

## Background

Section 6004(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109-59), codified as Section 326 of amended Chapter 3 of Title 23, United States Code (23 U.S.C. 326), allows the Secretary of the United States Department of Transportation (USDOT Secretary), to assign, and a State to assume, responsibility for determining whether certain designated activities are included within classes of action that are categorically excluded from requirements for environmental assessments or environmental impact statements pursuant to regulations promulgated by the Council on Environmental Quality under part 1500 of Title 40, Code of Federal Regulations (CFR) (as in effect on October 1, 2003). The FHWA is authorized to act on behalf of the USDOT Secretary with respect to these matters.

Under the proposed MOU, the FHWA would assign to the State the responsibility for making decisions on the following types of categorical exclusions:

1. Activities listed in 23 CFR 771.117(c);
2. The example activities listed in 23 CFR 771.117(d); and
3. Additional actions listed in Appendix A; None.

The proposed MOU also would assign to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

1. Clean Air Act, 42 U.S.C. 7401-7671q, determinations for project-level conformity if required for the project
2. Compliance with the noise regulations in 23 CFR 772
3. Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531-1544, and Section 1536 (except as specified in Stipulation II.B.2 of the MOU)
4. Marine Mammal Protection Act, 16 U.S.C. 1361
5. Anadromous Fish Conservation Act, 16 U.S.C. 757a-757g
6. Fish and Wildlife Coordination Act, 16 U.S.C. 661-667d
7. Migratory Bird Treaty Act, 16 U.S.C. 703-712
8. Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq.
9. Bald and Golden Eagle Protection Act, 16 U.S.C. 668-668c

10. Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(f) et seq.
11. Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303
12. Archaeological and Historic Preservation Act of 1966, as amended, 16 U.S.C. 469-469(c)
13. American Indian Religious Freedom Act, 42 U.S.C. 1996
14. Farmland Protection Policy Act, 7 U.S.C. 4201-4209
15. Clean Water Act, 33 U.S.C. 1251-1377
16. Coastal Barrier Resources Act, 16 U.S.C. 3501-3510
17. Coastal Zone Management Act, 16 U.S.C. 1451-1465
18. Safe Drinking Water Act, 42 U.S.C. 300f-300j-6
19. Rivers and Harbors Act of 1899, 33 U.S.C. 401-406
20. Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287
21. Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931
22. Transportation Equity Act of the 21st Century, 23 U.S.C. 103(b)(6)(m) and 133(b)(11)
23. Flood Disaster Protection Act, 42 U.S.C. 4001-4128
24. Land and Water Conservation Fund, 16 U.S.C. 4601-4604
25. Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601-9675
26. Superfund Amendments and Reauthorization Act of 1986
27. Resource Conservation and Recovery Act, 42 U.S.C. 6901-6992k
28. Landscaping and Scenic Enhancement, 23 U.S.C. 319
29. E.O. 11990, Protection of Wetlands
30. E.O. 11988, Floodplain Management
31. E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
32. E.O. 11593, Protection and Enhancement of the Cultural Environment
33. E.O. 13007, Indian Sacred Sites
34. E.O. 13175, Consultation and Coordination with Indian Tribal Governments
35. E.O. 13112, Invasive Species

The MOU would allow the State to act in the place of the FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally-recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the listed laws

and executive orders. The State will continue to handle routine consultations with the tribes and understands that a tribe has the right to direct consultation with the FHWA upon request. The State also may assist the FHWA with formal consultations, with consent of a tribe, but the FHWA remains responsible for the consultation. This assignment includes transfer to the State the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the criteria in Stipulation I(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU.

A copy of the proposed MOU may be viewed on the FDMS Docket, as described above, or may be obtained by contacting the FHWA or the State at the addresses provided above. A copy also may be viewed at <http://www.dot.state.ak.us/stwddes/dcsenviron/index.shtml>.

