

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the nine-month extension of a previously published suspension of reporting requirements established for CDC barges transiting the inland rivers of the Eighth

Coast Guard District. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. Under figure 2-1, paragraph (34)(g), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend 33 CFR 165.830 by staying paragraphs (d), (e), (f), (g), and (h) from midnight January 15, 2013 to midnight September 30, 2013.

Dated: December 14, 2012.

Roy A. Nash,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2012-30986 Filed 12-31-12; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2012-0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

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 in 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: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (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 Deputy Associate Administrator for Mitigation 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. FEMA 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 final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

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 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

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:

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) modified	Communities affected
Middlesex County, Connecticut (All Jurisdictions) Docket No.: FEMA-B-1232			
Long Island Sound	Approximately 1,000 feet south of the intersection of U.S. Route 1 and Chapman Beach Drive.	+10	Borough of Fenwick, Town of Clinton, Town of Old Saybrook, Town of Westbrook.
	Approximately 400 feet southeast of the intersection of Hartlands Drive and Sea Lane No. 1.	+24	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
Depth in feet above ground.
^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Borough of Fenwick

Maps are available for inspection at the Fenwick Borough Municipal Office, 580 Maple Avenue, Old Saybrook, CT 06475.

Town of Clinton

Maps are available for inspection at the Town Hall, 54 East Main Street, Clinton, CT 06413.

Town of Old Saybrook

Maps are available for inspection at the Town Hall, 302 Main Street, Old Saybrook, CT 06475.

Town of Westbrook

Maps are available for inspection at the Town Hall, 866 Boston Post Road, Westbrook, CT 06498.

**Larimer County, Colorado, and Incorporated Areas
Docket No.: FEMA-B-1226**

Little Thompson River	At the downstream side of Weld County Road 1	+4935	Town of Berthoud, Unincorporated Areas of Larimer County.
	Approximately 0.38 mile upstream of Little Thompson Drive.	+5093	
Little Thompson River-Spill Reach.	Approximately 285 feet upstream of the Little Thompson River confluence.	+5009	Unincorporated Areas of Larimer County.
	Approximately 1,500 feet upstream of the Little Thompson River confluence.	+5015	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
Depth in feet above ground.
^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Berthoud

Maps are available for inspection at 935 10th Street, Berthoud, CO 80513.

Unincorporated Areas of Larimer County

Maps are available for inspection at 200 West Oak Street, 2nd Floor, Fort Collins, CO 80522.

