

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Pilatus Aircraft Ltd.:** Docket No. FAA 2004–19221; Directorate Identifier 2004–CE–28–AD

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by December 3, 2004.

What Other ADs Are Affected By This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects Models PC–12 and PC–12/45 airplanes, all serial numbers, that are certificated in any category.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of mandatory continuing airworthiness information (MCAI)

issued by the airworthiness authority for Switzerland. The actions specified in this AD are intended to prevent failure of the main landing gear (MLG) actuator, which could result in loss of hydraulic extension/retraction of the MLG. This failure could lead to loss of control during ground operations.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Check the airplane logbook to ensure that no main landing gear (MLG) actuator (part number (P/N) 960.30.01.103) with serial numbers (SN) 830E through 881E is installed.	Within 90 days after the effective date of this AD, unless already done.	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do this check.
(2) If you can positively determine that no MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is installed, then no further action is required.	Not Applicable .....	Make an entry in the aircraft records showing compliance with paragraphs (e)(1) and (e)(2) of this AD per section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).
(3) If you cannot positively determine that no MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is installed, then inspect any MLG actuator (P/N 960.30.01.103) for SN 830E through 881E.	Within 90 days after the effective date of this AD, unless already done.	Follow the Accomplishment Instructions—Aircraft section in Pilatus PC–12 Service Bulletin No. 32–017, dated August 3, 2004.
(4) If any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is found during the inspection required by paragraph (e)(3) of this AD, replace the MLG actuator with a P/N 960.30.01.103 actuator that has a SN other than 830E through 881E.	Before further flight after the inspection required by paragraph (e)(3) of this AD in which any actuator with SN 830E through 881E is found.	Follow the Accomplishment Instructions—Aircraft section in Pilatus PC–12 Service Bulletin No. 32–017, dated August 3, 2004.
(5) Do not install any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E.	As of the effective date of this AD .....	Not Applicable.

**Note:** The FAA recommends that you send any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E to Pilatus.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

Is There Other Information That Relates to This Subject?

(g) Swiss AD Number HB 2004–330, dated August 18, 2004, also addresses the subject of this AD.

May I Get Copies of the Documents Referenced in This AD?

(h) To get copies of the documents referenced in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; e-mail: [SupportPC12@pilatus-aircraft.com](mailto:SupportPC12@pilatus-aircraft.com) or from

Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA 2004–19221.

Issued in Kansas City, Missouri, on October 25, 2004.

**Scott L. Sedgwick,**

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

[FR Doc. 04–24323 Filed 10–29–04; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA–P–7659]

#### 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, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, 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 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 ♦ (NAVD)	
				Existing	Modified
MO .....	Knob Noster (City) Johnson County.	Clear Fork .....	.....	♦ 714	♦ 726
		Hughes Branch .....	.....	♦ 747	♦ 779
		Tributary 1 .....	.....	♦ 774	♦ 781
		Tributary 2 .....	.....	♦ 750	♦ 778

Maps are available for inspection at City Hall, 218 North State Street, Knob Noster, Missouri.

Send comments to The Honorable Edward Thering, Mayor, City of Knob Noster, 218 North State Street, Knob Noster, Missouri 65336.

State	City/town/county	Source of flooding	Location	# Depth in feet above ground * Elevation in Feet * (NGVD)	
				Existing	Modified
OK .....	Altus (City) Jack- son County.	Tributary 1 .....	Approximately 0.40 mile downstream of North 2070 Road/Challenger Boulevard. Approximately 250 feet upstream of East Tammarack Road.	* 1,337	* 1,339
		Tributary 2 .....	Just upstream of Burlington and Santa Fe Railroad Bridge.	* 1,378	* 1,376
		Tributary 3 .....	Approximately 1.7 miles upstream of Veterans Drive.	* 1,345	* 1,346
		Tributary 3 .....	At the confluence with Tributary 1 .....	* 1,369	* 1,370
				* 1,364	* 1,363

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 300 East Commerce Street, Altus, Oklahoma.

