

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Georgia: Gwinnett	Unincorporated areas.	Oct. 7, 2004, Oct. 14, 2004, <i>Gwinnett Daily Post</i> .	Mr. F. Wayne Hill, Chairman of the Gwinnett County Board of Commissioners, Justice and Administration Center, 75 Langley Drive, Lawrenceville, Georgia 30045.	Sept. 29, 2004 .....	130322 C

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

**David I. Maurstad,**  
*Acting Director, Mitigation Division,  
 Emergency Preparedness and Response  
 Directorate.*  
 [FR Doc. 04-27620 Filed 12-16-04; 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 (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) Flood Elevations (BFEs) and modified 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).

**DATES:** 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 maps are available for inspection as indicated on the table below.

**ADDRESSES:** The final 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, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** FEMA 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.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The 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 final 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 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 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	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<b>PENNSYLVANIA</b>	
<b>Lancaster County (FEMA Docket No. D-7594)</b>	
<i>Conoy Creek:</i>	
Approximately 1,850 feet upstream of State Route 241	•398
Approximately 4,350 feet upstream of State Route 241	•406
<b>Township of West Donegal</b>	
<i>Chiques Creek:</i>	
Approximately 1,350 feet upstream of Kinderhook Road ..	•295
Approximately 600 feet downstream of State Route 72 .....	•438
<b>Townships of Rapho, East Hempfield, West Hempfield, Penn</b>	
<i>Cocalico Creek:</i>	
Approximately 400 feet downstream of Disston View Road .....	•300
Approximately 150 feet downstream of Pennsylvania Turnpike .....	•394
<b>Townships of Warwick, East Cocalico, West Cocalico</b>	
<i>Little Cocalico Creek:</i>	

