

and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590.

Decided: November 1, 2016.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

**Brendetta S. Jones,**

*Clearance Clerk.*

[FR Doc. 2016-26724 Filed 11-3-16; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2016-9346]

#### Passenger Facility Charge (PFC) Program; Draft FAA Order 5500.1B

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of withdrawal.

**SUMMARY:** FAA is rescinding the draft FAA Order 5500.1B, Passenger Facility Charge published on August 5, 2016, and withdrawing its request for public review and comment.

**DATES:** The FAA previously extended the comment period to October 31, 2016. FAA subsequently established a public Docket FAA 2016-9346 and comments received will be entered into the public Docket.

**FOR FURTHER INFORMATION CONTACT:** Joe Hebert, Manager, Financial Analysis and Passenger Facility Charge Branch, APP-510, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-8375; facsimile (202) 267-5302.

**SUPPLEMENTARY INFORMATION:** On August 5, 2016, the FAA published a notice and request for comments titled "Passenger Facility Charge (PFC) Program; Draft FAA Order 5500.1B" (81 FR 51963). The notice requested interested parties submit written comments by September 30, 2016. On September 21, 2016, the FAA extended the original comment period by 31 days, from September 30, 2016, to October 31, 2016.

After careful consideration, the FAA has decided to rescind the draft Order and cancel the public review process. The FAA will issue a revised draft in the near future for public review and comment.

Issued in Washington, DC, on October 31, 2016.

**Elliott Black,**

*Director, Office of Airport Planning and Programming.*

[FR Doc. 2016-26630 Filed 11-3-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Cancellation of Environmental Impact Statement for the Norfolk International Airport, Norfolk, Virginia

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of cancellation of preparation of environmental impact statement.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it has discontinued preparation of an Environmental Impact Statement (EIS) for the proposed construction of new Runway 5R/23L and associated development at Norfolk International Airport, Norfolk, Virginia. The FAA's discontinued preparation of the EIS is based upon the completion of the first phase of the EIS. Based on the results of the first phase (Scoping and Purpose & Need development), the FAA has determined that the fundamental purpose and need is not supported by the current or anticipated development needs of the Airport at this time.

**FOR FURTHER INFORMATION CONTACT:**

Marcus Brundage, Environmental Protection Specialist, Federal Aviation Administration, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, Virginia 20166; Telephone (703) 661-1365.

**SUPPLEMENTARY INFORMATION:** On June 12, 2015, the FAA, published in the **Federal Register** a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and hold two public scoping meetings in Norfolk and Virginia Beach, Virginia (Volume 80, Number 113, FR 33582-33583). The public meetings were held at the Bayside High School and at the Holiday Inn Norfolk Airport on July 22 and 23, 2015, respectively.

The stated purpose of the project was to "meet relevant FAA airfield safety standards and enhance airfield safety without reducing runway availability." The proposed project included the decommissioning and demolition of Runway 14/32, the construction of new Runway 5R/23L and associated development at the airport, and

improvement of roadway access to the airport by realigning Robin Hood Road. Other associated infrastructure was proposed for construction or demolition or relocation including taxiways, lighting, hangers, maintenance facilities, runway safety areas and runway protection zones.

In 2001, the FAA began preparing an EIS for similar projects based on the need to accommodate additional operations at the airport. During the first EIS process, the needs of the airport changed and it was determined that the projects were no longer justified based on the stated need and the preparation of the first EIS was cancelled. In 2013, the FAA agreed to proceed with a phased second EIS preparation to review a similar project proposed by the Norfolk Airport Authority. The first phase of the project consisted of consultant selection, EIS scoping, and an analysis of the proposed project's purpose and need to determine if the FAA should continue to the second phase, which would be completion of the EIS and determination.

At the conclusion of the first phase of the second EIS, the FAA determined that the fundamental purpose and need of the projects were not supported by the current or anticipated needs of the airport. The FAA is now terminating the second EIS process. However, the FAA recognizes the importance of ORF to the greater Norfolk/Hampton Roads region and to the Commonwealth of Virginia. Moreover, the FAA agrees that a parallel runway may still be a viable long-term plan for the future, if and when operational demand warrants. Therefore, the FAA continues to support the proposed runway remaining on the approved Airport Layout Plan, as conditionally approved pending environmental review on October 5, 2011, and protecting the associated airspace.

Issued in Dulles, Virginia on October 28, 2016.

**Matthew J. Thys,**

*Manager, Washington Airports District Office, Eastern Region.*

[FR Doc. 2016-26631 Filed 11-3-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2016-0036]

#### Notice of Proposed Buy America Waiver for Replacement Parts on Diesel Multiple Unit Rail Vehicles

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of proposed Buy America waiver and request for comment.