Once the FHWA makes a decision on the proposed MOU, the FHWA will place in the FDMS Docket a statement describing the outcome of the decision-making process and a copy of the final MOU, if any. Copies of those documents also may be obtained by contacting the FHWA or the State of Alaska at the addresses provided above, or by viewing the documents at <http://www.dot.state.ak.us/stwddes/dcsenviron/index.shtml>.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Issued on: October 6, 2008.

**David C. Miller,**

*Division Administrator, Juneau, Alaska.*

[FR Doc. E8-24249 Filed 10-10-08; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2008 0095]

### Information Collection Available for Public Comments and Recommendations

**ACTION:** Notice of intention to request extension of OMB approval and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval (with modifications) for three years of a currently approved information collection.

**DATES:** Comments should be submitted on or before December 15, 2008.

**FOR FURTHER INFORMATION CONTACT:** T. Mitchell Hudson, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-9373; or e-mail: [mitchell.hudson@dot.gov](mailto:mitchell.hudson@dot.gov). Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD)

*Title of Collection:* Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement.

*Type of Request:* Extension of currently approved information collection.

*OMB Control Number:* 2133-0530.

*Form Numbers:* None.

*Expiration Date of Approval:* Three years from date of approval by the Office of Management and Budget.

*Summary of Collection of Information:* In accordance with the American Fisheries Act of 1998, owners of vessels of 100 feet or greater who wish to obtain a fishery endorsement to the vessel's documentation are required to file with the Maritime Administration (MARAD) an Affidavit of United States Citizenship.

*Need and Use of the Information:* The information collection is necessary for MARAD to determine that a particular vessel is owned and controlled by United States citizens and is eligible to receive a fishery endorsement to its documentation.

*Description of Respondents:* Vessel owners, charterers, mortgagees, mortgage trustees and managers of vessels of 100 feet or greater who seek a fishery endorsement for the vessel.

*Annual Responses:* 1 response.

*Annual Burden:* 2,950 hours.

*Comments:* Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12-140, 1200 New Jersey Avenue, SE.,

Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at <http://www.regulations.gov/search/index.jsp>. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT (or EST), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at <http://www.regulations.gov/search/index.jsp>.

*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 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://www.regulations.gov/search/index.jsp>.

**Authority:** 49 CFR 1.66.

By Order of the Maritime Administrator,  
Dated: September 25, 2008.

**Leonard Sutter,**

*Secretary, Maritime Administration.*

[FR Doc. E8-24226 Filed 10-14-08; 8:45 am]

**BILLING CODE 4910-81-P**

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## DEPARTMENT OF TREASURY

### Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

This notice replaces listing published on September 16, 2008, Volume 73 FR, page #53490.

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Stephen Albrecht, Counselor to the General Counsel (Department of Treasury).
2. Steve T. Miller, Commissioner (Tax Exempt and Government Entities).
3. James Falcone, Acting Deputy Commissioner for Operations Support (IRS).

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: October 3, 2008.

**Donald L. Korb,**

*Chief Counsel, Internal Revenue Service.*

[FR Doc. E8-24314 Filed 10-10-08; 8:45 am]

**BILLING CODE 4830-01-P**

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## DEPARTMENT OF TREASURY

### Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Correction—On September 16, 2008, Volume 73 FR, page # 53490 we issued this notice listing Clarissa Potter, Deputy Chief Counsel (Technical) as Chairperson; however, the Chairperson will be H. Stephen Kesselman, Deputy Chief Counsel (Operations).

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, H. Stephen Kesselman, Deputy Chief Counsel (Operations).
2. Roland Barral, Area Counsel (Large and Mid-Size Business).
3. Ellen T. Friberg, Area Counsel (Small Business/Self Employed).
4. Steve Larson, Associate Chief Counsel (Financial Institutions and Products).

5. Edward Cronin (Ted), Division Counsel/Associate Chief Counsel (Criminal Tax).

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: October 7, 2008.

**Donald L. Korb,**

*Chief Counsel, Internal Revenue Service.*

[FR Doc. E8-24318 Filed 10-10-08; 8:45 am]

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