

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 Florida 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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**BILLING CODE 4910-22-P**

## 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 steel component of UNISTRUT fall arrest system, for replacement in kind on Stickel Bridge project no. BR-280-6(091) in New Jersey.

**DATES:** The effective date of the waiver is July 6, 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., *et.*, 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 for the non-domestic steel component for the UNISTRUT fall protection system, which is compatible with the existing 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 steel component of the UNISTRUT fall protection system (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=50>) on May 25, 2010. The FHWA received three comments in response to the publication. The three comments suggested different domestic manufacturers of fall protection systems and opposed the approval of the waiver request. The New Jersey Department of Transportation responded with a comment stating that the waiver is for replacement of a component of the existing UNISTRUT fall protection system and not for an entirely new fall protection system. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers of a compatible steel component for the UNISTRUT fall protection system. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of compatible steel components for the UNISTRUT fall protection 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 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. 2010-16082 Filed 7-1-10; 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 the use of non-domestic high strength steel bars ASTM A722M 150 ksi (1 $\frac{7}{8}$  inches in diameter) for emergency repairs of broken eye bars on the San Francisco Oakland Bay Bridge in California. These emergency repairs did not require prior FHWA authorization. The California Department of Transportation (Caltrans) conducted a search and was not able to find a domestic source for the high strength steel bars ASTM A722M 150 ksi (1 $\frac{7}{8}$  inches in diameter). As a result, Caltrans proceeded to utilize a foreign source for this product. Based on the emergency situation, and Caltrans' reasonable efforts to comply with Buy America, the FHWA concludes that a public interest waiver is appropriate for the use of non-domestic high strength steel bars for emergency repairs of broken eye bars on the San Francisco Oakland Bridge in California.

**DATES:** The effective date of the waiver is July 6, 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., *est.*, 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 high strength steel bars based on the public interest provision in FHWA's policy.

On October 27, 2009, a repair made during the 2009 Labor Day weekend to a cracked eye bar on the San Francisco Oakland Bay Bridge failed, requiring the closure of the bridge. The San Francisco Oakland Bay Bridge carries over 280,000 vehicles per day creating transportation gridlock in the area. Caltrans' goals were to ensure the safety of the bridge and reopen it as soon as possible through an emergency repair contract. Caltrans contacted four steel fabricators regarding their ability to supply domestic high strength bars to meet the schedule for the emergency repairs. They were unable to find a fabricator who had domestic high strength steel on hand that was able to meet their schedule.

In accordance with Division K, section 130 of the "Consolidated Appropriations Act, 2008" (Pub. L. 110-161), the FHWA published a notice of intent to issue a waiver on its Web site for the high strength steel bars (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=46>) on March 22, 2010. The FHWA received four comments in response to the notice. One commenter suggested that Gerdau Ameristeel manufactures the high strength steel bars domestically. Caltrans contacted Gerdau Ameristeel to verify availability of high strength steel bars during the period of emergency repairs. Gerdau Ameristeel indicated that a lead time is required and the high strength steel bars would not have been available for emergency repairs. Two comments were from Caltrans explaining the circumstances surrounding the project, as well as the efforts made by Caltrans in contacting potential domestic manufacturers. The fourth comment expressed general support for the Buy America requirement.

During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the high strength steel bars. Based on all the information available to the agency, the FHWA concludes that there were no domestic high strength steel bars ASTM A 722M 150ksi (1 $\frac{7}{8}$  inches diameter)

readily available for emergency repairs of the broken eye bars.

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 California waiver page noted above.

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

Issued on: June 24, 2010.

**Victor M. Mendez,**  
Administrator.

[FR Doc. 2010-16085 Filed 7-1-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Guidance to States Regarding Driver History Record Information Security, Continuity of Operation Planning, and Disaster Recovery Planning

**AGENCY:** Federal Motor Carrier Safety Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces guidance to State driver licensing agencies (SDLAs) to support their efforts at maintaining the security of information contained in the driver history record of commercial driver's license (CDL) holders. Further, FMCSA provides States with recommendations related to continuity of operation and disaster recovery planning to ensure the permanence of information contained in the driver history record of a CDL holder. This action is in response to the Department of Transportation Office of the Inspector General's (OIG) 2009 report *Audit of the Data Integrity of the Commercial Driver's License Information System (CDLIS)*.

**FOR FURTHER INFORMATION CONTACT:** Selden Fritschner, Chief, Commercial Driver's License Division, E-mail: [selden.fritschner@dot.gov](mailto:selden.fritschner@dot.gov), Telephone: 202-366-0677, or Kelvin Taylor, Information Systems Security Officer, E-mail: [kelvin.taylor@dot.gov](mailto:kelvin.taylor@dot.gov), Telephone: 202-366-4028. Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

## I. Background

In July 2009, the Department of Transportation's Office of Inspector General released the report *Audit of the Data Integrity of the Commercial Driver's License Information System* as required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59). CDLIS consists of a database, known as the Central Site, which maintains individual Master Pointer Records (MPR) with identifying information for each CDL holder in the United States. This database directs or points inquirers to the database of each of the 51 CDL-issuing jurisdictions for more complete driver history records. Connectivity for the system is provided through an encrypted communications network. The FMCSA has designated the American Association of Motor Vehicle Administrators (AAMVA) as the operator of the Central Site and the communications network. States are responsible for ensuring their systems comply with the CDLIS specifications and procedures as published by AAMVA.

In preparing its report, OIG evaluated several factors related to the information stored at the CDLIS Central Site and on State databases. Specifically, OIG attempted to determine "whether CDLIS and State department of motor vehicles (DMV) information systems were adequately secured," and "the adequacy of contingency plans to ensure continued CDLIS service to DMVs following a disaster or emergency." (**Note:** The OIG report refers to DMVs. However, as States continue to reorganize their organizations away from all-inclusive DMVs, FMCSA has used the term "State Driver Licensing Agencies" in previous rulemakings to refer to these same agencies responsible for issuing CDLs).

The identifying information on the MPR at the CDLIS Central Site includes the name, date of birth, social security number, State of Record, and driver's license number. Because this information, both as individual and cumulative data elements, is considered personally identifiable information (PII), possessors of the information must take specific steps to prevent unauthorized access and dissemination. At the same time, because the information contained at the CDLIS Central Site and on SDLA databases is crucial to highway safety during the CDL issuance process and at roadside enforcement/inspection, it is paramount that the data be available to all authorized users with minimal disruption.