

September 9, 2005 and previously incorporated by reference (see paragraph (c)(173)(i)(A) of this section).
(ii) *Additional material.*

(A) Certificate of Authenticity, Indiana Administrative Code, (As Updated Through March 26, 2008), signed by John M. Ross, Executive Director, Legislative Services Agency.

[FR Doc. E8-9330 Filed 4-29-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[EPA-HQ-RCRA-2007-0936; FRL-8560-1]

Land Disposal Restrictions: Site-Specific Treatment Variance for P and U-Listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the EnergySolutions' Facility in Clive, UT

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: On March 6, 2008, the Environmental Protection Agency (EPA) published in the **Federal Register** a direct final rule granting a site-specific treatment variance to EnergySolutions LLC (EnergySolutions) in Clive, Utah for the treatment of certain P and U-listed hazardous waste containing radioactive contamination using vacuum thermal desorption. At the same time, the EPA also published a parallel proposal in the **Federal Register** to address any adverse comments received on the direct final rule. We specifically noted that if EPA received adverse comment on the direct final rule, EPA would withdraw the direct final rule and address public comments in any subsequent final rule. Because EPA received an adverse comment, we are withdrawing the direct final rule and will address the comment in a final rule.

DATES: As of May 2, 2008, EPA withdraws the direct final rule published at 73 FR 12017 on March 6, 2008.

FOR FURTHER INFORMATION CONTACT: For more information on this action, contact Elaine Eby, Hazardous Waste Minimization and Management Division, Office of Solid Waste (MC 5302 P), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (703) 308-8449; fax (703) 308-8443; or eby.elaine@epa.gov.

SUPPLEMENTARY INFORMATION: On March 6, 2008 (73 FR 12017), EPA issued a

direct final rule and a parallel proposal (73 FR 12043) granting a site-specific treatment variance to EnergySolutions for the treatment of certain P- and U-listed mixed waste using vacuum thermal desorption. The variance establishes an alternative treatment standard to treatment by combustion (CMBST) required for these wastes under EPA rules implementing the land disposal restriction provisions of the Resource Conservation and Recovery Act. EPA stated in the preamble to the direct final rule and parallel proposal that if adverse comments were received by April 7, 2008, we would publish a timely withdrawal of the direct final rule in the **Federal Register**. EPA subsequently received an adverse comment on the direct final rule and is therefore withdrawing it with today's notice. EPA will address this comment in a subsequent final action, which will be based on the parallel proposed rule (73 FR 12043). As stated in the direct final rule and parallel proposed rule, we will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 268

Environmental protection, Hazardous waste, Mixed waste and variances.

Dated: April 23, 2008.

Susan Parker Bodine,

Assistant Administrator, Office of Solid Waste and Emergency Response.

■ Accordingly, the amendments to 40 CFR 268.42 and 268.44 which published in the **Federal Register** on March 6, 2008 at 73 FR 12017 are withdrawn as of May 2, 2008.

[FR Doc. E8-9482 Filed 4-29-08; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 03-123; DA 08-478]

Consumer and Governmental Affairs Bureau Clarifies the Eligibility Requirement for Compensation From the Interstate Telecommunications Relay Service (TRS) Fund for Providers of Internet Protocol Captioned Telephone Service

AGENCY: Federal Communications Commission.

ACTION: Clarification.

SUMMARY: In this document, the Consumer and Governmental Affairs Bureau (Bureau) clarifies the eligibility requirement for compensation from the

TRS Fund (Fund) for providers of Internet Protocol (IP) captioned telephone service (IP CTS). The Bureau also clarifies that an IP CTS provider seeking compensation from the Fund must notify the Interstate TRS Fund administrator 30 days prior to the date the provider submits minutes for payment.

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 public notice DA 08-478, released February 28, 2008 in CG Docket No. 03-123. The full text of DA 08-478 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 08-478 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 <http://www.bcpiweb.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 08-478 also can be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/trs.html#orders>.

Synopsis

On January 11, 2007, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379 (*IP CTS Declaratory Ruling*), published at 72 FR 6960, February 14, 2007. In the *IP CTS Declaratory Ruling*, the Commission recognized IP CTS as a form of TRS eligible for compensation from the Fund. Because the Bureau has received questions concerning the manner in which IP CTS providers may be eligible for compensation from the

Fund, the Bureau issues this clarification.

The Commission's eligibility rules set forth in 47 CFR 64.604(c)(5)(iii)(F) provide that TRS providers eligible for receiving payments from the Interstate TRS Fund must be:

- (1) TRS facilities operated under contract with and/or by certified state TRS programs pursuant to section 64.605 of the Commission's rules; or
- (2) TRS facilities owned by or operated under contract with a common carrier providing interstate services operated pursuant to section 64.604 of the Commission's rules; or
- (3) Interstate common carriers offering TRS pursuant to section 64.604 of the Commission's rules; or
- (4) Video Relay Service (VRS)[, * * *] Internet Protocol (IP) Relay * * *, and IP CTS] providers certified by the Commission pursuant to section 64.605 of the Commission's rules.

