

U.S.C. Where Federal funding is sought, requests for project grants must be submitted to the FAA Los Angeles Airports District Office in Hawthorne, California.

The Town of Buckeye submitted to the FAA the noise exposure maps, descriptions, and other documentation produced during the noise compatibility study. The Buckeye Municipal Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on September 22, 2008. Notice of this determination was published in the **Federal Register** on February 25, 2009, Volume 74, Number 36, Page 8612.

The Buckeye Municipal Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 47504 of the Act. The FAA began its review of the program on December 4, 2009, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained five proposed actions for noise abatement, noise mitigation, land use planning and program management on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and Part 150 have been satisfied. The overall program was approved by the FAA, effective May 13, 2010.

Outright approval was granted for five of specific program measures. The approved measures include such items as: Developing a pilot and community outreach program; Developing project review guidelines for development of proposals within the Public Airport Disclosure Area: Town of Buckeye to discourage re-zoning of parcels near the airport that would allow more than one dwelling unit per acre; Update noise exposure maps and noise compatibility programs; Oversee implementation of the Part 150 Noise Compatibility Program.

These determinations are set forth in detail in a Record of Approval signed by the Western-Pacific Region Airports Division Manager on May 13, 2010. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above

and at the administrative offices of the Town of Buckeye. The Record of Approval also will be available online at: [http://www.faa.gov/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports/environmental/airport_noise/part_150/states/).

Issued in Hawthorne, California on June 8, 2010.

**Debbie Roth,**

*Acting Manager, Airports Division, Western-Pacific Region, AWP-600.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2009-0002]

#### Notice of Buy America Waiver for Minivans and Minivan Chassis

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Buy America Waiver.

**SUMMARY:** In response to formal requests from El Dorado National, Kansas, and Chrysler Group LLC, and informal requests from several other parties, and based on the fact that no manufacturer has identified itself as willing and able to supply minivans or minivan chassis that are assembled in the United States, the Federal Transit Administration hereby waives its Buy America final assembly requirement for minivans and minivan chassis. This waiver is valid until such time as a domestic source becomes available.

**FOR FURTHER INFORMATION CONTACT:** For questions please contact Jayme L. Blakesley at (202) 366-0304 or [jayme.blakesley@dot.gov](mailto:jayme.blakesley@dot.gov).

#### SUPPLEMENTARY INFORMATION:

El Dorado National, Kansas ("El Dorado") asked the Federal Transit Administration ("FTA") to waive its Buy America requirements, on the basis of non-availability, for minivan chassis manufactured and assembled by Chrysler in Ontario, Canada. El Dorado uses Chrysler minivan chassis to manufacture its Amerivan lowered-floor minivans. In its request for a waiver, El Dorado asserts that General Motors and Chrysler minivan chassis, including those used on the Chevrolet Uplander, Pontiac Montana, Buick Terraza, Saturn Relay, Chrysler Town & Country, and Dodge Grand Caravan, are no longer manufactured in the United States. El Dorado manufactures its product by purchasing Chrysler minivan chassis, replacing the floor, installing wheelchair securement equipment, and adding a ramp to the side door.

According to El Dorado, in 2008 General Motors and Chrysler stopped manufacturing minivans in the United States. The absence of a domestic source for minivan chassis has severely impacted El Dorado; 75% of its sales are to FTA grantees.

By subsequent letter dated March 5, 2010, the Chrysler Group LLC ("Chrysler") requested a public interest waiver of the final assembly requirements for minivans and minivan chassis. According to Chrysler, minivans are no longer available from a domestic source—Chrysler closed its St. Louis final assembly facility in 2008; Honda has declined to make its minivans eligible for purchase with FTA funds; Nissan may change its final assembly location from the United States to Japan; and Toyota has not responded to public procurements.<sup>1</sup>

In addition to the requests from El Dorado and Chrysler, FTA has received many inquiries from its grantees about the non-availability of minivans from a domestic source. According to these grantees, minivans are no longer available from a source that is willing or able to comply with FTA's Buy America requirements.

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). One such exception is if "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." 49 U.S.C. 5323(j)(2)(B). In the case of a specific procurement, FTA presumes that the conditions exist to a waiver if no responsive and responsible bid is received offering an item produced in the United States. For requests that will affect an entire industry, FTA will not waive its Buy America requirements until it can ascertain whether the item truly is not available from a domestic source.

In order to verify El Dorado's assertion that minivans and minivan chassis are not available from a

<sup>1</sup> Contrary to Chrysler's assertion that Toyota has not responded to public procurements, in May 2010 FTA learned that Toyota may have certified compliance with the Buy America requirements when it supplied minivans to a transit provider. FTA attempted to communicate with Toyota by letter, e-mail, and telephone to determine whether Toyota is willing and able to supply Buy America-compliant minivans. Toyota has not responded. Therefore, until such time as Toyota can document its willingness and ability to comply with FTA's Buy America requirements, Toyota minivans will not be eligible for purchase with FTA funds.

domestic source, on April 2, 2009, FTA published a notice in the Federal Register seeking public comment. Unlike with public interest waivers, FTA is not required to publish a notice in the **Federal Register** before waiving its Buy America requirements on the basis of non-availability. In this instance, however, FTA proceeded with an abundance of caution because a non-availability waiver would have a national impact. In order to understand completely the facts surrounding the El Dorado's request, FTA asked for comment from all interested parties regarding the availability of domestically manufactured minivans and minivan chassis.

