

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
<p><b>Maps available for inspection</b> at the Town of Black Creek Zoning Administration, 112 West Center Street, Black Creek, North Carolina.</p> <p><b>Town of Elm City</b> <b>Maps available for inspection</b> at the Elm City Town Hall, 117 South Railroad Street, Elm City, North Carolina.</p> <p><b>Town of Lucama</b> <b>Maps available for inspection</b> at the Lucama Town Clerk's Office, 111 South Main Street, Lucama, North Carolina.</p> <p><b>Town of Sims</b> <b>Maps available for inspection</b> at the Sims Town Hall, 6402 U.S. 264A, Sims, North Carolina.</p> <p><b>Town of Stantonsburg</b> <b>Maps available for inspection</b> at the Stantonsburg Town Hall, 108 East Commercial Avenue, Stantonsburg, North Carolina.</p> <p><b>City of Wilson</b> <b>Maps available for inspection</b> at the Wilson Development Services Department, 112 North Goldsboro Street, Wilson, North Carolina.</p> <p><b>Wilson County Unincorporated Areas</b> <b>Maps available for inspection</b> at the Wilson County Mapping Department, 101 North Goldsboro, Wilson, North Carolina.</p>	

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

Dated: May 26, 2004.

**Anthony S. Lowe,**

Mitigation Division Director, Emergency Preparedness and Response Directorate.

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic and Safety Administration**

**49 CFR Part 571**

**Docket No. NHTSA-04-17972**

**Federal Motor Vehicle Safety Standards; Occupant Crash Protection**

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

**ACTION:** Correcting amendment.

**SUMMARY:** This rule corrects an inconsistency between the telltale requirements for air bag suppression systems and air bag on-off switches required under Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant crash protection* and 49 CFR part 595 Subpart B, *Retrofit on-off switches for air bags*. This document resolves the problem by permitting manufacturers of vehicles equipped with air bag on-off switches and manufacturers of retrofit air bag on-off switches to use the abbreviation "pass" in lieu of "passenger" on the telltales.

**DATES:** This final rule is effective June 2, 2004.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may contact Lou Molino, Office of Crashworthiness Standards, Light Duty Vehicle Division, NVS-112. Telephone: (202) 366-2264. Fax: (202) 493-2739. For legal issues, you may contact Rebecca MacPherson, Office of the Chief Counsel, NCC-20. Telephone: (202) 366-2992. Fax: (202) 366-3820.

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

**SUPPLEMENTARY INFORMATION:** On May 12, 2000, NHTSA published a final rule phasing in new, advanced air bag requirements designed to minimize the risk of air bag injury while maintaining their benefits. 65 FR 30680. These requirements are part of FMVSS No. 208. As part of the final rule, the agency requires manufacturers employing suppression technologies to equip their vehicles with a telltale indicator that illuminates when the passenger air bag is automatically suppressed. Among other requirements, the final rule specified that the telltale must have the identifying words "PASSENGER AIR BAG OFF" on the telltale or within 25 mm thereof. This requirement was based on a preexisting requirement for vehicles equipped with air bag on-off switches contained in FMVSS No. 208 and for retrofit air bag on-off switches in 49 CFR Part 595.

On December 18, 2001, the agency responded to various petitions for reconsideration of the May 2000 final rule by issuing a new final rule making several amendments to the advanced air bag requirements. Among those amendments was a slight relaxation of the telltale wording requirement. Specifically, the December 2001 rule permitted manufacturers to use either "PASSENGER AIR BAG OFF" or "PASS AIR BAG OFF" on or within 25 mm of the suppression telltale. However, no corresponding conforming change was

made to either the manual air bag on-off switch requirement of FMVSS No. 208 or to its corollary in 49 CFR Part 595.

In permitting the abbreviation for the word "passenger," the agency stated, "[w]e have decided to allow manufacturers to abbreviate "passenger" to "pass," since we do not believe the abbreviation will be confusing when combined with the rest of the required text. Allowing "pass" will also allow manufacturers to meet both the U.S. and Canadian requirements." 66 FR 65376, 65400.

As this same rationale applies to the telltales for manual air bag on-off switches, the same changes in the regulatory text for those requirements should have been made at the same time as the change affecting suppression telltales was made. Today's rule makes that correction.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

■ In consideration of the foregoing, NHTSA amends 49 CFR part 571 as follows:

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

■ 1. The authority citation for Part 571 of Title 49 continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 40 CFR 1.50.

■ 2. Section 571.208 is amended by revising S4.5.4.3(b) to read as follows:

**§ 571.208 Standard No. 208; Occupant crash protection.**

\* \* \* \* \*

S4.5.4.3 \* \* \*

(b) Shall have the identifying words "PASSENGER AIR BAG OFF" or "PASS AIR BAG OFF" on the telltale or within 25 millimeters of the telltale;

\* \* \* \* \*

■ 3. Section 595.5 is amended by revising (b)(3)(ii)(B) to read as follows:

**§ 595.5 Requirements.**

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(ii) \* \* \*

(B) Shall have the identifying words "DRIVER AIR BAG OFF", "PASSENGER AIR BAG OFF", or "PASS AIR BAG OFF", as appropriate, on the telltale or within 25 millimeters of the telltale;

\* \* \* \* \*

Issued on May 26, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 04-12333 Filed 6-1-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 223

[Docket No.040412113-4152-01; I.D. 040104C]

RIN 0648-AS02

#### Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS is amending the turtle excluder device (TED) regulations that require most shrimp trawlers to use TEDs in the southeastern Atlantic and the Gulf of Mexico to reduce the incidental capture of endangered and threatened sea turtles during shrimp trawling. Specifically, NMFS is allowing the use of a double cover flap TED with a modified flap design. This modification will allow the use of a flap that extends up to 24 inches (61 cm) past the posterior edge of the TED frame. This modification has been tested and meets the regulatory requirements for efficiency at releasing sea turtles.

