

The submitted program contained twenty-five (25) proposed actions for noise abatement, land use management and program management on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program was approved, by the Manager of the Airports Division, Western-Pacific Region, effective July 28, 2008.

Outright approval was granted for the two (2) noise abatement measures, all fourteen (14) land use management measures and nine (9) program management measures. The approved noise abatement measures included: Maintain CANG Noise Abatement Departure Track Procedures; and Continued Use of Minimum Altitudes Before Departure Turns Off Runways 29L and 29R.

Approved land use measures include: Land Acquisition of Developed Non-Compatible Property; Residential Sound Insulation Program; Noise Sensitive Public Building Sound Insulation Program; Purchase of Avigation Easements; Encourage Comprehensive Planning for Compatible Land Uses and Adoption of NEMs; Amend Zoning for Compatible Use; Adopt Airport Noise Overlay Zone; Amend Building Codes to Meet Interior Noise Levels; Require Avigation Easement with New Construction; Support Real Property Noise Disclosure; Transfer of Development Rights; Purchase of Development Rights; Purchase of Vacant Land That May Be Developed Into NonCompatible Use; Encourage the Local Jurisdictions to Develop Compatible Land Uses in the Airport Environs.

Approved Program Management measures include: Monitor Airport Operations to Determine Need for NEM and/or NCP Updates; Acquire a Flight Tracking System and/or Noise and Operations Monitoring System (NOMS); Monitor Aircraft Engine Run-ups and Complaints as a Trigger for a Future Ground Run-up Enclosure (GRE) Replacement Needs Analysis Study; Establish Staff Position to Monitor and Coordinate Implementation of the NCP Measures; Increase Community Outreach; Expand Airport Noise Section on the FAT Website; Develop Standardize Complaint Collection, Response, and Recording Procedures; Establish an Airport Noise Advisory Committee; Develop and Distribute Pilot Handouts.

These determinations are set forth, in detail, in the Record of Approval signed by the Manager of the Airports Division, Western-Pacific Region, on July 28,

2008. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of Fresno. The Record of Approval will be available on-line at: http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/.

Issued in Hawthorne, California on July 29, 2008.

Mark A. McClardy

Manager, Airports Division, Western-Pacific Region, AWP-600

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BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In July 2008, there were three applications approved. This notice also includes information on two applications, approved in June 2008, inadvertently left off the June 2008 notice. Additionally, 20 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: San Diego County Regional Airport Authority, San Diego, California.

Application Number: 08-05-C-00-SAN. **APPLICATION TYPE:** Impose and use a PFC.

PFC Level: \$4.50.

Total PFC Revenue Approved in This Decision: \$26,301,763.

Earliest Charge Effective Date: April 1, 2009.

Estimated Charge Expiration Date: October 1, 2009.

Class of Air Carriers Not Required to Collect PFC's: Non-scheduled/on-demand air carriers filing FAA Form 1800-31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at San Diego International Airport.

Brief Description of Projects Approved for Collection and Use at a \$4.50 PFC Level: Security checkpoint improvements. Airfield improvements. Replace aircraft rescue and firefighting vehicle. Noise mitigation.

Brief Description of Projects Approved for Collection and Use at A \$3.00 PFC Level: Terminal area 12 kv electrical upgrade, phase I. Upgrade passenger information and paging systems. Part 150 study update. Conduct terminal planning study.

Decision Date: June 27, 2008.

For Further Information Contact: Darlene Williams, Los Angeles Airports District Office, (310) 725-3625.

Public Agency: City of Savannah and Savannah Airport Commission, Savannah, Georgia.

Application Number: 08-07-C-00-SAV.

Application Type: Impose and use a PFC. **PFC LEVEL:** \$4.50.

Total PFC Revenue Approved in This Decision: \$2,558,778.

Earliest Charge Effective Date: March 1, 2013.

Estimated Charge Expiration Date: November 1, 2013.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators filing FAA Form 1800-31.00-31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Savannah/Hilton Head International Airport.

Brief Description of Projects Approved for Collection and Use:

Rehabilitation—runway shoulders. PFC implementation and administration. Construct taxiway—southwest quadrant. Taxiway B extension. Runway 18/36 extension. Airport master plan. Cool air system to nine jet bridges. Taxiway C-2. Airport layout plan update. Bio Scrypt 15 boarding bridge doors. Update main communication 800 Mhz system to digital.