Approximately three dozen parties responded to FTA's notice by submitting comments to the Docket, including vehicle manufacturers, transit service providers, transit agencies, cities, counties, metropolitan planning organizations, transportation associations, and state departments of transportation. The overwhelming majority of comments expressed support for a waiver, recognizing the fact that minivans are not available from a domestic source. One commenter asked for additional information. Three parties opposed a waiver. Of note, FTA received comments from a direct competitor to El Dorado—the Braun Corporation—and two minivan manufacturers—Chrysler and Honda. With the exception of Honda, all parties confirmed El Dorado's assertion that minivans and minivan chassis are not available from a domestic source. Toyota, Nissan and other minivan manufacturers did not submit comments.

In a short, three-paragraph comment dated June 11, 2009, Honda indicated that it manufactures its Odyssey LX model minivan in Lincoln, Alabama, and asserted that it complies with FTA's Buy America domestic content and final assembly requirements. However, after several months of correspondence with FTA, Honda declined to make its minivans available for procurement by FTA grantees based on concerns about the disclosure of detailed cost information. Thus, while Honda claims that its Odyssey model minivan meets the domestic content and final assembly requirements of FTA's regulations, FTA grantees would still be precluded from purchasing the Odyssey because Honda is unwilling to comply with FTA's pre-award/post-delivery audit requirements.

Of the many comments favoring a waiver, most expressed support only because minivans are not, in fact, available from a domestic source. Several commenters noted their desire

to see minivan production return to the United States. FTA shares this desire. FTA regrets the fact that Chrysler elected to close its St. Louis final assembly facility and that other manufacturers of minivans have decided not to make their vehicles available for purchase with FTA funds.

The above reservations notwithstanding, the fact remains—minivans and minivan chassis are not available from a domestic source. Therefore, after careful consideration, and based on the fact that no manufacturer has identified itself as willing and able to supply minivans or minivan chassis that are assembled in the United States, FTA hereby waives its Buy America final assembly requirement of 49 CFR 661.11 for all minivans and minivan chassis, regardless of manufacturer. Minivan manufacturers will need to comply with FTA's domestic content requirement as well as the pre-award and post-delivery audit requirements of 49 CFR part 663. This waiver is valid until such time as a domestic source, as verified by FTA, becomes available.

Issued this 15th day of June, 2010.

**Dorval R. Carter, Jr.**,  
*Chief Counsel.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### New York State Department of Transportation (NYSDOT); Environmental Impact Statement: Monroe County, New York

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

**ACTION:** Revised Notice of Intent.

**SUMMARY:** The FHWA is issuing this revised notice to advise the public that FHWA and NYSDOT will not be preparing an Environmental Impact Statement (EIS) for the proposed improvements to extend Route 531 in the Towns of Ogden and Sweden, Monroe County, New York (NYSDOT Project Identification Number: 4531.05). A Notice of Intent to prepare an EIS was published in the **Federal Register** on January 14, 2005.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey W. Kolb, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, *Telephone:* (518) 431-4127.

Or

Robert A. Traver, Acting Regional Director, New York State Department of Transportation Region 4; 1530 Jefferson Road, Rochester, New York 14623, *Telephone:* (585) 272-3310.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) will not prepare an EIS as previously intended on a proposal to extend Route 531 in Monroe County, New York. The purpose of the Route 531 Extension study was to develop improvements to the 6.5 mile long corridor that could provide for the existing and projected traffic demand and to address highway safety. During the scoping phase of the project however, the results of traffic studies and accident analysis indicated that future Route 31 traffic will operate at capacity during the commuter peak. As such, most of the traffic problems, other than those at the current Route 531 terminus with Route 36, will not occur until 15 years or more in the future. The study indicated that few highway improvements are required other than addressing the Route 531 terminus and identified safety issues within the study area. The improvements being considered will not have a significant impact on the environment and will be progressed as Categorical Exclusion(s).

(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. 315; 23 CFR 771.123.

Issued on: June 10, 2010.

**Jeffrey W. Kolb,**

*Division Administrator, Federal Highway Administration, Albany, New York.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

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

**TIME AND DATE:** July 8, 2010, 12 noon to 3 p.m., Eastern Daylight Time.

**PLACE:** This meeting will take place telephonically. Any interested person may call Mr. Avelino Gutierrez at (505) 827-4565 to receive the toll free number and pass code needed to participate in this meeting by telephone.