Send comments to The Honorable T.L. Gramling, Mayor, City of Altus, 300 East Commerce Street, Altus, OK 73521.

	Jackson County (Unincorporated Areas).	Tributary 1 .....	Just downstream of County Highway 164	None	* 1,334
			Approximately 1,550 feet upstream of the confluence of Tributary 2.	None	* 1,343
		Tributary 2 .....	At confluence with Tributary 1 .....	None	* 1,343
			Just upstream of Burlington Northern and Santa Fe Railway Bridge.	None	* 1,346

Maps are available for inspection at 101 North Main Street, Room 101, Altus, Oklahoma.

Send comments to The Honorable Ricky Crouch, Commissioner, District 2, Jackson County, 101 North Main Street, Room 101, Altus, OK 73521.

TX .....	Corsicana (City) Navarro County.	Mesquite Branch .....	At the confluence with Post Oak Creek (Lower Reach).	* 367	* 368
			Approximately 20 feet upstream of South 15th Street.	* 415	* 416
		Post Oak Creek (Lower Reach).	Approximately 200 feet downstream of the confluence of Mesquite Branch.	* 367	* 368
			Approximately 370 feet downstream of the confluence of South Fork Post Oak Creek and divergence of Post Oak Creek (Upper Reach).	* 408	* 407
		Post Oak Creek (Upper Reach).	Approximately 350 feet upstream of the confluence of South Fork Post Oak Creek and divergence of Post Oak Creek (Upper Reach).	* 409	* 408
			Approximately 2,960 feet upstream of Bowie Drive.	None	* 416
		Post Oak Creek Tributary 3.	At the confluence with Post Oak Creek (Lower Reach).	* 399	* 398
			Just upstream of Burlington Northern & Santa Fe Railway.	None	* 402
		Post Oak Creek Tributary 5.	At the confluence with Post Oak Creek (Lower Reach).	* 407	* 406
			Just upstream of Forrest Lane .....	None	* 430
		Post Oak Creek Tributary 6.	At the confluence with Post Oak Creek (Upper Reach).	* 412	* 411
			Approximately 190 feet upstream of Emhouse Road.	None	* 449
		South Fork Post Oak Creek.	At the confluence with Post Oak Creek (Lower Reach) and Post Oak Creek (Upper Reach).	* 409	* 408
			Approximately 1,490 feet upstream of North 29th Street.	None	* 438
		Town Branch .....	Approximately 150 feet upstream of the confluence with Mesquite Branch.	* 391	* 390
			Approximately 620 feet upstream of North 24th Street.	None	* 454

Maps are available for inspection at the Engineering Department, City of Corsicana Government Center, 200 North 12th Street, Corsicana, Texas.

Send comments to The Honorable Jay Waterman, Mayor, City of Corsicana, City of Corsicana Government Center, 200 North 12th Street, Corsicana, TX 75110.

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

Dated: October 26, 2004.

**David I. Maurstad,**

*Acting Director, Mitigation Division,  
Emergency Preparedness and Response  
Directorate.*

[FR Doc. 04-24332 Filed 10-29-04; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 041021287-4287-01; I.D. 101804E]

**RIN 0648-AS82**

#### Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Control Date

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance notice of proposed rulemaking; notice of a control date for the purposes of controlling entry in the general category Atlantic sea scallop fishery.

**SUMMARY:** NMFS announces that it is considering, and is seeking public comment on, proposed rulemaking to control future access to the open access vessel permit category (general category) Atlantic sea scallop fishery if a management regime is developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to limit the number of participants in this sector of the scallop fishery. This sector of the fishery includes vessels with general category permits, as well as vessels with limited access scallop permits that land scallops while not on a scallop day-at-sea (DAS). This announcement is intended, in part, to promote awareness of potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the New England Fishery Management Council (Council) considers whether and how access to the general category sea scallop fishery should be controlled. The date of publication of this notice, November 1, 2004, shall be known as the "control date" and may be used for establishing eligibility criteria for determining levels of future access to the sea scallop fishery subject to Federal authority.

