

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 08-1858; MB Docket No. 08-204; RM-11492]

**Television Broadcasting Services; Vanderbilt, MI****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** The Media Bureau grants a petition for reconsideration, reinstates, and grants a petition for rulemaking filed by Cadillac Telecasting, Co., licensee of station WFUP(TV), to add DTV channel 45 at Vanderbilt.

**DATES:** The final rule is effective October 29, 2008.

**FOR FURTHER INFORMATION CONTACT:** Shaun Maher, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order and Order*, MB Docket No. 08-204, adopted and released on September 30, 2008. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document 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.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. 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). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Memorandum Opinion and Order*

and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

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

Television, Television broadcasting.  
 ■ 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.

**§ 73.622 [Amended]**

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Michigan, is amended by adding channel DTV channel 45 at Vanderbilt.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

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**BILLING CODE 6712-01-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 216**

[Docket No. 080302353-8620-01]

RIN 0648-AO16

**Taking of the Cook Inlet, Alaska Beluga Whale Stock by Alaska Natives**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues final regulations establishing long-term limits on the maximum number of Cook Inlet beluga whales that may be taken by Alaska Natives for subsistence and handicraft purposes. These regulations were developed after proceedings and public comment connected to an on-the-record rule-making and hearings before Administrative Law Judge (ALJ) Parlen L. McKenna (Judge McKenna); consultations with the parties to the hearings, including Alaska Native Organizations; and comments received from the public on the Cook Inlet Beluga Whale Subsistence Harvest Draft Supplemental Environmental Impact

Statement (SEIS). These regulations are intended to conserve and manage Cook Inlet belugas under applicable provisions of the Marine Mammal Protection Act (MMPA) until the whales are no longer depleted under the MMPA.

**DATES:** Effective November 14, 2008.

**ADDRESSES:** Information related to this rule-making process, including the Final SEIS and Record of Decision (ROD), is available on the Internet at the following address: [http://www.fakr.noaa.gov/protected\\_resources/whales/beluga.htm](http://www.fakr.noaa.gov/protected_resources/whales/beluga.htm).

Copies of the Final SEIS, ROD, and other information related to this rule may also be obtained by writing to Kaja Brix, Assistant Regional Administrator for Protected Resources, NMFS Alaska Regional Office, P.O. Box 21668, Juneau, AK 99802.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Mahoney, Alaska Region, Anchorage Field Office, (907) 271-5006; or Thomas Eagle, Office of Protected Resources, (301) 713-2322, ext. 105.

**SUPPLEMENTARY INFORMATION:** This final rule implements long-term limits on the maximum number of Cook Inlet beluga whales that may be taken by Alaska Natives for subsistence purposes. This final rule is based upon the complete record of the hearing process and on comments and other information obtained since receipt of Judge McKenna's recommended decision in November 2005. The action is needed to allow Alaska Natives to continue subsistence harvests that support traditional, cultural, and nutritional needs without preventing or unreasonably delaying the recovery of, and not disadvantaging, this depleted beluga whale stock.

**Background**

The MMPA established a moratorium on the taking of marine mammals, including whales such as the Cook Inlet beluga whale. However, MMPA section 101(b) (16 U.S.C. 1371(b)) provides an exception to the moratorium which allows certain Alaska Indian, Aleut, and Eskimo residents to take any marine mammal, if such taking is for subsistence purposes or for creating and selling authentic Native articles of handicrafts and clothing and is not accomplished in a wasteful manner.

MMPA section 101(b) also authorizes NMFS to prescribe regulations for subsistence harvests on depleted marine mammal stocks. In accordance with MMPA sections 101(b) and 103 (16 U.S.C. 1373), such regulations must be adopted using formal rulemaking procedures, including an agency hearing on the record before an Administrative