

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Parker, Case Number: 04-06-1004P; FEMA Docket No.: P7644.	City of Weatherford.	February 16, 2005; February 23, 2005; <i>The Weatherford Democrat</i> .	The Honorable Joe M. Tison, Mayor, City of Weatherford, One Courthouse Square, Weatherford, Texas 76086.	May 25, 2005 .....	480522
Texas: Tarrant, Case Number: 04-06-1206P; FEMA Docket No.: P7644.	Village of Westworth.	February 18, 2005; February 25, 2005; <i>The Star Telegram</i> .	The Honorable Any Fontenot, Mayor, Village of Westworth Village, 311 Burton Hill Road, Fort Worth, Texas 76114.	May 27, 2005 .....	480616
Texas: Williamson, Case Number: 04-06-1455P; FEMA Docket No.: P7644.	Unincorporated Areas.	March 2, 2005; March 9, 2005; <i>Williamson County Sun</i> .	The Honorable John C. Doerfler, Judge, Williamson County, 710 Main Street, Suite 201, Georgetown, Texas 78626.	February 8, 2005 .....	481079
Texas: Parker, Case Number: 04-06-1004P; FEMA Docket No.: P7644.	City of Willow Park.	February 16, 2005; February 23, 2005; <i>The Weatherford Democrat</i> .	The Hon. James H. Poythress, Mayor, City of Willow Park, 101 Stagecoach Trail, Willow Park, Texas 76087.	May 25, 2005 .....	481164
Wisconsin: Fond du Lac, Case Number: 04-05-4086P; FEMA Docket No.: P7644.	City of Fond du Lac.	March 2, 2005; March 9, 2005; <i>The Reporter</i> .	Mr. Tom W. Ahrens, City Manager, City of Fond du Lac, 160 South Macy Street, Fond du Lac, Wisconsin 54935.	June 8, 2005 .....	550136
Wisconsin: Fond du Lac, Case Number: 04-05-4086P; FEMA Docket No.: P7644.	Unincorporated Areas.	March 2, 2005; March 9, 2005; <i>The Reporter</i> .	Mr. Alen J. Buechel, Fond du Lac County Executive, 160 South Macy Street, Fond du Lac, Wisconsin 54935.	June 8, 2005 .....	550131
Wisconsin: Manitowoc, Case Number: 04-05-4084P; FEMA Docket No.: P7644.	Unincorporated Areas.	March 2, 2005; March 9, 2005; <i>Herald Times Reporter</i> .	The Honorable Paul Hansen, Manitowoc County Board Chairman, Administrative Office Building, 1110 South 9th Street, Manitowoc, Wisconsin 54220.	June 8, 2005 .....	550236

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

Dated: September 26, 2005.

**David I. Maurstad,**

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

[FR Doc. 05-19816 Filed 10-3-05; 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
Colorado River: Approximately 4.92 miles downstream of the confluence of JD Creek .....	◆297	FEMA Docket No. P7673 Bastrop County (Unincorporated Areas) City of Bastrop City of Smithville.
Approximately 3.43 miles upstream of the confluence of Dry Creek .....	◆391	
Gills Branch: At the confluence with the Colorado River .....	◆352	City of Bastrop Bastrop County (Unincorporated Areas).
Approximately 230 feet downstream of State Route 71 .....	◆352	

**ADDRESSES:**

**Unincorporated Areas of Bastrop County, Texas:**

Maps are available for inspection at 806 Water Street, Bastrop, Texas.

**City of Bastrop, Bastrop County, Texas:**

Maps are available for inspection at 300 Water Street, Bastrop, Texas.

**City of Smithville, Bastrop County, Texas:**

Maps are available for inspection at 1000 Martin Luther King Boulevard, Smithville, Texas.

◆ North American Vertical Datum of 1988.

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
Rosillo Creek (Lower Reach): At the confluence with Salado Creek (Lower Reach) .....	*531	FEMA Docket No. P7685 Bexar County (Unincorporated Areas) City of San Antonio City of Kirby.
Approximately 580 feet upstream of Walzem Road .....	*754	
Salado Creek (Lower Reach): Approximately 300 feet downstream of South Presa Street .....	*521	Bexar County (Unincorporated Areas) City of San Antonio
At U.S. Interstate 410 .....	*538	

**ADDRESSES:**

**Unincorporated Areas of Bexar County, Texas:**

Maps are available for inspection at the Bexar County Public Works Department, 233 North Pecos, Suite 420, San Antonio, Texas.

