

Dated: October 10, 2008.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. E8-24907 Filed 10-17-08; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice: 6411]

60-Day Notice of Proposed Renewal Information Collection: Form DS-0086, Statement of Non-Receipt of a Passport, 1405-0146.

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the renewal of an information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Statement of Non-Receipt of a Passport.
- *OMB Control Number:* 1405-0146.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, CA/PPT/FO/FC.
- *Form Number:* DS-0086.
- *Respondents:* Individuals or Households.
- *Estimated Number of Respondents:* 60,000.
- *Estimated Number of Responses:* 60,000.
- *Average Hours per Response:* 5 minutes.
- *Total Estimated Burden:* 5,000 hours.
- *Frequency:* On occasion.
- *Obligation To Respond:* Required to Obtain or Retain a Benefit.

DATES: The Department will accept comments from the public up to 60 days from October 20, 2008.

ADDRESSES: You may submit comments by any of the following methods:

- *E-mail:* agnewam@state.gov.
- *Mail (paper, disk, or CD-ROM submissions):* Andrina Agnew, U.S. Department of State, CA/PPT/FO/FC, 2100 Pennsylvania Ave, NW., 3rd Floor/ Room 3040/SA-29, Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional

information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Andrina Agnew, U.S. Department of State, CA/PPT/FO/FC, 2100 Pennsylvania Ave, NW., 3rd Floor/ Room 3040/SA-29, Washington, DC 20037, who may be reached at 202-663-2445 or at agnewam@state.gov.

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of Proposed Collection

The Statement of Non-Receipt of a Passport, Form DS-0086, is used by Consular Officers, Passport Specialists, and Acceptance Agents to collect information for the purpose of issuing a second passport to customers who have not received the passport for which they originally applied.

The information is used by the Department of State to ensure that no person shall bear more than one valid or potentially valid U.S. passport book and U.S. passport card at any one time, except as authorized by the Department, and also aids in combating passport fraud and misuse.

Methodology

Passport applicants who do not receive their passports are required to complete a Statement of Non-Receipt of a Passport, Form DS-0086. Passport applicants can either download the form from the Internet or pick one up from an Acceptance Facility/Passport Agency. The form must be completed, signed, and then submitted to the Acceptance Facility/Passport Agency for passport re-issuance.

Dated: October 10, 2008.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. E8-24908 Filed 10-17-08; 8:45 am]

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DEPARTMENT OF STATE

[Delegation of Authority No. 318]

Delegation by the Secretary of State to the Under Secretary for Arms Control and International Security of Authorities in Section 2(b)(4) of the Export-Import Bank Act

By virtue of the authority vested in me as Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Under Secretary for Arms Control and International Security the functions conferred on the Secretary of State by Section 2(b)(4) of the Export-Import Bank Act.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary or the Deputy Secretary may at any time exercise any authority or function delegated by this delegation of authority.

This delegation of authority shall be published in the **Federal Register**.

Dated: October 1, 2008.

Condoleezza A. Rice,

Secretary of State, Department of State.

[FR Doc. E8-24914 Filed 10-17-08; 8:45 am]

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DEPARTMENT OF STATE

[Delegation of Authority No. 317]

Delegation by the Secretary of State to the Under Secretary for Arms Control and International Security of Authorities in Section 821 of the Nuclear Proliferation Prevention Act

By virtue of the authority vested in me as Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a) and the Presidential Memorandum for the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, and the Director of National Intelligence—Assignment of Certain Functions Relating to Procurement Sanctions on Persons Engaging in Export Activities that Contribute to Proliferation, dated March 5, 2007 (72 FR 11283), I hereby delegate to the Under Secretary for Arms Control and International Security, the functions conferred on the Secretary of State by said Presidential Memorandum under section 821 of the Nuclear Proliferation

Prevention Act, FY 94–95 Foreign Relations Authorization Act (Pub. L. 103–236) (the Act), relating to sanctions for nuclear proliferation.

All functions assigned under the Act shall be exercised utilizing the appropriate interagency groups prior to exercising the sanction authority delegated herein.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary or the Deputy Secretary may at any time exercise any authority or function delegated by this delegation of authority.

This delegation of authority shall be published in the **Federal Register**.

Dated: October 1, 2008.

