

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad and The Union Pacific Railroad Company—Abandonment Portion Goshen Branch Between Firth and Ammon, In Bingham and Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued on or before August 18, 2010.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,500 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than June 9, 2010. Each trail use request must be accompanied by a \$250 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket No. AB 55 (Sub-No. 701X) and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001; and (2) Louis E. Gitomer, 600 Baltimore Ave., Suite 301, Towson, MD 21204, and Steven Armbrust, 500 Water St., Jacksonville, FL 32202. Replies to the petition are due on or before June 9, 2010.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its presentation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The

deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our Web site at: <http://www.stb.dot.gov>.

Decided: May 14, 2010.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kulunie L. Cannon,
Clearance Clerk.

[FR Doc. 2010-12067 Filed 5-19-10; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Buy America Waiver Request by Oregon Department of Transportation for Steel Roof Tiles To Be Used in Union Station Roof Rehabilitation

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

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

SUMMARY: The FRA is issuing this notice to advise the public that the Oregon Department of Transportation ("ODOT") has requested a waiver from the Buy America requirements of the Passenger Rail Investment and Improvement Act of 2008 ("PRIIA") (49 U.S.C. 24405(a)) for the purchase of metal roof tiles made of 40/45 KSI #2, 24 Gauge (0.0276") Galvanized "Non-Fluting" Steel Stock with Kynar PPG 5LR82411 or L/G Rodda Red II Paint finish color. ODOT is seeking a waiver in order to complete the rehabilitation of the historic Union Station roof in Portland, Oregon as one component of a project funded by FRA under the American Recovery and Reinvestment Act of 2009 ("Recovery Act"). The purpose of this notice is to seek public comment on whether the FRA should grant a waiver to its Buy America requirements in 49 U.S.C. 24405(a).

DATES: *Written Comments:* Written comments must be received by June 3, 2010.

ADDRESSES: You may submit comments identified by the docket number FRA-2010-0085 by any one of the following methods:

- *Fax:* 1-202-493-2251;
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590;
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations,

West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or

- Electronically through the Federal eRulemaking Portal, <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket name and docket number or Regulatory Identification Number ("RIN") for this rulemaking. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For Further Information Contact: For questions about this notice, please contact Mr. Chris Van Nostrand, Attorney-Advisor, FRA Office of Chief Counsel, (202) 493-6058 or via e-mail at christopher.vannostrand@dot.gov.

SUPPLEMENTARY INFORMATION:

The Recovery Act requires the FRA to apply the Buy America provisions contained in PRIIA, at 49 U.S.C. 24405(a), to grants obligated with Recovery Act funds. PRIIA section 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, PRIIA section 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, PRIIA section 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 informs the public that ODOT has requested a Buy America waiver for the roofing tiles and requests public comment on the potential waiver. ODOT 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 below the manufactured goods, the metal roofing tiles, are not reasonably available in the United States and that therefore a waiver is warranted.

In its Buy America waiver request to the FRA, ODOT distinguishes between "field" tiles which are used for the majority of the roof rehabilitation and "specialty" tiles which are used for the ridge, hip and valley area of the roof. ODOT states that after researching potential manufacturers of the roof tiles it found only two companies in North America capable of manufacturing the tiles necessary to complete this project. Furthermore, the one American firm ODOT identified, W.F. Norman, stated it might be a good source for the specialty tiles but turned down the request to manufacture the field tiles. The other firm capable and willing to produce the field tiles is Heather & Little Limited located in Ontario, Canada. ODOT has also explored the possibility of custom fabricating the tiles. However, ODOT found that custom fabrication would cost upwards of \$1.5 million whereas the cost of purchasing the manufactured tiles would be approximately \$1 million.