**City of Kirby, Bexar County, Texas:**

Maps are available for inspection at 112 Bauman Street, Kirby, Texas.

**City of San Antonio, Bexar County, Texas:**

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
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Maps are available for inspection at the Municipal Plaza, 114 West Commerce, 7th Floor, San Antonio, Texas.

\* National Geodetic Vertical Datum of 1929.

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

Dated: September 26, 2005.

**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 Parts 591, 592 and 594

[Docket No. NHTSA-2000-8159; Notice 3]

RIN 2127-AJ63

#### **Certification; Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards; Registered Importers of Vehicles Not Originally Manufactured To Conform to the Federal Motor Vehicle Safety Standards; Schedule of Fees Authorized by 49 U.S.C. 30141**

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

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

**SUMMARY:** This document responds to a petition for reconsideration of the August 24, 2004 final rule that amended regulations pertaining to the importation by registered importers (RIs) of motor vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards. The agency is not adopting the changes requested in the petition, except for one asking the agency to allow RIs to import motor vehicles that have been modified to comply with the Theft Prevention Standard and one asking the agency to allow an imported nonconforming motor vehicle to be operated on public roads prior to bond release solely for the purpose of conducting required EPA testing. Also, the agency has decided to eliminate the requirement for applicants for RI status to submit to the agency the social security numbers of its principals.

**DATES:** The amendments in this rule are effective on November 3, 2005. This final rule amends the final rule published on August 24, 2004 (69 FR 52070), which was effective on September 30, 2004.

**Petitions:** Petitions for reconsideration must be received by November 18, 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 St., SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may contact Coleman Sachs, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, Room 6111, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366-3151. For legal issues, you may contact Michael Goode, Office of Chief Counsel, Telephone: (202) 366-5263.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

##### *A. New Information Required Under Final Rule To Acquire and Maintain RI Registration*

On August 24, 2004, NHTSA published (69 FR 52070) a final rule amending the agency's regulations that pertain to the importation by RIs of motor vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards. The agency noted that some RIs have engaged in conduct that, while not expressly prohibited by the RI regulations previously in effect, was nevertheless in need of scrutiny. See 69 FR at 52073. To address concerns about this conduct, the amendments require, among other things, that RIs and applicants for RI status submit additional information beyond what they had previously been required to submit to acquire and maintain their registrations.

One of the information items that each RI and applicant for RI status is required to submit under the final rule is the social security number of each of its principals or partners and each person authorized to sign statements certifying to NHTSA that vehicles the RI has imported or modified conform to all applicable Federal motor vehicle safety

and bumper standards. As stated in the final rule at 52074, the agency decided to require this information so that it could determine whether any person associated with an applicant has ever been convicted of a misdemeanor or felony involving motor vehicles or the motor vehicle business.

##### *B. Practices Prohibited Under Final Rule.*

##### **1. Importing Salvage or Reconstructed Motor Vehicles**

The final rule also identified and proscribed certain practices of RIs that were not specifically addressed by the previously existing RI regulations because they were not contemplated at the time those regulations were adopted in 1989. Among these were efforts on the part of some RIs to import heavily damaged motor vehicles both before and after their repair (referred to as "salvage vehicles"), or vehicles comprised of the body of one vehicle and the chassis and frame of another (referred to as "reconstructed vehicles"). The agency noted that there can be no assurance that a salvage or reconstructed motor vehicle can be restored to a condition in which it complies or can be brought into compliance with the Federal motor vehicle safety standards (FMVSS). See 69 FR at 52089. As a consequence, the agency adopted a requirement in the final rule (49 CFR 591.5(f)(3)) for the importer to declare at the time of entry that the "vehicle is not a salvage motor vehicle or a reconstructed motor vehicle."

The agency also adopted definitions for each of these terms, which were added to those in 49 CFR 591.4. Under those definitions, a "reconstructed motor vehicle means a motor vehicle whose body is less than 25 years old and which is mounted on a chassis or frame that is not its original chassis or frame and that is less than 25 years old." A "salvage motor vehicle" means:

A motor vehicle, whether or not repaired, which has been:

(1) Wrecked, destroyed, or damaged, to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the motor vehicle to its pre-accident condition and for legal operation on the streets, roads, or highways, exceeds 75 percent of its retail value at the time it was wrecked, destroyed, or damaged; or