

comprehensive reform efforts, the Joint Board issued a recommended decision on November 20, 2007. The Universal Service Joint Board's recommended decision included several recommendations to address the growth in high-cost support and to reform the high-cost mechanisms. Specifically, the Universal Service Joint Board recommended that the Commission should: (1) Deliver high-cost support through a provider of last resort fund, a mobility fund, and a broadband fund; (2) cap the high-cost fund at \$4.5 billion, the approximate level of 2007 high-cost support; (3) reduce the existing funding mechanisms during a transition period; (4) add broadband and mobility to the list of services eligible for support under section 254 of the Act; (5) eliminate the identical support rule; and (6) "explore the most appropriate auction mechanisms to determine high-cost universal service support."

36. On January 29, 2008, the Commission released the *Joint Board Comprehensive Reform NPRM*, seeking comment on the *Joint Board's Comprehensive Reform Recommended Decision*. Pursuant to section 254(a)(2), the Commission "shall complete any proceeding to implement subsequent recommendations from any Joint Board on universal service within one year after receiving such recommendations."

#### B. Discussion

37. We have carefully reviewed the Joint Board's *Comprehensive Reform Recommended Decision* and the comments that were filed in response to the Commission's *Joint Board Comprehensive Reform NPRM*. We thank the Joint Board and its staff for their hard work in studying these difficult issues and in developing their recommendations. We choose not to implement these recommendations at this time, however.

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary.

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<b>DEPARTMENT OF TRANSPORTATION</b>	<b>DEPARTMENT OF COMMERCE</b>
<b>Pipeline and Hazardous Materials Safety Administration</b>	<b>National Oceanic and Atmospheric Administration</b>
<b>49 CFR Part 192</b>	<b>50 CFR Part 300</b>
[Docket No. PHMSA-2005-23447]	[Docket No. 071203794-81464-02]
RIN 2137-AE25	RIN 0648-AW36
<b>Pipeline Safety: Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines</b>	<b>Pacific Halibut Fisheries; Subsistence Fishing</b>
<b>AGENCY:</b> Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT)	<b>AGENCY:</b> National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
<b>ACTION:</b> Stay of final rule.	<b>ACTION:</b> Final rule.
<b>SUMMARY:</b> This Notice stays the effective date of a final rule published October 17, 2008 (73 FR 62148). In accordance with the Congressional Review Act, the final rule will be effective on December 22, 2008, 60 days after the final rule was transmitted to Congress.	<b>SUMMARY:</b> NMFS issues a final rule to amend the subsistence fishery rules for members of an Alaska Native tribe eligible to harvest Pacific halibut in waters in and off Alaska for customary and traditional use. The action correctly defines the location of Village of Kanatak tribal headquarters and International Pacific Halibut Commission (IPHC) halibut regulatory area (Area) in which the tribe's members may subsistence fish. The action would change the tribe's headquarters from Egegik to Wasilla and the corresponding Area from 4E to Area 3A. The intent of this action is to remove restrictions on participation of Village of Kanatak tribal members in traditional subsistence fisheries for Pacific halibut by correcting the tribe's headquarters to its actual location in Wasilla.
<b>DATES:</b> Effective December 1, 2008 §§ 192.112, 192.328, 192.611(a)(1); 192.611(a)(3)(i), (ii) and (iii); 192.619(a) and (d); and 192.620 are stayed until December 22, 2008.	<b>DATES:</b> Effective December 31, 2008.
<b>FOR FURTHER INFORMATION CONTACT:</b> Alan Mayberry by phone at (202) 366-5124, or by e-mail at <a href="mailto:alan.mayberry@dot.gov">alan.mayberry@dot.gov</a> .	<b>ADDRESSES:</b> Copies of the Categorical Exclusion and Regulatory Impact Review prepared for this action, as well as the environmental assessment prepared for the original subsistence halibut action are available by mail from NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Ellen Sebastian, Records Officer; in person at NMFS, Alaska Region, 709 West 9 <sup>th</sup> Street, Room 420A, Juneau, Alaska; and via the Internet at the NMFS Alaska Region website at <a href="http://alaskafisheries.noaa.gov">http://alaskafisheries.noaa.gov</a> .
<b>SUPPLEMENTARY INFORMATION:</b>	<b>FOR FURTHER INFORMATION CONTACT:</b> Peggy Murphy, 907-586-7843.
<b>I. Supplementary Background</b>	<b>SUPPLEMENTARY INFORMATION:</b> The United States and Canada participate in the International Pacific Halibut Commission (IPHC) and promulgate regulations governing the Pacific halibut ( <i>Hippoglossus stenolepis</i> ) fishery under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). Regulations governing the allocation and catch of halibut in U.S. convention waters that are in agreement with the
On October 17, 2008 PHMSA issued a final rule under Docket No. PHMSA-2005-23447 amending the Pipeline Safety Regulations (PSR; 49 CFR parts 190–199) to increase the regulatory maximum allowable operating pressure (MAOP) for certain gas transmission pipelines. The October 17, 2008 <b>Federal Register</b> notice announced that the final rule would be effective November 17, 2008, thirty days after its publication. Because the final rule is a major rule within the meaning of the Congressional Review Act, however, its effective date must be delayed until 60 days after publication in the <b>Federal Register</b> or transmission to Congress, whichever is later. The final rule was transmitted to Congress on October 22, 2008. Accordingly, we are staying its effective date until December 22, 2008.	
Issued in Washington, DC, on November 24, 2008 under authority delegated in 49 CFR part 1.	
<b>Carl T. Johnson,</b> Administrator.	
[FR Doc. E8-28435 Filed 11-28-08; 8:45 am]	
<b>BILLING CODE 4910-60-P</b>	

