

■ 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 (NGVD) modified	Communities affected
<i>East Fork to Soap Creek:</i>		
At the confluence with Soap Creek .....	*593	FEMA Docket No. P7685, Ellis County (Unincorporated Areas), City of Midlothian.
At Weatherford Road. ....	*616	
<i>Newton Branch:</i>		
At the confluence with Soap Creek .....	*546	Ellis County (Unincorporated Areas).
At NRCS Dam No. 10 (Mountain Creek Watershed) .....	*564	City of Midlothian.
<i>Plains Creek:</i>		
At the confluence with Newton Branch .....	*550	FEMA Docket No. P7685, Ellis County (Unincorporated Areas).
Approximately 4,900 feet upstream of Old Fort Worth Road .....	*574	
<i>Soap Creek:</i>		
At approximately 300 feet upstream of the confluence with Grassy Creek .....	*538	Ellis County (Unincorporated Areas), City of Midlothian.
Approximately 1,900 feet upstream of the confluence of East Fork to Soap Creek.	*598	
<i>Tributary No. 6 to Soap Creek:</i>		
At the confluence with Soap Creek .....	*570	Ellis County (Unincorporated Areas).
Approximately 2,600 feet upstream of the confluence with Soap Creek .....	*574	
<i>West Fork to Soap Creek:</i>		
At the confluence with Soap Creek .....	*581	Ellis County (Unincorporated Areas).
Approximately 2,500 feet upstream of Ray White Road .....	*601	
<i>Lake Joe Pool:</i>		
Entire shoreline .....	*538	

**ADDRESSES**

**Unincorporated Areas of Ellis County, Texas**

Maps are available for inspection at the Ellis County Courthouse, 101 West Main Street, Waxachachie, Texas.

**City of Midlothian, Ellis County, Texas**

Maps are available for inspection at City Hall, 104 West Avenue East, Midlothian, Texas.

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

Dated: August 4, 2005.

**David I. Maurstad,**

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

[FR Doc. 05-15991 Filed 8-11-05; 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) modified ♦Elevation in feet (NAVD) modified
NM .....	Jal (City) Lea County (FEMA Docket No. P7683).	Flow Path 1 .....	Approximately 2,900 feet downstream of Whitworth Drive.	♦3,000
			Approximately 1,250 feet upstream of East Kansas Avenue.	♦3,071
		Flow Path 2 .....	At the confluence with Flow Path 1 .....	♦3,054
			Approximately 400 feet upstream of Ocho Road.	♦3,082
		Flow Path 3 .....	At the confluence with Flow Path 1 .....	♦3,051
			Approximately 80 feet upstream of West Kansas Avenue.	♦3,087
		Flow Path 4 .....	Approximately 200 feet downstream of West Nevada Avenue.	♦3,025
			Approximately 225 feet upstream of West Wyoming Avenue.	♦3,080
		Flow Path 5 .....	Approximately 200 feet downstream of West Minnesota Avenue.	♦3,019
			Approximately 175 feet upstream of West Colorado Avenue.	♦3,080
		Flow Path 6 .....	Approximately 1,350 feet downstream of West Missouri Avenue.	♦3,007
			Approximately 1,775 feet upstream of West Minnesota Avenue.	♦3,046

Maps are available for inspection at 523 Main Street, Jal, New Mexico.

TX .....	New Braunfels (City) Comal and Guadalupe Counties (FEMA Docket No. P7667).	Blieders Creek (Upper Reach).	Approximately 730 feet downstream of State Highway 46.	♦815
			Approximately .52 mile upstream of Horseshoe Trail.	♦858
		Comal River/Dry Comal Creek.	At the confluence with the Guadalupe River.	♦617
			Approximately 1,200 feet upstream of Krueger Canyon Road.	♦666
		Comal Springs/Blieders Creek.	At the convergence with the New Channel Comal River and Old Channel Comal River.	♦625
			Approximately .41 mile upstream of River Road.	♦673

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) modified ♦Elevation in feet (NAVD) modified
		Guadalupe River .....	Approximately .65 mile downstream of the confluence of North Guadalupe Tributary.	♦598
			Approximately 420 feet upstream of the Union Pacific Railroad.	♦635
		New Channel Comal River	At the convergence with Dry Comal Creek.	♦625
			At the divergence from the Old Channel Comal River and Comal Springs.	♦625
		North Guadalupe Tributary	At the confluence with the Guadalupe River.	♦602
			Approximately 110 feet upstream of FM 1044/Old Marion Road.	♦678
		Old Channel Comal River	At the confluence with the Comal River ...	♦618
			At the divergence from the New Channel Comal River and Comal Springs.	♦625
		South Guadalupe Tributary.	At the confluence with the North Guadalupe Tributary.	♦602
			Approximately 100 feet upstream of FM 1044/Old Marion Road.	♦672

Maps are available for inspection at the New Braunfels Municipal Building, 424 South Castell Avenue, New Braunfels, Texas.

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

Dated: August 4, 2005.

**David I. Maurstad,**

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

[FR Doc. 05-15992 Filed 8-11-05; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA-99-5157]

RIN 2127-AJ47

### Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release

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

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

**SUMMARY:** This document responds to petitions for reconsideration of an April 19, 2002 final rule amending Federal Motor Vehicle Safety Standard No. 217, "Bus emergency exits and window retention and release." That final rule amended the standard to reduce the likelihood that wheelchair securement

anchorages will be installed in locations that permit wheelchairs to be secured where they block access to emergency exit doors. Petitioners requested reconsideration of the final rule's use of transverse vertical and horizontal planes to define the area around the side and rear emergency exit doors where wheelchair anchorages may not be located. This request is granted. Petitioners also asked NHTSA to reconsider the "DO NOT BLOCK" warning label. This request is denied.

This final rule applies to new school buses equipped with wheelchair securement anchorages. Nothing in this final rule requires school buses to be so equipped.

**DATES:** Effective date: The effective date for the final rule is: April 24, 2006. Manufacturers are provided optional early compliance with this final rule beginning August 12, 2005. Petitions for reconsideration: Petitions for reconsideration of the final rule must be received not later than September 26, 2005.

**ADDRESSES:** Petitions for reconsideration of the final rule must refer to the docket and notice number set forth above and be submitted to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC, 20590, with a copy to Docket Management, Room PL-

401, 400 Seventh Street, SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may call Mr. Charles Hott, Office of Crashworthiness Standards at (202) 366-0247. 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.

#### SUPPLEMENTARY INFORMATION:

##### I. Summary of Final Rule

Federal Motor Vehicle Safety Standard (FMVSS) No. 217, *Bus emergency exits and window retention and release*, (49 CFR 571.217), specifies requirements for the retention of windows other than windshields in buses, and requirements for operating forces, opening dimensions, and markings for bus emergency exits. The purpose of FMVSS No. 217 is to minimize the likelihood of occupants being thrown from the bus in a crash and to provide a means of readily accessible emergency egress.

On April 19, 2002 (67 FR 19343)(DMS Docket No. NHTSA-99-5157), NHTSA published a final rule amending FMVSS No. 217 to reduce the likelihood that