**Coweta County, Georgia, and Incorporated Areas
Docket No.: FEMA-B-1233**

Chattahoochee River	Approximately 1,850 feet downstream of the Heard County boundary.	+686	Unincorporated Areas of Coweta County.
	Approximately 4.1 miles upstream of the Cedar Creek confluence.	+720	
Little Wahoo Creek	Approximately 150 feet upstream of the Wahoo Creek confluence.	+799	Unincorporated Areas of Coweta County.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) modified	Communities affected
Snake Creek	Approximately 1.49 miles upstream of Fast Guard Farms At the Wahoo Creek confluence	+869 +799	City of Newnan, Unincorporated Areas of Coweta County.
Tributary 1 to Snake Creek	Approximately 0.5 mile upstream of Dixon Street	+927	City of Newnan.
	At the Snake Creek confluence	+875	
Tributary 1 to Wahoo Creek	Approximately 1,125 feet upstream of Pickens Drive	+897	
	At the Wahoo Creek confluence	+842	City of Newnan, Unincorporated Areas of Coweta County.
	Approximately 400 feet upstream of Wood Trail	+941	
Tributary 10 to Wahoo Creek ...	At the Wahoo Creek confluence	+880	City of Newnan.
	Approximately 0.63 mile upstream of the Wahoo Creek confluence.	+934	
Tributary 11 to Wahoo Creek ...	At the Wahoo Creek confluence	+881	City of Newnan.
	Approximately 1,400 feet upstream of Roberts Road	+906	
Tributary 12 to Wahoo Creek ...	At the Wahoo Creek confluence	+897	City of Newnan.
	Approximately 600 feet upstream of Dewey Street	+944	
Tributary 2 to Snake Creek	At the Snake Creek confluence	+892	City of Newnan.
	Approximately 700 feet upstream of Maple Drive	+928	
Tributary 2 to Wahoo Creek	At the Wahoo Creek confluence	+860	City of Newnan, Unincorporated Areas of Coweta County.
	Approximately 1,200 feet upstream of Jefferson Street	+920	
Tributary 3 to Wahoo Creek	At the Tributary 2 to Wahoo Creek confluence	+868	City of Newnan.
	At the upstream side of Matador Way	+885	
Tributary 4 to Wahoo Creek	At the Tributary 3 to Wahoo Creek confluence	+871	City of Newnan.
	Approximately 360 feet upstream of the detention pond	+885	
Tributary 5 to Wahoo Creek	At the Tributary 2 to Wahoo Creek confluence	+879	City of Newnan.
	Approximately 580 feet upstream of the Tributary 2 to Wahoo Creek confluence.	+888	
Tributary 6 to Wahoo Creek	Approximately 210 feet upstream of the Tributary 2 to Wahoo Creek confluence.	+882	City of Newnan.
	Approximately 140 feet upstream of Ashley Park Drive	+897	
Tributary 7 to Wahoo Creek	At the Wahoo Creek confluence	+860	City of Newnan, Unincorporated Areas of Coweta County.
	Approximately 1,650 feet upstream of Marathon Street	+898	
Tributary 8 to Wahoo Creek	At the Wahoo Creek confluence	+861	City of Newnan.
	Approximately 0.41 mile upstream of the Wahoo Creek confluence.	+899	
Tributary 9 to Wahoo Creek	At the Wahoo Creek confluence	+874	City of Newnan.
	Approximately 1,800 feet upstream of the Wahoo Creek confluence.	+905	
Wahoo Creek	At the Chattahoochee River confluence	+701	City of Newnan, Unincorporated Areas of Coweta County.
	Approximately 960 feet upstream of Paul Street	+945	

* National Geodetic Vertical Datum.
 + North American Vertical Datum.
 # Depth in feet above ground.
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Newnan

Maps are available for inspection at the Public Works Department, 25 LaGrange Street, Newnan, GA 30263.

Unincorporated Areas of Coweta County

Maps are available for inspection at the Coweta County Development and Engineering Department, 21 East Washington Street, Newnan, GA 30263.

**Darlington County, South Carolina, and Incorporated Areas
 Docket No.: FEMA-B-1145**

Beaverdam Creek	At the confluence with Black Creek	+178	Unincorporated Areas of Darlington County.
	Approximately 0.7 mile upstream of Bobo Newsom Highway.	+189	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) modified	Communities affected
Black Creek (DS)	Approximately 0.5 mile downstream of Muses Bridge Road.	+77	City of Darlington, Unincorporated Areas of Darlington County.
Black Creek	Just downstream of Society Hill Road	+102	City of Hartsville, Unincorporated Areas of Darlington County.
	Approximately 1.4 mile downstream of Patrick Highway	+158	
Black Creek (US)	Approximately 0.5 mile downstream of New Market Road	+178	Unincorporated Areas of Darlington County.
	Approximately 1,148 feet downstream of West Old Camden Road.	+189	
Black Creek Tributary 1	Approximately 2.6 miles upstream of West Old Camden Road.	+221	Unincorporated Areas of Darlington County.
	At the confluence with Black Creek	+85	
Great Pee Dee River	Approximately 0.5 mile upstream of the confluence with Black Creek.	+86	Unincorporated Areas of Darlington County.
	Approximately 927 feet downstream of North Main Street	+82	
High Hill Creek	At the confluence with Cedar Creek	+84	Unincorporated Areas of Darlington County.
	Approximately 67 feet downstream of Pisgah Road	+89	
Indian Creek	Approximately 140 feet upstream of Ebenezer Road	+110	City of Darlington, Unincorporated Areas of Darlington County.
	At the confluence with Swift Creek	+117	
McCalls Branch	Approximately 0.5 mile upstream of Rogers Road	+142	Unincorporated Areas of Darlington County.
	Approximately 1,441 feet downstream of I-20	+166	
Newman Swamp	Approximately 364 feet upstream of Buck Reynolds Road	+176	Town of Lamar, Unincorporated Areas of Darlington County.
	Approximately 445 feet downstream of Zion Road	+149	
Spring Branch	Approximately 1,860 feet upstream of Lamar Highway	+152	Unincorporated Areas of Darlington County.
	At the confluence with Black Creek	+159	
Star Fork Branch	Approximately 0.9 mile upstream of North 5th Street	+187	Unincorporated Areas of Darlington County.
	At the confluence with High Hill Creek	+103	
Star Fork Branch Tributary 1	Approximately 325 feet upstream of Ebenezer Road	+114	Unincorporated Areas of Darlington County.
	At the confluence with Star Fork Branch	+103	
	Approximately 733 feet downstream of Ebenezer Road	+120	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Darlington

