

application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic Steel tubing, APL 5L, grade X52-PSLI, in New Jersey State.

In accordance with Division A, section 123 of the "Consolidated Appropriations Act, 2010" (Pub. L. 111-117), the FHWA published a notice of intent to issue a waiver on its Web site for the steel tubing, APL 5L, grade X52-PSLI, (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=45>) on March 1st. The FHWA received no comments in response to the publication, which suggests that the steel tubing may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the steel tubing, APL 5L, grade X52-PSLI. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the steel tubing, APL 5L, grade X52-PSLI.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat.1572), the 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 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the New Jersey waiver page noted above.

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

Issued on: June 23, 2010.

**Victor M. Mendez,**  
Administrator.

[FR Doc. 2010-15810 Filed 6-29-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

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

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for use of non-domestic 22 mm Industrial dock steel chain, 400 ft, in construction of Federal-aid project #

BH-7826 (210) in Maine and the use of non-domestic U69 guard bars in construction of American Recovery and Reinvestment Act (Pub. L. 111-5) (Recovery Act) project # RR-1654 in Portland, Oregon.

**DATES:** The effective date of the waiver is July 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

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##### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application of such requirements would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic 22 mm Industrial dock steel chain, 400 ft, in Maine, and U69 guard bars in Oregon.

In accordance with the Division I, section 126 of the "Omnibus Appropriations Act, 2009" (Pub. L. 111-8), the FHWA published a notice of intent to issue a waiver for non-domestic 22mm Industrial deck fender chain, 400 ft. (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=40>) on November 5. The FHWA received no comments in response to this notice which suggested that the 22 mm Industrial dock fender chain, 400 ft is available domestically. On November 13, FHWA published a notice of intent to issue a waiver for non-domestic turnouts (Manganese

turnout castings, U69 guard bars, LV braces), and Weld kits (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=41>). The FHWA received four comments which confirmed domestic availability of Manganese castings, LV braces, and Weld kits. During the 15-day comment periods, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the 22 mm Industrial dock fender steel chain, 400 ft, and U69 guard bars. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the 22 mm Industrial dock fender steel chain and U69 guard bars. Thus, the FHWA concludes that a Buy America waiver is appropriate for 22 mm Industrial dock fender steel chain and U69 guard bars, but not appropriate for Manganese turnout castings, LV braces, and Weld kits by 23 CFR 635.410(c)(1).

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate for the 22 mm Industrial dock fender steel chain and U69 guard bars. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web sites via the links provided to the Oregon and Maine waiver pages noted above.

**Authority:** 23 U.S.C. 313; Pub. L. 110-161, 23 CFR 635.410.

Issued on: June 23, 2010.

**Victor M. Mendez,**  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

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

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of the non-domestic alloy stainless steel 65061A double-ended beam, RLSCA-50k weighing system for relocation and upgrade of an existing motor carrier weigh station under Federal-aid project no. X-NH-S009 (329) in Oregon.

**DATES:** The effective date of the waiver is July 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

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**Background**

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use for the non-domestic alloy stainless steel 65061A double-ended beam, RLSCA-50k weighing system.

In accordance with section 123 of Division A of the "Consolidated Appropriations Act, 2010" (Pub. L. 111-117), the FHWA published a notice of intent to issue a waiver on its Web site for the alloy stainless steel 65061A double-ended beam, RLSCA-50k weighing system (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=49>) on May 25, 2010. The FHWA received no comments in response to the publication, which suggests that the alloy stainless steel 65061A double-ended beam, RLSCA-50k weighing system may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the alloy stainless steel 65061A double-ended beam, RLSCA-50k weighing system. Based on all the information

available to the agency, the FHWA concludes that there are no domestic manufacturers for the alloy stainless steel 65061A double-ended beam, RLSCA-50k weighing system.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the 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 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Oregon waiver page noted above.

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

Issued on: June 23, 2010.

**Victor M. Mendez,**  
Administrator.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Buy America Waiver Notification**

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

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for use of non-domestic 1" diameter hollow core threaded share anchor rods in construction of Federal-aid project # X-STP-1525 (004) in Oregon.

**DATES:** The effective date of the waiver is July 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

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Printing Office's database at: <http://www.access.gpo.gov/nara>.

**Background**

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application of such requirements would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic 1" diameter hollow core threaded share anchor rods for construction of a Federal-aid project in Oregon.

In accordance with the Division I, section 126 of the "Omnibus Appropriations Act, 2009" (Pub. L. 111-8), the FHWA published on its Web site a notice of intent to issue a waiver for the 1" diameter hollow core threaded share anchor rods (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=43>) on November 5th. The FHWA received four comments in response to this proposed waiver. Two of the comments concerned the availability of 1" diameter hollow core threaded anchor rods and the other two were general comments unrelated to the domestic availability of this product. With respect to the two comments concerning the domestic availability of this product, one comment agreed that the product is not domestically available. The other comment noted three Web sites to manufacturers that may be able to produce this product. The FHWA spoke to representatives from two of the manufacturers who confirmed that they do not make the product. With respect to the third Web site (rods.pronto.com), the FHWA could not locate a specific Web site with this address.

In addition, during the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the 1" diameter hollow core threaded share anchor rods. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the 1" diameter hollow core threaded share anchor rods. Thus, the FHWA concludes that a Buy America waiver is appropriate for the 1" diameter hollow core threaded share anchor rods.