

the specially designed outrigger pads to ensure that the corner load is evenly distributed over three structural pile caps and directly above the piles themselves. Additional information on the mobile harbor crane needed by MaineDOT is available under RFP # 201910181 issued on January 10, 2020, at <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>.

Waiver Request and Supporting Information: The MaineDOT originally submitted a Buy America waiver request to FHWA for the mobile harbor crane on March 8, 2017. Prior to submitting its waiver request, MaineDOT sought but was unable to identify domestic manufacturers for the crane. The FHWA initially published a notice of intent to issue a waiver on its website on March 13, 2017.

On April 18, 2017, President Trump issued Executive Order (E.O.) 13788 requiring every executive branch agency to monitor, enforce, and comply with existing “Buy American Laws” and minimize the use of waivers. In addition, E.O. 13788 also set forth a policy “to maximize, consistent with law, . . . the use of goods, products, and materials produced in the United States.” Consistent with E.O. 13788, before issuing a waiver, FHWA requested that MaineDOT seek to maximize the use of domestic content on the mobile harbor crane.

Following this request, MaineDOT spent several months working with FHWA and MARAD to develop a request for proposal (RFP) for the mobile harbor crane seeking to identify domestic manufacturers or, if full compliance was not possible, foreign manufacturers that could maximize use of domestic content by using greater quantities of U.S. steel. The RFP was issued by MaineDOT on January 10, 2020, and is available under RFP #201910181, at <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>. In that RFP, MaineDOT included two notable provisions to increase its use of domestic content. First, the RFP required bidders to describe domestic content in their bid and weighted that information in its best value evaluation. Second, the RFP stated that a bid would not be considered responsive, and therefore could not be selected, unless the bidder certified compliance with Buy America or maximized the use of domestic content to justify a Buy America waiver. Recognizing the need for Buy America compliance, MaineDOT has not awarded a bid while its waiver request is outstanding.

Following issuance of RFP #201910181, MaineDOT received a single bid on February 10, 2020, from

Liebherr USA, Co., a German manufacturer, for \$5.085 million including zero American steel content. The bid requested a Buy America waiver. Liebherr explained that it produces its Liebherr Mobile Harbor Cranes in its existing factory in Rostock, Germany. Liebherr also explained that establishing a unique design and order process to incorporate U.S. steel content into the crane was technically possible, but would increase delivery time by 18 months and the cost of the crane by at least 35 percent to around \$7 million (or more). Although it does not produce mobile harbor cranes in the U.S., Liebherr explained that it does have other manufacturing facilities in the U.S. For example, it explained that it invested \$45 million into expanding a factory and warehouse in Newport News, Virginia. Liebherr maintains that, between facilities in Virginia and Miami, Florida, it has invested over \$65 million into U.S. facilities and has over 1,100 U.S. employees. Considering that MaineDOT originally estimated that a new mobile harbor crane would cost \$4.5 million, asking Liebherr to develop a unique design and order process to incorporate U.S. steel content appears financially infeasible.

As described above, although MaineDOT did not identify compliant products, it provided information to FHWA supporting its waiver request, including:

- Information describing the domestic content characteristics of the manufactured product needed, including the sources and assembly locations of that product;
- information supporting the technical necessity of this specific product for operations of the IMT at the Port of Portland; and
- information documenting efforts to maximize domestic content even if full compliance was not possible, including collaboration with FHWA to develop an RFP designed to maximize domestic content.

Public Comments on Waiver Request: In accordance with the Consolidated Appropriations Act of 2016 (Pub. L. 114–113) and the Continuing Appropriations Act of 2017 (Pub. L. 114–223), FHWA published a notice of intent to issue a waiver on its website, <https://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=145>, on March 13, 2017. The FHWA received no comments in response to the publication.

Finding and Request for Comments: Based on all the information available to and received by it, FHWA concludes that there are no domestic manufacturers of the mobile harbor

crane. This finding is only for a single mobile harbor crane for the IMT at the Port of Portland in the State of Maine.

The MaineDOT and its contractors and subcontractors involved in the procurement of the mobile harbor crane are reminded of the need to comply with the Cargo Preference Act in 46 CFR part 38, if applicable.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), 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 5 days following the effective date of the finding. Comments may be submitted to FHWA’s website via the link provided to the waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410)

Nicole R. Nason,

Administrator, Federal Highway Administration.