**SUMMARY:** The Federal Transit Administration (FTA) received a request from the North County Transit District (NCTD) in California for a Buy America non-availability waiver for the procurement of specified replacement parts for Diesel Multiple Unit (DMU) rail vehicles. The 12 DMU rail vehicles were manufactured by Siemens as a part of their Desiro series and were placed in revenue service in 2008. Mid-life maintenance and replacement overhauls of vehicle parts are now required in order to ensure safe and continuous transit service. In accordance with 49 U.S.C. 5323(j)(3)(A), FTA is providing notice of the waiver request and seeks public comment before deciding whether to grant the request.

**DATES:** Comments must be received by November 14, 2016. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FTA-2016-0036:

1. *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site.
2. *Fax:* (202) 493-2251.
3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must make reference to the "Federal Transit Administration" and include docket number FTA-2016-0036. Due to the security procedures in effect since October 2011, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11,

2000 (65 FR 19477), or you may visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Cecelia Comito, Assistant Chief Counsel, at (202) 366-2217 or [cecelia.comito@dot.gov](mailto:cecelia.comito@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to provide notice and seek comment on whether the FTA should grant a non-availability waiver for NCTD's purchase of replacement parts on their Siemens-manufactured Desiro series DMU rail vehicles, including, but not limited to, Power Pack Assembly, Power Truck Assembly, Jakobs Truck Assembly, Transmission, Primary Suspension, Secondary Suspension, Power Wheelset Assembly, Power Truck Brake Rotors, Jakobs Truck Brake Rotors, Power Truck Wheels, Jakobs Truck Wheels, A/C Compressors, and Carbody Brake Components, Automatic Train Couplers, and HVAC Roof Mounted Units (the "Replacement Parts"). The Replacement Parts are necessary for mid-life maintenance of the DMU rail vehicles.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States." 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that "the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality," then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

NCTD provides transit service to the entire North San Diego County, serving more than 12 million riders annually. In 2003, NCTD requested and received from FTA a non-availability Buy America waiver for the procurement of 12 DMU vehicles for use on NCTD's Sprinter line, with 15 light rail stations between the cities of Escondido and Oceanside. NCTD purchased the 12 DMU vehicles in 2004 and placed the vehicles into revenue service in 2008 on NCTD's Sprinter line. The useful life of the vehicles is 25 years.

According to NCTD, the Replacements Parts for the DMU vehicles are nearing the end of their useful service lives and showing signs of wear and fatigue. Without periodic capital equipment replacement and/or rebuild, the likelihood of mechanical downtime increases significantly, equating to prolonged service outages for riders. In March 2013, NCTD removed the Sprinter service from revenue service for more than two months due to premature wear of one of the three braking systems and unavailability of domestic replacement parts. NCTD intends to replace the components over several phases during the coming years, from 2018 through 2026. The last phase is anticipated to be procured over a subsequent seven-year period. Any non-availability waiver granted would be effective for all phases of these projects and will expire upon completion of these projects.

As a part of its search for domestic Replacement Parts, NCTD issued a Request for Information (RFI) on November 12, 2013 to maintenance and engineering communities to determine if any firms existed that could either supply Buy America compliant parts and components, or reverse engineer the parts and components utilizing plans and specifications provided. More than 300 vendors received the RFI; 19 downloaded the RFI. One vendor responded that "with proper specifications, drawings, and samples, we may be able to design and supply Buy America Compliant, OE equivalent, air bellows, primary suspension, and passenger bellows." However, the original equipment manufacturer ("OEM") would not provide the requested proprietary information. NCTD undertook three additional procurements for the Replacement Parts. Three responses were received; none could certify to Buy America compliance. Under 49 CFR 661.7(c)(1), "It will be presumed that the conditions exist to grant this non-availability waiver if no responsive and responsible bid is received offering an item produced in the United States."

NCTD's 12 vehicles are the only Siemens Sprinter vehicles in the United States. Additionally, since these vehicles were specifically designed to meet California Public Utilities Commission rail safety requirements, Sprinter is the only vehicle of its kind internationally. NCTD's multiple procurement efforts have demonstrated that there are no suppliers willing to invest in infrastructure to manufacture parts that are suitable only for NCTD's 12 vehicles.

Finally, under 49 U.S.C. 5323(j)(6), FTA cannot deny an application for a waiver based on non-availability unless FTA can certify that (i) the steel, iron, or manufactured good (the “item”) is produced in the United States in a sufficient and reasonably available amount; and (ii) the item produced in the United States is of a satisfactory quality. Additionally, FTA must provide a list of known manufacturers in the United States from which the item can be obtained. FTA is not aware of any manufacturers who produce the Replacement Parts in the United States.