**DATES:** Effective May 27, 2004.

**ADDRESSES:** Copies of the environmental assessment can be obtained from the Protected Resources Division, Southeast Regional Office, 9721 Executive Center Drive, North, Suite 102 St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Robert Hoffman (ph. 727-570-5312, fax 727-570-5517, e-mail [Robert.Hoffman@noaa.gov](mailto:Robert.Hoffman@noaa.gov)).

#### SUPPLEMENTARY INFORMATION:

##### Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) turtles are listed as endangered. The loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding

populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

Sea turtles are incidentally taken and killed as a result of numerous activities, including fishery trawling activities in the Gulf of Mexico and along the Atlantic seaboard. Under the ESA and its implementing regulations, taking sea turtles is prohibited, with exceptions identified in 50 CFR 223.206, or if in accordance with the terms and conditions of a biological opinion issued under section 7 of the ESA or an incidental take permit issued under section 10 of the ESA. The incidental taking of turtles during shrimp or summer flounder trawling is exempted from the take prohibition if the conservation measures specified in the sea turtle conservation regulations (50 CFR 223) are followed. The regulations require most shrimp trawlers and summer flounder trawlers operating in the southeastern United States (Atlantic area, Gulf area, and summer flounder sea turtle protection area, see 50 CFR 223.206) to have a NMFS-approved TED installed in each net that is rigged for fishing to provide for the escape of sea turtles. TEDs currently approved by NMFS include single-grid hard TEDs and hooped hard TEDs conforming to a generic description, the flounder TED, and one type of soft TED the Parker soft TED (see 50 CFR 223.207).

TEDs incorporate an escape opening, usually covered by a webbing flap, that allows sea turtles to escape from trawl nets. To be approved by NMFS, a TED design must be shown to be 97 percent effective in excluding sea turtles during testing based upon specific testing protocols (50 CFR 223.207(e)(1)). Most approved hard TEDs are described in the regulations (50 CFR 223.207(a)) according to generic criteria based upon certain parameters of TED design, configuration, and installation, including height and width dimensions of the TED opening through which the turtles escape.

##### *February 21, 2003, Amendments to the Sea Turtle Conservation Regulations*

On February 21, 2003, NMFS issued a final rule (68 FR 8456), amending the sea turtle conservation regulations to protect large loggerhead, green, and leatherback sea turtles. The February 2003 final rule requires that all shrimp trawlers fishing in the offshore waters of the southeastern United States (Atlantic area and Gulf area) and the inshore waters of Georgia and South Carolina use either a specified double cover flap TED, a single-grid hard TED with a 71-inch (180-cm) opening, or a Parker soft TED with a 96-inch (244-cm) opening

in each net rigged for fishing. In inshore waters, except those of Georgia and South Carolina, the rule allows the use of a single-grid hard TED with a 44-inch (112-cm) opening, a Parker soft TED with a 56-inch (142-cm) opening, and a hooped hard TED with a 35-inch (89-cm) by 27-inch (69-cm) escape opening.

Since publication of the final rule, fishermen have reported that the current double cover flap TED design stretches over time. This stretching causes a gap between the flap panels and the grid frame. Fishermen report that this stretching causes loss of shrimp catch. While this loss is unsubstantiated and unquantified, fishermen sought the ability to modify the double cover flap TED design to allow longer flap panels and longer edge lines. Fishermen have concluded that this modification allows retention of shrimp catch.

Accordingly, since September 2003, NMFS has issued 230 experimental permits, in accordance with § 223.207(e)(2), to fishermen to test a modified double cover flap TED with longer flap panels. This modification to the double cover flap TED was designed by NMFS gear technicians in cooperation with industry. The modification incorporates the use of flap panels that extend 24 inches (61 cm) past the posterior edge of the TED frame and are sewn down the entire length of the outside edge of each flap panel. The current double cover flap TED design only allows the flap panels to extend 6 inches (15 cm) past the posterior edge of the TED frame. Interviews with permitted fishermen have indicated that the new design works well in retaining shrimp catch.

##### **Long Flap Paneled Double Cover Flap TED Testing**

NMFS tested the modified double cover flap TED using testing protocols designed to evaluate a TED's ability to release large turtles. The protocols were developed during the testing and approval of the double cover flap TED (66 FR 24287, May 14, 2001). NMFS used the average carapace measurements of 15 nesting female leatherback turtles to construct a pipe-framed model of a leatherback turtle. This model measured 40 inches wide by 21 inches (102 cm by 53 cm) deep. The test was performed by a diver swimming repeatedly through the trawl with the model and pushing it through the TED opening. During these tests, the diver was able to push the model through the opening with ease. When the model was inverted (simulating the dorsal surface of the turtle oriented against the TED frame), the diver was still able to push