While this \$500,000 price disparity does not trigger the PRIIA section 24405(a)(2)(D) waiver for instances where procuring domestic material would increase the cost of the overall project by more than 25 percent, it does represent a substantial increase in project cost. In addition, custom fabrication does not equate to "reasonably available" manufactured goods as ODOT would have to specially fabricate field tiles that are otherwise available through mass production albeit from a foreign source. Thus, since ODOT could not find a reasonable domestic source and the only other option is procuring the field tiles from a foreign manufacturer, it requests that the Secretary grant a Buy America waiver based on non-availability.

In addition to FRA's grant, the Federal Highway Administration ("FHWA") is also providing funding for the Union Station rehabilitation with a portion of its Recovery Act funds. Pursuant to FHWA's Buy America policy contained in 23 CFR. 635.410 and Division K,

section 130 of the Consolidated Appropriations Act of 2008 (Pub. L. 110-161), FHWA published a notice of intent to issue a waiver on its Web site for the roof tiles (available at <http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=39>). FHWA posted its request for comments on its Web site on October 22, 2009 and sought public comment for a period of fifteen days while it considered the waiver request. After determining the Buy America waiver was appropriate, FHWA published a Notice of Finding in the **Federal Register** on December 4, 2009 and invited comment for an additional fifteen days (74 FR 63316, Dec. 4, 2009). According to its Notice, FHWA did not receive any substantive comments that led it to believe that the roof tiles made of 40/45 KSI #2, 24 Gauge (0.0276") Galvanized "Non-Fluting" Steel Stock with Kynar PPG 5LR82411 or L/G Rodda Red II Paint Finish Color are available from a domestic source. Furthermore, FHWA conducted its own nationwide review to locate potential domestic manufacturers for the roof tiles but did not uncover any additional domestic sources of the field tiles. After considering ODOT's waiver request and its own internal review of potential tile manufacturers, FHWA concluded that "[b]ased on all of the information available to the agency, the FHWA concludes that there are no domestic manufacturers of the roof tiles" and that the Buy America waiver was appropriate based on non-availability.

With this information in mind and in order to completely understand the facts surrounding ODOT's request, FRA seeks comment from all interested parties regarding the availability of domestically manufactured field tiles of the materials described above and the potential Buy America waiver.

Issued in Washington, DC on May 17, 2010.

Paul Nissenbaum,

Director, Office of Passenger and Freight Programs.

[FR Doc. 2010-12157 Filed 5-19-10; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Decision by FHWA and Notice of Limitation of Claims for

Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces the availability of a Record of Decision by FHWA pursuant to the requirements of the National Environmental Protection Policy Act of 1969 (NEPA), 42 U.S.C. 4321, as amended and the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508). In addition, this Notice announces actions taken by FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(1)(1). These actions relate to proposed improvements to US-31, M-104, and construction of a new M-231 route in Ottawa County, Michigan. These actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 771 and 23 U.S.C. 139(1)(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 *November 16, 2010* (180 days from May 20, 2010). If the Federal law that authorizes that 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: Mr. David Williams, Environmental Program Manager, Federal Highway Administration Michigan Division, 315 West Allegan Street, Room 201, Lansing, MI 48933; *phone:* (517) 702-1820, *Fax:* (517) 377-1804; and *e-mail:* David.Williams@dot.gov. Ms. Ruth Hepfer, Area Engineer, Federal Highway Administration Michigan Division, 315 West Allegan Street, Room 201, Lansing, MI 48933; *phone:* (517) 702-1847, *Fax:* (517) 377-1844; *E-mail:* Ruth.Hepfer@dot.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of Michigan: US-31 (Holland to Grand Haven). The Selected alternative will: construct a new north-south M-231 route (between M-45 and I-96), improve M-104 in the vicinity of the M-104/M-231/I-96 junction (including improvements to the 112th Avenue Interchange), improve US-31 in the City of Grand Haven, from south of Franklin Street to north of Jackson Street, and improve US-31 in the City of Holland from Lakewood Boulevard north to Quincy Street. The selected alternative is located in the cities of Holland and Grand Haven, in Ottawa County, Michigan.