

redesignate the Pittsburgh Area from nonattainment to attainment of the 8-hour NAAQS promulgated on July 18, 1997 (62 FR 38856) (the "1997 8-hour ozone NAAQS").<sup>1</sup> Concurrently, on April 26, 2007, the PADEP submitted a maintenance plan for the Pittsburgh Area as a SIP revision to ensure continued attainment of the 8-hour NAAQS for at least 10 years after redesignation. The PADEP also submitted a 2002 base year inventory as a SIP revision on April 26, 2007.

In a proposed rule published on July 11, 2007 (72 FR 37683) in the **Federal Register**, EPA proposed to determine that the Pittsburgh Area had attained the 1997 8-hour ozone NAAQS. In addition, we proposed to approve the April 26, 2007, request that the Pittsburgh Area be redesignated as attainment for the 1997 8-hour NAAQS. *See*, 72 FR 37683 at 38864, 38866, July 11, 2008.

In the proposed rule published on July 11, 2007, we also proposed to approve two SIP revisions: (1) A maintenance plan for the Pittsburgh Area that provides for continued attainment of the 1997 8-hour ozone NAAQS for at least 10 years after redesignation including the motor vehicle emissions budgets (MVEBs) that were identified in this maintenance plan; and (2) a 2002 base year inventory for the Pittsburgh Area.

On May 29, 2008, the PADEP submitted a letter to formally withdraw the redesignation request and the maintenance plan SIP revision. On August 1, 2008, PADEP affirmed that the Commonwealth was not withdrawing the 2002 base year emissions inventory SIP revision submitted on April 26, 2007, and submitted a redacted SIP revision which contained only the 2002 base year emissions inventory.

Now that the Commonwealth of Pennsylvania has withdrawn the redesignation request and the maintenance plan SIP revision from our consideration, we must withdraw our proposed actions on the redesignation request and on the maintenance plan and its associated MVEBs. In addition, we are withdrawing our proposed determination that the Pittsburgh Area has attained the 1997 8-hour ozone NAAQS.

The other proposed action published on July 11, 2007, on the SIP revision consisting of the 2002 base year inventory for the Pittsburgh Area is neither affected by this notice nor

withdrawn. In this notice to withdraw the proposed rulemaking actions on the maintenance plan SIP revision and the redesignation request, EPA is not instituting a second comment period on the proposed action to approve the 2002 base year inventory for the Pittsburgh Area. EPA will make its final decision on the 2002 base year inventory for the Pittsburgh Area in a separate rulemaking action.

## II. Withdrawal of Proposed Actions

Therefore, EPA is withdrawing the following proposed approval actions published on July 11, 2007 (72 FR 37683 at 37694): (1) The determination that the Pittsburgh Area has attained the 1997 8-hour ozone NAAQS; (2) the Commonwealth's April 26, 2007, request that the Pittsburgh Area be designated to attainment of the 1997 8-hour NAAQS for ozone; and (3) the maintenance plan and its MVEBs for the Pittsburgh Area, which was submitted on April 26, 2007, as revision to the Pennsylvania SIP.

### List of Subjects

#### 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

#### 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 7, 2008.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. E8-27211 Filed 11-14-08; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 08-2439; MB Docket No. 08-217; RM-11434]

### Radio Broadcasting Services; Kihei, HI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Audio Division requests comment on a petition filed by Shirk-Mays, LLC, requesting the allotment of FM Channel 264C2 at Kihei, Hawaii, as a third local aural service. The reference coordinates for Channel 264C2 at Kihei are 20-39-36 NL and 156-21-50 WL.

**DATES:** Comments must be filed on or before December 22, 2008, and reply comments on or before January 6, 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: Richard J. Hayes, Jr., Esq., Post Office Box 200, Lincolnville, ME 04849 (Counsel for Shirk-Mays, LLC).

**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. 08-217, adopted October 29, 2008, and released October 31, 2008. 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).

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:

<sup>1</sup> On March 27, 2008 (73 FR 16436), EPA revised the level of the primary and secondary 8-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm, but the Pittsburgh Area has not yet been designated under this revision to the NAAQS.

