

determinations and concurrences. The NEPA process, dictates that the thought process and analysis necessary for the determination of the class of action for a project should be documented as part of the project's record-keeping. Sections 771.111(a) and (b) of Title 23, Code of Federal Regulations discuss the determination and identification of the class of action for a project and to verify compliance with these regulations requires some documentation.

Additionally, Chapter 38 of the SER provides a means of documenting class of action determinations via the Preliminary Environmental Analysis Report for State Highway System projects or via the Preliminary Environmental Study form for Local Assistance projects. The procedures also require class of action determinations for all EAs (including Complex EAs) and EISs to be made with the concurrence of the Headquarters Environmental Coordinator. The SER states that, "obtaining the concurrence of the Headquarters Environmental Coordinator may be done through an e-mail which includes the project description, proposed class of action, and rationale. The Coordinator's e-mail response will provide concurrence."

The audit team observed through project file review in the 3 Districts visited, the process described in the SER was not consistently followed. In more than six instances, project files did not contain any record of a class of action determination or concurrence. This area was cited as *Needs Improvement* in the January 2008 audit. Interviews with Caltrans staff and review of project files showed varying understanding and compliance with the SER and with Caltrans Application section 773.106 (b)(3)(ii) and MOU section 5.1.1 regarding procedural and substantive requirements.

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Informational Meeting Regarding Applications for SAFETEA-LU Magnetic Levitation Project Selection

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of informational meeting concerning applications for grants to existing magnetic levitation (maglev) projects located east of the Mississippi River.

**SUMMARY:** On October 16, 2008, the Federal Railroad Administration (FRA) published a Notice of Funds Availability in the **Federal Register**. (FR Vol. 73, No. 201/Thursday October 16, 2008, pg 61449) In that Notice, FRA solicited applications from eligible applicants for \$45 million authorized by section 1307 of the Safe, Accountable,

Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for preconstruction activities and capital costs of fixed guideway infrastructure of maglev projects east of the Mississippi River. (That notice and this notice do not apply to the maglev project between Las Vegas and Primm, NV.) Based upon the Joint Explanatory Statement of the House Transportation and Infrastructure Committee and the Senate Environmental and Public Works Committee, and the Senate Committee on Commerce, Science and Transportation, Congress explained its intent "to limit the eligible projects to three existing projects east of the Mississippi River: Pittsburgh, Baltimore-Washington, and Atlanta-Chattanooga."

Proponents of eligible projects have requested meetings with FRA to clarify the application requirements. Because of the competitive nature of the application process, FRA will hold an open meeting where interested proponents of any of these three projects might discuss application requirements with FRA, in a forum that will permit proponents of all eligible projects to benefit from these discussions. All questions and responses will be available in summary form on FRA's Web site after the meeting.

**DATES:** The meeting will be held on Wednesday December 17, 2008, between 9:30 and 11 a.m., in room 7 of the first floor conference center in the west building of the U.S. Department of Transportation headquarters, 1200 New Jersey Ave., SE., Washington, DC 20590. To expedite clearance through building security, persons interested in attending must notify FRA at the point of contact below of their intent to attend by close of business Tuesday, December 16. Persons unable to attend with questions concerning the application process may submit these questions via email to the contact identified below.

*To Express Intent to Attend the Meeting, or to Submit Questions to be Addressed at the Meeting, Contact:* Rachell Macklin, Office of Railroad Development (RDV-13), Federal Railroad Administration at [Rachell.Macklin@dot.gov](mailto:Rachell.Macklin@dot.gov) or by phone at (202) 493-6340 or by fax at (202) 493-6330.

**FOR FURTHER INFORMATION CONTACT:** Peter Montague, Chief, Program Implementation Division, Office of Railroad Development, Federal Railroad Administration at [Peter.Montague@dot.gov](mailto:Peter.Montague@dot.gov) or by phone at (202) 493-6381 or by fax at (202) 493-6330.

Issued in Washington, DC, on December 8, 2008.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Development.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Presidential Memorandum of November 25, 2008; Marine War Risk Insurance Under 46 U.S.C. Ch. 539

On November 25, 2008, President George W. Bush approved the provision of vessel War risk insurance by memorandum for the Secretary of State and the Secretary of Transportation. The text of this memorandum reads:

By virtue of the authority vested in me by the Constitution and laws of the United States, including 3 U.S.C. 301 and 46 U.S.C. Ch. 539, I hereby:

Approve the provision by the Secretary of Transportation of insurance or reinsurance of vessels (including cargo and crew) against loss or damage by war risks in the manner and to the extent provided in chapter 539 of title 46, United States Code, for trade in the Black Sea, whenever, after consultation with the Secretary of State, it appears to the Secretary of Transportation that such insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do insurance business in a State of the United States. To the extent individual policies involve an exposure in excess of the amounts available in the War Risk Revolving Fund, such policies may be issued only after consultation with the Office of Management and Budget. This approval to provide insurance or reinsurance is effective for 90 days, except that existing policies shall remain in force pursuant to the terms of these policies. I hereby delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 46 U.S.C. 53902 and 53905.

The Secretary of Transportation is directed to bring the approval to the immediate attention of all U.S.-flag vessel operators and to arrange for its publication in the **Federal Register**.

By Order of the Maritime Administrator.

**Leonard Sutter,**

*Secretary, Maritime Administration.*

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