The 12 DMUs purchased by NCTD were granted a waiver from Buy America. NCTD’s efforts to identify domestic manufacturers for the various Replacement Parts were unsuccessful. FTA proposes to grant NCTD a non-availability waiver of the Buy America requirements for the Replacement Parts for the 12 DMUs which will be acquired for the replacement of the components over several phases from 2018 through 2026. Any non-availability waiver granted would be effective for all phases of these projects and will include Replacement Parts acquired to maintain the DMUs for their 25-year useful life.

The purpose of this notice is to publish NCTD’s request and seek public comment from all interested parties in accordance with 49 U.S.C. 5323(j)(3)(A). Comments will help FTA understand completely the facts surrounding the request, including the effects of a potential waiver and the merits of the request. After consideration of the comments, FTA will publish a second notice in the **Federal Register** with a response to comments and noting any changes made to the proposed waiver as a result of the comments received.

Ellen Partridge,  
Chief Counsel.

[FR Doc. 2016–26653 Filed 11–3–16; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA–2016–0035]

#### Notice of Proposed Buy America Public Interest Waiver for Hurricane Sandy Emergency Relief Work Performed for the World Trade Center

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of Proposed Buy America waiver and request for comment.

**SUMMARY:** The Federal Transit Administration (FTA) received a request

from the Port Authority of New York and New Jersey (PANYNJ) for a Buy America public interest waiver for the procurement of equipment to replace what was damaged at the World Trade Center Transportation Hub (WTC Hub) project during Hurricane Sandy. PANYNJ seeks a public interest Buy America waiver for the replacement of equipment previously purchased for the WTC Hub. Hurricane Sandy damaged an existing construction site that receives federal funds but is not subject to FTA’s Buy America requirements and the only option PANYNJ had to implement Sandy recovery work was to replace the damaged equipment with the same equipment previously acquired for the project. 49 U.S.C. 5323(j)(2)(A) and 49 CFR 661.7(b). In accordance with 49 U.S.C. 5323(j)(3)(A), FTA is providing notice of the public interest waiver request and seeks public comment before deciding whether to grant the request. If granted, the waiver would only apply to replacement of equipment damaged by Hurricane Sandy at the WTC Hub project and would not apply to any other PANYNJ resiliency projects for which FTA has provided funding.

**DATES:** Comments must be received by November 14, 2016. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FTA–2016–0035.

1. *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site.

2. *Fax:* (202) 493–2251.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must make reference to the “Federal Transit Administration” and include docket number FTA–2016–0035. Due to the security procedures in effect since October 2011, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or

by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to <http://www.regulations.gov>. For more information, you may review DOT’s complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or you may visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Cecelia Comito, FTA Assistant Chief Counsel, (202) 366–2217 or [Cecelia.comito@dot.gov](mailto:Cecelia.comito@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to provide notice and seek public comment on whether the FTA should grant a public interest waiver to the Port Authority of New York and New Jersey (PANYNJ) for the procurement of replacement equipment damaged by Hurricane Sandy at the World Trade Center Transportation Hub (WTC Hub) project.

With certain exceptions, FTA’s Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless “the steel, iron, and manufactured goods used in the project are produced in the United States.” 49 U.S.C. 5323(j)(1). If, however, FTA finds that the application of this requirement would be inconsistent with the public interest, it may waive this requirement. 49 U.S.C. 5323(j)(2)(A). In determining whether the conditions exist to grant a public interest waiver, FTA will consider all appropriate factors on a case-by-case basis, unless a general exception is specifically set out in this part. 49 U.S.C. 5323(j)(2)(A); 49 CFR 661.7(b).

On May 13, 2015, PANYNJ requested a Buy America waiver for the replacement or repair of equipment damaged by Hurricane Sandy at the WTC Hub because the WTC Hub project is being constructed pursuant to a grant awarded in 2003, it is not feasible to replace the damaged equipment with equipment that is different than that used in the original project and it is in the public’s interest to repair the damage at the WTC Hub as quickly as possible. 49 U.S.C. 5323(j)(2)(A); 49 CFR 661.7(b). Additionally, the underlying project is not subject to FTA’s Buy America requirements.

The September 11, 2001 terrorist attacks on the World Trade Center resulted in extensive damage to the WTC Hub. In August 2002, the Federal Emergency Management Agency (FEMA) entered into a memorandum of agreement with the U.S. Department of Transportation under which FEMA agreed to provide \$2.75 billion to cover