

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84047, Office Hours: 7 a.m. to 3:30 p.m. MST, [Edward.Woolford@DOT.gov](mailto:Edward.Woolford@DOT.gov). Ms. Rebecka Stromness, Environmental Program Manager, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119, Office Hours 7 a.m. to 4:30 p.m. MST [RStromness@Utah.gov](mailto:RStromness@Utah.gov).

**SUPPLEMENTARY INFORMATION:** The Notice of Intent for this project was originally published on January 22, 1997. The FHWA, in conjunction with the Utah Department of Transportation, has decided to discontinue efforts on this project.

Issued on: April 4, 2008.

**Edward T. Woolford,**

*Environmental Program Manager, Salt Lake City, Utah.*

[FR Doc. E8-7577 Filed 4-9-08; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket Number FHWA-2008-0037]

#### Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State of Utah

**AGENCY:** Federal Highway Administration (FHWA), Utah Division Office, DOT.

**ACTION:** Notice of proposed MOU and request for comments.

**SUMMARY:** This notice announces that the FHWA and the Utah Department of Transportation, have developed a proposed MOU, pursuant to 23 U.S.C. 326, under which the FHWA would assign to the State the FHWA's responsibility for determining whether a project is categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), and for carrying out certain other responsibilities for conducting environmental reviews, consultations, and related activities for Federal-aid highway projects. The public is invited to comment on any aspect of the proposed MOU, including the proposed designations of categorical exclusions and scope of environmental review, consultation and other activities to be assigned.

**DATES:** Please submit comments by May 27, 2008.

**ADDRESSES:** You may submit comments through the U.S. Document Management System (DMS), identified by Docket Number FHWA-2008-0037, or by any of the methods described below:

*Web site:* <http://www.udot.utah.gov/go/environmental>.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

*Hand Delivery:* Ground Floor Room W12-140, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001 between 9 a.m. and 5 p.m. (EST), Monday through Friday, except Federal holidays.

*Docket:* For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to <http://www.regulations.gov> at anytime or go to the ground floor U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001 between 9 a.m. and 5 p.m. (EST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84118, Office Hours: 7 a.m. to 3:30 p.m. (MST), [Edward.Woolford@DOT.gov](mailto:Edward.Woolford@DOT.gov); Ms. Rebecka Stromness, Environmental Program Manager, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119, Office Hours 7 a.m. to 4:30 p.m. (MST), [RStromness@Utah.gov](mailto:RStromness@Utah.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this notice may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at <http://www.archives.gov> and the Government Printing Office's Web site at <http://www.access.gpo.gov>. An electronic version of the proposed MOU may be downloaded by accessing the electronic DMS docket, as described above, at <http://www.regulations.gov>.

#### Background

Section 6004(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109-059), 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 (CAA), 42 U.S.C. 7401-7671q (determinations of project-level conformity if required for the project).
2. Compliance with the noise regulations in 23 CFR Part 772.
3. Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531-1544 and Section 1536.
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. Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C., 470(f) *et seq.*
10. Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303.

- 11. Archeological and Historic Preservation Act of 1966, as amended, 16 U.S.C., 469–469(c).
- 12. American Indian Religious Freedom Act, 42 U.S.C. 1966.
- 13. Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209.
- 14. Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319).
- 15. Coastal Barrier Resources Act, 16 U.S.C. 3501–3510.
- 16. Coastal Zone Management Act, 16 U.S.C. 1451–1465.
- 17. Safe Drinking Water Act (SDWA), 42 U.S.C., 300f–300j–6.
- 18. Rivers and Harbors Act of 1899, 33 U.S.C., 401–406.
- 19. Wild and Scenic Rivers Act, 16 U.S.C., 1271–1287.
- 20. Emergency Wetlands Resources Act, 16 U.S.C., 3921–3931.
- 21. TEA–21 Wetlands Mitigation, 23 U.S.C., 103(b)(6)(m), 133(b)(11).
- 22. Flood Disaster Protection Act, 42 U.S.C. 4001–4128.
- 23. Land and Water Conservation Fund (LWCF), 16 U.S.C., 4601–4 (known as section 6(f)).
- 24. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675.
- 25. Superfund Amendments and Reauthorization Act of 1986 (SARA).
- 26. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k.
- 27. Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
- 28. Executive Orders Relating to Highway Projects (E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Consultation and Coordination with Indian Tribal Governments; 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 of Utah 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 DOT DMS 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 online at the following URL: <http://www.udot.utah.gov/go/environmental>. Once the FHWA makes a decision on the proposed MOU, the FHWA will place in the DOT DMS 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 at the addresses provided above, or by viewing the documents at <http://www.udot.utah.gov/go/environmental>.

(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: April 4, 2008.

**Walter C. Waidelich, Jr.,**  
*Division Administrator, Salt Lake City, Utah.*  
 [FR Doc. E8–7572 Filed 4–9–08; 8:45 am]

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**MODIFICATION TO SPECIAL PERMITS**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications Delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Delmer F. Billings, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue, Southeast, Washington, DC 20590–0001, (202) 366–4535.

**Key to “Reason for Delay”**

- 1. Awaiting additional information from applicant.
- 2. Extensive public comment under review.
- 3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
- 4. Staff review delayed by other priority issues or volume of special permit applications.

**Meaning of Application Number Suffixes**

- N—New application.
- M—Modification request.
- PM—Party to application with modification request.

Issued in Washington, DC, on April 3, 2008.

**Delmer F. Billings,**  
*Director, Office of Hazardous Materials, Special Permits and Approvals.*

Application No.	Applicant	Reason for delay	Estimated date of completion
11579–M .....	Austin Powder Company, Cleveland, OH .....	3, 4	04–30–2008
10964–M .....	Kidde Aerospace & Defense, Wilson, NC .....	4	04–30–2008
11650–M .....	Autoliv ASP, Inc., Ogden, UT .....	4	04–30–2008