

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) modified ◆Elevation in feet (NAVD) modified
			Approximately 370 feet downstream of the confluence of South Fork Post Oak Creek and divergence of Post Oak Creek (Upper Reach).	*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).	*408
			Approximately 2,960 feet upstream of Bowie Drive.	*416
		Post Oak Creek Tributary 3.	At the confluence with Post Oak Creek (Lower Reach).	*398
			Just upstream of Burlington Northern & Santa Fe Railway.	*402
		Post Oak Creek Tributary 5.	At the confluence with Post Oak Creek (Lower Reach).	*406
			Just upstream of Forrest Lane .....	*430
		Post Oak Creek Tributary 6.	At the confluence with Post Oak Creek (Upper Reach).	*411
			Approximately 190 feet upstream of Emhouse Road.	*449
		South Fork Post Oak Creek.	At the confluence with Post Oak Creek (Lower Reach) and Post Oak Creek (Upper Reach).	*408
			Approximately 1,490 feet upstream of North 29th Street.	*438
		Town Branch .....	Approximately 150 feet upstream of the confluence with Mesquite Branch.	*390
			Approximately 620 feet upstream of North 24th Street.	*454

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

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

Dated: March 25, 2005.

**David I. Maurstad,**

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

[FR Doc. 05-6435 Filed 3-31-05; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

#### Final Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations and modified Base Flood Elevations (BFEs) are made final for the communities listed below. The BFEs and modified BFEs are the basis

for the floodplain management measures that each 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).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

**ADDRESSES:** The final base flood elevations 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 BFEs and 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.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and 44 CFR part 67.

The Federal Emergency Management Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

**National Environmental Policy Act**

This 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 establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**Regulatory Classification**

This final 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 rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

**Executive Order 12778, Civil Justice Reform**

This 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 amended to read 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.

**§ 67.11 [Amended]**

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location of referenced elevation	◆ Elevation in feet (NAVD) modified	Communities affected
<i>Alexander Creek:</i> Approximately 8,025 feet upstream of Ward Road .....	◆942	FEMA Docket No. P7661 Cass County (Unincorporated Areas), City of Raymore.
Approximately 5,600 feet upstream of Prairie Road .....	◆1,004	
<i>East Branch South Grand River:</i> Approximately 9,900 feet upstream of confluence of Wolf Creek .....	◆886	Cass County (Unincorporated Areas), City of Peculiar.
Approximately 510 feet upstream of Kendall Road .....	◆954	
<i>East Branch of West Fork East Creek:</i> At confluence with West Fork East Creek .....	◆974	FEMA Docket No. P7661, Cass County (Unincorporated Areas), City of Belton.
Approximately 3,050 feet upstream of Confluence with West Fork East Creek .....	◆990	
<i>East Creek Tributary:</i> Approximately 990 feet downstream of Pickering Road .....	◆918	Cass County (Unincorporated Areas), City of Raymore.
Approximately 10,000 feet upstream of Confluence of North Fork East Creek Tributary .....	◆1,000	
<i>East Fork of East Tributary of East Branch South Grand River:</i> At confluence with East Tributary of East Branch South Grand River .....	◆937	Cass County (Unincorporated Areas).
Approximately 3,250 feet upstream of 200th Street .....	◆1,007	
<i>East Tributary of East Branch South Grand River:</i> At confluence with East Branch South Grand River .....	◆889	Cass County (Unincorporated Areas).
Approximately 2,920 feet upstream of Prairie Road .....	◆993	
<i>East Tributary of Lumpkins Fork:</i> Approximately 4,770 feet downstream of North Madison Street .....	◆954	City of Raymore.
Approximately 40 feet upstream of 155th Street .....	◆999	
<i>East Tributary of Massey Creek:</i> Approximately 3,225 feet downstream of Missouri Highway D .....	◆944	FEMA Docket No. P7661, Cass County (Unincorporated Areas).
Approximately 85 feet upstream of Cedar Road .....	◆997	
<i>Lower East Fork of East Creek Tributary:</i> At confluence with East Creek Tributary .....	◆931	Cass County (Unincorporated Areas), City of Raymore.
Approximately 12,800 feet upstream of U.S. Highway 71 .....	◆987	
<i>Lower East Tributary of Mill Creek:</i> At confluence with Mill Creek .....	◆885	Cass County (Unincorporated Areas).
Approximately 8,120 feet upstream of confluence with Mill Creek .....	◆937	
<i>Lumpkins Fork:</i>		

