

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

**ADDRESSES**

**Town of Cusick:** Maps are available for inspection at the Town Hall, 105 First Street, Cusick, Washington. Send comments to The Honorable Paul Haas, Mayor, Town of Cusick, P.O. Box 243, Cusick, Washington 99119.

**Town of Lone:** Maps are available for inspection at the Town Hall, 207 Houghton Street, Lone, Washington. Send comments to The Honorable Arlen Baker, Mayor, Town of Lone, P.O. Box 498, Lone, Washington 99139.

**Town of Metaline:** Maps are available for inspection at the Town Hall, 101 Housing Drive, Metaline, Washington. Send comments to The Honorable Walt Caravan, Mayor, Town of Metaline, 101 Housing Drive, Metaline, Washington 99152.

**Town of Metaline Falls:** Maps are available for inspection at the Town Hall, East 201 5th Avenue, Metaline Falls, Washington. Send comments to The Honorable Jane E. Reed, Mayor, Town of Metaline Falls, P.O. Box 277, Metaline Falls, Washington 99153.

**City of Newport:** Maps are available for inspection at the City Hall, South 200 Washington Avenue, Newport, Washington. Send comments to The Honorable Dee Opp, Mayor, City of Newport, South 200 Washington Avenue, Newport, Washington 99156.

**Unincorporated Areas of Pend Oreille County:** Maps are available for inspection at the Planning Department, 625 West Fourth Street, Newport, Washington. Send comments to The Honorable Mark Hansen, Chairman, Pend Oreille County Board of Commissioners, P.O. Box 5025, Newport, Washington 99156.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")  
 Dated: July 31, 2001.

**Robert F. Shea,**  
*Acting Administrator, Federal Insurance and Mitigation Administration.*  
 [FR Doc. 01-19685 Filed 8-6-01; 8:45 am]  
**BILLING CODE 6718-04-P**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 67**

**[Docket No. FEMA-B-7417]**

**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 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, 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Arizona .....	La Paz County (Unincorporated Areas).	Bouse Wash .....	Approximately 5,700 feet downstream of Yellow Bird Drive.	None	*875
			Approximately 3,200 feet downstream of Plomosa Road.	None	*925
			Approximately 3,500 feet upstream of Joshua Street.	None	*979
		Tributary Along East Side Railroad.	Approximately 3,700 feet downstream of Willamette Drive.	None	*876
			Approximately 3,000 feet upstream of Main Street.	None	*963
		Tributary B .....	At confluence with Bouse Wash .....	None	*889
			Approximately 800 feet upstream of the unnamed road stretching between Winema Drive and Cholla Drive.	None	*946
		Tributary C .....	At confluence with Bouse Wash .....	None	*898
			Approximately 800 feet upstream of Cholla Drive.	None	*925
		Tributary D .....	At confluence with Bouse Wash .....	None	*923
			Approximately 2,800 feet upstream of Black Mountain Drive.	None	*985
		Tributary D-1 .....	At confluence with Tributary D .....	None	*932
		Approximately 800 feet upstream of Rayder Avenue.	None	*947	
Tributary E .....	At confluence with Bouse Wash .....	None	*948		
	Approximately 700 feet upstream of Rayder Avenue.	None	*982		
Tributary F .....	At confluence of Bouse Wash .....	None	*876		
	Approximately 3,550 feet upstream of La Posa Road.	None	*941		
	La Paz County (Unincorporated Areas).	Tributary H .....	At confluence with Bouse Wash .....	None	*940
			Approximately 1,600 feet upstream of Plomosa Road.	None	*985
		Tributary I .....	At confluence with Bouse Wash .....	None	*944
			Just downstream of Plomosa .....	None	*1,005

Maps are available for inspection at the LaPaz County Development Department, 1112 Joshua Avenue, Suite 202, Parker, Arizona.

Send comments to The Honorable Cliff Edey, Chairperson, La Paz County Board of Supervisors, 1108 Joshua Avenue, Parker, Arizona 85334.

Colorado .....	Fremont County (Unincorporated Areas).	Oak Creek Right Overbank.	500 feet downstream of West Seventh Street.	None	*5,151
			Approximately 150 feet upstream of West Seventh Street.	None	*5,156
		Oak Creek .....	Approximately 1,200 feet upstream of confluence with Arkansas River.	*5,154	*5,158
			Just downstream at Atchison, Topeka & Santa Fe Railroad.	*5,245	*5,246

Maps are available for inspection at the County Courthouse, 615 Macon Avenue, Room B5, Canon City, Colorado.

