

issuance of the original construction permit within which construction shall be completed and application for license filed. Each original construction permit for the construction of a new LPFM station shall specify a period of eighteen months from the date of issuance of the construction permit within which construction shall be completed and application for license filed. A LPFM permittee unable to complete construction within the time frame specified in the original construction permit may apply for an eighteen month extension upon a showing of good cause. The LPFM permittee must file for an extension on or before the expiration of the construction deadline specified in the original construction permit.

\* \* \* \* \*

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E8-3533 Filed 2-22-08; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 578

[Docket No. NHTSA-2007-28445; Notice 2]

RIN 2127-AK07

#### Civil Penalties

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This document increases the maximum civil penalties for violations of the odometer tampering and disclosure requirements and certain administrative provisions of the Energy Policy and Conservation Act. This action is taken pursuant to the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, which requires us to review and, as warranted, adjust penalties based on inflation at least every four years.

**DATES:** This final rule is effective March 26, 2008.

**ADDRESSES:** Petitions for reconsideration should refer to the docket number and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building, Fourth Floor, Washington, DC 20590, with a copy to the DOT docket. Copies to the docket may be submitted electronically through the Federal E-

Rulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

You may call Docket Management at 202-366-9324. The Docket room (Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE.), hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

#### FOR FURTHER INFORMATION CONTACT:

Michael Kido, Office of Chief Counsel, NHTSA, telephone (202) 366-5263, facsimile (202) 366-3820, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** This rule adjusts for inflation certain maximum available penalty amounts and codifies the new amounts in 49 CFR part 578 *Civil and Criminal Penalties*. In order to preserve the remedial impact of civil penalties and to foster compliance with the law, the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990 (28 U.S.C. 2461 Notes, Pub. L. 101-410), as amended by the Debt Collection Improvement Act of 1996, (Pub. L. 104-134) (referred to collectively as the "Adjustment Act" or, in context, the "Act"), requires us and other Federal agencies to regularly adjust civil penalties for inflation. Under the Adjustment Act, following an initial adjustment that was capped by the Act, these agencies must make further adjustments, as warranted, to the amounts of penalties in statutes they administer at least once every four years.<sup>1</sup>

<sup>1</sup> As we indicated in our September 2007 notice of proposed rulemaking, since this rule will become effective in 2008, we used the 2007 consumer price index (CPI) rather than the 2006 CPI in calculating the projected adjustment. Applying the 2007 CPI to our calculations did not alter the final increased amounts that we previously proposed.

The changes to certain maximum penalties for violations of the odometer laws, regulations and orders and for violations of certain administrative procedures of the Energy Policy and Conservation Act of 1975 as amended and recodified (EPCA) in today's rule were proposed and explained in our September 26, 2007 Notice of Proposed Rulemaking (NPRM). 72 FR 54635. The discussion in that notice is incorporated by reference. We received no comments to that notice.

NHTSA is adjusting the maximum penalty for a single violation of the odometer tampering and disclosure requirements in 49 U.S.C. Chapter 327 or a regulation or order thereunder. The maximum penalty is codified at 49 CFR 578.6(f)(1). The agency last published a rule adjusting the maximum civil penalty for a single violation under 49 U.S.C. Chapter 327 in a rule published on February 4, 1997. 62 FR 5167. In today's rule, NHTSA is adjusting this amount from \$2,200 to \$3,200 based on the Adjustment Act, for the reasons set forth in the NPRM.

Additionally, the agency is adjusting the maximum penalty amount for a single violation of certain administrative provisions of the EPCA found at 49 U.S.C. 32911(a). The maximum penalty is codified at 49 CFR 578.6(h)(1). This amount was last adjusted in a rule published on February 4, 1997. 62 FR 5167. After applying the statutory formulation described in the NPRM, the maximum civil penalty amount for a single violation is being adjusted from \$11,000 to \$16,000. The basis for this adjustment is set forth in the NPRM.

#### Rulemaking Analyses and Notices

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866, "Regulatory Planning and Review." This action is limited to the adoption of adjustments of civil penalties under statutes that the agency enforces, and has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures.

##### *Regulatory Flexibility Act*

We have also considered the impacts of this notice under the Regulatory Flexibility Act. I certify that this final rule will not have a significant economic impact on a substantial number of small entities. The following

provides the factual basis for this certification under 5 U.S.C. 605(b). The amendments potentially affect entities involved with odometers and manufacturers of motor vehicles.

