

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

Dated: July 15, 2002.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR part 67

[Docket No. FEMA-P-7609]

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 table below.

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 BFEs 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 for 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 record keeping 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) ◆(NAVD)	
				Existing	Modified
Arkansas	Saline County (Unincorporated Areas).	Clear Creek	Approximately 4,800 feet downstream of U.S. Route 167.	None	252
			Approximately 350 feet upstream of U.S. Route 167.	None	270
		Duck Creek	Approximately 6,000 feet downstream of S. Springlake Road.	None	253
			Approximately 300 feet downstream U.S. Route 167.	None	275
		Hopt Branch	Approximately 1,500 feet downstream of Honeysuckle Drive.	None	268
			Approximately 4,250 feet upstream of Honeysuckle Drive.	None	285

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD) ◆(NAVD)	
				Existing	Modified
		Maple Creek	Approximately 6,200 feet downstream of U.S. Route 65.	None	237
		Maple Creek Tributary	Just upstream of Springlake Road	None	287
			Approximately 4,500 feet downstream of U.S. Route 167.	None	247
		McCright Branch	Approximately 100 feet upstream of U.S. Route 167.	None	255
			Approximately 2,000 feet downstream of Pear Orchard Drive.	None	285
			Approximately 150 feet upstream of Dena Drive.	None	310
		Owen Creek	Approximately 5,000 feet downstream of Midland Road.	None	323
			Approximately 2,000 feet upstream of Hilldale Road.	None	413

Maps are available for inspection at the Saline County Assessor's Office, Real Estate Department 215, Maine Suite 5, Benton, Arkansas.

Send comments to The Honorable Lanny Fite, Judge, Saline County, 200 North Main Street, Benton, Arkansas 72015.

Kansas	Wamego, City of (Pottawatomie County).	East Unnamed Creek	Approximately 1000 feet upstream of Pizza Hut Road.	None	1019
			Approximately 900 feet upstream of Missile Base Road.	None	1041
		East Unnamed Creek Tributary.	Approximately 700 feet upstream of the mouth.	None	1003
			Approximately 850 feet upstream of Graves Road.	None	1012
		North Unnamed Tributary	Just upstream of U.S. Highway 24	None	987
			Approximately 100 feet upstream of Spencer Road.	None	991

Maps are available for inspection at the City of Wamego, 430 Lincoln Avenue, Wamego, Kansas.

Send comments to The Honorable David Vanderbilt, Mayor, City of Wamego, P.O. Box 86, Wamego, Kansas 66547.

Louisiana	Delcambre, Town of (Iberia and Vermilion Parish).	Gulf of Mexico	Intersection of South Railroad Street and East Charity Street.	*11	*10
			Intersection of North Railroad Street and Kirk Street.	*11	*9

Maps are available for inspection at the Office of the Mayor, Town of Delcambre, 107 N. Railroad Road, Delcambre Louisiana.

Send comments to The Honorable Carol Broussard, Mayor, Town of Delcambre, 107 N. Railroad Road, Delcambre, Louisiana 70528.

Minnesota	Northfield, City of (Dakota and Rice Counties).	Cannon River	At downstream corporate limits	899	890
			Approximately 1,200 feet upstream of the corporate limits (Limit of flooding affecting acommunity).	918	913

Maps are available for inspection at 801 Washington Street, Northfield, Minnesota.

Send comments to The Honorable Keith Covey, Mayor, City of Northfield, 801 Washington Street, Northfield, Minnesota 55057.

Minnesota	St. Paul, City of (Ramsey County).	Mississippi River	Approximately 120 feet upstream of the corporate limits.	704	705
			Just downstream of Lock and Dam No. 1	717	716

Maps are available for inspection at the St. Paul Planning & Economic Development, 1300 City Hall Annex, 25 West 4th Street, St. Paul, Minnesota.

Send comments to The Honorable Randy Kelly, Mayor, City of St. Paul, 15 West Kellogg Boulevard, St. Paul, Minnesota 55102.

Missouri	Albany, City of (Gentry County).	East Fork Grand River .....	.....	None	*849
		Town Branch .....	.....	None	*846-868
		Town Branch Tributary .....	.....	None	*850-870

Maps are available for inspection at City Hall, 106 East Clay Street, Albany, Missouri.

Send comments to The Honorable John Ricks, Mayor, City of Albany, 106 East Clay Street, Albany, Missouri 64402.

