

(voice) or 202-663-4641 (TTY) to schedule an appointment).

**FOR FURTHER INFORMATION CONTACT:**

Thomas J. Schlageter, Assistant Legal Counsel, or Mona Papillon, Senior General Attorney, at (202) 663-4640 (voice) or (202) 663-7026 (TTY). Copies of this NPRM are also available in the following alternate formats: large print, braille, audiotape and electronic file on computer disk. Requests for this NPRM in an alternative format should be made to EEOC's Publication Center at 1-800-669-3362 (voice) or 1-800-800-3302 (TTY).

**SUPPLEMENTARY INFORMATION:** Under the Government in the Sunshine Act, 5 U.S.C. 552b, the EEOC is required to give public announcement of Commission meetings. The Commission's Sunshine Act regulations specify that such announcements will be made by recorded telephone message and posting in the lobby of its headquarters. In November and December 2008, the Commission's headquarters and the Washington Field Office (WFO) moved from 1801 L Street, NW., Washington, DC 20507 to 131 M Street, NE., Washington, DC 20507. Because the new location is a multi-tenant building and the landlord prohibits the posting of tenant announcements in the lobby, the Commission is proposing to post announcements of public meetings on the agency's public Web site instead of posting them in the lobby. Thus, the regulation would require public announcement by recorded telephone message and posting on the EEOC's Web site instead of by recorded telephone message and posting in the EEOC's lobby.

**Regulatory Procedures**

*Executive Order 12866*

This is not a "significant regulatory action" within the meaning of section 3 of Executive Order 12866.

*Paperwork Reduction Act*

This regulation contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Regulatory Flexibility Act*

The Commission certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the rule does not have any economic impact. The regulation affects only the means by which the EEOC will issue public notices of its meetings.

Thus, a regulatory flexibility analysis is not required.

*Unfunded Mandates Reform Act of 1995*

This final rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Congressional Review Act*

This action concerns agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

**List of Subjects in 29 CFR Part 1612**

Government in the Sunshine Act, Equal Employment Opportunity.

For the Commission.

**Stuart J. Ishimaru,**

*Acting Chairman.*

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission proposes to amend 29 CFR part 1612 as follows:

**PART 1612—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS**

1. The authority citation for Part 1612 continues to read as follows:

**Authority:** 5 U.S.C. 552b, sec 713, 78 Stat. 265; 42 U.S.C. 2000e-12.

2. In § 1612.7, revise paragraph (a) to read as follows:

**§ 1612.7 Public announcement of agency meetings.**

(a) Public announcement of each meeting by the agency shall be accomplished by recorded telephone message at telephone number 202-663-7100 (between the hours of 9 a.m. and 5 p.m. e.t.), and by posting such announcements on the Commission's public Web site located at <http://www.eeoc.gov> not later than one week prior to commencement of a meeting or the commencement of the first meeting in a series of meetings, except as otherwise provided in this section, and shall disclose:

- (1) The time of the meeting.
- (2) The place of the meeting.
- (3) The subject matter of each portion of the meeting or series of meetings.

(4) Whether any portion(s) of a meeting will be open or closed to public observation.

(5) The name and telephone number of an official designated to respond to requests for information about the meeting.

\* \* \* \* \*

[FR Doc. E9-3671 Filed 2-19-09; 8:45 am]

BILLING CODE 6570-01-P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[USCG-2009-0051]

RIN 1625-AA09

**Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Scotts Hill, NC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the drawbridge operation regulations of the Figure Eight Swing Bridge, at AIWW mile 278.1, at Scotts Hill, NC. This proposal would allow for the drawbridge to open on signal every hour on the half hour for the passage of pleasure vessels. At all times, the draw will continue to open on signal for commercial vessels. The proposed change would result in more efficient use of the bridge.

**DATES:** Comments and related material must reach the Coast Guard on or before April 6, 2009.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number USCG-2009-0051 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(3) *Hand delivery:* Room W12-140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* 202-493-2251.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed

rule, call Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6629. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

#### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2009-0051), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to

know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

#### Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> at any time. Enter the docket number for this rulemaking (USCG-2009-0051) in the Search box, and click "Go>>." You may also visit either the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays or at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

#### Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://DocketsInfo.dot.gov>.

#### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management

Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

The Figure Eight Homeowner Association Inc., (FEHAI), is responsible for the operation of the Figure Eight Swing Bridge, at AIWW mile 278.1, at Scotts Hill, NC.

In the closed-to-navigation position, the Figure Eight Swing Bridge has a vertical clearance of 20 feet, above mean high water (MHW). Also, the vertical clearance in the open position at this location is limited to 85 feet, above MHW, by the overhead power line. The existing regulation is set out in 33 CFR 117.821(a)(3) which requires the draw to open on signal at all times for commercial vessels, and open on the hour and half hour for pleasure craft.

The FEHAI requested a change to the existing regulations in an effort to improve the schedule for both roadway and waterway users. The swing bridge provides the only route on and off Figure Eight Island. This proposal would not change the requirement for the bridge to open on signal at any time for commercial and government vessels. The proposal would facilitate pleasure craft in navigating the AIWW, while also helping to ease vehicular traffic congestion. Most vessels transiting the area in the spring and fall are operated by owners commonly referred to as "snowbirds". Owners of these transitory recreational vessels are either traveling north to south towards a warmer climate in the fall or south to north towards a cooler climate in the spring which can result in frequent bridge openings due to increased number of vessels. (See Table A)

TABLE A

Bridge Openings for 2005											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
147	97	160	297	410	313	311	164	160	340	399	227
Bridge Openings for 2006											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
156	80	162	309	388	308	237	163	164	331	354	172
Bridge Openings for 2007											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
151	100	144	268	373	285	184	184	132	311	296	106

Also, the Coast Guard examined the operation of the S.R. 74 Bridge, at AIWW mile 283.1, at Wrightsville Beach located just south of the Figure Eight Swing Bridge. The S.R. 74 Bridge provides vessel openings on the hour between 7 a.m. to 7 p.m., except that from 7 a.m. to 11 a.m. on the third and fourth Saturday in September of every year, the draw need not open for vessels due to the Triathlon run. The proposed change would allow pleasure vessels to proceed safely through each of these bridges without delay.

#### Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.821(a)(3) by requiring openings of the draw every hour on the half hour for the passage of pleasure vessels. At all times, the draw will continue to open on signal for commercial vessels.

#### Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

#### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. We reached this conclusion based on the fact that the proposed changes have only a minimal impact on maritime traffic transiting the bridge; mariners of recreational vessels can plan their transits in accordance with the scheduled bridge openings to minimize delays and recreational vessels that can safely transit under the bridge while the draw span is in a closed position may do so at any time.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and

governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule could affect the following entities, some of which might be small entities: The owners or operators of recreational vessels needing to transit through the bridge.

This action will not have a significant economic impact on a substantial number of small entities because recreational vessels that can safely transit under the bridge while the draw span is in a closed position may do so at any time. Also, other mariners of recreational vessels can plan their trips in accordance with the scheduled bridge openings to minimize delays.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office

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