

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 adding the following new airworthiness directive:

**Boeing:** Docket 2000–NM–360–AD.

**Applicability:** Model 747–400 series airplanes listed in Boeing Alert Service Bulletin 747–21A2414, Revision 1, dated October 26, 2000; and Model 777–200 and –300 series airplanes listed in Boeing Service Bulletin 777–21A0048, Revision 1, dated September 7, 2000; certificated in any category.

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

To prevent an increased pressure drop across the humidifier and consequent reduced airflow to the flight deck, which could result in the inability to clear any smoke that might appear in the flight deck, accomplish the following:

##### Cell Stack Replacement: Model 747–400

(a) For Model 747–400 series airplanes: Within 90 days after the effective date of this AD, do the actions specified in either paragraph (a)(1) or (a)(2) of this AD.

(1) Replace the cell stack of the flight deck humidifier with a supplier-tested cell stack, in accordance with Part 1 of Boeing Alert

Service Bulletin 747–21A2414, Revision 1, dated October 26, 2000.

(2) Replace the cell stack with an end plate and before further flight deactivate the flight deck humidifier, in accordance with Part 2 of the alert service bulletin. Replacement of the cell stack with a supplier-tested cell stack in accordance with the 4 requirements of paragraph (a)(1) of this AD, if accomplished, terminates the requirement to deactivate the humidifier.

**Note 1:** Boeing Alert Service Bulletin 747–21A2414 refers to Boeing Service Bulletin 747–21–2405 as an additional source of service information for deactivating the humidifier.

(b) Replacement of the cell stack before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–21A2414, dated April 13, 2000, is acceptable for compliance with the applicable requirements of paragraph (a) of this AD.

##### Cell Stack Replacement: Model 777–200 and –300

(c) For Model 777–200 and 777–300 series airplanes: Within 90 days after the effective date of this AD, do the actions specified in paragraph (c)(1) or (c)(2) or (c)(3) of this AD, in accordance with Boeing Service Bulletin 777–21A0048, Revision 1, dated September 7, 2000.

(1) Replace the cell stack with a blanking plate, in accordance with Part 1 of the service bulletin; and deactivate the humidifier system before further flight in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a deactivation method to be approved, the approval must specifically reference this AD.

(2) Replace the cell stack with a supplier-tested cell stack, in accordance with Part 2 of the service bulletin.

(3) Replace the blanking plate with a supplier-tested cell stack, in accordance with Part 3 of the service bulletin.

**Note 2:** Boeing Service Bulletins 747–21A2414 and 777–21A0048 refer to Hamilton Sundstrand Service Bulletins 821486–21–01 and 816086–21–01, respectively, as additional sources of service information for the cell stack replacement.

##### Part Installation

(d) On Model 747–400 series airplanes: As of the effective date of this AD, no person may install a flight deck humidifier cell stack having part number (P/N) 821482–1, unless "DEV 13433" is also marked next to the cell stack part number.

(e) On Model 777–200 and 777–300 series airplanes: As of the effective date of this AD, no person may install a flight deck dehumidifier cell stack having P/N 822976–2, unless "DEV 13433" is also marked next to the cell stack part number.

##### Alternative Methods of Compliance

(f) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, FAA, is authorized to

approve alternative methods of compliance for this AD.

Issued in Renton, Washington, on September 15, 2003.

**Ali Bahrami,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 03–23934 Filed 9–18–03; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG–112039–03]

RIN 1545–BC35

#### Elimination of Forms of Distribution in Defined Contribution Plans

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains a correction to proposed regulations that was published in the **Federal Register** on July 8, 2003 (68 FR 40581). This regulation modifies the circumstances under which certain forms of distribution previously available are permitted to be eliminated from qualified defined contribution plans.

**FOR FURTHER INFORMATION CONTACT:** Vernon S. Carter, (202) 622–6060 (not a toll free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The proposed regulations that are the subject of this correction are under section 411 of the Internal Revenue Code.

##### Need for Correction

As published, the notice of proposed rulemaking contains errors that may prove to be misleading and is in need of clarification.

##### Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–112039–03), which were the subject of FR Doc. 03–17089, is corrected as follows:

On page 40581, column 3, in the preamble under the caption **SUMMARY**, lines nine through thirteen, the language "This document also provides notice of

a public hearing on these proposed regulations." is removed.

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).*

[FR Doc. 03-23981 Filed 9-18-03; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-P-7637]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**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:

Doug Bellomo, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

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 Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to 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
Minnesota .....	Jackson (City), Jackson County.	West Fork Des Moines River.	At the corporate limit, approximately 2,000 feet downstream of the confluence of Nelson Creek. At the corporate limit, about 3,200 feet downstream of Interstate 90.	*1,306  *1,315	*1,304  *1,314
Maps are available for inspection at City Hall, 80 West Ashley Street, Jackson, Minnesota. Send comments to The Honorable Dean Albrecht, City Administrator, City of Jackson, City Hall, 80 West Ashley Street, Jackson, Minnesota 56143.					
Ohio .....	Bentleyville (Village), Cuyahoga County.	Aurora Branch .....	Approximately 1,500 feet upstream of the mouth.	*828	*833