Missouri	Dalton, Village of (Chariton County).	Missouri River	None	*642-643
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD) ◆(NAVD)	
				Existing	Modified
Maps are available for inspection at the Chairman's Home, 109 N. Sycamore Street, Dalton, Missouri. Send comments to The Honorable Donald Hughes, Chairman, Village of Dalton, 109 N. Sycamore Street, Dalton, Missouri 65246.					
Missouri	Dunklin County (Unincorporated Areas).	Shallow flooding	Area north of State Route 84 and south of railroad.	*258	*259
Maps are available for inspection at the Courthouse, Court Square, Kennett, Missouri. Send comments to Mr. Don Collins, Presiding Commissioner, Dunklin County, P.O. Box 188, Kennett, Missouri 63857.					
Missouri	Pemiscot County (Unincorporated Areas).	Shallow flooding	Area along Route A about 2,000 feet north of State Route 84.	*258	*259
			Area south of City of Bragg City, west of Main Street.	*257	*259
			Area south of City of Bragg City, east of Main Street.	*258	*259
Maps are available for inspection at the Courthouse, 610 Ward Avenue, Caruthersville, Missouri. Send comments to Mr. Charles Moss, Presiding Commissioner, Pemiscot County, 610 Ward Avenue, Caruthersville, MO 63830.					
Nebraska	Pilger, Village of (Stanton County).	Elkhorn River .....	.....	None	*1406–1411
Maps are available for inspection at 220 North Main Street, Pilger, Nebraska. Send comments to The Honorable Andy Anderson, Chairman, Village of Pilger, 220 North Main Street, Pilger, Nebraska 68768.					
Nebraska	Stanton, City of (Stanton County).	Elkhorn River .....	.....	None	*1444–1462
Maps are available for inspection at 800 Eleventh Street, Stanton Nebraska. Send comments to The Honorable Tim Kabes, Mayor, City of Stanton, 800 Eleventh Street, Stanton, Nebraska 68779.					
Texas	Galveston County (Unincorporated Areas).	Gulf of Mexico	North of FM 3005, from approximately 1,000 feet west of its intersection with Pirates Beach Circle to approximately 300 feet east of 12 Mile Road.	*13	◆17
			At shoreline, near the Southern terminus of San Domingo Drive, about 100 feet west of the City of Galveston corporate limit, to the corporate limit.	*19	◆20
Maps are available for inspection at 123 Rosenberg Street, Suite 4157, Galveston, Texas. Send comments to The Honorable Jim Yarborough, Galveston County Judge, 722 Moody Street, Suite 200, Galveston, Texas 77550.					
Texas	Galveston, City of (Galveston County).	Gulf of Mexico	At the northern terminus of 9 Mile Road ..	*13	◆18
			Along the shoreline extending from approximately 1,500 feet east of the southern terminus of 11 Mile Road to Pabst Road.	*19	◆20
Maps are available for inspection at City Hall, 823 Rosenberg Street, Galveston, Texas. Send comments to The Honorable Roger Quiroga, Mayor, City of Galveston, 823 Rosenberg Street, Galveston, Texas 77550.					
Texas	Jamaica Beach, Village of (Galveston County).	Gulf of Mexico	From the canal northwest of Bahama Way to West Bay.	*12	◆14
			Along the shoreline extending from the western corporate limit to the southern terminus of Buccaneer Drive.	*18	◆20
Maps are available for inspection at 16628 San Luis Pass Road, Jamaica Beach, Texas. Send comments to the Honorable Victor Pierson, Mayor, Village of Jamaica Beach, 16628 San Luis Pass Road, Jamaica Beach, Texas 77554.					

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[DOT Docket No. NHTSA-02-12845]

RIN: 2127-AH71

Federal Motor Vehicle Safety Standards; Accelerator Control Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise the Federal motor vehicle safety standard for accelerator control systems. The standard seeks to reduce deaths and injuries resulting from engine overspeed caused by malfunctions in these systems. When the standard was originally drafted and issued, most systems were mechanical. Now, increasing numbers of systems are electronic, electric or hybrid. The revised standard would explicitly apply to these systems, and contain provisions addressing the distinctive failure modes of each type of system.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than September 23, 2002.

ADDRESSES: You should mention the docket number of this document in your comments and submit your comments in writing to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590.

You may call the Docket at 202-366-9324. You may visit the Docket from 10 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Mr. Michael Pyne, Office of Crash Avoidance Standards at (202) 366-4171. His FAX number is (202) 493-2739.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel at (202) 366-2992. Her FAX number is (202) 366-3820.

You may send mail to both of these officials at National Highway Traffic

Safety Administration, 400 Seventh St., SW., Washington, DC, 20590.

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Proposed Regulatory Text

I. Background—History of Standard No. 124

The purpose of Standard No. 124, Accelerator Control Systems, 49 CFR

571.124, is to reduce deaths and injuries resulting from failures of a vehicle's accelerator control system. Since 1972, Standard No. 124 has specified requirements for ensuring the return of a vehicle's throttle to the idle position under each of the following circumstances: (1) When the driver removes the actuating force (usually the driver's foot) from the accelerator control (usually the accelerator pedal), and (2) when there is a severance or disconnection in the accelerator control system ("fail-safe" operation). Standard No. 124 applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

Standard No. 124 at S5.1 requires that each vehicle have "at least two sources of energy," each independently capable of returning the throttle to the idle position, within the time specified in paragraph S5.3, from any accelerator position or speed whenever the driver removes the actuating force. The Standard defines the throttle as "the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls engine speed."

Paragraph S5.2 requires that the throttle return to idle "whenever any one component of the accelerator control system is disconnected or severed at a single point." This requirement must be met within the time specified in paragraph S5.3.

Paragraph S5.3 requires the throttle to return to idle within one second for vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less and within two seconds for vehicles with GVWRs greater than 10,000 pounds. The return-to-idle time is increased to three seconds for any vehicle that is exposed to ambient air at 0 degrees to -40 degrees Fahrenheit during the test or for any portion of a 12-hour conditioning period.

II. Standard No. 124 and Electronic Accelerator Control Systems

When originally promulgated, the definitions and requirements of Standard No. 124 were easy to apply because they were based on the then-universal mechanical control systems. The "throttle" of a gasoline engine was the carburetor shaft that opened and closed the air intake passages. The "throttle" of a diesel engine was the control rod or rack that controlled fuel flow to the high pressure injectors. The two energy sources were simply two return springs acting on the linkage between the accelerator pedal and the throttle. If at least one of those springs