

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:

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) existing/modified	Communities affected
Muskingum River .....	666-669	Village of Malta.
Muskingum River .....	665-669	Village of McConnelsville.

**ADDRESSES**

**Village of Malta**

Maps are available for inspection at the Village of Malta, 449 Main Street, Malta, Ohio. Send comments to The Honorable Phillip Barkhurst, Mayor, Village of Malta, P.O. Box 307, Malta, Ohio 43758.

**Village of McConnelsville**

Maps are available for inspection at Village Hall, 9 West Main Street, McConnelsville, Ohio. Send comments to Mr. John Thompson, Village Administrator, Village of McConnelsville, 9 West Main Street, McConnelsville, Ohio 43656.

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

Dated: March 24, 2004.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*  
[FR Doc. 04-7594 Filed 4-2-04; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-P-7647]

**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	Range of BFEs Elevation in feet *(NGVD)	
				Existing	Modified
AR .....	Beebe (City) White County.	Cypress Bayou .....	Just upstream of the Union Pacific Railroad.	None	*220
			Approximately 0.85 mile upstream of the Union Pacific Railroad.	None	*220
		Red Cut Slough Tributary	Approximately 0.48 mile downstream of U.S. Highway 67.	None	*224
			At West Mississippi Street .....	None	*235
		Red Cut Slough Tributary A.	Approximately 1,450 feet downstream of the Union Pacific Railroad.	None	*220
Red Cut Slough Tributary No. 2.	Approximately 140 feet upstream of California Street.	None	*229		
	Approximately 0.41 mile upstream of the confluence with Red Cut Slough.	None	*220		
			Approximately 1.40 miles upstream of the confluence with Red Cut Slough.	None	*230

Maps are available for inspection at City Hall, 321 North Elm Street, Beebe, Arkansas.

Send comments to The Honorable Donald Ward, Mayor, City of Beebe, 321 North Elm Street, Beebe, Arkansas 72012.

OK .....	Tuttle (Town) Grady County.	Coal Creek—Lower Reach	Approximately 200 feet upstream of the confluence with the Canadian River.	None	*1,197
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State	City/town/county	Source of flooding	Location	Range of BFEs Elevation in feet *(NGVD)	
				Existing	Modified
		Coal Creek Tributary— Lower Reach.	Approximately 0.5 mile upstream of North Sarah Road.	None	*1,235
			At the confluence with Coal Creek— Lower Reach.	None	*1,221
		Worley Creek—Lower Reach.	Approximately 0.6 mile upstream of the confluence with Coal Creek—Lower Reach.	None	*1,232
			Approximately 1,530 feet downstream of East Silver City Ridge Road.	None	*1,204
			Approximately 140 feet upstream of State Highway 37.	None	*1,243

Maps are available for inspection at the Town Hall, 301 West Main Street, Tuttle, Oklahoma.

Send comments to The Honorable Elberta Jones, Mayor, Town of Tuttle, Town Hall, 301 West Main Street, Tuttle, Oklahoma 73089.

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

Dated: March 24, 2004.

**Anthony S. Lowe,**

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

[FR Doc. 04-7595 Filed 4-2-04; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571 and 572**

[Docket No. NHTSA 2003-11398]

**Denial of Petition for Rulemaking**

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

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This notice denies a two part petition submitted by the Alliance of Automobile Manufacturers (Alliance) under a cover letter of July 19, 2002. The petitioner asked the agency to amend: (1) Part 572 by adding two new subparts to set out specifications for the Occupant Classification Anthropomorphic Test Devices (OCATD-5 and -6), and (2) Federal Motor Vehicle Safety Standard (FMVSS) No. 208 specifications to allow alternative use of OCATD-5 and -6 for manufacturer certification of static suppression test requirements.

**FOR FURTHER INFORMATION CONTACT:** For Non-Legal Issues: Mr. Stan Backaitis, Office of Crashworthiness Standards, NVS-110, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366-4912. Fax: (202) 473-2629.

For Legal Issues: Ms. Rebecca MacPherson, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2992, Fax: (202) 366-3820.

**SUPPLEMENTARY INFORMATION:** The Alliance of Automobile Manufacturers (Alliance) in a letter of July 19, 2002, petitioned the National Highway Traffic Safety Administration (NHTSA) to amend part 572 by adding two new subparts to set out specifications for the Occupant Classification Anthropomorphic Test Devices (OCATD-5 and -6) and to amend FMVSS No. 208 to allow alternative use of OCATD-5 and -6 for manufacturer certification of advanced air bag static suppression test requirements. The petition was accompanied by a University of Michigan Transportation Research Institute (UMTRI) based Technical Report containing the following attachments: (1) "Anthropometric and Performance Standards for the OCATDs" (Attachment A), (2) "Quantitative Evaluation of the Seat Pressure Measurements, Body Weight Distribution and Posture Effects on Those Measurements" (Attachment B), and (3) OCATD-5 and -6 drawing

packages (Attachments C and D, respectively).

**Issues Raised in the Petitions**

FMVSS No. 208 requires that frontal passenger air bag systems either suppress deployment or deploy in a low risk manner during frontal collisions when a small child is present. Also the manufacturer must pass the dynamic performance requirements of the standard, which usually requires deployment of the air bag for the 5th percentile female dummy. One provision of the standard specifies that suppression systems may be tested using either small adult female and six-year-old Hybrid-III dummies, or human volunteers who approximately match those body sizes. The Alliance states that:

(1) Crash test dummies are poorly suited to the development and certification of the occupant classification components of some advanced air bag systems because:

- Hybrid-III and THOR crash dummies do not produce required humanlike seat surface pressure distributions,
- Development of occupant classification systems requires testing of surrogates in a wide range of postures, but many postures that are possible for humans cannot be attained with the specified crash test dummies, and
- Hybrid-III dummies are difficult to position and may not appear humanlike to some types of sensors used for occupant classification purposes.