

Issued in Washington, DC, on November 21, 2013.

Lirio Liu,

Director, Office of Rulemaking.

### Petition for Exemption

Docket No.: FAA–2013–0815

Petitioner: International Aero Engines, LLC

Section of 14 CFR Affected:

§ 33.94(a)(1)

Petitioner requests relief to enable it to change the fan blade failure location from the blade outermost retention groove to the blade platform for its engine model PW100G–JM in conducting the blade containment test required by Section 33.94.

[FR Doc. 2013–28397 Filed 11–26–13; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA–2013–0027]

#### Notice of Buy America Waiver for Minivans

**AGENCY:** Federal Transit Administration, DOT.

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

**SUMMARY:** In response to North Front Range Metropolitan Planning Organization’s (NFRMPO) request for a Buy America waiver for minivans based upon non-availability, the Federal Transit Administration hereby waives its Buy America final assembly requirement for NFRMPO’s procurement of minivans for NFRMPO’s vanpool (“VanGo”) program. This waiver is limited to a single purchase not to exceed 25 seven-passenger vehicles to take place no later than December 31, 2014.

**DATES:** This Buy America waiver is limited to a single purchase not to exceed 25 seven-passenger vehicles and expires on December 31, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mary J. Lee, FTA Attorney-Advisor, at (202) 366–0985 or [mary.j.lee@dot.gov](mailto:mary.j.lee@dot.gov).

**SUPPLEMENTARY INFORMATION:** On April 23, 2013, the North Front Range Metropolitan Planning Organization (NFRMPO) requested a Buy America waiver for the procurement of minivans. In its request, NFRMPO cited a lack of available, Buy America-compliant seven-passenger vehicles for its vanpool program located in northern Colorado and requested a Buy America waiver for its five-year procurement program. According to NFRMPO, a recently issued RFP resulted in no suitable or

acceptable bids that meet the Buy America rules. In a second letter dated May 17, 2013, NFRMPO reiterated its request for a Buy America waiver and noted that the Vehicle Production Group (VPG) had “shut down” production of its Mobility Vehicle 1 (MV–1), a Buy America compliant vehicle.

According to NFRMPO, its VanGo Vanpool Program includes 75 vans with routes connecting, among others, Fort Collins, Loveland, Greeley, Denver, and Boulder, Colorado; it carries more than 420 commuters daily at 93 percent occupancy. The vanpools in its VanGo Vanpool Program carry between five and eight passengers, which make the larger passenger vans inefficient and too costly and VPG’s MV–1 too small and costly.

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). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product must take place in the United States; and (2) All of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that “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,” then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

On August 5, 2013, the Federal Transit Administration (FTA) published a notice and sought comments on the North Front Range Metropolitan Planning Organization’s (NFRMPO) Buy America waiver request for minivans based upon non-availability. 78 FR 47487. FTA received fourteen comments, including comments from the Mayor of the City of Loveland, the Colorado Department of Transportation, Chrysler Group LLC, Taxicab, Limousine & Paratransit Association, Association for Commuter Transportation, vRide, and a number of anonymous comments.<sup>1</sup> Some comments, including the letter from the

<sup>1</sup> In error, FTA cited two docket numbers in its August 5, 2013 notice, FTA–2012–0029 and FTA–2013–0027. Therefore, FTA considered all comments posted to these two dockets that referenced this waiver request.

City of Loveland’s Mayor, referenced a similar Federal Highway Administration notice and appeared to be posted in error. Such comments were forwarded to the appropriate Federal agency.

All correctly posted comments expressed support of a waiver. The Colorado Department of Transportation, Division of Transit and Rail, stated that the VanGo Vanpool Program provides a “vital commuting service,” is “an important component in the strategy to address regional air quality issues,” including the Denver and North Front Range Air Quality Planning regions that are in non-attainment status for Ozone (O<sub>2</sub>) and maintenance status for Carbon Monoxide (CO), and the use of minivans is critical to keeping the program “efficient, affordable and effective.” Chrysler Group LLC also supports a waiver and cited, among other things, the industry’s need for a vehicle with greater seating capacity than the MV–1, and the MV–1’s production status, which has resulted in a lack of available Buy America compliant vehicles. Another commenter, the Taxicab, Limousine, & Paratransit Association, agreed with the need for a waiver because of the flexibility that a minivan offers, e.g., greater seating capacity than an MV–1, the lack of the MV–1’s performance history data, and the need for greater competition. Other commenters requested a broader and longer-lasting waiver that could be applied to other procurements or an expedited waiver process. Finally, a number of anonymous VanGo commuters posted comments in favor of a waiver.

In response to the comments regarding NFRMPO’s waiver request, many of the comments refer to issues that FTA addressed in its December 3, 2012 decision, including, among other things, differences between the MV–1 and traditional minivans, competition, and the need for a blanket waiver. FTA directs interested parties to this decision, 77 FR 71673, for additional information. In addition, FTA notes that AM General LLC recently purchased rights to the MV–1 and expects to resume production of the MV–1 in the near term.

However, FTA appreciates all of the comments and recognizes that there are certain limited circumstances when a waiver is warranted. In its December 3, 2012 decision to rescind the blanket Buy America waiver for minivans and minivan chassis on final assembly (77 FR 71673), FTA stated that, although it rescinded the blanket waiver, it would still review waiver requests for minivans and minivan chassis on a case-by-case basis. Subsequently,

NFRMPO requested an individual waiver for its minivan procurement and FTA began reviewing the request according to its stated policy.

