

filed by SHU. *See also* Supplemental Information.

**DATES:** Effective October 6, 2008.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Memorandum Opinion and Order, MB Docket No. 03-44, adopted August 20, 2008, and released August 22, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. The Commission will send a copy of the Memorandum Opinion and Order in this proceeding 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).

At the request of Isabel Sepulveda, Inc., the Notice of Proposed Rule Making in this proceeding proposed the allotment of Channel 277A at Water Mill, New York. *See* 68 FR 10682 (March 6, 2003). In response, SHU filed comments, suggesting the allotment of Channel 233A in lieu of Channel 277A at Water Mill in order to avoid displacement of its translator W277AB, Noyack, New York. Alternatively, in the event the Commission rejects the allotment of Channel 233A at Water Mill, SHU requested consideration of its counterproposal to reserve Channel \*277A, reserved for noncommercial educational ("NCE") use, at Noyack and modify the license for its Station WSUF(FM), Noyack, from Channel 210B1 to Channel \*277A.

The Report and Order allotted Channel 233A at Water Mill. *See* 71 FR 9266 (February 23, 2006). Subsequently, the allotment of Channel 233A at Water Mill, New York, was inadvertently removed from the Table of Allotments. *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 71 FR 76208 (December 20, 2006).

On reconsideration, the staff deletes the allotment of Channel 233A at Water Mill because the original rulemaking petition, as well as its supporting comments, did not comply with Section 1.52 of the Commission's Rules, which requires that all pleadings filed by

parties not represented by legal counsel be signed and verified by the petitioner. As a result, the removal of Channel 233A at Water Mill becomes official, and Monroe's petition for reconsideration is dismissed as moot.

The document also dismisses SHU's counterproposal because it violates our policy of no longer entertaining optional or alternative proposals presented in either an initial rulemaking petition or a counterproposal. Further, even if the staff were to consider the merits of SHU's counterproposal, the document concludes that the modification of a reserved band NCE license to a nonadjacent channel in the nonreserved band has been permitted in only limited circumstances and that this case does not present such rare circumstances that would justify the modification.

The document also announces that, effective with the release of this order, requests to downgrade and modify a reserved band FM station to a nonadjacent, nonreserved band channel will require the solicitation of competing expressions of interest, pursuant to Section 1.420(g) of the Commission's Rules. The document also overrules a policy set forth in Key West, Florida, and holds that the downgrade and modification of a nonreserved band FM station to a nonadjacent channel in the nonreserved FM band is subject to the requirements of Section 1.420(g) regarding the solicitation of competing expressions of interest and the availability of an equivalent class channel to accommodate such expressions of interest. *See* Key West, Florida, 50 FR 26,229 (June 25, 1985).

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

Radio, Radio broadcasting.  
Federal Communications Commission.  
**John A. Karousos**,  
Assistant Chief, Audio Division Media Bureau.  
[FR Doc. E8-20895 Filed 9-8-08; 8:45 am]  
**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 0808251151-81155-01]

**RIN 0648-AX18**

### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Nomenclature Change to Rename the "Haddock Rope Trawl" the "Ruhle Trawl"; Final Rule

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

**ACTION:** Final rule; nomenclature change.

**SUMMARY:** NMFS changes the name of a previously approved trawl gear referred to as the "Haddock Rope trawl" to the "Ruhle Trawl." The intent of this action is to recognize the effort of Captain Phil Ruhle, Sr., who was instrumental in the development of this gear.

**DATES:** September 9, 2008

**ADDRESSES:** Copies of the Technical Report "Bycatch Reduction in the Directed Haddock Bottom Trawl Fishery" and a diagram of the Ruhle Trawl may be obtained from NMFS at the following address: National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930; telephone (978) 281-9315.

#### FOR FURTHER INFORMATION CONTACT:

Edward Stern, Fishery Management Specialist, (978) 281-9177, fax (978) 281-9135, e-mail [edward.stern@NOAA.gov](mailto:edward.stern@NOAA.gov).

**SUPPLEMENTARY INFORMATION:** At the request of the New England Fishery Management Council, NMFS published a final rule on July 14, 2008 (73 FR 40186), with an effective date of August 13, 2008, that implemented new gear for use in the Regular B Days At Sea (DAS) Program and the Eastern U.S./Canada Haddock Special Access Program (SAP). The purpose of this new gear is to reduce discards under the Northeast (NE) Multispecies Fishery Management Plan (FMP). In the final rule, and in other documents relied on for the final rule, the new gear was referred to as the "Haddock Rope Trawl" or "Eliminator Trawl." A detailed description of the need for, and use of, additional types of trawl gear, and a description of the review process used to evaluate the gear's performance, can be found in the preamble of the proposed rule (73 FR 29098), published on May 20, 2008.

In 2007, Captain Phil Ruhle, Sr., was recognized with David Beutel and Laura Scrobe from the University of Rhode Island, and fellow fishermen James O'Grady and Phil Ruhle, Jr., as the grand prize winners of the 2007 World Wildlife Fund's International Smart Gear Competition. The award credited Captain Ruhle and his team for designing the new trawl, then referred to as "The Eliminator." The July 14, 2008, final rule approved this gear for limited use in Federal waters under the FMP. On July 23, 2008, Captain Phil Ruhle, Sr., perished when his fishing vessel, the F/V SEA BREEZE, capsized and sank in heavy seas off New Jersey. Renaming the new gear the Ruhle Trawl is to honor Captain Phil Ruhle, Sr., as a primary developer of this gear and an innovator in the fishing industry.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be unnecessary. Because prior notice is not required, no Regulatory Flexibility

Analysis (RFA) is required and one has not been prepared. The rule simply changes the name of the "Haddock Rope Trawl" to the "Ruhle Trawl". It has no effect on the gear or the manner in which it is fished. This rule is not anticipated to cause confusion in the fishery, nor will it require significant remarking of existing gear. This rule will not impact other regulations. The AA further finds pursuant to 5 U.S.C. 553(d)(3) good cause to waive the thirty (30) day delayed effectiveness period for the reasons stated above. This nomenclature change is published pursuant to 50 CFR part 648 and has been determined to be not significant for purposes of Executive Order 12866.

