

*Federalism (Executive Order 13132)*

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This regulation will not have a substantial direct effect on the states, or on the distribution of power and responsibilities among the various levels of government. The rule addresses dog walking in two areas of the Golden Gate National Recreation Area. The affected lands are under the administrative jurisdiction of the National Park Service.

*Civil Justice Reform (Executive Order 12988)*

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

*Paperwork Reduction Act*

This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB form 83-I is not required.

*National Environmental Policy Act*

The Handbook for NPS Director's Order 12 contains a listing of Categorical Exclusions. Section 3.4 D(2) of the Director's Order 12 Handbook provides that "minor changes in programs and regulations pertaining to visitor activities" may be categorically excluded under NEPA. The proposed regulations for Ocean Beach and Crissy Field are actions that would result in minor changes to regulated visitor activities in these areas (transitioning seasonally from unleashed to leashed dog recreation). GGNRA has prepared all the appropriate Categorical Exclusion screening forms. These forms disclose that the adoption of these regulations would result in no measurable adverse environmental effects. Furthermore, no exceptional circumstances or conditions exist that would make use of a Categorical Exclusion inappropriate. As such, a Categorical Exclusion under NEPA is the appropriate form of NEPA compliance for these regulatory actions.

*Government-to-Government Relationship With Tribes*

In accordance with the President's memorandum of April 29, 1994, "Government to Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated potential effects on federally recognized Indian tribes and have determined that there are no potential effects.

*Clarity of Rule*

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

*Drafting Information:* The primary authors of this rule are: Marybeth McFarland, Law Enforcement Specialist; Christine Powell, Public Affairs Specialist; Shirwin Smith, Management Analyst; Barbara Goodyear, Solicitor, PWRO; and Jerry Case, Regulations Program Manager, NPS, Washington, DC.

**List of Subjects in 36 CFR Part 7**

National Parks, Reporting and recordkeeping requirements.

- For the reasons stated in the preamble, the National Park Service amends 36 CFR part 7 as follows:

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

- 1. The authority for part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

- 2. Add new paragraph (d) to § 7.97 to read as follows:

**§ 7.97 Golden Gate National Recreation Area.**

\* \* \* \* \*

(d) *Dogs—Crissy Field and Ocean Beach Snowy Plover Areas.* (1) Dogs must be restrained on a leash not more than six feet in length starting July 1 and ending May 15, in the following areas:

(i) Crissy Field Wildlife Protection Area (WPA): Dog walking restricted to on-leash only in the area encompassing the shoreline and beach north of the Crissy Field Promenade (excluding the paved parking area, sidewalks and grass lawn of the former Coast Guard Station complex) that stretches east from the Torpedo Wharf to approximately 700 feet east of the former Coast Guard station, and all tidelands and submerged lands to 100 yards offshore.

(ii) Ocean Beach Snowy Plover Protection Area (SPPA): Dog walking restricted to on-leash only in the area which encompasses the shoreline and

beach area west of the GGNRA boundary, between Stairwell 21 to Sloat Boulevard, including all tidelands and submerged lands to 1,000 feet offshore.

(2) Notice of these annual restrictions will be provided through the posting of signs at the sites, on maps identifying the restricted areas on the park's official website and through maps made available at other places convenient to the public.

Dated: September 5, 2008.

**Lyle Laverty,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. E8-21943 Filed 9-18-08; 8:45 am]

**BILLING CODE 4312-FN-P**

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 65****Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

**ADDRESSES:** The modified 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:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division

Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that

the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

*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, Federalism.

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

**List of Subjects in 44 CFR Part 65**

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

**PART 65—[AMENDED]**

■ 1. The authority citation for part 65 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.