Halibut Act may be developed by the North Pacific Fishery Management Council (Council). Regulations recommended by the Council must be approved by the Secretary of Commerce before being implemented through the National Marine Fisheries Service (NMFS). The Council prepared an environmental assessment/regulatory impact review (EA/RIR) for subsistence halibut fisheries in January 2003 (see **ADDRESSES**), and NMFS published the final rule to implement subsistence halibut regulations on April 15, 2003 (68 FR 18145). The Alaska Native tribe, Village of Kanatak is recognized in the regulations as an organized tribal entity with its tribal headquarters located in Egegik, Alaska, within Area 4E. However, the tribe's headquarters are actually located in Wasilla, Alaska in Area 3A. The initial assignment of the tribal headquarters location to Egegik was incorrect.

The lists of rural communities and native tribes recommended by the Council and approved by the Secretary for subsistence fishing eligibility were derived from positive customary and traditional findings for halibut and bottomfish made by the Alaska State Board of Fisheries. The Council retains exclusive authority to recommend changes to the list of communities at § 300.65(g)(1) and Alaska Native tribes at § 300.65(g)(2) with customary and traditional uses of Pacific halibut. The Council recognized the Kanatak Tribal Council's request to correct its fishing area because the erroneous listing prevented some members of the Kanatak tribe from participating in traditional subsistence fisheries except in Area 4E. The Council responded by recommending an amendment of the regulations to change the listing of the Village of Kanatak's headquarters from Egegik to Wasilla and a corresponding change in the halibut regulatory area for subsistence fishing from Area 4E to Area 3A.

This action effectively changes the restriction on individual participation in subsistence fishing and is expected to redistribute some of the harvesting effort of the Village of Kanatak tribal members from Area 4E to Area 3A, and increase customary and traditional uses of halibut by individual members of the tribe in Area 3A. Because Wasilla is a community located in the Anchorage-Matsu-Kenai non-rural area within Area 3A, tribal members who reside there would be required to subsistence fish for halibut in Area 3A pursuant to § 300.65(h)(4). Area 3A is easier for tribal members to access than Area 4E, hence the tribe's request to correct the

location of its tribal headquarters in regulations at § 300.65(g)(2).

The action will also improve accuracy of current regulations, and the quality of subsistence halibut information. Alternative actions considered and rejected may be found in the RIR prepared for this action. The background and need for this action were described in further detail in the preamble to the proposed rule for this action (73 FR 45201; August 4, 2008). The RIR and proposed rule are available on the Internet and from NMFS (see **ADDRESSES**).

The proposed rule was published in the **Federal Register** on August 4, 2008 (73 FR 45201), and the public review and comment period closed on September 3, 2008. No comments were received, and thus no changes have been made to the final rule from the proposed rule.

#### Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the International Pacific Halibut Commission (IPHC), the Pacific Fishery Management Council, the North Pacific Fishery Management Council (Council), and the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) allows the Regional Council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters as long as those regulations do not conflict with IPHC regulations. This final action is consistent with the Council's authority to allocate the halibut resource among fishery participants in the waters in and off Alaska.

Executive Order (E.O.) 13175 of November 6, 2000 (25 U.S.C. 450 note), the Executive Memorandum of April 29, 1994 (25 U.S.C. 450 note), and the American Indian and Alaska Native Policy of the U.S. Department of Commerce (March 30, 1995) outline the responsibilities of NMFS in matters affecting tribal interests. Section 161 of Public Law 108-199 (188 Stat. 452), as amended by section 518 of Public Law 109-447 (118 Stat 3267), extends the consultation requirements of E.O. 13175 to Alaska Native corporations. NMFS has special obligations to consult and coordinate with tribal governments and Alaska Native Claims Settlement Act (ANCSA) corporations on a government-to-government basis. This rule affects individual members of the Village of Kanatak tribe, but not the tribe itself, and the village of Kanatak is not recognized as an ANCSA corporation. NMFS recognizes the importance of

communication, and during the process of developing the proposed action, NMFS consulted with the Alaska Native Subsistence Halibut Working Group and the Kanatak Tribal Administrator.

The final rule was determined to be not significant for the purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this action, if adopted, would not have a significant economic impact on a substantial number of small entities. The action directly regulates subsistence practices of individuals, and will not apply to small entities within the meaning of the Regulatory Flexibility Act. Because there will not be a significant impact on a substantial number of small entities, a regulatory flexibility analysis is not required and none was prepared.

#### List of Subjects for 50 CFR Part 300

Alaska, Alaska Natives, Fisheries, Fishing, Pacific halibut fisheries, Tribes.