Send comments to the Honorable Joe Rall, Fremont County Commissioner, 615 Macon Avenue, Canon City, Colorado, 81226.

Idaho .....	Ammon (City) Bonneville County.	Sand Creek Drainage .....	Approximately 850 feet upstream of Sunnyside Road.	*4,714	*4,718
			Approximately 85 feet upstream of Wanda Street.	#1	*4,724

Maps are available for inspection at the Ammon City Hall, c/o Ms. Aleen Jenson, 2135 South Ammon Road, Ammon, Idaho, 83406.

Send comments to The Honorable Bruce Ard, Mayor, City of Ammon, 2135 South Ammon Road, Ammon, Idaho.

Idaho .....	Bonner County (Unincorporated Areas).	Pend Oreille River .....	Approximately 4,000 feet downstream of U.S. Route 2.	None	*2,056
			Approximately 800 feet downstream of Alderni Falls Dam.	None	*2,057

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 Bonner County Planning Department, 127 South First Avenue, Sandpoint, Idaho.  
 Send comments to The Honorable Dale Van Stone, Chairman, Bonner County Board of Commissioners, 215 South First Avenue, Sandpoint, Idaho 83864.

Idaho .....	Bonneville County (Unincorporated Areas).	Black Canyon Drainage ....	At Nielson Road .....	#3	*4,741
			Approximately 4,900 feet upstream of Nielson Road.	#1	*4,775
		Salt River .....	2,500 feet downstream of confluence of Miller Creek.	None	*5,677
		Sand Creek Drainage .....	Just downstream of First Street .....	#1	*4,744
			Just upstream of Sunnyside Road .....	*4,716	*4,716

Maps are available for inspection at the Bonneville County Courthouse, 605 North Capital Avenue, Idaho Falls, Idaho.  
 Send comments to The Honorable Bill Shurtleff, Chairman, Bonneville County Board of Commissioners, 605 North Capital Avenue, Idaho Falls, Idaho 83402.

Missouri .....	Pulaski County (Unincorporated Areas).	Roubidoux Creek .....	Approximately 4,800 feet upstream from confluence with Gasconade River.	None	*765
			Approximately 2,700 feet downstream of Historic Route 66.	*775	*777
			Approximately 2,600 feet upstream of Historic Route 66.	*781	*784
	Pulaski County (Unincorporated Areas).	Roubidoux Creek .....	Approximately 11,000 feet upstream of Interstate 44.	*796	*796
		Mitchell Creek .....	Just upstream of Interstate 44 .....	None	*856
			Approximately 4,700 feet upstream of Highway H.	None	*908
		Pearson Hollow .....	Approximately 300 feet upstream of Glenn Road.	None	*892
		Approximately 1,100 feet upstream of Glenn Road.	None	*901	

Maps are available for inspection at the Pulaski County Courthouse, 301 Historic Route 66 East, Waynesville, Missouri 65583.  
 Send comments to The Honorable Harold York, Presiding County Commissioner, Pulaski County Courthouse, 301 Historic Route 66 East, Waynesville, Missouri 65583.

Missouri .....	Steelville (City) Crawford County.	Whittenburg Creek .....	Approximately 600 feet downstream of County Road 545.	None	*726
			Just downstream of Highway 8 .....	*731	*732
		Yadkin Creek .....	At confluence with Whittenburg Creek ....	None	*731
			Approximately 5,000 feet upstream of Spring Street.	*783	*785

Maps are available for inspection at City Hall, 103 Brickey Street, Steelville, Missouri.  
 Send comments to The Honorable Terry Palmer, Mayor, City of Steelville, 103 Brickey Street, Steelville, Missouri 65565.