The Small Business Administration's regulations define a small business in part as a business entity "which operates primarily within the United States." 13 CFR 121.105(a). SBA's size standards were previously organized according to Standard Industrial Classification (SIC) Codes. SIC Code 336211 "Motor Vehicle Body Manufacturing" applied a small business size standard of 1,000 employees or fewer. SBA now uses size standards based on the North American Industry Classification System (NAICS), Subsector 336—Transportation Equipment Manufacturing, which provides a small business size standard of 1,000 employees or fewer for automobile manufacturing businesses. Other motor vehicle-related industries have lower size requirements that range between 500 and 750 employees.

Many small businesses are subject to the penalty provisions of the odometer laws in 49 U.S.C. Chapter 327. Some small businesses are subject to the EPCA provisions in 49 U.S.C. 32911(a) and therefore may be affected by the adjustments that this final rule makes. As noted in this preamble, this rule increases only the maximum penalty amounts that the agency could obtain for a single violation of the odometer tampering and disclosure provisions and administrative provisions of EPCA. The rule does not set the amount of penalties for any particular violation or series of violations. Under the odometer laws, the applicable penalty provision requires the agency to take into account the ability to pay and any effect on the ability to continue doing business when determining the appropriate civil penalty in an individual case. *See* 49 U.S.C. 32709(a)(3)(B). Although EPCA does not provide for consideration of business size, it contains a provision for the compromise or remittitur of penalties for violations of 49 U.S.C. 32911(a). *See* 49 U.S.C. 32912(a) and 32913(a). The agency would also consider the size of a business under its civil penalty policy when determining the appropriate civil penalty amount for violations of 49 U.S.C. 32701 *et seq.* or 49 U.S.C. 32911(a). *See* 62 FR 37115 (July 10, 1997) (NHTSA's civil penalty policy under the Small Business Regulatory Enforcement Fairness Act (SBREFA)). The penalty adjustments that are promulgated by this rule do not affect our civil penalty policy under SBREFA.

Since this regulation does not establish penalty amounts, this rule will not have a significant economic impact on small businesses.

Small organizations and governmental jurisdictions are not significantly affected as the price of motor vehicles and equipment ought not to change as a result of this rule. As explained above, this action is limited to the adoption of a statutory directive, and has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures.

#### *Executive Order 13132 (Federalism)*

Executive Order 13132 requires NHTSA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, the agency may not issue a regulation with Federalism implications that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the agency consults with State and local officials early in the process of developing the regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The reason is that this rule applies to motor vehicle manufacturers, and not to the States or local governments. Thus, the requirements of Section 6 of the Executive Order do not apply.

#### *Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995, Public Law 104-4, requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100

million annually. Because this rule will not have a \$100 million effect, no Unfunded Mandates assessment will be prepared.

#### *National Environmental Policy Act*

We have also analyzed this rulemaking action under the National Environmental Policy Act and determined that it will have no significant impact on the human environment.

#### *Executive Order 12778 (Civil Justice Reform)*

This rule does not have a retroactive or preemptive effect. Judicial review of this rule may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

#### *Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980, we state that there are no requirements for information collection associated with this rulemaking action.

#### **List of Subjects in 49 CFR Part 578**

Motor vehicle safety, Penalties.

■ In consideration of the foregoing, 49 CFR part 578 is amended as set forth below.

#### **PART 578—CIVIL AND CRIMINAL PENALTIES**

■ 1. The authority citation for part 578 continues to read as follows:

**Authority:** Pub. L. 101-410, Pub. L. 104-134, Pub. L. 106-414, Pub. L. 109-59, 49 U.S.C. 30165, 30170, 30505, 32308, 32309, 32507, 32709, 32710, 32912, and 33115; delegation of authority at 49 CFR 1.50.

■ 2. Section 578.6 of title 49, Code of Federal Regulations, is amended by revising paragraphs (f)(1) as (h)(1) to read as follows:

#### **§ 578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.**

\* \* \* \* \*

(f) *Odometer tampering and disclosure.* (1) A person that violates 49 U.S.C. Chapter 327 or a regulation prescribed or order issued thereunder is liable to the United States Government for a civil penalty of not more than \$3,200 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum civil penalty under this paragraph for a related series of violations is \$130,000.

\* \* \* \* \*

(h) *Automobile fuel economy.* (1) A person that violates 49 U.S.C. 32911(a)

is liable to the United States Government for a civil penalty of not more than \$16,000 for each violation. A separate violation occurs for each day the violation continues.