Source of flooding and location of referenced elevation	♦ Elevation in feet (NAVD) modified	Communities affected
At 155th Street .....	♦945	Cass County (Unincorporated Areas).
Approximately 70 feet upstream of North Madison Street .....	♦979	
<i>Massey Creek:</i> Approximately 5,070 feet downstream of 223rd Street .....	♦904	Cass County (Unincorporated Areas).
At State Line Road .....	♦969	
<i>Middle East Tributary of Mill Creek:</i> Approximately 3,950 feet upstream of Confluence with Mill Creek .....	♦912	Cass County (Unincorporated Areas).
<i>Middle East Tributary of Mill Creek:</i> Approximately 6,320 feet upstream of confluence with Mill Creek .....	♦940	FEMA Docket No. P7661, Cass County (Unincorporated Areas).
<i>Mill Creek:</i> At County Boundary .....	♦871	Cass County (Unincorporated Areas).
Approximately 95 feet downstream of 187th Street .....	♦1,045	
<i>North Branch of Upper East Fork of East Creek Tributary:</i> Approximately 1,700 feet downstream of Hubach Hill Road .....	♦976	Cass County (Unincorporated Areas).
Approximately 25 feet upstream of Hubach Hill Road .....	♦986	
<i>North Fork of East Creek Tributary:</i> At confluence with East Creek Tributary .....	♦953	Cass County (Unincorporated Areas).
Approximately 11,000 feet upstream of confluence with East Creek Tributary .....	♦990	
<i>North Tributary of Wolf Creek:</i> Approximately 410 feet downstream of East 233rd Street .....	♦927	Cass County (Unincorporated Areas), City of Peculiar.
Approximately 40 feet upstream of East 227th Street .....	♦954	
<i>Poney Creek:</i> Approximately 4,925 feet downstream of Bennett Road .....	♦831	Cass County (Unincorporated Areas), City of Freeman.
<i>Poney Creek:</i> Approximately 7,550 feet upstream of Poney Creek Road .....	♦849	FEMA Docket No. P7661, Cass County (Unincorporated Areas), City of Freeman.
<i>Silver Lake:</i> <i>South Grand River:</i> Approximately 5,160 feet downstream of State Highway 2 .....	♦1,029	City of Raymore.
Approximately 765 feet upstream of Lake Annette Road .....	♦829	Cass County (Unincorporated Areas).
Approximately 1,500 feet downstream of State Highway 58 .....	♦850	
Approximately 85 feet upstream of State Highway 58 .....	♦988	Cass County (Unincorporated Areas), City of Raymore.
<i>Upper East Fork of East Creek Tributary:</i> Approximately 2,685 feet downstream of Good Ranch Road .....	♦996	
Approximately 50 feet upstream of Hubach Hill Road .....	♦947	Cass County (Unincorporated Areas), City of Raymore.
<i>Upper East Tributary of Mill Creek:</i> At Highland Ridge Drive .....	♦993	
Approximately 5,800 feet upstream of Highland Ridge Drive .....	♦933	Cass County (Unincorporated Areas).
<i>West Tributary of East Branch South Grand River:</i> Approximately 2,095 feet downstream of East 223rd Street .....	♦988	
Approximately 75 feet upstream of East 223rd Street .....	♦896	FEMA Docket No. P7661, Cass County (Unincorporated Areas).
<i>West Tributary of Lumpkins Fork:</i> At 155th Street .....	♦915	
Approximately 1,065 feet upstream of 155th Street .....	♦946	Cass County (Unincorporated Areas).
<i>Wolf Creek:</i> Approximately 7,100 feet upstream of Confluence with East Branch South Grand River .....	♦998	
	♦889	Cass County (Unincorporated Areas), City of Peculiar.