North Dakota .....	Raymond (Township) Cass County.	Maple River .....	At middle of eastern edge of Section 30 in Township 140 North Range 50 West.	None	*903
			At southwestern corner of Section 30 in Township 140 North Range 50 West.	None	*904

Maps are available for inspection at the Office of the Zoning Administration, 16365 33rd Street, Southeast, Mapleton, North Dakota.  
 Send comments to The Honorable Jim Hagenson, Chairman, Raymond Township Board, 16620 33rd Street, Southeast, Harwood, North Dakota 58042

Oregon .....	Gresham (City) Multnomah County.	Kelly Creek .....	Approximately 130 feet downstream of Division Street.	*335	*335
			Approximately 400 feet upstream of NE Kane Road.	None	*353
			Approximately 410 feet downstream of SE El Camino Drive.	None	*355
			Approximately 430 feet upstream of Powell Valley Road.	None	*387
			Approximately 670 feet downstream of SE Ironwood Way.	None	*416

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
	.....	Approximately 630 feet upstream of 282nd Street.	None .....	*446	

Maps are available for inspection at the Community Map Repository, City of Gresham, Community & Economic Development Department, 1333 NW Eastman Parkway, Gresham, Oregon.

Send comments to The Honorable Charles Becker, Mayor, City of Gresham, 1333 NW Eastman Parkway, Gresham, Oregon 97030.

Oregon .....	Warm Springs Indian Reservation.	Warm Springs River .....	Approximately 500 feet downstream of Bia Route 13.	None	*1,408
			Approximately 650 feet upstream of Bia Route 3.	None	*1,471
		Shitike Creek .....	Approximately 100 feet upstream of the confluence with Deschutes River.	None	*1,372
			Approximately 5,850 feet upstream of confluence with Tenino Creek.	None	*1,534
		Tenino Creek .....	At confluence with Shitike Creek .....	None	*1,471
			Approximately 3,700 feet upstream of Bia Route 4.	None	*1,540

Maps are available for inspection at the Confederated Tribes of Warm Springs, 1233 Veterans Street, Warm Springs, Oregon.

Send comments to The Honorable Olney Platt Jr., Chairman, Confederated Tribes of Warm Springs Reservation, P.O. Box C, Warm Springs, Oregon 97761.

South Dakota .....	Hot Springs, (City) Fall River County.	Cold Brook Creek .....	At confluence with Hot Brook Creek and Fall River.	None	*3,475
			Approximately 300 feet upstream of Tillotson Street.	None	*3,502
		Fall River .....	Approximately 1,250 feet downstream of Joplin Avenue.	None	*3,375
			At confluence with Hot Brook Creek and Cold Brook Creek.	None	*3,475
		Unnamed Tributary to Fall River.	At confluence with Fall River .....	None	3,390
			Approximately 700 feet upstream of River Street.	None	*3,408

Maps are available for inspection at City Hall, 303 North River Street, Hot Springs, South Dakota.

Send comments to The Honorable Karleen Kirchner, Mayor, City of Hot Springs, 303 North River Street, Hot Springs, South Dakota 57747.

Wyoming .....	Newcastle (City) Weston County.	Cambria Creek .....	Approximately 1930 feet downstream of Carter Avenue.	None	+4,248
			Approximately 2,100 feet upstream of North Summit Avenue.	None	+4,350
		Cambria Overflow .....	At convergence with Little Oil Creek .....	None	+4,188
			At divergence from Cambria Creek .....	None	+4,268
		Cave Spring Canyon .....	At confluence with Cambria Creek .....	None	+4,335
			Approximately 1,950 feet upstream of confluence with Cambria Creek.	None	+4,373
		Little Oil Creel .....	Approximately 1,900 feet downstream of Morrisey County Road.	None	+4,134
			At U.S. Highway 16 Bypass .....	None	+4,227
			At Stampede Street .....	None	+4,270

+NAVD of 1988

Maps are available for inspection at City Hall, 10 W. Warwick, Newcastle, Wyoming.

Send comments to The Honorable Mike Mills, Mayor, City of Newcastle, 10 W. Warwick, Newcastle, WY 82701.

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

Dated: July 31, 2001.

**Robert F. Shea,**

*Acting Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 01-19684 Filed 8-6-01; 8:45 am]

BILLING CODE 6718-04-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 544

[Docket No.: 2001-001; Notice 01]

RIN 2127-A107

#### Insurer Reporting Requirements; List of Insurers Required to File Reports

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend Appendices A, B, and C of 49 CFR Part 544, insurer reporting requirements. The appendices list those passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences. An insurer included in any of these appendices would be required to file three copies of its report for the 1998 calendar year before October 25, 2001. If the passenger motor vehicle insurers remain listed, they must submit reports by each subsequent October 25.

