

Athena-1 and Athena-2, Minotaur, Taurus, Falcon 1, Alliant Techsystems small launch vehicles, and other Castor® 120-based or Minuteman-derivative booster vehicles.

The Proposed Action also includes construction and operation activities to redevelop LC-36 into commercial space launch site. The Final SEA expands on the analysis provided in the 2008 EA to include an analysis of the potential environmental impacts of the construction and operation activities associated with the redevelopment of LC-36 into a commercial space launch site. Redeveloping LC-36 into a multi-use commercial space launch site involves construction of facilities to launch a Generic Launch Vehicle (GLV), which is a conceptual (or "surrogate") liquid propellant medium class launch vehicle with a solid propellant second stage, and a bipropellant third stage, used for the purposes of the environmental review. Redevelopment activities at LC-36 would include building access roads; erecting a security fence; reconstituting several existing facilities; constructing an elevated launch deck, associated flame ducts, water storage tank, and water deluge containment pool; and installing electrical, communication, and air systems. Redevelopment would occur in phases dictated by costs and schedule, and facility construction or modifications would take place only on previously disturbed ground. The only alternative to the Proposed Action is the No Action Alternative. Under this alternative, the FAA would not issue a Launch Site Operator License to Space Florida for commercial launches from LC-36 and LC-46 at CCAFS.

Resource areas were considered to provide a context for understanding and assessing the potential environmental effects of the Proposed Action, with attention focused on key issues. The resource areas considered in the Final SEA included air quality; biological resources (terrestrial vegetation and wildlife, marine species, and protected species); compatible land use (land use, light emissions, visual resources, and coastal resources); cultural resources and Section 4(f) properties; hazardous materials, solid waste, and pollution prevention; noise; socioeconomic resources; and water resources (surface water, groundwater, floodplains, and wetlands). Potential cumulative impacts of the Proposed Action are also addressed in the Final SEA.

The FAA published a Notice of Availability of the Draft SEA in the **Federal Register** on April 1, 2010, which started a 30-day public review and comment period. One written

comment was received during the public comment period. The Final SEA responds to all substantive comments and includes any changes or edits resulting from the comments received.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Czelusniak, Environmental Specialist, Federal Aviation Administration, 800 Independence Avenue, SW., Suite 331, Washington, DC 20591, by e-mail at [Daniel.Czelusniak@faa.gov](mailto:Daniel.Czelusniak@faa.gov), or by phone at (202) 267-5924.

Issued in Washington, DC on July 23, 2010.

**Michael McElligott,**

*Manager, Space Systems Development Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Buy America Waiver Request by Northern New England Passenger Rail Authority To Purchase 3,340 AREMA Specified Carbon Steel Standard 1½ Nominal Diameter Nuts

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

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

**SUMMARY:** FRA is issuing this notice to advise the public that the Northern New England Passenger Rail Authority (NNEPRA) is seeking a waiver from FRA's Buy America requirement—49 U.S.C. 24405(a). NNEPRA was awarded \$35 million in an America Recovery and Reinvestment Act ("Recovery Act") grant to extend Amtrak's Downeaster passenger service from its existing route of Boston, Massachusetts to Portland, Maine further north to Brunswick, Maine with a stop in Freeport, Maine. The project requires the purchase and use of 3,340 AREMA specified carbon steel standard 1½ nominal diameter nuts. NNEPRA seeks the waiver under 49 U.S.C. 24405(a)(2)(B) in that it asserts that the specific nuts it needs are not produced in the United States in a sufficient and reasonably available amount or are not of a satisfactory quality.

**DATES:** Written comments on NNEPRA's Buy America waiver request should be provided to the FRA on or before August 12, 2010.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FRA-2010-0122. All

electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>. Commenters should follow the instructions below for mailed and hand-delivered comments.

(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, Room W12-140, Washington, DC 20590-0001; or

(4) *Hand Delivery:* Room W12-140 on the first floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must make reference to the "Federal Railroad Administration" and include docket number FRA-2010-0122. Due to security procedures in effect since October 2001, 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 on April 11, 2000 (65 FR 19477), or visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Ms. Linda Martin, Attorney-Advisor, FRA Office of Chief Counsel, (202) 493-6062 or via e-mail at [Linda.Martin@dot.gov](mailto:Linda.Martin@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Recovery Act requires FRA to apply the Buy America provisions contained in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), at 49 U.S.C. 24405(a), to grants obligated with Recovery Act funds. 49 U.S.C. 24405(a)(1) authorizes the Secretary of Transportation ("Secretary") to obligate grant funds only if the steel, iron, and manufactured goods used in the project are produced in the United States. However, 49 U.S.C. 24405(a)(2) also permits the Secretary to waive the Buy America requirements if he finds that: (A) Applying paragraph (1) would be inconsistent with the public interest; (B)

the steel, iron, and goods manufactured in the United States are not produced in sufficient and reasonably available amount or are not of a satisfactory quality; (C) rolling stock or power train equipment cannot be bought or delivered to the United States within a reasonable time; or (D) including domestic material will increase the cost of the overall project by more than 25 percent.

