

seq., "the Act") provides the domestic legal authority for regulating "benefits" to foreign missions in the United States and for imposing terms and conditions on the provision of such benefits.

In a Determination published in the **Federal Register** on August 25, 2003 (Volume 68, Number 164), the Department of State imposed a number of terms and conditions with respect to the acquisition and disposition of motor vehicles by or on behalf of the Cuban Interests Section. Those conditions were imposed as a reciprocal measure because the Cuban Government for some time had imposed restrictions and impediments to the importation, purchase, and resale of vehicles by the U.S. Interests Section in Cuba.

The Department of State is now rescinding the Determination published August 25, 2003, in the **Federal Register** and lifting all terms and conditions that it imposed on the Cuban Interests Section and its staff and dependent family members with regard to the acquisition and disposition of motor vehicles. Upon the publication of this Determination in the **Federal Register**, the Cuban Interests Section, its staff, and their dependent family members will be permitted to acquire and dispose of motor vehicles without restriction other than restrictions or other requirements imposed on all foreign missions and their members to obtain specific motor vehicle services from the U.S. Department of State.

Persons Affected by This Action

This Determination applies primarily to the Cuban Interests Section of the Embassy of Switzerland in Washington, DC, its staff, and their dependent family members. It also applies to any person subject to the jurisdiction of the United States, whether a natural person, business, or other entity of any sort, that intends to sell or lease a motor vehicle to, or purchase a motor vehicle from, the Cuban Interests Section or its personnel.

Legal Authority

This Determination is issued pursuant to the Act, which authorizes the Secretary of State to provide "benefits" to foreign missions in the United States and to impose certain terms and conditions upon the provision of such benefits, if such action is reasonably necessary to achieve a statutory purpose identified in the Act. 22 U.S.C. 4304. The term "benefits" is defined to include any of a number of specifically enumerated goods and services as well as "any other benefits as the Secretary may designate." 22 U.S.C. 4302(a)(1) Pursuant to Department of State Delegation of Authority No. 214, section

14 (September 20, 1994), the authorities that the Act vests in the Secretary of State were delegated by the Secretary to the Assistant Secretary of State for Diplomatic Security, who is also the Director of the Office of Foreign Missions.

Designation of Benefits, Findings, and Specific Determinations

Pursuant to the authority vested in me by and through the above-cited provisions of law and Delegation of Authority, I hereby find and determine as follows:

(1) *Designation of Benefits:* The acquisition of a motor vehicle is encompassed within the statutory designation of a "benefit" in the Foreign Missions Act because it is a form of transportation. 22 U.S.C. 4302(a)(1)(C). The Determination published in the **Federal Register** on August 25, 2003 (68 FR 164), also designated the privilege of disposing of a motor vehicle to a U.S. person within the United States as a benefit under the Act.

(2) *Findings:* The Government of Cuba has indicated that it will immediately end all restrictions on the importation and local purchase of vehicles by the U.S. Interests Section and its staff in Havana, Cuba, if the United States removes the conditions imposed on the acquisition and disposition of vehicles by or on behalf of the Cuban Interests Section and its staff in Washington, DC, which were implemented by the Determination published in the **Federal Register** on August 25, 2003.

(3) *Determination:* I hereby determine that it is not necessary at this time, either on the basis of reciprocity or for any other reason, to impose terms or conditions on the acquisition or disposition of vehicles by or on behalf of the Cuban Interests Section and its staff and dependent family members in Washington, DC. The Determination published in the **Federal Register** on August 25, 2003 (Volume 68, Number 164) is hereby rescinded, and all terms and conditions imposed by that Determination are hereby annulled.

(4) *Date of Effect:* The provisions of this Determination shall take effect upon its publication in the **Federal Register**.

(5) Publication of this Determination in the **Federal Register** constitutes notice to persons subject to the jurisdiction of the United States that terms and conditions on the acquisition and disposition of vehicles by or on behalf of the Cuban Interests Section are hereby rescinded. Persons wishing clarification as to the applicability of this Determination may contact the Office of Foreign Missions, U.S.

Department of State, Washington, DC 20520; or by telephone: (202) 647-4554.

Dated: August 14, 2008.

Eric J. Boswell,

Assistant Secretary of State for Diplomatic Security and Director, Office of Foreign Missions, Department of State.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held Tuesday, November 4, 2008, from 9 a.m. to 4:30 p.m., and Wednesday, November 5, 2008, from 9 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Marriott Wardman Park Hotel, 2660 Woodley Road, NW., Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Jehlen, Executive Director, ATPAC, System Operations and Safety, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 493-4527.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App.2), notice is hereby given of a meeting of the ATPAC to be held Tuesday, November 4, 2008 from 9 a.m. to 4:30 p.m., and Wednesday, November 5, 2008, from 9 a.m. to 4:30 p.m. The agenda for this meeting will cover: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statement should notify the person listed above not later than October 24, 2008. The next quarterly meeting of the FAA ATPAC is planned to be held from January 13–14, 2009, in Miami, FL.

Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on August 26, 2008.

Richard Jehlen,

Executive Director, Air Traffic Procedures, Advisory Committee.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0204]

Application by the Massachusetts Department of Highways for a Preemption Determination on the City of Boston's Hazardous Materials Routing Designation

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

ACTION: Notice of application for preemption determination, consolidation with the American Trucking Associations, Inc. (ATA) application for preemption determination, and extension of time to submit comments.

SUMMARY: FMCSA provides notice and invites interested parties to submit comments on an application by the Massachusetts Department of Highways (MassHighway) for an administrative determination on whether Federal law preempts highway routing designations issued by the City of Boston (Boston) regarding the transportation of hazardous materials. MassHighway seeks a preemption determination to resolve whether Boston's regulatory scheme on hazardous materials transportation in Boston remains consistent with Federal law in light of the history of the Boston regulation, changes that have occurred since the regulation's inception in 1980, and policy changes in issuing permits under the regulation. The MassHighway application, filed on July 25, 2008, encompasses the issues raised by ATA

in its application for preemption determination filed on May 30, 2008. Accordingly, the MassHighway application will be consolidated with the ATA application in Docket No. FMCSA–1008–0204 and the time period for submitting comments is extended by this notice.

DATES: Comments received by October 17, 2008 and rebuttal comments received by December 1, 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.

Fax: 1–202–493–2251.

Mail to: Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Courier or Hand Delivery: Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. *e.t.*, Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information, see the Public Participation and Supplementary Information headings below. 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.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to the ground floor, Room W12–140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. *e.t.*, Monday through Friday, except Federal holidays.

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

19476) or you may visit <http://www.regulations.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 be sent to Monica E. Conyngham, Chief Counsel, MassHighway, 10 Park Plaza, Boston, MA 02116–3969 and 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 MassHighway and ATA. (The following format is suggested: “I certify copies of this comment were sent to Ms. Conyngham, MassHighway, and Mr. Moskowitz, ATA, 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