State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) Modified ♦Elevation in feet (NAVD) Modified
Ohio	Bentleyville (Village), Cuyahoga County (FEMA Docket No. P7637).	Aurora Branch	Approximately 1,500 feet upstream of the mouth.	*833
			At the corporate limits, approximately 1,700 feet upstream of the Norfolk Southern Railroad bridge.	*893
		Chagrin River	At the corporate limits, approximately 700 feet downstream of Miles Road.	*823
			At the corporate limits, approximately 4,550 feet upstream of the confluence of Aurora Branch.	*838
		Tributary 2	At the mouth	*889
			Approximately 140 feet downstream of Liberty Road.	*889

Maps are available for inspection at the Bentleyville Village Hall, 6253 Chagrin River Road, Bentleyville, Ohio.

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

Dated: July 28, 2004.

David I. Maurstad,

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

[FR Doc. 04–17632 Filed 8–2–04; 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, 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 of 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 record keeping 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 (NGVD) modified	Communities affected
FEMA Docket No. P7645:		
Muskingum River	669	Village of Malta.
Muskingum River	669	Village of McConnelsville.

ADDRESSES:
Village of Malta, Morgan County, Ohio: Maps are available for inspection at the Village of Malta, 449 Main Street, Malta, Ohio.
Village of McConnelsville, Morgan County, Ohio: Maps are available for inspection at Village Hall, 9 West Main Street, McConnelsville, Ohio.

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

Dated: July 28, 2004.

David I. Maurstad,

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

[FR Doc. 04–17633 Filed 8–2–04; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 2, 90 and 95

[WT Docket No. 01–90; ET Docket No. 98–95; RM–9096; FCC 03–324]

Dedicated Short Range Communication Services and Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Service in the 5.850–5.925 GHz Band (5.9 GHz Band)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission adopts licensing and service rules for the Dedicated Short Range Communications Service (DSRCS) in the Intelligent Transportation Systems (ITS) Radio Service in the 5.850–5.925 GHz band (5.9 GHz band). This action promotes a nationwide solution to the transportation safety challenges faced by all Americans and follows the Commission's earlier allocation of this radio spectrum for DSRCS.

DATES: Effective October 4, 2004. The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of October 4, 2004.

FOR FURTHER INFORMATION CONTACT: Zenji Nakazawa via phone at (202) 418–0680, via e-mail at *Zenji.Nakazawa@fcc.gov,* via TTY (202) 418–7233, Wireless Telecommunications Bureau, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* FCC 03–324, adopted on December 17, 2003, and released on February 10, 2004. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *http://www.fcc.gov.* Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365 or at *brian.millin@fcc.gov.*

1. In the *Report and Order,* the Commission makes the following major decisions: (i) The U.S. Department of Transportation envisions DSRC units in every new motor vehicle for life-saving communications. To ensure interoperability and robust safety/public safety communications among these DSRC devices nationwide, the Commission adopts the standard supported by most commenters and developed under an accredited standard setting process (ASTM E2213–03 or ''ASTM–DSRC''); (ii) the Commission concludes that it is possible to license both public safety and non-public safety use of the 5.9 GHz band. Accordingly, it adopts open eligibility for licensing and technical rules, most of which are embodied in the ASTM–DSRC standard, aimed at creating a framework that ensures priority for public safety communications; (iii) the Commission will license DSRC Roadside Units (RSUs), communication units that are fixed along the roadside, under subpart M (Intelligent Transportation Radio Service) of part 90 of the Commission's Rules. Licensees will receive non-exclusive geographic-area licenses authorizing operation on seventy megahertz of the 5.9 GHz band. It also adopts a framework whereby licensees would register RSUs by site and segment(s); (iv) the Commission licenses On-Board Units (OBUs), in-vehicle communications units, by rule under new subpart L of Part 95 of our Rules.

I. Final Regulatory Flexibility Analysis (FRFA)

2. As required by the Regulatory Flexibility Act of 1980, as amended (RFA) (*see* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. 104–121, Title II, 110 Stat. 847 (1996)) an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making* (*NPRM*), 68 FR 1999, January 15, 2003, in this proceeding, WT Docket. No. 01–90. The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. No comments were submitted specifically in response to the IRFA. This present FRFA conforms to the RFA.

Need for, and Objectives of the Proposed Rules

3. In the *Report and Order,* we adopt licensing, service, and operating rules for the 5.850–5.925 GHz band for use by Dedicated Short Range Communications (DSRC) Services in the provision of Intelligent Transportation Systems (ITS) services. DSRC communications are used for the wireless transfer of data over short distances between roadside