**DATES:** Written comments must be received on or before 5:00 p.m., local time, December 1, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [sccontroldate@NOAA.gov](mailto:sccontroldate@NOAA.gov).

Include in the subject line the following: "Comments on the Atlantic Sea Scallop Control Date Notice."

- Federal e-Rulemaking Portal: <http://www.regulations.gov>.

- Mail: Paper, disk, or CD-ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the Atlantic Sea Scallop Control Date Notice."

- Fax: (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:**

Peter W. Christopher, Fishery Policy Analyst, 978-281-9288; fax 978-281-9135. email: [peter.christopher@noaa.gov](mailto:peter.christopher@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Atlantic sea scallop is a benthic bivalve shellfish that supports a major commercial fishery on the Atlantic coast. Its distribution in Federal waters ranges from the international boundary with Canada, west to Georges Bank and southern New England, and then south to near the North Carolina/Virginia border. Sporadic concentrations of scallops are also found in the Gulf of Maine and south to areas off North Carolina. As scallop populations have rebuilt from being overfished, inshore areas have become more important to smaller commercial scallop fishing vessels. Notable areas where this inshore fishery takes place include the Gulf of Maine; the Great South Channel near Cape Cod, Massachusetts; the Nantucket Lightship Area; off Long Island, New York; off the central New Jersey coast; and off the Delmarva Peninsula.

Landings of scallop meats were 54.9 million lb (24.9 million kg) in 2003 (an increase of 8.1 percent compared to 2002), with a dockside value of \$224.3 million. Of this amount, 1.9 million lb (861,826 kg) (3.5 percent) of scallop meats were landed by 335 vessels with general category scallop permits. Of this general category fishing activity, 175 vessels with general category permits used scallop dredges to land 1.3 million lb (589,670 kg) of scallops, according to Federal dealer reports. In addition to the 660,000 lb (299,371 kg) that vessels with general category permits were reported to have landed during March 1 to December 31, 2002, limited access vessels landed an additional 96,000 lb (43,545 kg) (12.7 percent of the general

category landings) while fishing under general category rules, according to the analysis in the Atlantic Sea Scallop Fishery Management Plan (FMP) Amendment 10 document.

Further, the number of general category scallop permits issued between 2000 and 2004 is higher than the number of permits issued between 1994 and 1999. During the years 1994 to 1999 the number of permits issued ranged from 1,960 (in 1994) to 2,074 (in 1999). During the years 2000 to 2004 the number of permits issued ranged from 2,247 (in 2000) to 2,536 (in 2003). Since March 1, 2004, general category permits issued during the 2004 fishing year stand at 2,367.

According to the stock projections in the Framework 16 to the Atlantic Sea Scallop FMP and Framework 39 to the Northeast Multispecies FMP analysis, the current sea scallop Maximum Sustainable Yield (MSY) estimate is about 55 million lb (25 million kg) of meats. Annual landings are expected to vary considerably from this amount at times, due to natural variability in scallop recruitment. The Council notes that current capacity in the scallop fishery is sufficient to harvest or exceed MSY, and additional fishing by vessels that fish under general category rules has the potential to cause overfishing. The Council is also concerned that such fishing may change the historic distribution of landings among vessels, reduce the number of fishing days allocated to limited access vessels, and allow vessels that are not traditional participants in the scallop fishery to enter the fishery in response to improving scallop resource conditions coupled with increasing restrictions and declining prices in other fisheries.

The Council's original intent in establishing the general category scallop permit implemented in 1994 through Amendment 4 to the Atlantic Sea Scallop FMP, was to accommodate customary scallop bycatch in other fisheries and allow a flexible program for seasonal or opportunistic fisheries targeting inshore scallops. In response to recent concerns raised to the Council about expansion of directed scallop fishing under general category rules, the Council may consider development of an amendment to the Atlantic Sea Scallop FMP or framework action that could restrict access in the general category scallop fishery to control harvest capacity. Future entry into the general category fishery may be based on levels of participation (e.g., permit categories based on historic harvest levels of a vessel) or other criteria related to overall harvest capacity.