

## II. Background

In the **Federal Register** of April 22, 2008 (73 FR 21692) (FRL-8355-7), EPA issued the Lead; Renovation, Repair, and Painting Program final rule (40 CFR part 745, subpart E) that applies to renovations performed for compensation in target housing and child-occupied facilities built before 1978 by requiring, among other things:

- Training for renovators.
- Certification of renovators and firms.
- Accreditation of training providers.
- Use of renovation work practice standards, such as posting warning signs; containing work areas so that no dust or debris leaves the work area while the renovation is being performed; prohibiting certain high dust-generating work practices; and a cleanup and cleaning verification protocol.

The final rule is effective June 23, 2008. However, certain provisions of the final rule, such as requiring the use of the work practices, do not become effective until April 22, 2010.

EPA examined the economic implications of that final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601-602). The Agency concluded that a substantial number of small entities will be affected by the final rule.

Pursuant to section 212 of SBREFA (Public Law 104-121, as amended), EPA is making available a small entity compliance guide, summarizing in plain language the requirements of the final rule.

The small entity compliance guide represents the Agency's current thinking on the subject. It does not create or confer any rights for or on any person and does not operate to bind EPA or the public.

### List of Subjects in 40 CFR Part 745

Environmental protection, Child-occupied facility, Housing renovation, Lead, Lead-based paint, Renovation, Reporting and recordkeeping requirements.

Dated: June 20, 2008.

**James B. Gulliford,**

*Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

[FR Doc. E8-14507 Filed 6-25-08; 8:45 am]

**BILLING CODE 6560-50-S**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 07-148; FCC 08-153]

### DTV Consumer Education Initiative

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission revised the location for filing Form 388, DTV Quarterly Activity Station Report. In the *DTV Consumer Education Order* the Commission sought to ensure widespread consumer understanding of the benefits and mechanics of the transition by promoting a coordinated, national DTV consumer education campaign. One facet of this campaign was the establishment of a requirement that broadcasters provide on-air information to their viewers about the DTV transition, by compliance with one of three alternative sets of rules, and report those efforts to the Commission and the public.

**DATES:** Effective June 26, 2008.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information, please contact Lyle Elder, [Lyle.Elder@fcc.gov](mailto:Lyle.Elder@fcc.gov), 202-418-2120, or Eloise Gore, [Eloise.Gore@fcc.gov](mailto:Eloise.Gore@fcc.gov), 202-418-7200.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in MB Docket No. 07-148, FCC 08-153, adopted June 12, 2008 and released June 16, 2008. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. These documents will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

## Summary of the Order

### I. Background

1. In this Order, we revise the location for filing Form 388, DTV Quarterly Activity Station Report. In the *DTV Consumer Education Order*, 73 FR 15431 (March 24, 2008), the Commission sought to ensure widespread consumer understanding of the benefits and mechanics of the transition by promoting a coordinated, national DTV consumer education campaign. One facet of this campaign was the establishment of a requirement that broadcasters provide on-air information to their viewers about the DTV transition, by compliance with one of three alternative sets of rules, and report those efforts to the Commission and the public. In particular, we required that the efforts be recorded on Form 388 and filed with the Commission via the Electronic Comment Filing System (ECFS).

### II. Discussion

2. The first filing under these rules was due on April 10, 2008. Based on broadcaster and Commission experience with that filing, we find that the Consolidated DataBase System (CDBS) is a better database in which to file these forms. CDBS is more commonly used by broadcasters to file forms of this nature, and the electronic filing format simplifies both data entry by filers and review by the Commission. Therefore, in order to facilitate the reporting and review of broadcaster education efforts, this *Order* makes a procedural change to the consumer education rules and the instructions to Form 388. Beginning with the reports covering the second quarter of 2008, due July 10, 2008, Form 388 must be filed in CDBS, instead of ECFS. The change in the filing database creates no additional burden on broadcasters and all other requirements remain the same.

### III. Procedural Matters

#### A. Paperwork Reduction Act Analysis

3. This Order was analyzed with respect to the Paperwork Reduction Act of 1995 (PRA) and does not contain a substantive or material modification to an information collection. Therefore, it does not require resubmission to the Office of Management and Budget. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees."

#### B. Additional Information

4. For more information on this *Report and Order*, please contact Lyle

Elder, *Lyle.Elder@fcc.gov* of the Media Bureau, Policy Division, 202-418-2120, or Eloise Gore, *Eloise.Gore@fcc.gov* of the Media Bureau, 202-418-7200.

#### IV. Ordering Clause

*It is ordered* that, pursuant to the authority contained in sections 1, 4, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, and 303, this Order *is adopted* and the Commission's rules and Form 388 *are hereby amended* as set forth in Appendices A and B, respectively. The non-substantive revisions to the rules in this Order will be effective June 25, 2008.

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

Television.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

#### Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 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.

■ 2. Section 73.3526 is amended by revising paragraph (e)(ii)(iv) to read as follows:

##### § 73.3526 Local public inspection file of commercial stations.

\* \* \* \* \*

(e) *Contents of the file.*

\* \* \* \* \*

(11)(iv) *DTV Transition Education Reports.* For full-power commercial TV broadcast stations, both analog and digital, on a quarterly basis, a completed Form 388, DTV Consumer Education Quarterly Activity Report. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. By this date, a copy of the Report for each quarter must be filed electronically using the Commission's Consolidated DataBase System (CDBS). Stations electing to conform to the requirements of § 73.674(b) must also provide the form on the station's public Web site, if such exists. The Report shall be separated from other materials in the public inspection file. The first Report, covering the first quarter of 2008, must be filed no later than April 10, 2008. The Reports must continue to be

included up to and including the quarter in which a station concludes its education campaign. These Reports shall be retained in the public inspection file for one year. Licensees and permittees shall publicize in an appropriate manner the existence and location of these Reports.

\* \* \* \* \*

■ 3. Section 73.3527 is amended by revising paragraph (e)(13) to read as follows:

##### § 73.3527 Local public inspection file of noncommercial educational stations.

\* \* \* \* \*

(e) *Contents of the file.*

\* \* \* \* \*

(13) *DTV Transition Education Reports.* For full-power noncommercial educational TV broadcast stations, both analog and digital, on a quarterly basis, a completed Form 388, DTV Consumer Education Quarterly Activity Report. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. By this date, a copy of the Report for each quarter must be filed electronically using the Commission's Consolidated DataBase System (CDBS). Stations electing to conform to the requirements of § 73.674(b) must also provide the form on the station's public Web site, if such exists. The Report shall be separated from other materials in the public inspection file. The first Report, covering the first quarter of 2008, must be filed no later than April 10, 2008. The Reports must continue to be included up to and including the quarter in which a station concludes its education campaign. These Reports shall be retained in the public inspection file for one year. Licensees and permittees shall publicize in an appropriate manner the existence and location of these Reports.

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[FR Doc. E8-14538 Filed 6-25-08; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 071106673-8011-02]

RIN 0648-X164

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by American Fisheries Act (AFA) trawl catcher processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2008 Pacific cod total allowable catch (TAC) specified for AFA trawl catcher processors in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), June 23, 2008, though 1200 hrs, A.l.t., December 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2008 Pacific cod TAC allocated to AFA trawl catcher processors in the BSAI is 3,506 metric tons (mt) as established by the 2008 and 2009 final harvest specifications for groundfish in the BSAI (73 FR 10160, February 26, 2008).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2008 Pacific cod TAC allocated to AFA catcher processors in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt, and is setting