[FR Doc. 2020–13563 Filed 6–23–20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2020–0009]

Renewal Package From the State of Ohio to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).
ACTION: Notice; request for comments.

SUMMARY: This notice announces that FHWA has received and reviewed a renewal package from the Ohio Department of Transportation (ODOT) requesting participation in the Surface Transportation Project Delivery Program (Program). This Program allows for FHWA to assign, and States to assume, responsibilities under the National Environmental Policy Act (NEPA), and all or part of FHWA’s responsibilities for environmental review, consultation, or other actions required under any Federal environmental law with respect to one or more Federal highway projects within the State. The FHWA has determined the renewal package to be complete, and developed a draft renewal MOU with ODOT outlining

how the State will implement the Program with FHWA oversight. The public is invited to comment on ODOT's request, including its renewal package and the proposed renewed MOU, which includes the proposed assignments and assumptions of environmental review, consultation, and other activities.

DATES: Please submit comments by July 24, 2020.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

- *Facsimile (Fax):* 1-202-493-2251.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor Room W12-140, Washington, DC 20590.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

For FHWA: Noel Mehlo by email at noel.mehlo@dot.gov or by telephone at 614-280-6841. The FHWA Ohio Division Office's normal business hours are 8 a.m. to 4:30 p.m. (Eastern Time), Monday-Friday, except for Federal holidays. For the State of Ohio: Tim Hill by email at tim.hill@dot.ohio.gov or by telephone at 614-644-0377. State business hours are the same as above although State holidays may not completely coincide with Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may submit or retrieve comments online through the Federal eRulemaking portal at: <http://www.regulations.gov>. The website is available 24 hours each day, 365 days each year. Please follow the instructions. Electronic submission and retrieval help and guidelines are available under the help section of the website.

An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.archives.gov> and the U.S. Government Publishing Office's web

page at: <http://www.access.gpo.gov/nara>.

Background

Section 327 of title 23, United States Code (23 U.S.C. 327), allows the Secretary of DOT to assign, and a State to assume, the responsibilities under NEPA (42 U.S.C. 4321 *et seq.*) and all or part of the responsibilities for environmental review, consultation, or other actions required under certain Federal environmental laws with respect to one or more Federal-aid highway projects within the State. The FHWA is authorized to act on behalf of the Secretary with respect to these matters.

The ODOT entered the Program on December 28, 2015, after submitting its application to FHWA, obtaining FHWA's approval, and entering into a MOU in accordance with 23 U.S.C. 327 and FHWA's application regulations for the pilot program (23 CFR part 773). The MOU was amended on June 6, 2018. On December 6, 2019, after coordination with FHWA, ODOT submitted the renewal package in accordance with the renewal regulations in 23 CFR 773.115.

Under the proposed renewal MOU, FHWA would assign to the State, through ODOT, the responsibility for making decisions on the following types of highway projects:

1. All Class I, or environmental impact statement projects, both on the State Highway System (SHS) and local government projects off the SHS that are funded by FHWA or require FHWA approvals.

2. All Class II, or categorically excluded projects, both on the SHS and local government projects off the SHS that are funded by FHWA or require FHWA approvals.

3. All Class III, or environmental assessment projects, both on the SHS and local government projects off the SHS that are funded by FHWA or require FHWA approvals.

4. Projects funded by other Federal agencies (or projects without any Federal funding) of any Class that also include funding by FHWA or require FHWA approvals. For these projects, ODOT would not assume the NEPA responsibilities of other Federal agencies.

Excluded from assignment are highway projects authorized under 23 U.S.C. 202 and 203, highway projects under 23 U.S.C. 204 unless the project will be designed and constructed by ODOT, projects that cross State boundaries, projects that cross or are adjacent to international boundaries, projects under the Recreational Trails Program (23 U.S.C. 206), and programs

and projects advanced by direct recipients of Federal-aid highway program funds other than ODOT.