The fourth eligibility criterion—certification by the Commission—was adopted in *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03–123, Report and Order and Order on Reconsideration, 20 FCC Rcd 20577 (2005) (*2005 IP Relay/VRS Certification Order*), published at 71 FR 2942, January 18, 2006. Prior to that time, there was no federal certification process for relay providers seeking compensation from the Fund; the regulations provided only for the certification of state TRS programs. See generally *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90–571 and 98–67, CG Docket No. 03–123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, (*2004 TRS Report and Order*), 19 FCC Rcd 12475, 12516, paragraph 99 (2004), published at 69 FR 53346 and 69 FR 53382, September 1, 2004.

The Commission has interpreted the third eligibility criterion—an interstate common carrier offering TRS pursuant to section 64.604—to apply only to common carriers “offering telephone voice transmission services that are obligated to provide TRS in a state that does not have a certified TRS program.” *2004 TRS Report and Order*, 19 FCC Rcd at 12517, paragraph 103, note 304. As the Commission explained in the *2005 IP Relay/VRS Certification Order*:

The third eligibility category—“Interstate common carriers offering TRS pursuant to § 64.604”—has been the means by which some entities that are not voice telephone service providers have sought to offer VRS, and not the other forms of TRS, and be

compensated for doing so from the Interstate TRS Fund. The Commission previously construed [in the *2004 TRS Report and Order*] the third eligibility prong, however, as applying to common carriers obligated to provide TRS in a state that does not have a certified program. Because we now adopt a fourth eligibility criterion, which will allow common carriers seeking to offer VRS or IP Relay and receive compensation to do so without being part of a certified state program or contracting with an entity that is, it is not necessary at this time to revisit this construction of the third eligibility category. *2005 IP Relay/VRS Certification Order*, 20 FCC Rcd at 20587, paragraph 18.

Against this background, in the *IP CTS Declaratory Ruling*, the Commission expressly addressed the manner in which IP CTS providers may be eligible for compensation from the Fund. The Commission concluded that “an entity desiring to provide IP captioned telephone service * * * may choose to seek certification from the Commission under [§ 64.605],” and that therefore, “[a]s a general matter, potential IP CTS providers may become eligible for compensation from the Fund by being accepted into a certified state TRS program or subcontracting with an entity that is part of a certified state program, or by seeking Commission certification.” *IP CTS Declaratory Ruling*, 22 FCC Rcd at 391, paragraph 28. The Commission made clear that “[p]resent eligibility to receive compensation from the Fund for the provision of other forms of TRS (including captioned telephone service) does not confer eligibility with regard to the provision of the IP CTS recognized in this Declaratory Ruling.”

The Bureau therefore clarifies that, to establish eligibility for compensation from the Fund, IP CTS providers must either: (1) Seek certification from the Commission pursuant to 47 CFR 64.605; (2) become part of a certified state program; or (3) subcontract with an entity that is part of a certified state program. Only where an IP CTS provider is a common carrier offering telephone voice transmission services and obligated to provide IP CTS in a state that does not have a certified TRS program would it be able to establish eligibility for compensation from the Fund via section 64.604(c)(5)(iii)(F)(3) of the Commission's rules. Further, the fact that a provider is eligible to receive compensation from the Fund for the provision of other forms of TRS is not sufficient grounds, on its own, to establish a provider's eligibility to receive compensation from the Fund for the provision of IP CTS. The intent of the more specific eligibility rules for IP CTS providers set forth in the *IP CTS Declaratory Ruling* is to ensure that

either the Commission or a state has oversight responsibility for each provider.

The Bureau also clarifies that IP CTS providers seeking compensation from the Fund must notify the Fund administrator (currently, the National Exchange Carrier Association (NECA)) 30 days prior to the date they submit minutes to the Fund administrator for payment. 47 CFR 64.604(c)(5)(iii)(G). This requirement applies even if the provider presently offers other forms of TRS and is compensated from the Fund. Because the *2007 IP CTS Declaratory Ruling* specifically states that merely being a relay provider of another service is not enough to confer eligibility, it follows that for IP CTS providers to become eligible for compensation, they must both seek Commission or state certification (or be a subcontractor), and must notify NECA 30 days prior to submitting minutes for payment.

Federal Communications Commission.

Nicole McGinnis,

Deputy Chief, Consumer and Governmental Affairs Bureau.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 173, and 175

[Docket No. PHMSA–2006–25446 (HM–243)]

RIN 2137–AE19

Hazardous Materials: Fuel Cell Cartridges and Systems Transported on Board Passenger Aircraft in Carry-On Baggage

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: PHMSA is amending the Hazardous Materials Regulations (HMR) to permit certain fuel cell cartridges and fuel cell systems designed for portable electronic devices to be transported by passengers and crew in carry-on baggage on board passenger-carrying aircraft. Fuel cell cartridges and fuel cell systems are an emerging energy technology developed to provide a more efficient, longer-lasting, and renewable power source for electrically operated equipment. This final rule prescribes regulations for transporting fuel cells containing flammable liquids, including methanol; formic acid; certain