

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]

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#### 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](mailto: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

pursuant to the requirements for fishery management plan and amendment development established under the Magnuson-Stevens Act.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the commercial black sea bass pot fishery in the South Atlantic EEZ.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 11, 2009

**James W. Balsiger,**

*Acting Assistant Administrator For Fisheries,  
National Marine Fisheries Service.*

[FR Doc. E9-3610 Filed 2-19-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 090205130-9132-01]

RIN 0648-AX55

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Commercial Golden Tilefish 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 new control date to control future access to the commercial golden tilefish 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 golden tilefish 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-AX55, 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: Nikhil Mehta 727-824-5308.

- Mail: Nikhil Mehta, 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](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** At the December 2008 Council meeting, the Council recommended a new control date of December 4, 2008, for the commercial golden tilefish segment of the snapper-grouper fishery. The control date would apply to persons who are contemplating entering the commercial golden tilefish fishery in the EEZ of the South Atlantic region. 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 this segment of the snapper-grouper fishery. A control date of October 14, 2005 (70 FR 60058), was previously established for the snapper-grouper fishery and would remain unchanged.

Establishment of the new control date for the commercial golden tilefish segment of the snapper-grouper fishery would allow the Council to evaluate the level of participation in this segment of the snapper-grouper 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 golden tilefish 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 pursuant to the requirements for fishery management plan and amendment development established under the Magnuson-Stevens Act.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the commercial golden tilefish fishery in the South Atlantic EEZ.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 11, 2009

**James W. Balsiger,**

*Acting Assistant Administrator For Fisheries,  
National Marine Fisheries Service.*

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