Therefore, after careful consideration, and based upon the fact that no manufacturer has identified itself as willing and able to supply the seven-passenger vehicles that NFRMPO requires for its VanGo Vanpool Program that comply with FTA's Buy America requirements, FTA hereby waives its Buy America final assembly requirement of 49 CFR 661.11 for NFRMPO's procurement. This non-availability waiver is limited to NFRMPO and valid for a single purchase not to exceed 25 seven-passenger vehicles for its VanGo Vanpool Program to take place no later than December 31, 2014.

Dated: November 21, 2013.

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Environmental Impact Statement for the Lake Tahoe Passenger Ferry Project, Placer and El Dorado Counties and City of South Lake Tahoe, California

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The Federal Transit Administration (FTA) is issuing this Notice of Intent (NOT) to advise other agencies and the public that it will prepare an Environmental Impact Statement (EIS) for the proposed Lake Tahoe Passenger Ferry Project. The project consists of a cross-lake ferry service with a South Shore Ferry Terminal at the Ski Run Marina in South Lake Tahoe, El Dorado County, California, and a North Shore Ferry Terminal at the Grove Street Pier just west of the Tahoe City Marina in Tahoe City, Placer County, California. The project area encompasses the proposed ferry route on Lake Tahoe, the two ferry terminals, and a vessel assembly and maintenance location using existing facilities at Tahoe Keys Marina, City of South Lake Tahoe, El Dorado County, California. The EIS will evaluate alternatives to the proposed action, including, additional terminal locations, if they are adequate for operations.

The EIS will be prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) and its implementing regulations with FTA as the lead agency. The EIS will be prepared as a joint document that includes an Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) with Tahoe Transportation District (TTD) as the CEQA lead agency, and an EIS for the Tahoe Regional Planning Agency (TRPA) prepared pursuant to the Tahoe Regional Planning Compact (Public Law 96-551), Code of Ordinances, and Rules of Procedure.

The purpose of this notice is to alert interested parties regarding the intent to prepare the EIS; to provide information on the nature of the proposed action and possible alternatives; to invite public participation in the EIS process, including providing comments on the scope of the Draft EIS/EIR/EIS; and to announce that public scoping meetings will be conducted.

**DATES:** Written comments on the scope of the EIS/EIR/EIS, including the project's purpose and need, the alternatives to be considered, the impacts to be evaluated, and the methodologies to be used in the evaluations should be sent to TTD on or before January 3, 2014 at the address below. See **ADDRESSES** below. Public scoping meetings to accept comments on the scope of the EIS/EIR/EIS will be held on the following dates:

- Wednesday, December 4, 2013; beginning at 9:30 a.m. at the TRPA Advisory Planning Commission Meeting at TRPA's offices at 128 Market Street, Stateline, NV 89449.
- Friday, December 13, 2013; beginning at 9:30 a.m. at the TTD Board Meeting at the Granlibaken Conference Center at 725 Granlibaken Road, Tahoe City, CA 96145.

The TRPA APC and TTD Board meetings will begin at 9:30 a.m.; however, scoping for the proposed project is not time certain. Please refer to the agendas posted at [www.tahoetransportation.org](http://www.tahoetransportation.org) and [www.trpa.org](http://www.trpa.org) no more than one week prior to the meetings for updated information.

The locations are accessible to persons with disabilities. Any individual who requires special assistance, such as a language interpreter, to participate in the scoping meetings should contact Alfred Knotts with TTD at least three days prior to the meetings at (775) 589-5503 or [aknotts@tahoetransportation.org](mailto:aknotts@tahoetransportation.org).

Scoping materials will be available at the meetings and are available on the

TTD Web site (<http://tahoetransportation.org/current-capital-projects/lake-tahoe-passenger-ferry-alternatives-analysis>). Paper copies of the scoping materials may also be obtained from Alfred Knotts with TTD at (775) 589-5503 or [aknotts@tahoetransportation.org](mailto:aknotts@tahoetransportation.org). Representatives of Native American tribal governments and of all federal, state, regional and local agencies that may have an interest in any aspect of the project will be invited to be participating or cooperating agencies, as appropriate.

**ADDRESSES:** Comments will be accepted at the public scoping meetings or they may be sent to Mr. Alfred Knotts, Project Manager, Tahoe Transportation District, P.O. Box 499, Zephyr Cove, NV 89449, or via email at [aknotts@tahoetransportation.org](mailto:aknotts@tahoetransportation.org).

**FOR FURTHER INFORMATION CONTACT:** Ted Matley, Community Planner, Region IX Office, Federal Transit Administration, 201 Mission Street, Suite 1650, San Francisco, CA 94015, phone (415) 744-2590, or via email at [ted.matley@dot.gov](mailto:ted.matley@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Scoping

Scoping is the process of determining the scope, focus, and content of an EIS. FTA, TTD, and TRPA invite all interested individuals and organizations, public agencies, and Native American tribes to comment on the scope of the Draft EIS/EIR/EIS. Comments should focus on: alternatives that may be less costly or have less environmental or community impact, while achieving similar transportation objectives and the identification of any significant social, economic, or environmental issues relating to the alternatives that should be addressed in the Draft EIS/EIR/EIS.

NEPA "scoping" has specific and fairly limited objectives: to identify the significant environmental issues associated with alternatives to be examined in detail, while also limiting consideration of issues that are not truly significant. It is in the NEPA scoping process that potentially significant environmental impacts, which give rise to the need to prepare an EIS, should be identified. Transit projects may also generate environmental benefits that should also be discussed.

In the interest of producing a readable and user-friendly public document, and pursuant to Title 40 of the Code of Federal Regulations (CFR) § 1502.07 and § 1502.10, the EIS/EIR/EIS shall be clear and concise and limited to 300 pages to the extent feasible recognizing CEQA and TRPA requirements. The EIS/EIR/