	
	Approximately 300 feet upstream of Fletcher Parkway	None	*454	

**ADDRESSES**

**City of La Mesa**

Maps are available for inspection at the Department of Public Works/Community Development, City Hall, 8130 Allison Avenue, La Mesa, California.

Send comments to The Honorable Art Madrid, Mayor, City of La Mesa, P.O. Box 937, La Mesa, California 91944-0937.

**City of San Diego**

Maps are available for inspection at the City Development Services Center, 1222 First Avenue, Third Floor, San Diego, California.

Send comments to The Honorable Richard M. Murphy, Mayor, City of San Diego, 200 C Street, 11th Floor, San Diego, California, 92101.

**NEBRASKA  
Colfax County and Incorporated Areas**

Shell Creek .....	Approximately 800 feet downstream of the County Bridge located at the west section-line of the southwest ¼ of section 9 T17N-R4E.	None	*1,331	Colfax County (Unincorporated Areas) and City of Schuyler.
	Approximately 2,000 feet downstream of U.S. Highway 30.	*1,348	*1,348	
	Approximately 4,600 feet downstream of State Highway 15.	*1,369	*1,368	
	At County Bridge on Colfax/Platte County boundary located approximately 300 feet south of middle of west section line of section 19.	None	*1,445	

**ADDRESSES**

**Colfax County (Unincorporated Areas)**

Maps are available for inspection at the County Map Repository, 411 East 11th Street, Schuyler, NE 68661.

Send comments to The Honorable Paul Pekarek, Chairman, Colfax County Board of Commissioners, 411 East 11th Street, Schuyler, NE 68661.

**City of Schuyler**

Maps are available for inspection at the Community Map Repository, 1103 B Street, Schuyler, NE 68661.

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD)		Communities affected
		Effective	Modified	

Send comments to The Honorable David F. Reinecke, Mayor, City of Schuyler, Municipal Building, 1103 B Street, Schuyler, NE 68661.

**OKLAHOMA**  
**Oklahoma County and Incorporated Areas**

Chisholm Creek .....	Approximately 3,900 feet downstream of Danforth Street.	*1,045	*1,052	City of Edmond. City of Oklahoma City.
Chisholm Creek Tributary 3 (Pond Creek).	Just upstream of Memorial Road .....	*1,122	*1,124	City of Edmond.
	Just downstream of Hefner Road .....	*1,167	*1,167	
	At confluence with Chisholm Creek .....	*1,040	*1,049	
	Just upstream of Danforth Road .....	*1,074	*1,075	City of Oklahoma City.

**ADDRESSES**

**City of Edmond**

Maps are available for inspection at 100 East First Street, Edmond, Oklahoma.

Send comments to The Honorable Robert Rudkin, Mayor, City of Edmond, P.O. Box 2970, Edmond, Oklahoma 73073-2970

**City of Oklahoma City**

Maps are available for inspection at 420 West Main Street, Oklahoma City, Oklahoma.

Send comments to The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102.

**TEXAS**  
**Travis County and Incorporated Areas**

Colorado River/Lake Travis ..	Portions of Colorado River/Lake Travis from approximately 4 miles upstream to approximately 21 miles upstream of Mansfield Dam.	*716	*716	Travis County (Unincorporated Areas), City of Jonestown, City of Largo Vista, City of Lakeway.
Cow Creek .....	From confluence with Colorado River/Lake Travis to approximately 3 miles upstream.	*716	*716	Travis County (Unincorporated Areas).
Flat Creek .....	From confluence with Colorado River/Lake Travis to approximately 2,100 feet upstream.	*716	*716	Travis County (Unincorporated Areas).

**ADDRESSES**

**Travis County (Unincorporated Areas)**

Maps are available for inspection at 411 West 13th Street, 8th Floor, Permit Office, Austin, Texas.

Send comments to The Honorable Samuel T. Biscoe, Travis County Judge, P.O. Box 1748, Austin, Texas 78767-1748.

**City of Jonestown**

Maps are available for inspection at City Hall, 18649 FM 1431, Suite 4A, Jonestown, Texas.

Send comments to The Honorable Sam Billings, 18649 FM 1431, Suite 4a, Jonestown, Texas 78645.

**City of Lago Vista**

Maps are available for inspection at City Hall, 5803 Thunderbird, Lago Vista, Texas.

Send comments to The Honorable Dennis Jones, P.O. Box 4727, Lago Vista, Texas 78645.

**City of Lakeway**

Maps are available for inspection at City Hall, 104 Cross Creek, Lakeway, Texas.

Send comments to The Honorable Charles Edwards, Mayor, City of Lakeway, 104 Cross Creek, Lakeway, Texas 78734.

**UTAH**  
**Salt Lake County and Incorporated Areas**

Willow Creek (West) .....	Just upstream of 11400 South Street .....	*4,358	*4,362	City of Draper.
Midas Creek .....	Approximately 100 feet upstream of 12300 South Street.	*4,410	*4,409	Salt Lake County (Unincorporated Areas), City of Riverton, City of South Jordan.
	Approximately 1,250 feet upstream of 150 East Road	None	*4,322	
	At confluence with Jordan River .....	None	*4,322	
	Approximately 250 feet upstream of 3600 West Street	None	*4,603	

**ADDRESSES**

**Salt Lake County (Unincorporated Areas)**

Maps are available for inspection at 2001 South State Street, Suite N 3300, Salt Lake City, Utah.

Send comments to The Honorable Nancy Workman, Mayor, Salt Lake County, 2001 South State Street, Suite N 2100, Salt Lake City, Utah 84109.

**City of Draper**

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD)		Communities affected
		Effective	Modified	

Maps are available for inspection at the Engineering Department, 12441 South 900 East, Draper, Utah.

Send comments to The Honorable Richard D. Alsop, Mayor, City of Draper, 12441 South 900 East, Draper, Utah 84020.

#### City of Riverton

Maps are available for inspection at City Hall, 949 East 12400 South Street, Riverton, Utah.

Send comments to The Honorable Sandra Lloyd, Mayor, City of Riverton, 12765 South 1400 West, Riverton, Utah 84064.

#### City of South Jordan

Maps are available for inspection at 10996 South Redwood Road, South Jordan, Utah.

Send comments to The Honorable Dix McMullin, Mayor, City of South Jordan, 11175 South Redwood Road, South Jordan, Utah 84095.

# Depth in feet above ground.

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

Dated: October 29, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance, and Mitigation Administration.*

[FR Doc. 01-28297 Filed 11-9-01; 8:45 am]

BILLING CODE 6718-04-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-B-7421]

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**ACTION:** Proposed rule.

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