Dated: November 25, 2008.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

- For the reasons set out in the preamble, NMFS amends 50 CFR part 300 as follows:

#### PART 300—INTERNATIONAL FISHERIES REGULATIONS

- 1. The authority citation for 50 CFR part 300, subpart E, continues to read as follows:

**Authority:** 16 U.S.C. 773–773k.

- 2. In § 300.65, in paragraph (g)(2):
  - A. In the table for Halibut Regulatory Area 3A, add in alphabetical order an entry for “Wasilla”.
  - B. In the table for Halibut Regulatory Area 4E, revise the entry for “Egegik”.

The addition and revision read as follows.

#### § 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.

\* \* \* \* \*  
(g) \* \* \* \*  
(2) \* \* \* \*

#### Halibut Regulatory Area 3A

Place with Tribal Headquarters	Organized Tribal Entity
*****	
Wasilla	Village of Kanatak
*****	

\* \* \* \* \*

## Halibut Regulatory Area 4E

Place with Tribal Headquarters	Organized Tribal Entity
*****	
Egegik	Egegik Village
*****	

\* \* \* \* \*

[FR Doc. E8-28461 Filed 11-28-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 080408542-8615-01]

RIN 0648-XK69

### Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation

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

**ACTION:** Reapportionment of surplus Pacific whiting allocation; request for comments.

**SUMMARY:** NMFS has determined that 35,000 metric tons (mt) of the 97,669 mt shore-based sector allocation would not be used by December 31, 2008.

Therefore, NMFS has reapportioned the surplus whiting to the other sectors in the fishery.

**DATES:** The 20,000 mt reallocation was effective from 0001 local time (l.t.) November 6, 2008, and the 15,000 mt allocation was effective from 1400 l.t. November 18, 2008, until the December 31, 2008, unless modified, superseded or rescinded. Comments will be accepted through December 16, 2008.

**ADDRESSES:** You may submit comments, identified by the RIN number 0648-XK69, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>
- Fax: 206-526-6736, Attn: Becky Renko
- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Becky Renko

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Fisheries, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115 0070; tel: 206-526-6110; fax: 206-526-6736; or, e-mail: [becky.renko@noaa.gov](mailto:becky.renko@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

The 2008 non-tribal commercial OY for whiting is 232,545 mt. Regulations at 50 CFR 660.323(a)(2) divide the commercial whiting optimum yield (OY) into separate allocations for the catcher/processor, mothership, and shore-based sectors. The catcher/processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of catcher vessels that harvest whiting and mothership vessels that process, but do not harvest whiting. The shore-based sector is composed of vessels that harvest whiting for delivery to land-based processors. Each commercial sector receives a portion of the commercial OY. For 2008 the catcher/processors received 34 percent (79,065 mt), the motherships received 24 percent (55,811 mt), and the shore-based sector received 42 percent (97,669 mt).

The best available information on November 5, 2008, indicated that 20,000 mt of the 97,669 mt shore-based sector(s) allocation would not be used by December 31, 2008. Therefore, on November 5, 2008 NMFS reapportioned the surplus whiting. Such reapportionments are disbursed to the other sectors in the same proportion as each sector's allotted portion of the commercial OY. Facsimiles directly to fishing businesses and postings on the Northwest Regions internet site were used to provide actual notice to the affected fishers.

The best available information on November 18, 2008, indicated that an

additional 15,000 mt of the revised 77,669 mt shore-based sector's allocation would not be used by December 31, 2008. Therefore an additional surplus of 15,000 mt of whiting was reapportioned from the shore-based sector to the catcher/processor sector at 1400 local time November 18, 2008. Facsimiles directly to fishing businesses and postings on the Northwest Regions internet site were used to provide actual notice to the affected fishers.

### NMFS Action

This action announces the reapportionment of 20,000 mt of whiting from the shore-based sector to the catcher/processor and mothership sectors at 0001 local time November 6, 2008. The revised Pacific whiting allocations by sector for 2008 as of November 6, 2008 were: catcher/processor 90,789 mt, mothership 64,087 mt, and shore-based 77,669 mt. This action also announces the reapportionment of 15,000 mt of whiting from the shore-based sector to the catcher/processor sector at 1400 local time November 18, 2008. The revised Pacific whiting allocations by sector as of November 18, 2008 are: catcher/processor 105,789 mt, mothership 64,087 mt, and shore-based 62,669 mt.

### Classification

The determinations to take these actions were based on the most recent data available. The aggregate data upon which the determinations were based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours.

These actions are authorized by the regulations implementing the FMP. The Assistant Administrator for Fisheries, NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for comment on these actions pursuant to 5 U.S.C. 553 (3)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because of the need for immediate action. NMFS has determined that providing an opportunity for prior notice and comment would be impractical and contrary to public interest. Delay of this action would leave whiting unharvested. In addition, the catcher/processors and motherships needed an immediate reallocation if they were to keep their workers employed. For these same reasons the agency finds good cause to waive the 30-day delay in effectiveness. These actions are taken under the authority of 50 CFR 660.323(c), and are exempt from