Maps are available for inspection at 400 Pearl Street, Darlington, SC 29532.

City of Hartsville

Maps are available for inspection at 133 West Carolina Avenue, Hartsville, SC 29551.

Town of Lamar

Maps are available for inspection at 117 Main Street, Lamar, SC 29069.

Unincorporated Areas of Darlington County

Maps are available for inspection at 1 Public Square, Room 405, Darlington, SC 29532.

**Lake County, Montana, and Incorporated Areas
Docket No.: FEMA-B-1233**

Dayton Creek	Approximately 1,100 feet downstream of U.S. Route 93	+2897	Unincorporated Areas of Lake County.
Johnson Creek	Approximately 1,930 feet upstream of Big Meadows Road	+3196	Unincorporated Areas of Lake County.
	At the upstream side of Private Drive	+3078	
	Approximately 1.25 miles upstream of Private Drive	+4010	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) modified	Communities affected
Johnson Creek Overflow (Kelley Drive).	Approximately 840 feet downstream of Sunburst Drive	+3082	Unincorporated Areas of Lake County.
Lower Mission Creek	Approximately 1,880 feet upstream of Sunburst Drive	+3116	Unincorporated Areas of Lake County.
	At the Post Creek confluence	+2658	
Post Creek	Approximately 1.67 miles upstream of Old Freight Road ...	+2815	Unincorporated Areas of Lake County.
	Approximately 1.87 miles downstream of Old Freight Road.	+2658	
Swan Lake	Approximately 670 feet upstream of Fish Hatchery Road ..	+2735	Unincorporated Areas of Lake County.
	Entire shoreline	+3078	
Upper Mission Creek	Approximately 90 feet upstream of U.S. Route 20	+2883	Town of Saint Ignatius, Unincorporated Areas of Lake County.
	Approximately 0.74 mile upstream of Foothills Road	+3311	

* National Geodetic Vertical Datum.
 + North American Vertical Datum.
 # Depth in feet above ground.
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Saint Ignatius

Maps are available for inspection at 12 1st Avenue, Saint Ignatius, MT 59865.

Unincorporated Areas of Lake County

Maps are available for inspection at 106 4th Avenue East, Polson, MT 59860.

