

when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

*Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations)*

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this direct final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations, because it does not affect the level of protection provided to human health or the environment.

#### *Congressional Review Act*

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 rule 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 of the rule 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) and will be effective on November 17, 2008.

#### **List of Subjects in 40 CFR Part 131**

Environmental protection, Intergovernmental relations, Reporting and recordkeeping requirements, Water pollution control, Water quality standards.

Dated: August 13, 2008.

**Stephen L. Johnson**,  
*Administrator.*

■ For the reasons set forth in the preamble, 40 CFR part 131 is amended as follows:

#### **PART 131—WATER QUALITY STANDARDS**

■ 1. The authority citation for part 131 continues to read as follows:

**Authority:** 33 U.S.C. 1251 *et seq.*

#### **§ 131.33 [Amended]**

■ 2. Section 131.33 is amended by removing and reserving paragraph (b) and by removing paragraph (d).

[FR Doc. E8-19201 Filed 8-18-08; 8:45 am]  
**BILLING CODE 6560-50-P**

#### **FEDERAL COMMUNICATIONS COMMISSION**

##### **47 CFR Part 27**

[WT Docket Nos. 03-66; RM-10586; 03-67; 02-68; IB Docket No. 02-364; ET Docket No. 00-258; DA 08-1879]

#### **Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; extension of time for filing replies to oppositions to petition for reconsideration.

**SUMMARY:** In this document, the Commission extends the deadline for filing replies to oppositions to petition for reconsideration. This action is taken in order to allow the Educational Broadband Service (EBS) and Broadband Radio Service (BRS) communities to discuss the complex issues at stake and develop consensus approaches where possible.

**DATES:** Replies to oppositions are due on or before September 5, 2008.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. You may submit replies to oppositions to petition for reconsideration, identified by WT Docket No. 03-66, RM-10586, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

• People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: (202) 418-0530 or TTY: (202) 418-0432.

For detailed instructions for submitting replies to oppositions to petition for reconsideration and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** John Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, at (202) 418-0797 or via the Internet to [John.Schauble@fcc.gov](mailto:John.Schauble@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of an *Order*, DA 08-1879 adopted and released by the FCC on August 8, 2008 in WT Docket No. 03-66, RM-10586. The full text of this document 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 may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, facsimile (202) 488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). The complete text is also available on the Commission's Web site at <http://wireless.fcc.gov/edocspublic/attachment/DA-08-1879A1doc>. This full text may also be downloaded at: <http://wireless.fcc.gov/releases.html>. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available by contacting Brian Millin at (202) 418-7426, TTY (202) 418-7365, or via e-mail to [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

#### **Summary of the Order**

1. On March 20, 2008, the Commission released a *Fourth Memorandum Opinion and Order* (73 FR 26032, May 8, 2008) in the above-captioned proceeding. Petitions for reconsideration of the *Fourth Memorandum Opinion and Order* were due on June 9, 2008, oppositions to petitions for reconsideration were due on July 29, 2008, and replies to oppositions were due on August 13, 2008.

2. On June 9, 2008, the Wireless Communications Association International, Inc. (WCA) timely filed a Petition for Reconsideration of the

*Fourth Memorandum Opinion and Order.* On July 29, 2008, the National EBS Association (NEBSA), Texas State Technical College—Sweetwater (TSTC), the ITFS/2.5 GHz Mobile Engineering & Development Alliance, Inc. (IMWED), and the Hispanic Information and Telecommunications Network, Inc. (HITN) timely filed oppositions to WCA's petition for reconsideration.

3. On August 6, 2008, WCA filed a motion for extension of time to extend the deadline for filing replies to the oppositions to WCA's petition for reconsideration of the *Fourth Memorandum Opinion and Order* from August 13, 2008 to September 5, 2008. WCA's petition sought, in part, a reconsideration of the Commission's decision to limit leases entered into before January 10, 2005 to 15 years from the date of execution. In their respective oppositions, HITN and NEBSA have proposed new clarifications to the Commission's leasing policies. No party has opposed the extension request.

4. It is the policy of the Commission that extensions of time are not routinely granted. Such extensions may be warranted when, among other reasons, the additional time will serve the public interest. We find that providing a limited extension will serve the public interest by allowing parties to discuss the complex issues at stake and develop consensus approaches where possible. We therefore grant WCA's motion for extension of time by extending the deadline to file replies to the oppositions on or before September 5, 2008.

#### Ordering Clauses

5. It is ordered that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and § 1.46 of the Commission's rules, 47 CFR 1.46, that the Motion for Extension

of Time filed by the Wireless Communications Association International, Inc. on August 6, 2008 is granted, and the time for filing replies to opposition in this proceeding is extended to September 5, 2008.

6. This action is taken under delegated authority pursuant to §§ 0.131 and 0.331 of the Commission's rules, 47 CFR 0.131, 0.331.

Federal Communications Commission.

**James D. Schlichting,**

*Acting Chief, Wireless Telecommunications Bureau.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 061109296-7009-02]

RIN 0648-XJ49

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer

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

**ACTION:** Temporary rule; inseason quota transfer.

**SUMMARY:** NMFS announces that the State of North Carolina is transferring commercial bluefish quota to the State of New York from its 2008 quota. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective August 18, 2008, through December 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** Emily Bryant, Fishery Management Specialist, (978) 281-9244, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine bluefish commercial quota under § 648.160(f). The Regional Administrator is required to consider the criteria set forth in § 648.160(f)(1) in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 100,000 lb (45,359 kg) of its 2008 commercial quota to New York. The Regional Administrator has determined that the criteria set forth in § 648.160(f)(1) have been met. The revised bluefish quotas for calendar year 2008 are: New York, 847,057 lb (384,218 kg); and North Carolina, 2,365,973 lb (1,073,187 kg).

#### Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 13, 2008.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E8-19190 Filed 8-18-08; 8:45 am]

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