**DATES:** Comments must be submitted not later than October 9, 2001. Insurers listed in the appendices would be required to submit reports on or before October 25, 2001.

**ADDRESSES:** Comments on this proposed rule must refer to the docket number referenced in the heading of this notice and submit them to: Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are 9:30 a.m. to 4:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Henrietta L. Spinner, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590.

Ms. Spinner's telephone number is (202) 366-4802. Her fax number is (202) 493-2290.

#### SUPPLEMENTARY INFORMATION:

##### Background

Pursuant to 49 U.S.C. 33112, Insurer reports and information, NHTSA

requires certain passenger motor vehicle insurers to file an annual report with the agency. Each insurer's report includes information about thefts and recoveries of motor vehicles, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the actions taken by the insurer to reduce or deter theft. Under the agency's regulation, 49 CFR Part 544, the following insurers are subject to the reporting requirements: (1) Those issuers of motor vehicle insurance policies whose total premiums account for 1 percent or more of the total premiums of motor vehicle insurance issued within the United States; (2) those issuers of motor vehicle insurance policies whose premiums account for 10 percent or more of total premiums written within any one state; and (3) rental and leasing companies with a fleet of 20 or more vehicles not covered by theft insurance policies issued by insurers of motor vehicles, other than any governmental entity.

Pursuant to its statutory exemption authority, the agency exempted certain passenger motor vehicle insurers from the reporting requirements.

##### A. Small Insurers of Passenger Motor Vehicles

Section 33112(f)(2) provides that the agency shall exempt small insurers of passenger motor vehicles if NHTSA finds that such exemptions will not significantly affect the validity or usefulness of the information in the reports, either nationally or on a state-by-state basis. The term "small insurer" is defined, in Section 33112(f)(1)(A) and (B), as an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including pooling arrangements established under state law or regulation for the issuance of motor vehicle insurance, account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States. However, that section also stipulates that if an insurance company satisfies this definition of a "small insurer," but accounts for 10 percent or more of the total premiums for all motor vehicle insurance issued in a particular state, the insurer must report about its operations in that state.

In the final rule establishing the insurer reports requirement (52 FR 59; January 2, 1987), 49 CFR Part 544, NHTSA exercised its exemption authority by listing in Appendix A each insurer that must report because it had at least 1 percent of the motor vehicle insurance premiums nationally. Listing the insurers subject to reporting, instead

of each insurer exempted from reporting because it had less than 1 percent of the premiums nationally, is administratively simpler since the former group is much smaller than the latter. In Appendix B, NHTSA lists those insurers required to report for particular states because each insurer had a 10 percent or greater market share of motor vehicle premiums in those states. In the January 1987 final rule, the agency stated that it would update Appendices A and B annually. NHTSA updates the appendices based on data voluntarily provided by insurance companies to A.M. Best, which A.M. Best publishes in its State/Line Report each spring. The agency uses the data to determine the insurers' market shares nationally and in each state.

##### B. Self-Insured Rental and Leasing Companies

In addition, upon making certain determinations, NHTSA grants exemptions to self-insurers, i.e., any person who has a fleet of 20 or more motor vehicles (other than any governmental entity) used for rental or lease whose vehicles are not covered by theft insurance policies issued by insurers of passenger motor vehicles, 49 U.S.C. 33112(b)(1) and (f). NHTSA may exempt a self-insurer from reporting, if the agency determines:

(1) The cost of preparing and furnishing such reports is excessive in relation to the size of the business of the insurer; and

(2) The insurer's report will not significantly contribute to carrying out the purposes of Chapter 331.

In a final rule published June 22, 1990 (55 FR 25606), the agency granted a class exemption to all companies that rent or lease fewer than 50,000 vehicles, because it believed that the largest companies' reports sufficiently represent the theft experience of rental and leasing companies. NHTSA concluded that smaller rental and leasing companies' reports do not significantly contribute to carrying out NHTSA's statutory obligations and that exempting such companies will relieve an unnecessary burden on them. As a result of the June 1990 final rule, the agency added Appendix C, consisting of an annually updated list of the self-insurers subject to Part 544. Following the same approach as in Appendix A, NHTSA included, in Appendix C, each of the self-insurers subject to reporting instead of the self-insurers which are exempted. NHTSA updates Appendix C based primarily on information from Automotive Fleet Magazine and Business Travel News.