If the Secretary determines that it is necessary to waive the Buy American provisions, 49 U.S.C. 24405(a)(4) requires that the Secretary provide public notice of such a finding and provide an opportunity for comment. In addition, PRIIA requires a detailed written justification for the decision be published in the **Federal Register**. This notice intends to inform the public that NNEPRA has requested a Buy America waiver for 3,340 AREMA Specified Carbon Steel Standard 1 $\frac{1}{8}$  Nominal Diameter Nuts and to request public comment on the potential waiver.

NNEPRA was awarded a \$35,000,000 Recovery Act grant to extend Amtrak Downeaster passenger service from its existing route of Boston, Massachusetts to Portland, Maine further north on to Brunswick, Maine with a stop in Freeport, Maine. The Project includes the rehabilitation of existing rail lines owned by Pan Am Railways, construction of two passenger platforms, the rehabilitation of 36 grade crossings, upgrades to signals, the installation of signals on the Brunswick Branch, and other right-of-way improvements.

NNEPRA has requested the waiver pursuant to 49 U.S.C. 24405(a)(2)(B) because it believes that for the reasons set forth in this notice the manufactured goods, 3,340 AREMA Specified Carbon Steel Standard 1 $\frac{1}{8}$  Nominal Diameter Nuts, are not reasonably available in the United States and that therefore a waiver is warranted. The project calls for 3,340 AREMA specified carbon steel standard 1 $\frac{1}{8}$  nominal diameter nuts that measure 1.8125" across the flats and are 1.125" thick to be used with 3,340 track bolts and 3,340 spring washers. All but 80 of the nuts and bolts will be removed when the joints are welded at a later date. The cost of the nut is estimated to be \$0.75 (Seventy Five Cents) each. In its waiver request, NNEPRA asserts that only \$60.00 worth of non-domestic material will remain in the project upon completion though this is largely irrelevant because FRA's Buy America requirement includes construction materials, as well as materials left in any finished projects. The track bolts and spring washers are domestically produced; however, NNEPRA asserts that the nuts are not available from a

domestic source. NNEPRA asserts that it verified independently with six of the major track material suppliers and manufacturers that the nut is indeed not available domestically. The companies contacted were: Atlantic Track and Turnout, L.B. Foster, Progress Rail, Unitrac, A&K Railroad and Rockford Products.

With this information in mind and in order to completely understand the facts surrounding NNEPRA's request, FRA seeks comment from all interested parties regarding the availability of domestically manufactured track nuts as described, and the potential Buy America waiver.

Issued in Washington, DC, on July 27, 2010.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Development, Federal Railroad Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2006-25756]

#### Commercial Driver's License (CDL) Standards; Volvo Trucks North America, Renewal of Exemption

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

**ACTION:** Notice of renewal of exemption; request for comments.

**SUMMARY:** FMCSA renews an exemption from the requirement to hold a commercial driver's license (CDL) submitted by Volvo Trucks North America (Volvo) on behalf of an employee. Volvo requested renewal of the CDL exemption for a Swedish engineer employed by the company to enable this individual to continue test-driving commercial motor vehicles (CMVs) in the United States. This individual holds a valid Swedish CDL. FMCSA believes that the training program and knowledge and skills testing that drivers must undergo to obtain a Swedish CDL ensure a level of safety equivalent to, or greater than, the level of safety that would be obtained by complying with the U.S. requirement for a CDL.

**DATES:** Comments must be received on or before September 1, 2010. Effective date of the exemption is June 18, 2010 to June 18, 2012.

**ADDRESSES:** You may submit comments identified by Federal Docket

Management System Number FMCSA-2006-25756 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. In the ENTER KEYWORD OR ID box enter FMCSA-2006-25756 and click on the tab labeled SEARCH. On the ensuing page, click on any tab labeled SUBMIT A COMMENT on the extreme right of the page and a page should open that is titled "Submit a Comment." You may identify yourself under section 1, ENTER INFORMATION, or you may skip section 1 and remain anonymous. You enter your comments in section 2, TYPE COMMENT & UPLOAD FILE. When you are ready to submit your comments, click on the tab labeled SUBMIT. Your comment is then submitted to the docket; and you will receive a tracking number.

- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building, Ground Floor, Room W12-140, 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 on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to [www.regulations.gov](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, and in the ENTER KEYWORD OR ID box enter FMCSA-2006-25756 and click on the tab labeled SEARCH.

*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