\* \* \* \* \*

Issued on: February 7, 2008.

**Nicole R. Nason,**

*Administrator.*

[FR Doc. E8-3518 Filed 2-22-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 071030625-8130-02]

RIN 0648-XC84

#### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2008 Scup Specifications; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** On December 31, 2007, NMFS published in the **Federal Register** a final rule containing final specifications for the 2008 scup fishery. Inadvertently, table 3 of the final rule contained incorrect values for the 2008 Adjusted Quota Less Overages and Research Set-Aside (RSA) for the scup quota periods. This document corrects those values.

**DATES:** Effective February 25, 2008, through December 31, 2008.

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

**SUPPLEMENTARY INFORMATION:** The final rule, including final quota specifications for the summer flounder, scup, and black sea bass fisheries, was published in the **Federal Register** on December 31, 2007 (72 FR 74197). Table 3 incorrectly lists the following Adjusted Quota Less Overages and RSA values for the scup quota periods: Winter I (2,367,373 lb, 1,074 mt), Summer (1,419,220 lb, 644 mt), Winter II (836,531 lb, 379 mt), and Total (4,623,124 lb, 2,097 mt). The correct amounts for the 2008 scup Adjusted Quota Less Overages and RSA are as follows: Winter I is 2,388,611 lb (1,083 mt); Summer is 1,437,558 lb (652 mt); Winter II is 844,036 lb (383 mt); and Total is 4,670,204 lb (2,118 mt).

## Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for additional public comment for this action because any delay of this action would be contrary to the public interest. As explained above, this rule corrects values for the 2008 Adjusted Quota Less Overages and RSA that had already been published in the **Federal Register**. To delay this correction notice will cause confusion over the available 2008 scup quota. The correct values for the adjusted quotas are greater than the values currently published in the **Federal Register** and a delay may negatively impact fishermen during the current Winter I quota period (January - April), who may not be able to harvest the full amount of quota allocated to the fishery. Moreover, pursuant to 5 U.S.C. 553(d), the Assistant Administrator finds good cause to waive the 30-day delay in effective date for the reasons given above. Delaying the rule for 30 days may negatively impact fishermen because the correct quota value for all quota periods, including the current Winter I period, are greater than the published values. This may lead to less quota being harvested for the Winter I period than is actually allocated to fishermen.

## Correction

Accordingly, the final rule FR Doc. 07-6252, published on December 31, 2007 (72 FR 74197), is corrected as follows:

1. On page 74199, in Table 3, the Adjusted quota less overages and RSA found in columns 11 and 12 for the Winter I Quota period in row 1 are corrected to read "2,388,611" lb and "1,083" mt, respectively.

2. On page 74199, in Table 3, the Adjusted quota less overages and RSA found in columns 11 and 12 for the Summer Quota period in row 2 are corrected to read "1,437,558" lb and "652" mt, respectively.

3. On page 74200, in Table 3, the Adjusted quota less overages and RSA found in columns 11 and 12 for the Winter II Quota period in row 3 are corrected to read "844,036" lb and "383" mt, respectively.

4. On page 74200, in Table 3, the Adjusted quota less overages and RSA found in columns 11 and 12 for the Total Quota in row 4 are corrected to read "4,670,204" lb and "2,118" mt, respectively.

Dated: February 19, 2008.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. E8-3522 Filed 2-22-08; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 071212833-8179-02]

RIN 0648-XB94

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fisheries; 2008 Atlantic Bluefish Specifications

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

**ACTION:** Final rule; final specifications for the 2008 Atlantic bluefish fishery.

**SUMMARY:** NMFS issues final specifications for the 2008 Atlantic bluefish fishery, including state-by-state commercial quotas, a recreational harvest limit, and recreational possession limits for Atlantic bluefish off the east coast of the United States. The intent of these specifications is to establish the allowable 2008 harvest levels and possession limits to attain the target fishing mortality rate (F), consistent with the stock rebuilding program contained in Amendment 1 to the Atlantic Bluefish Fishery Management Plan (FMP), as well as ensuring compliance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The final specifications are modified from those contained in the proposed rule as a result of more recent information on recreational harvests.

**DATES:** This rule is effective March 26, 2008, through December 31, 2008.

**ADDRESSES:** Copies of the specifications document, including the Environmental Assessment (EA) and the Initial Regulatory Flexibility Analysis (IRFA) are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South Street, Dover, DE 19901 6790. The specifications document is also accessible via the Internet at <http://www.nmfs.noaa.gov>. NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the