

of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999); is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 28, 2011.

**James B. Martin,**

*Regional Administrator, Region 8.*

[FR Doc. 2011-28896 Filed 11-7-11; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 11-167; RM-11642; DA 11-1711]

#### Radio Broadcasting Services; Altamont, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document sets forth a proposal to amend the FM Table of Allotments. The Commission requests comment on a petition filed by Threshold Communications, proposing to amend the Table of Allotments by substituting Channel 235C1 for vacant Channel 249C1, at Altamont, Oregon. The proposal is part of a contingently filed “hybrid” application and rule making petition. Channel 235C1 can be allotted at Altamont in compliance with the Commission’s minimum distance separation requirements with a site restriction of 32.3 km (20.1 miles) east of Altamont, at 42-07-04 North Latitude and 121-21-50 West Longitude. See **SUPPLEMENTARY INFORMATION** *infra*.

**DATES:** The deadline for filing comments is December 5, 2011. Reply comments must be filed on or before December 20, 2011.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Donald E. Martin, Esq., Donald E. Martin, P.C., Post Office Box 8433, Falls Church, Virginia 22041.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Media Bureau (202) 418-7072.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Notice of Proposed Rule Making*, MB Docket No. 11-167, adopted October 12, 2011, and released October 14, 2011. 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 20554. The complete text of this decision may also be purchased from the Commission’s copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company’s Web site, <http://www.bcpweb.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 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* contacts.

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.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

#### Rule Changes

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 and 339.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by deleting 249C1 and adding 235C1 at Altamont.

[FR Doc. 2011-28790 Filed 11-7-11; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 04-219, RM-10986, DA 11-1687]

#### Radio Broadcasting Services; Evergreen, AL, and Shalimar, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Dismissal.

**SUMMARY:** The Audio Division, at the request of Quantum of Ft. Walton Beach License Company, LLC, proponent of a petition for reconsideration of the Memorandum Opinion and Order in this proceeding, dismisses the petition for reconsideration and terminates the proceeding.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418-7072.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Order*, MB Docket No. 04-219, adopted October 6, 2011, and released October 7, 2011. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The *Order* is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, see U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.)

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 2011-28793 Filed 11-7-11; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 21

[Docket No. FWS-R9-MB-2011-0060; 91200-1231-9BPP]

RIN 1018-AX90

#### Migratory Bird Permits; Definition of "Hybrid" Migratory Bird

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to revise the definition of "hybrid" as it relates to birds protected under the Migratory Bird Treaty Act. At present, the definition applies only to hybrids of two species on the list of migratory birds at 50 CFR 10.13. We propose to

revise the definition to make it clear that it applies to the offspring of any species listed at 50 CFR 10.13.

**DATES:** Send comments on this proposal by February 6, 2012.

**ADDRESSES:** You may submit comments by either one of the following two methods:

- *Federal eRulemaking portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket FWS-R9-MB-2011-0060.

- *U.S. mail or hand delivery:* Public Comments Processing, Attention: FWS-R9-MB-2011-0060; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, MS 2042-PDM; Arlington, VA 22203-1610.

We will not accept email or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information that you provide. See the Public Comments section below for more information.

**FOR FURTHER INFORMATION CONTACT:** Dr. George T. Allen at (703) 358-1825.

**SUPPLEMENTARY INFORMATION:**

#### Background

At present, at 50 CFR 21.3, the term "hybrid" is defined as the "offspring of birds listed as two or more distinct species in § 10.13 of subchapter B of this chapter, or offspring of birds recognized by ornithological authorities as two or more distinct species listed in § 10.13 of subchapter B of this chapter." This means that, under the definition of "hybrid" birds at 50 CFR 21.3, the only hybrid migratory birds that are protected by our regulations under the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703-712) are birds that are the offspring of two species already protected under the MBTA.

This definition has created difficulties because it differs from the longstanding Service application of "hybrid" to falconry and raptor propagation birds, in particular. "Hybrid" was not defined prior to 2008, when the falconry regulations were substantially revised (73 FR 59448-59477, October 8, 2008). We defined "hybrid" in 50 CFR 21.3 in a manner that conflicts with the use of the term in other regulations.

To ensure that all appropriate hybrid migratory birds receive protection under our regulations implementing the MBTA, we are proposing a change to the definition of "hybrid." The proposed definition change would make it clear that the offspring of any species listed at 50 CFR 10.13 is protected under the MBTA, regardless of how many generations that bird is removed from

the wild. The proposed definition would also be consistent with the definition of "migratory bird" at 50 CFR 10.12, and with the definition of "hybrid" at 50 CFR 23.5 of the regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The definition of "migratory bird" in 50 CFR 10.12 is: "Migratory bird means *any bird, whatever its origin* and whether or not raised in captivity, which belongs to a species listed in § 10.13 or which is a mutation or a hybrid of any such species. \* \* \*" (emphasis added). Likewise, the definition at 50 CFR 23.5 is "Hybrid means any wildlife or plant that results from a cross of genetic material between two separate taxa *when one or both are listed* \* \* \*" (emphasis in original and added, respectively).

The proposed definition would also be consistent with the purpose of the MBTA (16 USC 701): The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, *and also to regulate the introduction of American or foreign birds* or animals in localities where they have not heretofore existed (emphasis added). If hybrid raptors, with one foreign parent (not listed on § 10.13), could not be regulated under the MBTA, then these introduced birds could potentially pose a threat to native birds by, for example, competition or cross-breeding. The Service has recognized that threat in its regulations, explicitly prohibiting several times the release of hybrid raptors in the wild at 50 CFR 21.29 (b)(6)(v), (b)(12), (e)(9)(i), and (e)(9)(iv). If the Service did not have authority under the MBTA to regulate hybrids, then it would have no authority over release of hybrids under 50 CFR 21.29. The proposed definition change would thus harmonize with the Service's existing authority and regulation.

Similarly, if the Service did not have authority to regulate hybrids in which one parent was not listed on § 10.13, then it would have no authority to regulate hybrids with a "prohibited raptor." In the 2008 revisions of the falconry regulations, the Service recently allowed possession of hybrids (50 CFR 21.29(c)(3)(i)(E)), except for hybrids of certain species: "You may possess a raptor of any Falconiform or Strigiform species, including wild, captive-bred, or hybrid individuals, *except a federally listed threatened or endangered species, a bald eagle (Haliaeetus leucocephalus), a white-*