

of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is not likely to have a significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2. Figure 2–1, paragraph 32(e), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves the operating regulations or procedures for drawbridges. No environmental analysis checklist is required. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. Revise § 117.821(a)(3) to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

* * * * *

(3) Figure Eight Swing Bridge, mile 278.1, at Scotts Hill, NC, the draw need only open every hour on the half hour.

* * * * *

Dated: February 4, 2009.

Fred M. Rosa, Jr.,

*Rear Admiral, United States Coast Guard
Commander, Fifth Coast Guard District.*

[FR Doc. E9–3561 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–185; MB Docket No. 09–9; RM–11511]

Radio Broadcasting Services; Mineral and Nevada City, California

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comment on a petition filed by Shamrock Communications, Inc., the permittee of a new FM station on Channel 297C, Alturus, California, proposing the deletion of vacant Channel 297A at Nevada City, California, and the allotment of Channel 297A at Mineral, California. The reference coordinates for Channel 297A at Mineral are 40–16–11 NL and 121–31–46 WL. *See SUPPLEMENTARY INFORMATION, infra.*

DATES: Comments must be filed on or before March 30, 2009, and reply comments on or before April 14, 2009.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Patricia M. Chuh, Esq., Kenneth E. Satten, Esq., Wilkinson Barker Knauer, LLP, 2300 N Street, NW., Suite 700, Washington, DC 20037 (Counsel for Shamrock Communications, Inc.).

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of

Proposed Rule Making, MB Docket No. 09–9, adopted February 2, 2009, and released February 4, 2009. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, 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, 20554, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>. 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).

The proposed channel changes are part of a hybrid application and rulemaking proceeding. In the application (File No. BMPH–20071108ACY), Shamrock Communications proposes the reallocation of Channel 297C from Alturus California, to Fernley, Nevada, and the associated modification of its construction permit for a new FM station at Alturus. *See* 72 FR 71909 (December 19, 2007). The modification of the Alturus construction permit is contingent upon the deletion of the Nevada City Allotment.

The Commission's policy is generally not to delete a vacant allotment in which interest has been expressed, absent a compelling reason to do so. Accordingly, the Notice of Proposed Rule Making solicits comment on whether to retain Channel 297A at Nevada City.

The Notice of Proposed Rule Making also proposes to allot Channel 297A at Mineral because it could provide a first local service to that community. Although Shamrock Communications expressed an interest in participating in the auction for Channel 297A at Mineral, it is requested to file the required construction permit application on FCC Form 301 for this allotment by the comment deadline. Finally, a staff engineering analysis reveals a terrain obstruction of 130 meters in height between Shamrock's specified site and the community of Mineral that would require a tall tower of at least 210 meters to overcome the obstruction and provide 70 dBu coverage to all of Mineral. Shamrock is

requested to provide documentation regarding its willingness to construct such a tower or to specify a different site that would overcome or obviate the obstruction.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Nevada City, Channel 297A, and by adding Mineral, Channel 297A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9-3593 Filed 2-19-09; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0812221634-9115-01]

RIN 0648-AX51

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Commercial Black Sea Bass Pot Segment of the Snapper-Grouper Fishery off the Southern Atlantic States; Control Date

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Advanced notice of proposed rulemaking; consideration of a control date.

SUMMARY: NMFS announces that it is establishing a revised control date to control future access to the commercial black sea bass pot fishery operating in the exclusive economic zone (EEZ) of the South Atlantic. If changes to the management regime are developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), a control date could be used to limit the number of participants in the fishery. This announcement is intended, in part, to promote awareness of the potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the South Atlantic Fishery Management Council (Council) and NMFS consider whether and how access to the black sea bass pot fishery should be controlled.

DATES: Written comments must be received on or before 5 p.m., eastern time, March 23, 2009.

ADDRESSES: You may submit comments, identified by 0648-AX51, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- Fax: Attn: Kate Michie 727-824-5308.
- Mail: Kate Michie, NMFS Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council; toll free 1-866-SAFMC-10 or 843-571-4366; kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: At the December 2008 Council meeting, the

Council recommended a revised control date of December 4, 2008, for the commercial black sea bass pot segment of the snapper-grouper fishery. The Council is concerned about the potential for an increase in the number of participants in the fishery due to increased regulations on other species in the snapper-grouper management complex. The control date would apply to persons who are contemplating entering the commercial black sea bass pot fishery in the EEZ of the South Atlantic region. The Council previously established April 23, 1997, (62 FR 22995), as the control date for the black sea bass pot segment of the snapper-grouper fishery. A revised control date of October 14, 2005 (70 FR 60058), was established for the snapper-grouper fishery, including the black sea bass pot segment. If adopted, the proposed control date would again revise the control date for the black sea bass pot segment of the commercial snapper-grouper fishery. The previously established October 14, 2005, control date for the commercial snapper-grouper fishery would remain unchanged. The Council requested that this control date be published in the **Federal Register** to notify fishermen that if they enter such a fishery after December 4, 2008, they may not be assured of future access if the Council and/or NMFS decide to limit entry or impose other measures to manage these fisheries. Establishment of the control date would allow the Council to evaluate the level of participation in the subject fishery and address any level of overcapacity. Control dates are intended to discourage speculative entry into a fishery, as new entrants entering the fishery after the control date are forewarned that they are not guaranteed future participation in the fishery.

Establishment of this control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the commercial black sea bass pot fishery. Fishermen are not guaranteed future participation in the fishery regardless of their level of participation before or after the control date. The Council may recommend a different control date or it may recommend a management regime that does not involve a control date. Other criteria, such as documentation of landings or fishing effort, may be used to determine eligibility for participation in a limited access fishery. The Council and/or NMFS also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded. Any action by the Council will be taken