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
Approximately 800 feet downstream of Pennsylvania Turnpike .....	•390	Approximately 3,050 feet upstream of Millersville Road	•278	<b>Maps available for inspection</b> at the Penn Township Office, 97 North Penryn Road, Manheim, Pennsylvania.		
Approximately 200 feet downstream of Pennsylvania Turnpike .....	•390	Approximately 3,350 feet upstream of Millersville Road	•278			
<b>Township of East Cocalico</b> <i>Little Chiques Creek:</i> Approximately 300 feet downstream of Mount Joy Road .....	•326	<b>Township of Brecknock</b> <b>Maps available for inspection</b> at the Brecknock Township Office, 1026 Dry Tavern Road, Denver, Pennsylvania.		<b>Township of Pequea</b> <b>Maps available for inspection</b> at the Pequea Township Office, 1028 Millwood Road, Willow Street, Pennsylvania.		
Just downstream of Milton Grove Road .....	•351	<b>Township of Colerain</b> <b>Maps available for inspection</b> at the Colerain Township Office, 1803 Kirkwood Pike, Kirkwood, Pennsylvania.		<b>Township of Providence</b> <b>Maps available for inspection</b> at the Providence Township Office, 200 Mt. Airy Road, New Providence, Pennsylvania.		
<b>Township of Mount Joy</b> <i>Conestoga River:</i> Approximately 10,100 feet upstream of Stehman Road .....	•227	<b>Township of Earl</b> <b>Maps available for inspection</b> at the Earl Township Office, 517 North Railroad Avenue, New Holland, Pennsylvania.		<b>Township of Rapho</b> <b>Maps available for inspection</b> at the Rapho Township Office, 971 North Colebrook Road, Manheim, Pennsylvania.		
Approximately 3,200 feet upstream of U.S. Route 322	•333	<b>Township of East Cocalico</b> <b>Maps available for inspection</b> at the East Cocalico Township Office, 100 Hill Road, Denver, Pennsylvania.		<b>Township of Upper Leacock</b> <b>Maps available for inspection</b> at the Upper Leacock Township Office, 36 Hillcrest Avenue, Leola, Pennsylvania.		
<b>Borough of Millersville, Townships of Ephrata, Upper Leacock</b> <i>Mill Creek:</i> Approximately 4,500 feet downstream of Park Drive	•261	<b>Township of East Hempfield</b> <b>Maps available for inspection</b> at the East Hempfield Township Office, 1700 Nissley Road, Landisville, Pennsylvania.		<b>Township of Warwick</b> <b>Maps available for inspection</b> at the Warwick Township Office, 315 Clay Road, Lititz, Pennsylvania.		
Approximately 450 feet downstream of T-763 .....	•458	<b>Township of East Lampeter</b> <b>Maps available for inspection</b> at the East Lampeter Township Office, 2205 Old Philadelphia Pike, Lancaster, Pennsylvania.		<b>Township of West Cocalico</b> <b>Maps available for inspection</b> at the West Cocalico Township Office, 156 B West Main Street, Reinholds, Pennsylvania.		
<b>City of Lancaster, Township of Earl</b> <i>Pequea Creek:</i> Approximately 3,700 feet downstream of Rawlinsville Road .....	•279	<b>Township of Eden</b> <b>Maps available for inspection</b> at the Eden Township Office, 489 Stony Hill Road, Quarryville, Pennsylvania.		<b>Township of West Donegal</b> <b>Maps available for inspection</b> at the West Donegal Township Office, 1 Municipal Drive, Elizabethtown, Pennsylvania.		
Approximately 450 feet downstream of U.S. Route 30 .....	•346	<b>Township of Ephrata</b> <b>Maps available for inspection</b> at the Ephrata Township Office, 265 Akron Road, Ephrata, Pennsylvania.		<b>Township of West Hempfield</b> <b>Maps available for inspection</b> at the West Hempfield Township Office, 3401 Marietta Avenue, Lancaster, Pennsylvania.		
<b>Townships of Providence, Leacock, Pequea, East Lampeter, West Lampeter, Paradise</b> <i>Beaver Creek:</i> Approximately 325 feet downstream of North Church Street .....	•455	<b>City of Lancaster</b> <b>Maps available for inspection</b> at the Lancaster City Office, 120 North Duke Street, Lancaster, Pennsylvania.		<b>Township of West Lampeter</b> <b>Maps available for inspection</b> at the West Lampeter Township Office, 852 Village Road, Lampeter, Pennsylvania.		
Approximately 250 feet downstream of North Church Street .....	•456	<b>Township of Leacock</b> <b>Maps available for inspection</b> at the Leacock Township Office, 3545 West Newport Road, Intercourse, Pennsylvania.				
<b>Township of Eden</b> <i>West Branch Octorano Creek:</i> Approximately 3,900 feet downstream of Mount Pleasant Road .....	•497	<b>Borough of Millersville</b> <b>Maps available for inspection</b> at the Millersville Borough Office, 10 Colonial Avenue, Millersville, Pennsylvania.				
Approximately 3,800 feet downstream of Mount Pleasant Road .....	•497	<b>Township of Mount Joy</b> <b>Maps available for inspection</b> at the Mount Joy Township Office, 159 Merts Drive, Elizabethtown, Pennsylvania.				
<b>Township of Colerain</b> <i>Lees Creek:</i> Approximately 480 feet downstream of Willow Street .....	•456	<b>Township of Paradise</b> <b>Maps available for inspection</b> at the Paradise Township Office, 196 Blackhorse Road, Paradise, Pennsylvania.				
Approximately 420 feet downstream of Willow Street .....	•457	<b>Township of Penn</b>				
<b>Township of Brecknock</b> <i>Tributary No. 1 to Conestoga River:</i> Just upstream of Barbara Street .....	•281					
Approximately 610 feet upstream of Barbara Street ...	•289					
<b>Borough of Millersville</b> <i>Little Conestoga Creek:</i>						
<b>PUERTO RICO</b>						
<b>Commonwealth and Municipalities (FEMA Docket No. D-7592)</b>						
<i>Rio Guamani:</i> Approximately 100 meters above the mouth of Caribbean Sea .....						*3.2
Approximately 0.60 kilometers upstream of Puerto Rico Route 10 .....						*154.4
<b>Commonwealth of Puerto Rico</b> <i>Rio de Bayamon:</i>						

