

- f. Uintah and Ouray Indian Reservation (see below)
- g. Ute Mountain Indian Reservation;
2. Any land held in trust by the United States for an Indian tribe; and,
  3. Any other areas which are "Indian country" within the meaning of 18 U.S.C. 1151.

With respect to the Uintah and Ouray Indian Reservation, federal courts have determined that certain lands within the exterior boundaries of the Reservation do not constitute Indian country. This State program revision approval will extend to those lands which the courts have determined are not Indian country.

#### **K. What Is Codification and Is EPA Codifying Utah's Hazardous Waste Program as Authorized in This Rule?**

Codification is the process of placing a State's statutes and regulations that comprise the State's authorized hazardous waste program into the CFR. We do this by referencing the authorized State rules in 40 CFR part 272. Utah's rules, up to and including those revised on February 2, 1996, have previously been codified through the incorporation-by-reference effective March 15, 1999 (66 FR 58964, November 26, 2001). We reserve the amendment of 40 CFR part 272, subpart TT for the codification of Utah's updated program until a later date.

#### **L. Statutory and Executive Order Reviews**

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by state law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and

the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes state requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S.

Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective *May 6, 2008*.

#### **List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Incorporation-by-Reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 22, 2008.

**Robert E. Roberts,**

*Regional Administrator, Region 8.*

[FR Doc. E8-4251 Filed 3-6-08; 8:45 am]

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## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 76**

[MB Docket No. 07-29; FCC 07-169]

#### **Implementation of the Cable Television Consumer Protection and Competition Act of 1992 and Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act—Sunset of Exclusive Contract Prohibition**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Federal Communications Commission adopted rules revising the procedures applicable to program access complaint proceedings. Certain changes to the rules require Office of Management and Budget (OMB) approval to become effective. This document announces the effective date of these rules.

**DATES:** The rules published on October 4, 2007, 72 FR 56645, amending 47 CFR 76.1003(e)(1) and (j) are effective March 7, 2008.

**FOR FURTHER INFORMATION CONTACT:** For further information on this proceeding, contact David Konczal, *David.Konczal@fcc.gov*, of the Media

Bureau, Policy Division, (202) 418-2120. Questions concerning the OMB control number should be directed to Cathy Williams, Federal Communications Commission, 202-418-2918, or via the Internet at [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**SUPPLEMENTARY INFORMATION:** In a *Report and Order* ("Order") released on October 1, 2007, FCC 07-169, and published in the **Federal Register** on October 4, 2007, 72 FR 56645, the Federal Communications Commission adopted rules revising the procedures applicable to program access complaint proceedings which contained information collection requirements subject to the Paperwork Reduction Act. The *Report and Order* stated that the rule changes requiring OMB approval would become effective immediately upon announcement of OMB approval in the **Federal Register**. On February 15, 2008, the OMB approved the information collection requirements contained in 47 CFR 76.1003(e)(1) and (j). This information collection is assigned OMB Control Number 3060-0888. This publication satisfies the statement that the Commission would publish a document announcing the effective date of the rule changes requiring OMB approval.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E8-4452 Filed 3-6-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 071218860-8246-02]

RIN 0648-AW26

#### Pacific Halibut Fisheries; Catch Sharing Plan

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

**ACTION:** Final rule.

**SUMMARY:** The Assistant Administrator for Fisheries, NOAA (AA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures promulgated as regulations by the IPHC and approved by the Secretary of State governing the Pacific halibut fishery. The AA also announces modifications to the Catch

Sharing Plan (CSP) for Area 2A (waters off the U.S. West Coast) and implementing regulations for 2008, and announces approval of the Area 2A CSP. These actions are intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (Council).

**DATES:** Effective March 8, 2008.

**ADDRESSES:** Additional requests for information regarding this action may be obtained by contacting: the International Pacific Halibut Commission, P.O. Box 95009, Seattle, WA 98145-2009; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Ellen Sebastian, Records Officer; or Sustainable Fisheries Division, NMFS Northwest Region, 7600 Sand Point Way, NE, Seattle, WA 98115. This final rule also is accessible via the Internet at the Government Printing Office's website at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For waters off Alaska, Peggy Murphy, 907-586-8743, e-mail at [peggy.murphy@noaa.gov](mailto:peggy.murphy@noaa.gov); or, for waters off the U.S. West Coast, Jamie Goen, 206-526-4646, email at [jamie.goen@noaa.gov](mailto:jamie.goen@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The IPHC has promulgated regulations governing the Pacific halibut fishery in 2008 under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, D.C., on March 29, 1979). The IPHC regulations have been approved by the Secretary of State of the United States under section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k).

The Halibut Act provides the Secretary with the authority and general responsibility to carry out the requirement of the Convention and the Halibut Act. Regulations that are not in conflict with approved IPHC regulations may be recommended by the North Pacific Fishery Management Council and implemented by the Secretary through NMFS to allocate harvesting privileges among the U.S. fishermen in and off of Alaska. The Council has exercised this authority most notably in the development of its Individual Fishing Quota (IFQ) Program, codified

at 50 CFR 679, and subsistence halibut fishery management measures, codified at 50 CFR 300.65. The Council also has been developing a regulatory program to manage the guided sport charter vessel fishery for halibut. Work on this program is ongoing and includes harvest restrictions and a moratorium on new entry into the charter vessel fishery. NMFS took regulatory action in 2007 to reduce sport fish harvest of halibut in Area 2C by amending the two fish bag limit with the restriction that at least one of the two halibut retained is no longer than 32 in (81.3 cm) with its head on. Given continued concern for the poundage of halibut harvested by the guided sport charter vessel fishery in Area 2C, NMFS published a proposed rule that would reduce sport fishing mortality of halibut in the Area 2C charter vessel fishery to a level comparable to the Council's Guideline Harvest Level (GHL). NMFS provides annual notice of the guideline harvest level (GHL) for Areas 2C and 3A to meet regulatory requirements and inform the public. Notice was published this year on February 5, 2008 (73 FR 6709).

Pursuant to regulations at 50 CFR 300.62, the approved IPHC regulations setting forth the 2008 IPHC annual management measures are published in the **Federal Register** to provide notice of their effectiveness, and to inform persons subject to the regulations of the restrictions and requirements. These management measures are effective until superseded by the 2009 management measures, which NMFS will publish in the **Federal Register**. As noted, NMFS anticipates implementing more restrictive regulations for the Area 2C charter vessel fishery and participants in that fishery are advised to check the current federal and state regulations prior to fishing.

The IPHC held its annual meeting in Portland, Oregon, January 15-18, 2008, and adopted regulations for 2008. The substantive changes to the previous IPHC regulations (72 FR 11792, March 14, 2007) include:

1. New halibut catch limits in all regulatory areas (areas);
2. A prohibition on tagging halibut except as authorized by IPHC;
3. Addition of a net-weight definition that applies to all halibut fishing;
4. Changes to the regulations regarding possession of Area 4 halibut on a vessel with a Vessel Monitoring System (VMS);
5. Restriction on the filleting of halibut on board sport fishing vessels in waters in and off Alaska;
6. New commercial halibut fishery opening dates;