**§ 65.4 [Amended]**

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Madison (FEMA Docket No.: B-7788).	City of Huntsville (08-04-1223P).	May 2, 2008; May 9, 2008; <i>Madison County Record.</i>	The Honorable Loretta Spencer, Mayor, City of Huntsville, 308 Fountain Circle, Huntsville, AL 35801.	April 29, 2008 .....	010153
Arizona: Coconino (FEMA Docket No.: B-7785).	Unincorporated areas of Coconino County (07-09-1875P).	April 23, 2008; April 30, 2008; <i>Arizona Daily Sun.</i>	The Honorable Deb Hill, Chairman, Coconino County Board of Supervisors, 219 East Cherry Avenue, Flagstaff, AZ 86001.	April 15, 2008 .....	040019
Yavapai (FEMA Docket No.: B-7785).	Town of Prescott Valley (07-09-1655P).	April 21, 2008; April 28, 2008; <i>Prescott Daily Courier.</i>	The Honorable Harvey C. Skoog, Mayor, Town of Prescott Valley, 7501 East Civic Circle, Prescott Valley, AZ 86314.	April 14, 2008 .....	040121
Yavapai (FEMA Docket No.: B-7785).	Unincorporated areas of Yavapai County (07-09-1655P).	April 21, 2008; April 28, 2008; <i>Prescott Daily Courier.</i>	The Honorable Chip Davis, Chairman, Yavapai County Board of Supervisors, 1015 Fair Street, Prescott, AZ 86305.	April 14, 2008 .....	040093
Colorado: Jefferson (FEMA Docket No.: B-7780).	City of Lakewood (08-08-0276P).	April 10, 2008; April 17, 2008; <i>The Golden Transcript.</i>	The Honorable Bob Murphy, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, CO 80226-3127.	August 18, 2008 .....	085075
Jefferson (FEMA Docket No.: B-7780).	City of Wheat Ridge (08-08-0276P).	April 10, 2008; April 17, 2008; <i>The Golden Transcript.</i>	The Honorable Jerry DiTullio, Mayor, City of Wheat Ridge, 7500 West 29th Avenue, Wheat Ridge, CO 80033.	August 18, 2008 .....	085079
Connecticut: New Haven (FEMA Docket No.: B-7785).	City of New Haven (07-01-1096P).	April 24, 2008; May 1, 2008; <i>New Haven Register.</i>	The Honorable John DeStefano, Jr., Mayor, City of New Haven, 165 Church Street, New Haven, CT 06510.	April 17, 2008 .....	090084
Hawaii: Hawaii (FEMA Docket No.: B-7780).	Unincorporated areas of Hawaii County (08-09-0081P).	April 3, 2008; April 10, 2008; <i>Hawaii Tribune-Herald.</i>	The Honorable Harry Kim, Mayor, Hawaii County, 25 Aupuni Street, Room 215, Hilo, HI 96720.	August 8, 2008 .....	155166
Maui (FEMA Docket No.: B-7797).	Unincorporated areas of Maui County (07-09-1848P).	February 21, 2008; February 28, 2008; <i>Maui News.</i>	The Honorable Charmaine Tavares, Mayor, Maui County, 200 South High Street, Wailuku, HI 96793.	February 12, 2008 .....	150003
Illinois: DuPage (FEMA Docket No.: B-7780).	Village of Glen Ellyn (08-05-1365P).	April 11, 2008; April 18, 2008; <i>Wheaton Sun.</i>	The Honorable Gregory S. Mathews, President, Village of Glen Ellyn, 535 Duane Street, Glen Ellyn, IL 60137.	August 18, 2008 .....	170207

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Massachusetts: Barnstable (FEMA Docket No.: B-7780).	Town of Falmouth (07-01-1083P).	April 3, 2008; April 10, 2008; <i>Cape Cod Times</i> .	The Honorable Kevin E. Murphy, Chairman, Board of Selectmen, 59 Town Hall Square, Falmouth, MA 02540.	August 8, 2008 .....	255211
Minnesota: Olmsted (FEMA Docket No.: B-7785).	Unincorporated areas of Olmsted Count (07-05-4071P).	April 10, 2008; April 17, 2008; <i>Post Bulletin</i> .	The Honorable Ken Brown, Commissioner, Olmsted County Board of Commissioners, 151 Fourth Street Southeast, Rochester, MN 55904.	August 18, 2008 .....	270626
Olmsted (FEMA Docket No.: B-7785).	City of Rochester (07-05-4071P).	April 10, 2008; April 17, 2008; <i>Post Bulletin</i> .	The Honorable Ardell F. Brede, Mayor, City of Rochester, 201 Fourth Street Southeast, Room 281, Rochester, MN 55904.	August 18, 2008 .....	275246
Sherburne (FEMA Docket No.: B-7788).	City of Elk River (08-05-0592P).	April 16, 2008; April 23, 2008; <i>Star News</i> .	The Honorable Stephanie Klinzing, Mayor, City of Elk River, 13065 Orono Parkway, Elk River, MN 55330.	August 15, 2008 .....	270436
Missouri: Cass (FEMA Docket No.: B-7776).	City of Harrisonville (07-07-1674P).	March 28, 2008; April 4, 2008; <i>Democrat Missourian</i> .	The Honorable Kevin W. Wood, Mayor, City of Harrisonville, 300 East Pearl Street, Harrisonville, MO 64701.	August 4, 2008 .....	290068
Jackson (FEMA Docket No.: B-7780).	City of Grain Valley (07-07-1749P).	April 7, 2008; April 14, 2008; <i>The Blue Springs Examiner</i> .	The Honorable David Halphin, Mayor, City of Grain Valley, 711 Main Street, Grain Valley, MO 64029.	August 14, 2008 .....	290737
Ohio: Franklin (FEMA Docket No.: B-7788).	City of Columbus (07-05-1194P).	April 10, 2008; April 17, 2008; <i>Columbus Dispatch</i> .	The Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, Columbus, OH 43215.	August 18, 2008 .....	390170
Franklin (FEMA Docket No.: B-7788).	Unincorporated areas of Franklin County (07-05-1194P).	April 10, 2008; April 17, 2008; <i>Columbus Dispatch</i> .	The Honorable Marilyn Brown, President, Franklin County, Board of Commissioners, 373 South High Street, 26th Floor, Columbus, OH 43215.	August 18, 2008 .....	390167
Warren (FEMA Docket No.: B-7785).	Village of Monroe (07-05-2593P).	April 10, 2008; April 17, 2008; <i>Pulse Journal</i> .	The Honorable Robert Routson, Mayor, City of Monroe, P.O. Box 330, Monroe, OH 45050-0330.	August 18, 2008 .....	390042
Texas: Bexar (FEMA Docket No.: B-7788).	City of San Antonio (08-06-0040P).	May 5, 2008; May 12, 2008; <i>San Antonio Express-News</i> .	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	April 28, 2008 .....	480045
Collin (FEMA Docket No.: B-7780).	Town of Prosper (08-06-0164P).	April 3, 2008; April 10, 2008; <i>Allen American</i> .	The Honorable Charles Niswanger, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	August 8, 2008 .....	480141
Denton (FEMA Docket No.: B-7785).	City of Roanoke (07-06-2276P).	May 1, 2008; May 8, 2008; <i>Denton County Chronicle</i> .	The Honorable Carl E. Gierisch, Jr., Mayor, City of Roanoke, 108 South Oak Street, Roanoke, TX 76262.	April 28, 2008 .....	480785
Parker (FEMA Docket No.: B-7789).	Unincorporated areas of Parker County (08-06-0872P).	May 7, 2008; May 14, 2008; <i>Weatherford Democrat</i> .	The Honorable Mark Riley, Parker County Judge, One Courthouse Square, Weatherford, TX 76086.	April 29, 2008 .....	480520
Tarrant (FEMA Docket No.: B-7780).	City of Keller (08-06-0002P).	March 28, 2008; April 4, 2008; <i>Keller Citizen</i> .	The Honorable Pat McGrail, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244.	August 4, 2008 .....	480602
Travis (FEMA Docket No.: B-7780).	Unincorporated areas of Travis County (07-06-1238P).	April 3, 2008; April 10, 2008; <i>Austin American-Statesman</i> .	The Honorable Samuel T. Biscoe, Travis County Judge, 314 West 11th Street, Suite 520, Austin, TX 78701.	August 8, 2008 .....	481026