Dated: September 3, 2008.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator For Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons set out in the preamble, NMFS amends 50 CFR part 648 as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

#### **§§ 648.2, 648.14, and 648.85 [Amended]**

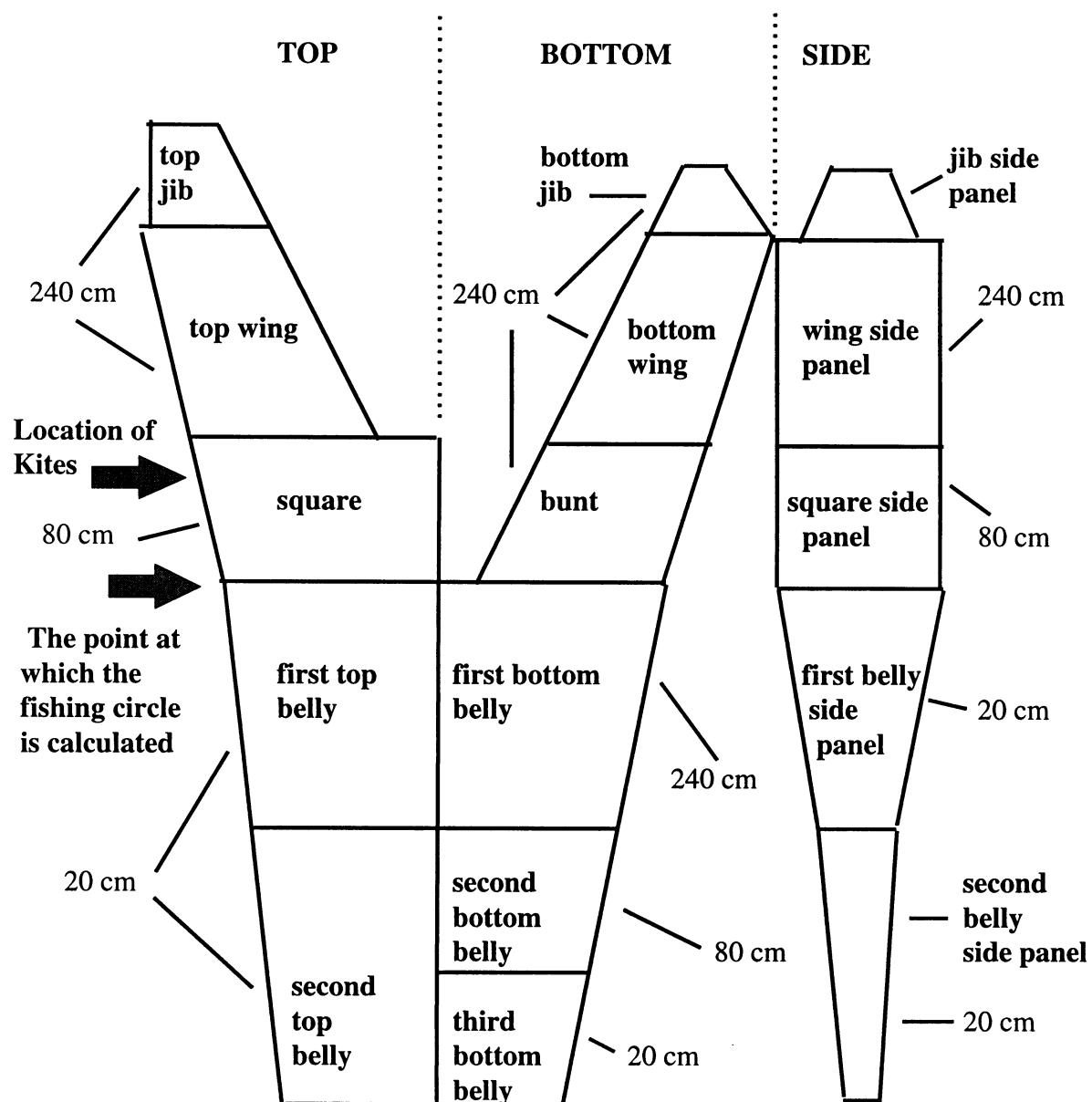
■ 2. In the table below, for each section in the left column, remove the name "haddock rope trawl" from wherever it appears throughout the section and add the name "RuhleTrawl" indicated in the right column for the number of times indicated.

Section	Remove	Add	Frequency
§ 648.2	haddock rope trawl	Ruhle Trawl	1
§ 648.14	haddock rope trawl	Ruhle Trawl	1
§ 648.85	haddock rope trawl	Ruhle Trawl	8

■ 3. Figure 1 to Part 648 is revised to read as follows:

**BILLING CODE 3510-22-S**

Figure 1 to Part 648



#### Nomenclature for 4 Seam, Ruhle Trawl and Minimum Mesh Size by Section

20 cm = 7.9 inches;  
 80 cm = 31.5 inches;  
 240 cm = 7.9 ft