Condoleezza A. Rice,

Secretary of State, Department of State.

[FR Doc. E8–24916 Filed 10–17–08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2006–26383]

Publication of Final Guidance on the Congestion Mitigation and Air Quality Improvement (CMAQ) Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of publication of final guidance.

SUMMARY: The purpose of this notice is to announce the publication of CMAQ final guidance. Sections 1101, 1103 and 1808 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, Aug. 10, 2005)¹ amend the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, and authorize \$8.6 billion to support the CMAQ program in 2005–2009. The interim guidance went into effect October 31, 2006; however, we solicited comments on the interim guidance on December 19, 2006, at 71 FR 76038. This notice describes and discusses comments we received and announces the publication of the final CMAQ guidance. The notice also describes the effect of a provision of the Energy Independence and Security Act of 2007, Pub. L. 110–140 that affects CMAQ funding. This provision became

effective on December 20, 2007, beyond the time for submitting comments on the interim guidance.

FOR FURTHER INFORMATION CONTACT: Mike Koontz, Office of Natural and Human Environment, (202) 366–2076, *michael.koontz@dot.gov*; or Diane Liff (202) 366–6203, *diane.liff@dot.gov*, or Harold Aikens (202) 366–1373, *harold.aikens@dot.gov*, Office of the Chief Counsel, Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access this document, the notice of interim guidance and request for comment, and all comments received by the U.S. Department of Transportation (DOT) by using the Federal eRulemaking portal at <http://www.regulations.gov>. It is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.

An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: <http://www.archives.gov> or the Government Printing Office's Web page at <http://www.gpoaccess.gov/nara>.

An electronic version of the final CMAQ guidance may be downloaded from the FHWA Web page at: <http://www.fhwa.dot.gov/environment/cmaq06gm.htm>. It is also attached for reference below.

Background

The CMAQ program was created by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102–240, Dec. 18, 1991) and continued under the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178; Oct. 1998). Through 2005, the program supported nearly 16,000 transportation projects across the country. In SAFETEA–LU, the most recent authorization of the Federal-aid highway program, Congress amended the CMAQ program and authorized funding to support the CMAQ program in 2005–2009 (see sections 1101, 1103 and 1808 of SAFETEA–LU). More than \$8.6 billion are authorized over the 5-year program (2005–2009), with annual authorization amounts increasing each year during this period.

This final guidance updates and replaces previous program guidance issued in 1999. It focuses primarily on

project eligibility provisions and identifies the types of projects that are eligible for CMAQ support. It also provides information on how CMAQ apportionments are calculated and the geographic areas where CMAQ funds can be used; discusses the project selection process and requirements for analyzing emissions benefits from potential projects as part of the selection process; and examines Federal, State and Metropolitan Planning Organization (MPO) program administration responsibilities.

This final guidance includes discussions and directions on new or highlighted CMAQ topics under SAFETEA–LU and, in particular, emphasizes diesel engine retrofits and cost-effective congestion mitigation activities as priorities for CMAQ expenditures. It also provides relative cost-effectiveness data on various eligible project types to help inform the CMAQ project selection process.

Discussion of Comments Received to the Notice of Interim Guidance

The FHWA published its Notice of Interim Guidance and Request for Comment on December 19, 2006 (71 FR 76038). In response to the notice, the FHWA received 42 comments. Of the 42 comments, 11 were submitted by or on behalf of transportation advocacy organizations, 9 were submitted by metropolitan planning organizations (MPO) or other similar regional governmental entities, 5 were received from State departments of transportation or other State government agencies, 3 were received from county governments, 2 from counsel representing transportation organizations, 2 from environmental advocacy organizations, and 1 comment was submitted by a private citizen. It should be noted that the total does not sum to the 42 docket entries due to duplication associated with edited and resent documents and separate submittals for attachments. The FHWA considered each of these comments in adopting this final guidance. Following is a section-by-section analysis of the docketed comments and the FHWA's conclusions regarding issues raised:

Section-by-Section Discussion of Comments

Section IV. Priority for Use of CMAQ Funds

A total of 14 comments were received about the guidance's treatment of project prioritization and selection for cost-effective CMAQ funded programs and activities, specifically diesel retrofits. The only comment received

¹ 23 U.S.C. 149 (2005).