**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 Hawaii, is amended by adding Channel 264C2 at Kihei.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E8-27244 Filed 11-14-08; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 0808041043-81412-01]

**RIN 0648-AX16**

**Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures**

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

**ACTION:** Proposed rule, request for comments.

**SUMMARY:** NMFS proposes 2009 specifications and management measures for Atlantic mackerel, squid, and butterfish (MSB). This action proposes to maintain quotas for Atlantic mackerel (mackerel), *Illex* squid (*Illex*), and butterfish at the same levels as 2008, while increasing the quota for *Loligo* squid (*Loligo*). Additionally, this action proposes to increase the incidental possession limit for mackerel and requests public comment concerning the possibility of an inseason adjustment to increase the mackerel quota, if landings approach proposed harvest limits. These proposed specifications and management measures promote the utilization and conservation of the MSB resource.

**DATES:** Public comments must be received no later than 5 p.m., eastern standard time, on December 17, 2008.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council), including the Environmental Assessment (EA) and Regulatory Impact

Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. The EA/RIR/IRFA is accessible via the Internet at <http://www.nero.nmfs.gov>.

You may submit comments, identified by 0648-AX16, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking portal <http://www.regulations.gov>;
- Fax: (978) 281-9135, Attn: Carrie Nordeen;
- Mail to NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on 2009 MSB Specifications."

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 (e.g., name, address) 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. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF formats only.

**FOR FURTHER INFORMATION CONTACT:** Carrie Nordeen, Fishery Policy Analyst, 978-281-9272, fax 978-281-9135.

**SUPPLEMENTARY INFORMATION:****Background**

Regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) appear at 50 CFR part 648, subpart B. Regulations governing foreign fishing appear at 50 CFR part 600, subpart F. These regulations at § 648.21 and 600.516(c), require that NMFS, based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, annually publish a proposed rule specifying the amounts of the initial optimum yield (IOY), allowable biological catch (ABC), domestic annual harvest (DAH), and domestic annual processing (DAP), as well as, where applicable, the amounts for total allowable level of foreign fishing (TALFF) and joint venture processing (JVP) for the affected species managed under the FMP. In addition, these regulations allow specifications to be specified for up to 3 years, subject to

annual review. The regulations found in § 648.21 also specify that IOY for squid is equal to the combination of research quota (RQ) and DAH, with no TALFF specified for squid. For butterfish, the regulations specify that a butterfish bycatch TALFF will be specified only if TALFF is specified for mackerel.

At its June 10-12, 2008, meeting in Atlantic City, NJ, the Mid-Atlantic Fishery Management Council (Council) recommended 2009 MSB specifications. The recommended specifications for mackerel, *Illex*, and butterfish are the same as those implemented in 2008. For *Loligo*, the Council recommended increasing the Max OY, ABC, IOY, DAH, and DAP based on updated biological reference points implemented in Amendment 9 to the FMP and based on the most recent stock assessment. The Council also recommended increasing the incidental possession limit for mackerel during summer months to reduce the potential for the regulatory discarding of mackerel by the Atlantic herring fleet. With the exception of the incidental possession limit for mackerel, all other management measures (e.g., fishery closure thresholds, possession limits, gear requirements) are the same as those implemented in 2008.

**Research Quota**

Framework Adjustment 1 to the FMP established the Mid-Atlantic Research Set-Aside (RSA) Program, which allows research projects to be funded through the sale of fish that has been set-aside from the total annual quota. The RQ may vary between 0 and 3 percent of the overall quota for each species. The Council has recommended that 3 percent of the 2009 *Loligo*, *Illex*, butterfish, and mackerel quotas be set aside to fund projects selected under the 2009 Mid-Atlantic RSA Program.

NMFS solicited research proposals under the 2009 Mid-Atlantic RSA Program through the **Federal Register** (73 FR 7528, February 8, 2008). The deadline for submission was March 24, 2008. On July 5, 2008, NMFS convened a Review Panel to review the comments submitted by technical reviewers. At this time, the project selection and award process for the 2009 Mid-Atlantic RSA Program has not concluded. Based on discussions between NMFS staff, technical review comments, and Review Panel comments, projects requesting *Loligo* RQ will be forwarded to the NOAA Grants Office for award. If any portion of the RQ is not awarded, NMFS will return any un-awarded RQ to the commercial fishery either through the final 2009 MSB specification rulemaking process or through the publication of a separate notice in the