

Printing Office's database at: <http://www.access.gpo.gov/nara>.

## Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic 8'-0" high oxidized stainless steel cable net safety fence for rehabilitation of High Bridge in New York City.

This special fence design is necessary to meet the unique project development requirements associated with the historic High Bridge which was designated an individual New York City landmark in 1970, and listed on the National Register of Historic Places in 1972. The fence design was reviewed and approved by the New York State Historic Preservation Office and the New York City Landmarks Preservation Commission. The New York City Department of Design and Construction (DDC) determined that there are only two domestic manufacturers/distributors of the cable mesh material and system appurtenances. The steel materials which comprise the mesh product will be manufactured domestically. The mesh cable will be certified domestic-melt stainless steel and will be further pulled into wire domestically; however, there are no domestic manufacturers capable of fabricating the cable mesh. The cable mesh assembly that includes spinning of wire into cable mesh, cutting of the cable, sliding of the ferrules onto the cables at regular intervals, and then precision pressing of the ferrules to hold the cables together, must be completed outside of the U.S.

In accordance with Division A, section 123 of the "Consolidated Appropriations Act, 2010" (Pub. L. 111-117), the FHWA published a notice of intent to issue a waiver on its Web site for 8'-0" high oxidized stainless steel cable net in New York City (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=60>) on July 25, 2011. The FHWA received eleven comments in response to the publication. Seven commenters opposed the waiver request but did not provide information about

domestic manufacturers. Three other commenters were in support of the waiver and suggested that if the materials are not available in sufficient quantities of satisfactory quality, the waiver should be supported. The New York City DDC responded to each comment received for this waiver request. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the 8'-0" high oxidized stainless steel cable net. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of 8'-0" high oxidized stainless steel cable net.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the New York waiver page noted above.

**Authority:** 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410.

Issued on: January 27, 2012.

**Victor M. Mendez,**  
Administrator.

[FR Doc. 2012-2661 Filed 2-6-12; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

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

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic Motor and Machinery brakes; maximum torque (20,288 ft-lb), Setting (17,000 ft-lb), Brake capacity (17,700 lb) and minimum brake wheel (13") for rehabilitation of the Congress Parkway Bascule Bridge over the South Branch of the Chicago River in the State of Illinois.

**DATES:** The effective date of the waiver is February 8, 2012.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via email at

[gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via email at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic Motor and Machinery brakes; maximum torque (20,288 ft-lb), Setting (17,000 ft-lb), Brake capacity (17,700 lb) and minimum brake wheel (13") in the State of Illinois.

In accordance with Division A, section 123 of the "Consolidated Appropriations Act, 2010" (Pub. L. 111-117), the FHWA published a notice of intent to issue a waiver on its Web site for Motor and Machinery brakes; maximum torque (20,288 ft-lb), Setting (17,000 ft-lb), Brake capacity (17,700 lb) and minimum brake wheel (13") in the State of Illinois (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=61>) on August 11th, 2011. The FHWA received no comments in response to the publication. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers of Motor and Machinery brakes; maximum torque (20,288 ft-lb), Setting (17,000 ft-lb), Brake capacity (17,700 lb) and minimum brake wheel (13") in the State of Illinois. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of Motor and Machinery brakes; maximum torque (20,288 ft-lb), Setting (17,000 ft-lb), Brake capacity (17,700 lb) and minimum brake wheel (13").

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Illinois waiver page noted above.

**Authority:** 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410.

Issued on: January 27, 2012.

**Victor M. Mendez,**  
Administrator.

[FR Doc. 2012-2663 Filed 2-6-12; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 326, and other Federal agencies.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, and other Federal agencies, that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed local assistance bridge replacement project on Main Street (former State Route 49) in Amador City, Amador County, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 5, 2012. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Jacqueline Wait, Chief, Environmental MPS and Local Assistance Branch (Unit 2576), California Department of Transportation, District 10, 1976 E. Dr. Martin Luther King Jr. Blvd., Stockton,

CA 95205, 9 a.m. to 5 p.m. Pacific time, (209) 948-7427, [Jacqueline\\_Wait@dot.ca.gov](mailto:Jacqueline_Wait@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 326. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Amador Creek Bridge Replacement Project on Main Street (former State Route 49) in Amador City, Amador County, California. This project would replace the structurally-deficient Amador Creek Bridge (Bridge No. 26C-0052), a contributing element to the Amador City Historic District, and improve three adjoining road segments. The existing two-lane, two-span, steel stringer/multi-beam bridge would be replaced with a two-lane, single-span, concrete slab bridge. The FHWA project reference number is BRLS-5228(002). The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Individual Section 4(f) Evaluation for the project, approved on August 17, 2011 and in the Categorical Exclusion (CE) issued on October 20, 2011. The Final Individual Section 4(f) Evaluation, CE, and other project records are available by contacting Caltrans District 10 at the address provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act of 1969, as amended [42 U.S.C. 4321 et seq.]; Section 4(f) of the Department of Transportation Act of 1966, Section 4(f), as amended [49 U.S.C. 303]; Section 6004 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Pub. L. 109-59].

2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].

3. *Wildlife:* The Endangered Species Act of 1973 [16 U.S.C. 1531-1543]; Migratory Bird Treaty Act of 1918, as amended [16 U.S.C. 703-711]; Fish and Wildlife Coordination Act of 1934, as amended [16 U.S.C. 661-666].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(aa)-11].

5. *Social and Economic:* Title VI of the Civil Rights Act of 1964, as amended [42 U.S.C. 2000(d) et seq.].

6. *Executive Orders:* E.O. 11988 Floodplain Management; E.O. 13112 Invasive Species.

(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. 39(l)(1)

Issued on: February 1, 2012.

**Gary Sweeten,**

North Team Leader, Local Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. 2012-2699 Filed 2-6-12; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2011-0012]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards.

In a letter dated January 27, 2011, the Hoosier Valley Railroad Museum, Inc. (HVRM) of North Judson, IN, petitioned for a permanent waiver of compliance for one switching locomotive (HVRM 11) from the requirements of 49 CFR part 223, Railroad Safety Glazing Standards, which require certified glazing in all windows. The request was assigned Docket Number FRA-2011-0012. This 95-ton diesel-electric locomotive, built by General Electric (s/n 31517) in Erie, PA, in May of 1952, is equipped with safety glass that is in good condition, clear and unscratched. The locomotive is used on a semiregular basis to primarily pull excursion trains over trackage owned by the Town of North Judson and operated by the Chesapeake and Indiana Railroad (CKIN). CKIN trackage, over which this locomotive is operated, is in a very rural area (mostly farmland); and there have been no issues with glass vandalism in the past. The maximum speed for movement over CKIN trackage is 15 mph for passenger trains and the locomotive itself is geared to a maximum speed of 25 mph. HVRM states that they are a 501(c)(3) nonprofit organization with the mission to preserve railroad history in northwest Indiana and would very much like to keep the locomotive's as-built appearance. Moreover the expense of