

Deliver Airport Use Regulations to Each Airline was approved but does not require the air carriers to meet; Continue to Provide Noise and Aircraft Operations Information in the Quarterly Noise Reports was approved, (For the purpose of aviation safety, this approval does not extend to the use of monitoring equipment for enforcement purposes by in-situ measurement of any pre-set noise thresholds.); Revise the Noise Exposure Map was approved; and, Revise the Noise Compatibility Program was approved and this approval does not extend to potential regulatory action affecting general aviation and commuter aircraft operations or to enforcement structures not otherwise specifically approved by the FAA.

FAA disapproved five (5) specific program measures. The disapproved measures included: Develop and Implement Left Turn "Over-the-Bay" Departure Route was disapproved since the analysis shows no effect or benefit on the Community Noise Equivalent Level (CNEL) 65 dB contour and the measure may adversely impact operational safety and efficiency; Encourage the FAA and Airlines Operating at SAN to Use Continuous Descent Approaches for Arrivals to Runway 27 was disapproved since the analysis does not demonstrate the measure's noise benefits on the 65 dB CNEL contour; Maintain Westerly Runway Heading (275-degrees) or 290-degree Heading for Runway 27 Departures Until One and One Half Miles West of the Shoreline, Weather, Airspace, and Safety Permitting was disapproved since the analysis does not demonstrate the measure's noise benefits on the 65 dB CNEL contour; Sound Attenuate Additional Eligible Residential Units Based on Hill Effects Behind the Start of Takeoff was disapproved for purposes of part 150 since additional information and analysis is necessary to justify the measure's noise benefits; and, Cooperate with Public Agencies Concerning Air Service was disapproved for purposes of part 150 since the Federal government has no control over local land use planning and this measure is within the authority of the San Diego Regional Airport Authority and local planning jurisdictions.

These determinations are set forth in detail in a Record of Approval signed by the Manager, Airports Division (AWP-600) on June 30, 2011. 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

San Diego County Regional Airport Authority.

The Record of Approval also will be available on-line 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 on July 15, 2011.

**Mark A. McClardy,**

*Manager, Airports Division, Western-Pacific Region.*

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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 non-domestic RuggCom RS900G, RS900L, and RS930L network controllers for replacement of outdated network controllers on Recovery Act project; X-STP-S000(497) in Oregon State.

**DATES:** The effective date of the waiver is August 3, 2011.

**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 8 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov> and the Government 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 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 RuggCom RS900G, RS900L, and RS930L network controllers for replacement of outdated network controllers on Recovery Act project; X-STP-S000(497) in Oregon 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 RuggCom RS900G, RS900L, and RS930L network controllers for replacement of outdated network controllers (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=54>) on April 6th. The FHWA received three comments in response to the publication. The first comment suggested a potential domestic manufacturer; Optelecom-NKF based in Maryland. Optelecom-NKF was contacted by ODOT, and the company stated that their products are manufactured outside the country but assembled domestically. The second commenter simply opposed the waiver request but did not suggest a domestic manufacturer. The third commenter supported the waiver request based on his experience with the RuggCom RS900G, RS900L, and RS930L network controllers. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for RuggCom RS900G, RS900L, and RS930L network controllers. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of RuggCom RS900G, RS900L, and RS930L network controllers.

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: July 26, 2011.

**Victor M. Mendez,**

*Federal Highway Administrator.*

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