Source of flooding and location of referenced elevation	♦ Elevation in feet (NAVD) modified	Communities affected
Approximately 1,170 feet upstream of 233rd Street .....	♦ 946	

**ADDRESSES:****Unincorporated Areas of Cass County, Missouri:**

Maps are available for inspection at 102 East Wall Street, Harrisonville, Missouri.

**City of Belton, Cass County, Missouri:**

Maps are available for inspection at City Hall, 506 Main Street, Belton, Missouri.

**City of Freeman, Cass County, Missouri:**

Maps are available for inspection at City Hall, 105 East Main Street, Freeman, Missouri.

**City of Peculiar, Cass County, Missouri:**

Maps are available for inspection at City Hall, 600 Schug Avenue, Peculiar, Missouri.

**City of Raymore, Cass County, Missouri:**

Maps are available for inspection at City Hall, 104 North Madison Street, Raymore, Missouri.

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
<i>Cottonwood Creek:</i> Just upstream of SE 14th Street .....	*467	FEMA Docket No. P7607, City of Dallas, City of Grand Prairie.
Approximately 700 feet upstream of Great Southwest Parkway .....	*531	
<i>Duck Creek:</i> Approximately 600 feet downstream of Collins Road .....	*458	City of Dallas, City of Garland, City of Mesquite, Town of Sunnyvale, Dallas County (Unincorporated Areas).
Just downstream of Beltline Road .....	*592	
<i>South Fork Cottonwood Creek:</i> Approximately 150 feet downstream of Carrier Parkway .....	*486	City of Garland.
Just downstream of Great Southwest Parkway .....	*547	
<i>Stream 2C2:</i> At the mouth of Stream 2C2 .....	*494	City of Grand Prairie.
Approximately 630 feet upstream of Glenbrook Drive .....	*495	
<i>Stream 8D1:</i> At the mouth of Stream 8D1 .....	*467	City of Dallas, City of Grand Prairie.
Approximately 50 feet downstream of Belt Line Road .....	*489	
<i>Stream 8D3:</i> Approximately 300 feet downstream of Southeast 4th Street .....	*474	FEMA Docket No. P7607, City of Grand Prairie.
Approximately 75 feet downstream of South Center Street .....	*488	
<i>Stream 8D6:</i> At the mouth of Stream 8D6 .....	*505	City of Grand Prairie.
Approximately 2,350 feet upstream of Arkansas Lane .....	*544	
<i>Stream 8D71</i> Approximately 2,000 feet downstream of Sherman Street .....	*496	City of Grand Prairie.
Approximately 50 feet downstream of Sherman Street .....	*512	

**ADDRESSES:****Unincorporated Areas of Dallas County, Texas:**

Maps are available for inspection at the Administration Building, 411 Elm Street, 4th Floor, Dallas, Texas.

**City of Dallas, Dallas County, Texas:**

Maps are available for inspection at 320 East Jefferson Boulevard, Dallas, Texas.

**City of Garland, Dallas County, Texas:**

Maps are available for inspection at 200 North 5th Street, Garland, Texas.

**City of Grand Prairie, Dallas County, Texas:**

Maps are available for inspection at the City Development Center, 206 West Church Street, Grand Prairie, Texas.

**City of Mesquite, Dallas County, Texas:**

Maps are available for inspection at 320 East Jefferson Boulevard, Dallas, Texas.

**Town of Sunnyvale, Dallas County, Texas:**

Maps are available for inspection at 537 Long Creek Road, Sunnyvale, Texas.

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

Dated: March 25, 2005.

**David I. Maurstad,**

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

[FR Doc. 05-6434 Filed 3-31-05; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 573

[Docket No. NHTSA-2001-10856; Notice 3]

**RIN 2127-AI29**

#### Motor Vehicle Safety; Disposition of Recalled Tires

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

**ACTION:** Final rule; response to petition for reconsideration.

**SUMMARY:** This document responds to the Rubber Manufacturers Association's (RMA) September 27, 2004 petition for reconsideration of the August 13, 2004 final rule addressing the disposal of recalled tires. RMA requested that NHTSA reconsider a statement in the preamble to the final rule that Section 7 of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act prohibits the use of recalled tires in the construction of landfills. NHTSA has decided that the TREAD Act does not prohibit the use of recalled tires in landfill construction.