Brief Description of Project Partially Approved for Collection and Use: Navigational aids.

Determination: Partially approved. One component of the proposed project,

the installation of localizers on runways 18 and 27 did not meet the requirements of § 158.15(b)(1).

Brief Description of Project Approved for Collection: Relocate airfield maintenance road.

Decision Date: June 27, 2008.

For Further Information Contact: John Marshall, Atlanta Airports District Office, (404) 305-7153.

Public Agency: Birmingham Airport Authority, Birmingham, Alabama.

Application Number: 08-07-C-00-BHM.

Application Type: Impose and use a PFC.

PFC Level: \$4.50.

Total PFC Revenue Approved in This Decision: \$15,173,639.

Earliest Charge Effective Date: October 1, 2008.

Estimated Charge Expiration Date: March 1, 2010.

Class of Air Carriers Not Required To Collect PFCs: Air taxi/commercial operators filing FAA Form 1800-31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Birmingham International Airport.

Brief Description of Projects Approved for Collection and Use: Acquire noise land. Terminal modernization program—design.

Decision Date: July 2, 2008.

For Further Information Contact: Keafur Grimes, Jackson Airports District Office, (601) 664-9886.

Public Agency: City of Colorado Springs, Colorado.

Application Number: 08-13-C-00-COS.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in This Decision: \$8,307,189.

Earliest Charge Effective Date: December 1, 2010.

Estimated Charge Expiration Date: January 1, 2014.

Class of Air Carriers Not Required to Collect PFCs: None.

Brief Description of Projects Approved for Collection and Use: West aviation development south taxilane. West aviation development south parking area.

Decision Date: July 23, 2008.

For Further Information Contact: Chris Schaffer, Denver Airports District Office, (303) 342-1258.

Public Agency: County of Kalamazoo, Kalamazoo, Michigan.

Application Number: 08-06-C-00-AZO.

Application Type: Impose and use a PFC.

PFC Level: \$4.50.

Total PFC Revenue Approved in This Decision: \$14,821,076.

Earliest Charge Effective Date: September 1, 2008.

Estimated Charge Expiration Date: September 1, 2024.

Class of Air Carriers Not Required to Collect PFCs: Non-scheduled/on-demand air taxi operators filing FAA Form 1800-31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Kalamazoo-Baffle Creek International Airport.

Brief Description of Project Approved for Collection and Use: Construction of a replacement terminal building.

Decision Date: July 25, 2008.

For Further Information Contact: Irene Porter, Detroit Airports District Office, (734) 229-2915.

AMENDMENTS TO PFC APPROVALS

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
95-03-C-04-PNS, Pensacola, FL	06/20/08	\$1,860,000	\$1,747,888	08/01/99	08/01/99
92-01-C-05-PNS, Pensacola, FL	06/24/08	8,595,500	8,190,719	04/01/98	04/01/98
92-01-C-06-PNS, Pensacola, FL	06/24/08	8,190,719	7,760,275	04/01/98	04/01/98
95-02-U-01-PNS, Pensacola, FL	06/24/08	(1)	(1)	04/01/98	04/01/98
92-01-C-07-PNS, Pensacola, FL	06/24/08	7,760,275	8,041,242	04/01/98	04/01/98
95-03-C-03-PNS, Pensacola, FL	06/24/08	1,747,888	1,747,888	08/01/99	08/01/99
02-05-C-01-PNS, Pensacola, FL	06/24/08	350,000	182,914	09/01/07	09/01/07
01-02-C-01-CKB, Bridgeport, WV	07/02/08	182,344	101,489	08/01/02	08/01/02
99-04-C-02-PNS, Pensacola, FL	07/03/08	19,400,000	20,161,348	09/01/07	09/01/07
99-04-C-03-PNS, Pensacola, FL	07/03/08	20,161,348	15,303,041	09/01/07	09/01/07
03-06-U-01-PNS, Pensacola, FL	07/03/08	(1)	(1)	09/01/07	09/01/07
00-01-C-03-FAY, Fayetteville, NC	07/03/08	571,671	569,490	10/01/05	10/01/05
00-01-C-04-FAY, Fayetteville, NC	07/03/08	569,490	398,811	10/01/05	10/01/05
02-02-U-02-FAY, Fayetteville, NC	07/03/08	(1)	(1)	10/01/05	10/01/05
03-06-C-02-SLC, Salt Lake City, UT	07/08/08	62,532,179	62,670,838	09/01/04	02/01/05
06-05-C-01-LFT, Lafayette, LA	07/09/08	795,000	756,165	04/01/08	04/01/08
98-03-C-05-DSM, Des Moines, IA	07/11/08	12,882,783	7,174,449	05/01/04	05/01/04
93-01-C-05-CRW, Charleston, WV	07/17/08	2,504,316	2,304,154	12/01/97	12/01/97
02-08-C-03-JAC, Jackson, WY	07/17/08	1,189,579	1,189,579	01/01/04	08/01/04
98-04-C-03-CRW, Charleston, WV	07/21/08	700,795	698,992	05/01/00	05/01/00