The assignment also would give ODOT the responsibility to conduct the following environmental review, consultation, and other related activities:

Air Quality

- Clean Air Act (CAA), 42 U.S.C. 7401-7671q, with the exception of any conformity determinations

Noise

- Noise Control Act of 1972, 42 U.S.C. 4901-4918
- Compliance with the noise regulations in 23 CFR part 772

Wildlife

- Endangered Species Act of 1973, 16 U.S.C. 1531-1544
- Fish and Wildlife Coordination Act, 16 U.S.C. 661-667d
- Anadromous Fish Conservation Act, 16 U.S.C. 757a-757f
- Migratory Bird Treaty Act, 16 U.S.C. 703-712

Hazardous Materials Management

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675
- Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. 9671-9675
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992k

Historic and Cultural Resources

- National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101, *et seq.*
- Archeological Resources Protection Act of 1979, 16 U.S.C. 470aa-mm
- Title 54, Chapter 3125—Preservation of Historical and Archeological Data, 54 U.S.C. 312501-312508
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001-3013; 18 U.S.C. 1170

Social and Economic Impacts

- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201-4209

Water Resources and Wetlands

- Clean Water Act, 33 U.S.C. 1251-1387 (Section 401, 402, 404, 408, and Section 319)
- Coastal Barrier Resources Act, 16 U.S.C. 3501-3510
- Coastal Zone Management Act, 16 U.S.C. 1451-1466
- Safe Drinking Water Act, 42 U.S.C. 300f-300j-26

- General Bridge Act of 1946, 33 U.S.C. 525–533
- Rivers and Harbors Act of 1899, 33 U.S.C. 401–406
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287
- Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921
- Wetlands Mitigation, 23 U.S.C. 119(g), 133(b)(14)
- FHWA wetland and natural habitat mitigation regulations, 23 CFR part 777
- Flood Disaster Protection Act, 42 U.S.C. 4001–4130

Parklands

- 23 U.S.C. 138 and 49 U.S.C. 303 (Section 4(f)) and implementing regulations at 23 CFR part 774
- Land and Water Conservation Fund (LWCF) Act, 54 U.S.C. 200302–200310

FHWA-Specific

- Planning and Environmental Linkages, 23 U.S.C. 168, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135
- Programmatic Mitigation Plans, 23 U.S.C. 169 with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135

Executive Orders (E.O.) Relating to Highway Projects

- E.O. 11990, Protection of Wetlands
- E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable alternative under 23 CFR 650.113 and 650.115)
- E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- E.O. 13112, Invasive Species
- E.O. 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects (aka “One Federal Decision”).

The proposed renewal MOU would allow ODOT to continue to act in the place of FHWA in carrying out the environmental review-related functions described above, except with respect to government-to-government consultations with federally recognized Indian Tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian Tribes, which is required under some of the listed laws and executive orders. The ODOT also will not assume FHWA’s responsibilities for conformity

determinations required under Section 176 of the CAA (42 U.S.C. 7506) or any responsibility under 23 U.S.C. 134 or 135, or under 49 U.S.C. 5303 or 5304.

A copy of the proposed renewal MOU and renewal package may be viewed on the docket at www.regulations.gov, as described above, or may be obtained by contacting FHWA or the State at the addresses provided above. A copy also may be viewed on ODOT’s website at: <https://transportation.ohio.gov/wps/portal/gov/odot/programs/nepa-assignment>. The FHWA will consider the comments submitted when making its decision on the proposed MOU revision. Any final renewal MOU approved by FHWA may include changes based on comments and consultations relating to the proposed renewal MOU and will be made publicly available.

Authority: 23 U.S.C. 327; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Nicole R. Nason,

Administrator, Federal Highway Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0420]

Hours of Service of Drivers: Specialized Carriers & Rigging Association (SC&RA); Application for Renewal of Exemption

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

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to renew the exemption from the minimum 30-minute rest break provision of the Agency’s hours-of-service (HOS) regulations requested by the Specialized Carriers & Rigging Association (SC&RA) for certain commercial motor vehicle (CMV) drivers. The exemption covers drivers for all specialized carriers transporting loads that exceed normal weight and dimensional limits—oversize/overweight (OS/OW) loads—and require a permit issued by a government authority. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or

greater than, the level that would be achieved absent such exemption.

DATES: The exemption is applicable from June 18, 2020 through June 17, 2025.

ADDRESSES:

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov at any time or visit 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., ET, Monday through Friday, except Federal holidays. The on-line Federal Docket Management System (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 acknowledgment page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Ms. Pearl Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4225. Email: MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to www.regulations.gov and insert the docket number, “FMCSA–2020–0420” in the “Keyword” box and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.