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

Dated: September 4, 2008.

**Michael K. Buckley,**

*Deputy Assistant Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E8-21685 Filed 9-18-08; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 27

[WT Docket Nos. 03-66, 03-67, 02-68, 1B Docket No. 02-364, ET Docket No. 00-258; FCC 08-83]

#### Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands; Reviewing of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** On September 8, 2008, the Office of Management and Budget (OMB) approved the information collection requirements contained in § 27.1221(f) pursuant to OMB Control No. 3060-1094. The *BRS/EBS Fourth Memorandum Opinion and Order*, released on March 20, 2008 (FCC 08-83) and published in the **Federal Register** on May 8, 2008, 73 FR 26032, stated that the revision to 47 CFR 27.1221(f) will be effective upon OMB approval. This document announces the effective date of that published rule. Accordingly, the information collection requirements contained in that rule became effective on September 8, 2008.

**DATES:** The revision to § 27.1221(f) published at 73 FR 26032, May 8, 2008, will become effective on September 19, 2008.

**FOR FURTHER INFORMATION CONTACT:** John Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission at (202) 418-0797.

**SUPPLEMENTARY INFORMATION:** In the *BRS/EBS Fourth Memorandum Opinion and Order*, released on March 20, 2008 (FCC 08-83) and published in the **Federal Register** on May 8, 2008, 73 FR 26032, the Commission revised its rules and policies governing the licensing of

the Educational Broadband Service (EBS) and the Broadband Radio Service (BRS) in the 2495-2690 MHz (2.5 GHz band). The Commission required licensees to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced for each of the base stations in its geographic service area (GSA) within 30 days of receipt of a request from a co-channel, neighboring BRS/EBS licensee. This information will be used to prevent harmful interference to licensees' BRS/EBS operations. This interference protection requirement is a revision to the previously approved information collection OMB 3060-1094, and implements § 27.1221(f) of the Commission's rules as published in the **Federal Register** on May 8, 2008.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E8-21997 Filed 9-18-08; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 08-2031; MB Docket No. 08-106; RM-11447]

#### Television Broadcasting Services; Castle Rock, Colorado

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants a petition for rulemaking filed by LeSEA Broadcasting of Denver, Inc., licensee of KWHD-DT, to substitute DTV channel 45 for DTV channel 46 at Castle Rock, Colorado.

**DATES:** The channel substitution is effective October 20, 2008.

**FOR FURTHER INFORMATION CONTACT:** Joyce Bernstein, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 08-106, adopted September 2, 2008, and released September 3, 2008. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII,

Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

#### List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

■ 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.

#### § 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Colorado, is amended by adding channel 45 and removing channel 46 at Castle Rock.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

[FR Doc. E8-21999 Filed 9-18-08; 8:45 am]

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