¹ Not applicable.

Issued in Washington, DC, on July 31, 2008

Joe Hebert

Manager, Financial Analysis and Passenger Facility Charge Branch

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0204]

Application by American Trucking Associations, Inc. for a Preemption Determination on the City of Boston's Routing and Transportation Restrictions Applicable to Certain Hazardous Materials

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for preemption determination; request for comments.

SUMMARY: FMCSA provides notice and invites interested parties to submit comments on an application by the American Trucking Associations, Inc. (ATA) for an administrative determination on whether Federal law preempts highway routing designations issued by the City of Boston (Boston) restricting transportation of certain hazardous materials. ATA submits that Boston failed to comply with the Federal routing requirements set in 49 CFR 397.71 and that such routing designations are therefore preempted under 49 U.S.C. 5125 and 49 CFR 397.69.

DATES: Comments received on or before September 22, 2008 and rebuttal comments received on or before November 6, 2008 will be considered before an administrative ruling is issued. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-2008-0204 by any of the following methods:

- Web Site: <http://www.regulations.gov>. Follow the instructions for submitting comments on the Federal electronic docket site.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building

Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

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

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476; Apr. 11, 2000). This information is also available at <http://Docketinfo.dot.gov>.

Public Participation: The <http://www.regulations.gov> Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the "help" section of the <http://www.regulations.gov> Web site and also at the DOT's <http://docketsinfo.dot.gov> Web site. If you want confirmation of receipt of your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: James O. Simmons, Chief, Hazardous Materials Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, or at james.simmons@dot.gov (e-mail).

SUPPLEMENTARY INFORMATION: A copy of each comment must also be sent to Richard Moskowitz, Vice President and Regulatory Affairs Counsel, American Trucking Associations, 950 North Glebe Road, Arlington, VA 22203. You are required to include with your comments a certification that you provided a copy of your comments to Mr. Moskowitz. (The following format is suggested: "I certify copies of this comment were sent to Mr. Moskowitz at the address specified in the **Federal Register**.")

Background

Title 49 U.S.C. 5125 includes several preemption provisions. Section 5125(c)(1) allows a State or Indian tribe to establish, maintain, or enforce a highway routing designation over which hazardous material may or may not be transported by motor vehicles, or a limitation or requirement related to highway routing, only if the designation, limitation, or requirement complies with 49 U.S.C. 5112(b).

Section 5112(b) requires the Secretary of Transportation (the Secretary), in consultation with the States, to prescribe by regulation standards for the States and Indian tribes to follow when designating specific highway routes for transportation of hazardous materials. The Secretary has delegated to the Administrator of the FMCSA authority and responsibility for highway routing of hazardous materials. See 49 CFR 1.73(d)(2).

The standards required by 49 U.S.C. 5112(b) for establishing highway routing requirements for non-radioactive hazardous materials are set forth in 49 CFR part 397, subpart C, and apply to any designations established or modified on or after November 14, 1994. See 49 CFR 397.69(a). A State or Indian tribe must follow FMCSA standards when establishing highway routing requirements for hazardous materials. See 49 CFR 397.71 (Federal standards for routing of nonradioactive hazardous materials (NRHM)). Except as provided in §§ 397.75 (dispute resolution) and 397.219 (waiver), a NHRM route designation made in violation of § 397.69(a) is preempted pursuant to section 105(b)(4) of the Hazardous Materials Transportation Act, as amended, 49 U.S.C. 5125(c), 49 CFR 397.69(b).

ATA alleges that Boston, in the course of the construction of the Central Artery Tunnel (often referred to as the "Big Dig"), changed designated hazardous materials routes through Boston and, in doing so, failed to comply with the requirements of § 397.71. ATA has submitted an application for a preemption determination pursuant to