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
Approximately 100 meters downstream of Puerto Rico Route 2 .....	*10.7
Approximately 9.5 kilometers upstream of Puerto Rico Route 174 .....	*250.6
<b>Commonwealth of Puerto Rico, Municipality of Bayamon</b>	
<i>Rio de La Plata (Toa Baja):</i>	
Approximately 0.1 kilometer above the confluence with Atlantic Ocean .....	*3.3
At downstream side of Puerto Rico Route 2 .....	*11.0
<b>Commonwealth of Puerto Rico</b>	
<i>Rio Nigua:</i>	
Approximately 400 meters upstream of mouth of Rio Nigua .....	*3.2
Approximately 5.41 kilometers upstream of Puerto Rico Route 52 .....	*49.5
<i>Rio Coamo:</i>	
Approximately 2.16 kilometers downstream of Puerto Rico Route 1 .....	*3.0
Approximately 2.15 kilometers upstream of Puerto Rico Route 1 .....	*20.1
<i>Rio de La Plata (Toa Alta):</i>	
At downstream side of Puerto Rico Route 2 .....	*11.0
Approximately 0.3 kilometer upstream of Puerto Rico Route 824 .....	*22.0
<i>Rio de La Plata: Overflow:</i>	
Approximately 0.79 kilometer downstream of the road to Military Reservation .....	*2.3
Approximately 0.45 kilometer upstream of Puerto Rico Route 854 .....	*6.7
<i>Rio Grande:</i>	
At the confluence with Espiritu Santo River .....	*5.0
At the Puerto Rico Route 3 ..	*6.9
<b>Maps available for inspection</b> at the Puerto Rico Planning Board, Minilas Government Center, North Building, East Diego Avenue, Stop 22, San Juan, Puerto Rico.	
<b>Municipality of Bayamon</b>	
<b>Maps available for inspection</b> at Carretera #2, Alcaldia de Bayamon, 4to piso Oficina de Ordenacion Territorial, Bayamon, Puerto Rico.	

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

Dated: December 8, 2004.

**David I. Maurstad,**

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

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA-04-19892]

RIN 2127-AI63

### Federal Motor Vehicle Safety Standards; Hydraulic and Electric Brake Systems

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

**ACTION:** Final rule.

**SUMMARY:** In this document, NHTSA is establishing an option in the Federal motor vehicle safety standard on hydraulic and electric brake systems to permit the use of a roll bar structure during specified testing of brake systems in single unit trucks and buses. This option is already available for similar testing of air braked trucks and buses. Permitting the use of a roll bar structure will help protect drivers and technicians in the event of a rollover during testing of hydraulically-braked trucks and buses. The safety of drivers and technicians is a primary concern during vehicle testing. The use of a roll bar structure offers protection to the drivers and technicians performing brake tests conducted at lightly loaded vehicle weight.

**DATES:** *Effective date:* This final rule is effective January 18, 2005.

*Petitions:* Petitions for reconsideration must be received by January 31, 2005, and should refer to this docket and the notice number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

Note that all petitions received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading under Rulemaking Analysis and Notices.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may call Samuel Daniel Jr., Safety Standards Engineer,

Office of Crash Avoidance Standards, Vehicle Dynamics Division, at (202) 366-4921, and fax him at (202) 493-2739.

For legal issues, you may call Christopher Calamita of the NHTSA Office of Chief Counsel, at (202) 366-2992, and fax him at (202) 366-3820.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Proposed Rulemaking

NHTSA has two brake standards for medium and heavy vehicles. Federal Motor Vehicle Safety Standard (FMVSS) No. 105, *Hydraulic and electric brake systems*, applies to vehicles with hydraulic brakes. FMVSS No. 121, *Air brake systems*, applies to vehicles with air brakes.

Although FMVSS No. 105 and 121 have similar brake performance requirements, the two standards have differed with respect to their specifications concerning the use of a roll bar during these tests. Roll bars are sometimes added to vehicles for brake testing if there are concerns about a possible vehicle rollover.

On March 10, 1995, NHTSA published a final rule amending FMVSS No. 121 requiring all air braked vehicles to be equipped with antilock brake systems (ABS) (60 FR 13216). The braking-in-a-curve performance test for truck tractors adopted in that final rule included a manufacturer's option for using a roll bar structure during performance of that test at lightly loaded vehicle weight (LLVW). Loading of a vehicle to test at the gross vehicle weight rating (GVWR) already afforded manufacturers the opportunity to use a roll bar structure.

On December 12, 2001, the agency extended the option for use of a roll bar structure on vehicles tested at lightly loaded vehicle weight in other FMVSS No. 121 tests, including the 60 mph straight-line stop and the parking brake grade holding tests (66 FR 64154). In extending the option for using a roll bar structure to these tests, we determined that the roll bar option is equally appropriate for tractors as well as single-unit vehicles.

NHTSA then established braking-in-a-curve test requirements for hydraulic-