**Shelby County, Tennessee, and Incorporated Areas
 Docket No.: FEMA-B-1192**

Fletcher Creek	Approximately 100 feet upstream of Bartlett Road	+245	City of Memphis, Unincorporated Areas of Shelby County.
Howard Creek	Approximately 150 feet upstream of Back Nine Drive	+366	City of Bartlett, Unincorporated Areas of Shelby County.
	Approximately 1,310 feet downstream of Old Brownsville Road.	+247	
Ivy Creek	Approximately 1,115 feet upstream of Billy Maher Road ...	+256	City of Lakeland
	Approximately 650 feet upstream of CSX railroad	+261	
Loosahatchie River Lateral A ...	At the upstream side of Memphis Arlington Road.	+295	Township of Arlington.
	Approximately 200 feet downstream of Gulf Stream Road	+267	
Loosahatchie River Lateral CA	At the upstream side of Memphis Arlington Road	+281	Township of Arlington.
	At the Loosahatchie River Lateral C confluence	+275	
North Fork Creek Lateral A	Approximately 0.3 mile upstream of Forrest Street	+294	City of Millington, Unincorporated Areas of Shelby County.
	Approximately 0.8 mile upstream of the North Fork Creek confluence.	+275	
Wolf Creek Lateral F	At the upstream side of Sullivan Road	+320	City of Germantown.
	Approximately 125 feet upstream of Wolf River Boulevard	+274	
Wolf River Lateral C	At the upstream side of Johnson Road	+337	City of Germantown.
	Approximately 645 feet upstream of the Wolf River Lateral CA confluence.	+272	
Wolf River Lateral G	Approximately 130 feet upstream of Woodruff Drive	+311	City of Germantown, Town of Collierville.
	Approximately 0.4 mile upstream of the Wolf River confluence.	+272	
Wolf River Lateral H	Approximately 0.5 mile upstream of Fox Hill East Circle ...	+323	Town of Collierville, Unincorporated Areas of Shelby County.
	Approximately 0.3 mile downstream of Wolf River Boulevard.	+280	
Wolf River Lateral J	Approximately 140 feet downstream of State Highway 72	+325	Town of Collierville, Unincorporated Areas of Shelby County.
	Approximately 0.4 mile downstream of Shelton Road East	+288	
	Approximately 130 feet upstream of West White Road	+323	

* National Geodetic Vertical Datum.
 + North American Vertical Datum.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) modified	Communities affected
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Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Bartlett

Maps are available for inspection at 3585 Altrurial Road, Bartlett, TN 38134.

City of Germantown

Maps are available for inspection at 1920 South Germantown Road, Germantown, TN 38138.

City of Lakeland

Maps are available for inspection at 10001 Highway 70, Lakeland, TN 38002.

City of Memphis

Maps are available for inspection at 125 North Main Street, Room 476, Memphis, TN 38103.

City of Millington

Maps are available for inspection at 7930 Nelson Street, Millington, TN 38053.

Town of Collierville

Maps are available for inspection at 500 Keough Road, Collierville, TN 38017.

Township of Arlington

Maps are available for inspection at 5854 Airline Road, Arlington, TN 38002.

Unincorporated Areas of Shelby County

Maps are available for inspection at 160 North Main Street, Suite 350, Memphis, TN 38103.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: November 28, 2012.

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-31506 Filed 12-31-12; 8:45 am]

BILLING CODE 9110-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 12-1976]

Radio Broadcasting Services; Westley, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule, petition for reconsideration.

SUMMARY: This document grants the Petitions for Reconsideration filed separately by Modesto Peace/Life Center ("MPLC") and Calvary Chapel of Turlock, Inc. ("CCT"), reinstates the applications, File Nos. BNPED-20100224ABX and BNPED-20100226AGO, respectively, *nunc pro tunc*, and re-reserves Channel 238A at Westley, California for noncommercial educational use.

DATES: Effective January 21, 2013.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kelly Donohue, Media Bureau, (202) 418-8192.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Letter*, DA 12-1976, released December 7, 2012. Both MPLC and CCT filed separately timely Petitions for Reconsideration, and amendments to their applications, File Nos. BNPED-20100224ABX and BNPED-20100226AGO, respectively, in response to the staff's July 27, 2012 decision. *See* 77 FR 50053, published August 20, 2012. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or www.BCPIWEB.com. The Commission will send a copy of the *Letter* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Although the Bureau now finds that the MPLC and CCT Applications both satisfy the reservation standard, MPLC and CCT remain tied with five points

each. Thus, the Bureau refers the MPLC and CCT Applications to the Commission to administer the tie-breaker mechanisms and to determine the tentative selectee(s) for NCE Reserved Allotment Group No. 8.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Peter H. Doyle,

Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 238A and by adding Channel *238A at Westley.

[FR Doc. 2012-31493 Filed 12-31-12; 8:45 am]

BILLING CODE 6712-01-P