**FOR FURTHER INFORMATION CONTACT:** For technical issues: Mr. George Person, Office of Defects Investigation, NHTSA. Telephone 202-366-5210. For legal issues: Ms. Jennifer Timian, Office of Chief Counsel, NHTSA. Telephone 202-366-5263.

**SUPPLEMENTARY INFORMATION:** On November 1, 2000, the TREAD Act, Pub. L. 106-414, 114 Stat. 1800, was enacted. The Act mandated, among other things, that a manufacturer's remedy program for recalled tires "include a plan addressing how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses." Section 7 TREAD Act, codified at, 49 U.S.C. 30120(d).

To implement Section 7 of the TREAD Act, on December 18, 2001, we

published a Notice of Proposed Rulemaking that, among other things, would require manufacturer remedy programs to address how the manufacturer will limit the disposal of the recalled tires in landfills and instead channel them into positive categories of reuse. 66 FR 65165. RMA and the National Solid Waste Management Association (NSWMA) commented that certain States and local jurisdictions currently permit the use of scrap tires in landfills in certain applications like lining and engineering fill. Accordingly, RMA asked NHTSA in its final rule to distinguish between the use of tires as landfill construction materials, which RMA argued was an alternative beneficial non-vehicular use encouraged under the statute, and the discarding of tires into landfills.

On August 13, 2004, NHTSA published a final rule implementing Section 7. 69 FR 50077. In the preamble, we rejected the request by RMA and NSWMA that we affirmatively authorize the use of scrap tires in landfills in the final rule.

On September 27, 2004, RMA petitioned the agency to reconsider its views. It asserted that Section 7's and the final rule's language addressed disposal of tires in landfills, and that use of tires in landfill construction does not meet this definition. The association argued that this end-use application is considered in the scrap tire industry and market to be an "alternative beneficial non-vehicular use" specifically allowed and encouraged under the TREAD Act. In support of its petition, RMA provided a copy of its report, "U.S. Scrap Tire Markets, 2003 edition," which noted that the use of shredded tires in landfill construction and operation was the fastest growing civil engineering application for scrapped tires.

RMA's petition presents the narrow question of whether Section 7 of the TREAD Act prohibits the use of recalled tires or parts thereof in landfill construction. We conclude that it does not. Section 7 employs the term "disposal," and also refers to beneficial non-vehicular uses. In the context of Section 7, disposal does not include the use of tires or parts thereof in landfill construction.

This notice is limited to Section 7 of the TREAD Act. Our interpretation of Section 7 does not limit how any Federal, State, or local regulatory authorities address replaced tires under the laws and regulations they administer. Moreover, NHTSA does not authorize or endorse the use of tires or parts thereof in landfill construction or

any other particular application for scrapped tires.

### Regulatory Analyses and Notices

This notice does not alter the burdens and impacts discussed in the Regulatory Analyses in the preamble to the final rule. 69 FR 50083-84. To the extent that the Regulatory Analyses may be relevant, they are hereby incorporated by reference. The analysis of the Paperwork Reduction Act is updated as follows. On January 11, 2005, OMB approved the information collection necessitated by the final rule. The approval number associated with this information collection is OMB No. 2127-0004 (expiration date January 31, 2008).

Issued on: March 29, 2005.

**Jeffrey W. Runge,**

*Administrator.*

[FR Doc. 05-6471 Filed 3-31-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 300 and 679

[Docket No. 040607171-5078-02; I.D. 051804C]

**RIN 0648-AR88**

#### Pacific Halibut Fisheries; Subsistence Fishing

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to amend the subsistence fishery rules for Pacific halibut in waters off Alaska. This action is necessary to address subsistence halibut management concerns in densely populated areas. This action is intended to meet the conservation and management requirements of the Northern Pacific Halibut Act of 1982 (Halibut Act) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Effective on May 2, 2005.

**ADDRESSES:** Copies of the environmental assessment (EA), regulatory impact review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and Final Regulatory Flexibility Analysis (FRFA) prepared for this action are available from NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668, Attn: