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[FR Doc. E8-8675 Filed 4-22-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 271**

[EPA-R08-RCRA-2006-0127; FRL-8556-7]

Utah: Final Authorization of State Hazardous Waste Management Program Revisions**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of immediate final rule.

SUMMARY: EPA is withdrawing the immediate final rule, Utah: Final Authorization of State Hazardous Waste Management Program Revisions, published on March 7, 2008 at 73 FR 12277, which authorized revisions to Utah's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA stated in the immediate final rule that if EPA received comments that oppose this authorization, EPA would publish a timely notice of withdrawal in the **Federal Register**. Since EPA did receive comments that oppose this action, EPA is withdrawing the immediate final rule. EPA will address these comments in a subsequent final action based on the proposed rule also published on March 7, 2008, at 73 FR 12340.

DATES: As of April 23, 2008, EPA withdraws the immediate final rule published on March 7, 2008, at 73 FR 12277.

FOR FURTHER INFORMATION CONTACT: Carl Daly, Solid and Hazardous Waste Program, U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312-6416, daly.carl@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is withdrawing the immediate final rule, Utah: Final Authorization of State Hazardous Waste Management Program Revisions, published on March 7, 2008, at 73 FR 12277, which intended to grant authorization for revisions to Utah's hazardous waste program. EPA stated in the immediate final rule that if EPA received comments that opposed this action, EPA would publish a timely notice of withdrawal in the **Federal**

Register. Since EPA did receive adverse comments, EPA is withdrawing the immediate final rule. EPA will address all comments in a subsequent final action based on the proposed rule previously published on March 7, 2008, at 73 FR 12340. EPA will not provide for additional public comment during the final action.

Dated: April 15, 2008.

Robert E. Roberts,*Regional Administrator, Region 8.*

[FR Doc. E8-8799 Filed 4-22-08; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 64**

[CG Docket No. 03-123; DA 08-312]

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Request for Stay Pending Judicial Review**AGENCY:** Federal Communications Commission.**ACTION:** Final rule; stay of effectiveness.

SUMMARY: In this document, the Consumer and Governmental Affairs Bureau (Bureau) grants a request to stay the effectiveness of paragraphs 95 and 96 of the *2007 TRS Cost Recovery Declaratory Ruling*, which restrict telecommunications relay service (TRS) providers from using consumer or call databases to contact TRS users. Because these paragraphs have been challenged in the Court of Appeals, a stay is appropriate pending review of the argument that these paragraphs violate the First Amendment rights of providers.

DATES: Paragraphs 95 and 96 of the *2007 TRS Cost Recovery Declaratory Ruling*, as summarized in paragraph 24, published at 73 FR 3197, January 17, 2008, are stayed for 90 days, starting February 7, 2008.

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

FOR FURTHER INFORMATION CONTACT: Thomas Chandler, Consumer and Governmental Affairs Bureau, Disability Rights Office at (202) 418-1475 (voice), (202) 418-0597 (TTY), or e-mail at Thomas.Chandler@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's Order, DA 08-312, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Request for Stay Pending Judicial Review*, CG Docket No. 03-123, Order, 23 FCC Rcd 1705 (CGB 2008), adopted and released February 7, 2008. The full text of DA 08-312 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. DA 08-312 and copies of subsequently filed documents in this matter also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site www.bcpweb.com or by calling 1-800-378-3160.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). DA 08-312 also can be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/trs.html#orders>.

Synopsis

1. On November 19, 2007, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140 (2007) (*2007 TRS Cost Recovery Declaratory Ruling*), published at 73 FR 3197, January 17, 2008, which, among other things, prohibits providers from using a consumer or call database to contact TRS users "for lobbying or any other purpose," and prohibits providers from using a consumer or call database to "contact TRS users or to in any way attempt to affect or influence, directly or indirectly, their use of relay service." *2007 TRS Cost Recovery Declaratory Ruling*, 22 FCC Rcd at 20176, paras. 95-96. On January 16, 2008, Sorenson Communications, Inc. (Sorenson) filed a Petition for Review in the United States

Court of Appeals for the Tenth Circuit asserting, in part, that the above-quoted language violates the First Amendment rights of TRS providers. On January 28, 2008, Sorenson filed with the Commission a request for a stay of paragraphs 95 and 96 pending judicial review. Sorenson Communications, Inc., *Request for Stay Pending Judicial Review*, CG Docket No. 03-123 (filed Jan. 28, 2008) (*Stay Request*).

2. In its *Stay Request*, Sorenson contends that it has a substantial likelihood of prevailing on the merits of the judicial review proceeding in the Tenth Circuit because paragraphs 95 and 96 of the *2007 TRS Cost Recovery Declaratory Ruling* violate Sorenson's First Amendment rights by "limiting [its] ability to engage in core political speech and to petition the government for redress of grievances" and by "restrict[ing] [its] ability to engage in protected commercial speech."

Although Sorenson does not dispute that the Commission has a substantial interest in preventing providers from using customer call data to offer TRS users financial incentives to make unnecessary TRS calls, it contends that the Commission has no substantial interest in preventing providers from contacting users for other reasons, including to assist them with service issues, to educate them about new service features, or to inform them of potential misuse of the service by third parties. Sorenson also asserts that, absent a stay, it will suffer irreparable harm through the loss of its First Amendment rights and harm to its business as a result of its inability to warn its users of scams and abusive relay practices. Sorenson further asserts that a stay will not injure other parties, as it will simply preserve the *status quo*. Finally, Sorenson asserts that a stay is in the public interest because the challenged restrictions run afoul of the First Amendment and impair the ability of TRS users to learn about developments in the provision of relay service.

3. In considering requests for stay, the Commission generally considers the four criteria set forth in *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F.2d 921, 925 (DC Cir. 1958). These criteria are: (1) A likelihood of success on the merits; (2) the threat of irreparable harm absent the grant of preliminary relief; (3) the degree of injury to other parties if relief is granted; and (4) the issuance of the order will further the public interest. As the Commission has explained, the relative importance of the four criteria will vary depending upon the circumstances of the case. If there is a

particularly overwhelming showing in at least one of the factors, the Commission may find that a stay is warranted notwithstanding the absence of another one of the factors.

4. The Bureau agrees that a temporary stay of paragraphs 95 and 96 of the *2007 TRS Cost Recovery Declaratory Ruling* is appropriate under the circumstances presented. Specifically, the Bureau concludes that a stay will further the public interest. The Bureau notes that Sorenson and other providers have raised several concerns, including their asserted inability to contact users for emergency or consumer protection-related purposes, that, if borne out by further Commission examination, may cause the Commission to reconsider the language of paragraphs 95 and 96 of the *2007 TRS Cost Recovery Declaratory Ruling*. In order to provide the Commission with sufficient time to consider the arguments presented by Sorenson and others, the Bureau finds that a temporary stay of those paragraphs is warranted. The Bureau therefore finds that it is in the public interest to grant the requested stay for a period of 90 days, starting February 7, 2008.

Ordering Clause

Pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and the authority delegated under §§ 0.141 and 0.361 of the Commission's rules, 47 CFR 0.141, 0.361, the Request for Stay filed by Sorenson Communications, Inc. on January 28, 2008, is *granted*, and will remain in effect for a period of 90 days, starting February 7, 2008.

Federal Communications Commission.

Nicole McGinnis,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. E8-8793 Filed 4-22-08; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 201

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal

Acquisition Regulation Supplement (DFARS) to update a subpart heading and a reference to a DoD publication.

EFFECTIVE DATE: April 23, 2008.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0311; facsimile 703-602-7887.

SUPPLEMENTARY INFORMATION:

This final rule amends DFARS text as follows:

- *Subpart 201.6.* Revises the subpart heading for consistency with the corresponding subpart of the Federal Acquisition Regulation.
- *Section 201.603-2.* Updates references to a DoD publication addressing career development.

List of Subjects in 48 CFR Part 201

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR Part 201 is amended as follows:

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 1. The authority citation for 48 CFR Part 201 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

■ 2. The heading of subpart 201.6 is revised to read as follows:

Subpart 201.6—Career Development, Contracting Authority, and Responsibilities

■ 3. Section 201.603-2 is amended by revising the second sentence of paragraph (2)(iii) and the second sentence of paragraph (3) to read as follows:

201.603-2 Selection.

* * * * *

(2) * * *

(iii) * * * Information on developmental opportunities is contained in DoD Instruction 5000.66, Operation of the Defense Acquisition, Technology, and Logistics Workforce Education, Training, and Career Development Program.

(3) * * * Information on waivers is contained in DoD Instruction 5000.66.

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