

§ 28.31 Quality control plans; contents.

(b) * * * Military Specification MIL-F-15160D is available for examination at the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059. * * *

■ 37. Section 28.40 is amended by revising the second sentence of paragraph (d) to read as follows:

§ 28.40 Construction and performance requirements; general.

(d) * * * This document is available for examination at the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059, and copies of the document are available from COMM 2000, 1414 Brook Drive, Downers Grove, IL 60515; Telephone: 888-853-3512 (toll free); http://ulstandardsinonet.ul.com.

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

■ 38. The authority citation for part 33 continues to read as follows:

Authority: 30 U.S.C. 957 and 961.

■ 39. Section 33.3 is amended by revising the first sentence to read as follows:

§ 33.3 Consultation.

By appointment, applicants or their representatives may visit the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059, to discuss with MSHA personnel proposed designs of equipment to be submitted in accordance with the regulations of this part. * * *

■ 40. Section 33.6 is amended by revising the second sentence of paragraph (a)(1) to read as follows:

§ 33.6 Application procedures and requirements.

(a)(1) * * * The application and all related matters and correspondence shall be addressed to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059. * * *

PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS

■ 41. The authority citation for part 35 continues to read as follows:

Authority: 30 U.S.C. 957 and 961.

■ 42. Section 35.3 is amended by revising the first sentence to read as follows:

§ 35.3 Consultation.

By appointment, applicants or their representatives may visit the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059, to discuss with qualified MSHA personnel proposed fluids to be submitted in accordance with the regulations of this part. * * *

■ 43. Section 35.6 is amended by revising the second sentence of paragraph (a)(1) and the third sentence of paragraph (g) to read as follows:

§ 35.6 Application procedures and requirements.

(a)(1) * * * The application and all related matters and correspondence shall be addressed to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059. * * *

(g) * * * All samples and related materials required for testing must be delivered (charges prepaid) to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059.

PART 36—APPROVAL REQUIREMENTS FOR PERMISSIBLE MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT

■ 44. The authority citation for part 36 continues to read as follows:

Authority: 30 U.S.C. 957 and 961.

■ 45. Section 36.3 is amended by revising the first sentence to read as follows:

§ 36.3 Consultation.

By appointment, applicants or their representatives may visit the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059, to discuss with qualified MSHA personnel proposed mobile diesel-powered transportation equipment to be submitted in accordance with the regulations of this part. * * *

■ 46. Section 36.6 is amended by revising the second sentence of paragraph (a)(1) to read as follows:

§ 36.6 Application procedures and requirements.

(a)(1) * * * The application and all related matters and correspondence shall be addressed to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059. * * *

PART 74—COAL MINE DUST PERSONAL SAMPLER UNITS

■ 47. The authority citation for part 74 continues to read as follows:

Authority: 30 U.S.C. 957 and 961.

■ 48. Section 74.6 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 74.6 Applications.

(a) * * * The applications, together with the drawings and specifications and any other related documents shall be sent to National Institute for Occupational Safety and Health, Department of Health and Human Services, Box 4256, 944 Chestnut Ridge Road, Morgantown, WV 26505, and the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08-1956; MB Docket No. 03-44; RM-10650, RM-11396]

Radio Broadcasting Services; Noyack and Water Mill, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: The staff dismisses as moot a petition for reconsideration filed by Monroe Board of Education (“Monroe”) and grants in part and denies in part a petition for reconsideration filed by Sacred Heart University (“SHU”). The document also deletes the allotment of FM Channel 233A at Water Mill, New York, and dismisses a counterproposal

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.
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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.

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.