

the steel, iron, and goods manufactured in the United States are not produced in sufficient and reasonably available amount or are not of a satisfactory quality; (C) rolling stock or power train equipment cannot be bought or delivered to the United States within a reasonable time; or (D) including domestic material will increase the cost of the overall project by more than 25 percent.

If the Secretary determines that it is necessary to waive the Buy American provisions, 49 U.S.C. 24405(a)(4) requires that the Secretary provide public notice of such a finding and provide an opportunity for comment. In addition, PRIIA requires a detailed written justification for the decision be published in the **Federal Register**. This notice intends to inform the public that NNEPRA has requested a Buy America waiver for 3,340 AREMA Specified Carbon Steel Standard 1 $\frac{1}{8}$ Nominal Diameter Nuts and to request public comment on the potential waiver.

NNEPRA was awarded a \$35,000,000 Recovery Act grant to extend Amtrak Downeaster passenger service from its existing route of Boston, Massachusetts to Portland, Maine further north on to Brunswick, Maine with a stop in Freeport, Maine. The Project includes the rehabilitation of existing rail lines owned by Pan Am Railways, construction of two passenger platforms, the rehabilitation of 36 grade crossings, upgrades to signals, the installation of signals on the Brunswick Branch, and other right-of-way improvements.

NNEPRA has requested the waiver pursuant to 49 U.S.C. 24405(a)(2)(B) because it believes that for the reasons set forth in this notice the manufactured goods, 3,340 AREMA Specified Carbon Steel Standard 1 $\frac{1}{8}$ Nominal Diameter Nuts, are not reasonably available in the United States and that therefore a waiver is warranted. The project calls for 3,340 AREMA specified carbon steel standard 1 $\frac{1}{8}$ nominal diameter nuts that measure 1.8125" across the flats and are 1.125" thick to be used with 3,340 track bolts and 3,340 spring washers. All but 80 of the nuts and bolts will be removed when the joints are welded at a later date. The cost of the nut is estimated to be \$0.75 (Seventy Five Cents) each. In its waiver request, NNEPRA asserts that only \$60.00 worth of non-domestic material will remain in the project upon completion though this is largely irrelevant because FRA's Buy America requirement includes construction materials, as well as materials left in any finished projects. The track bolts and spring washers are domestically produced; however, NNEPRA asserts that the nuts are not available from a

domestic source. NNEPRA asserts that it verified independently with six of the major track material suppliers and manufacturers that the nut is indeed not available domestically. The companies contacted were: Atlantic Track and Turnout, L.B. Foster, Progress Rail, Unitrac, A&K Railroad and Rockford Products.

With this information in mind and in order to completely understand the facts surrounding NNEPRA's request, FRA seeks comment from all interested parties regarding the availability of domestically manufactured track nuts as described, and the potential Buy America waiver.

Issued in Washington, DC, on July 27, 2010.

Mark E. Yachmetz,

Associate Administrator for Railroad Development, Federal Railroad Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2006-25756]

Commercial Driver's License (CDL) Standards; Volvo Trucks North America, Renewal of Exemption

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

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA renews an exemption from the requirement to hold a commercial driver's license (CDL) submitted by Volvo Trucks North America (Volvo) on behalf of an employee. Volvo requested renewal of the CDL exemption for a Swedish engineer employed by the company to enable this individual to continue test-driving commercial motor vehicles (CMVs) in the United States. This individual holds a valid Swedish CDL. FMCSA believes that the training program and knowledge and skills testing that drivers must undergo to obtain a Swedish CDL ensure a level of safety equivalent to, or greater than, the level of safety that would be obtained by complying with the U.S. requirement for a CDL.

DATES: Comments must be received on or before September 1, 2010. Effective date of the exemption is June 18, 2010 to June 18, 2012.

ADDRESSES: You may submit comments identified by Federal Docket

Management System Number FMCSA-2006-25756 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. In the ENTER KEYWORD OR ID box enter FMCSA-2006-25756 and click on the tab labeled SEARCH. On the ensuing page, click on any tab labeled SUBMIT A COMMENT on the extreme right of the page and a page should open that is titled "Submit a Comment." You may identify yourself under section 1, ENTER INFORMATION, or you may skip section 1 and remain anonymous. You enter your comments in section 2, TYPE COMMENT & UPLOAD FILE. When you are ready to submit your comments, click on the tab labeled SUBMIT. Your comment is then submitted to the docket; and you will receive a tracking number.

- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time, and in the ENTER KEYWORD OR ID box enter FMCSA-2006-25756 and click on the tab labeled SEARCH.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://www.regulations.gov>.

Public Participation: The <http://www.regulations.gov> Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help

and guidelines under the “help” section of the <http://www.regulations.gov> Web site and also at the DOT’s <http://docketsinfo.dot.gov> Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, Telephone: 202–366–4325. E-mail: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the CDL requirements of 49 CFR 383.23 for a maximum 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.” The procedures for requesting an exemption (including renewals) are prescribed in 49 CFR part 381.

Volvo Application for Exemption Renewal

Volvo applied for a 2-year renewal of an exemption from 49 CFR 383.23, the CDL requirement for drivers operating CMVs, for Andreas Hamsten. A copy of the request for renewal, dated May 12, 2010, is in the docket identified at the beginning of this notice.

FMCSA initially granted an exemption to three Swedish engineers and technicians employed by Volvo on June 18, 2008 (73 FR 34828). Detailed information about the qualifications and experience of each of the three drivers, including Mr. Hamsten, was provided by Volvo in its original application, a copy of which is in the docket referenced above. Volvo is seeking a renewal of this exemption because Mr. Hamsten is a citizen and resident of Sweden, and cannot easily obtain a non-resident CDL, given the small number of States willing to issue such a license. Renewal of the exemption will enable Mr. Hamsten to operate CMVs in the U.S. and continue to support Volvo’s field tests to meet future clean air standards, to test drive prototype vehicles at their test site, and to deliver the vehicles, if necessary. It is estimated that he will drive approximately 2,500 miles per year on U.S. roads. Mr. Hamsten is an experienced CMV operator holding a valid Swedish-issued CDL. He has received extensive CMV training, and has satisfied strict

regulations in Sweden in order to obtain a CDL. Volvo explained in detail in earlier exemption requests the rigorous training program and knowledge and skills tests that applicants for a Swedish CDL must undergo. Volvo also argued in prior exemption requests that the Swedish knowledge and skills tests and training program ensure that Volvo’s drivers operating under the exemption will achieve a level of safety that is equivalent to, or greater than, the level of safety obtained by complying with the U.S. requirement for a CDL.

Method To Ensure an Equivalent or Greater Level of Safety

FMCSA has previously determined that the process for obtaining a Swedish CDL is comparable to, or as effective as, the requirements of Part 383, and adequately assesses the driver’s ability to operate CMVs in the U.S. In the past 2 years, FMCSA has published several notices of similar Volvo exemption requests; the most recent Agency notice of final disposition was published on June 14, 2010, granting an exemption to 2 Volvo drivers for 2 years (75 FR 33662).

Granting of Exemption Renewal

FMCSA has evaluated Volvo’s application for renewal of Mr. Hamsten’s exemption and decided to grant it for an additional 2-year period, i.e., from June 18, 2010, through June 18, 2012. Mr. Hamsten’s exemption is renewed subject to the following terms and conditions: (1) This exemption is valid only when Mr. Hamsten is acting within the scope of his employment by Volvo; (2) He and Volvo must adhere to drug and alcohol regulations, including testing, as provided by in 49 CFR part 382; (3) He and Volvo must adhere to driver disqualification rules under 49 CFR parts 383 and 391 that apply to other CMV drivers in the United States; (4) He is subject to all other provisions of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR 390–397) unless specifically exempted herein; (5) He must keep a copy of the exemption on the vehicle at all times for presentation to a duly authorized Federal, State, or local enforcement official; (6) Volvo must notify FMCSA in writing of any accident, as defined in 49 CFR 390.5, involving this exempted driver; and (7) Volvo must notify FMCSA in writing if this driver is convicted of a disqualifying offense described in sections 383.51 or 391.15 of the FMCSRs.

This exemption will be valid for 2 years unless rescinded earlier by FMCSA. Mr. Hamsten’s exemption will be rescinded if: (1) He fails to comply

with the terms and conditions of the exemption; (2) The exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) Continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment on the renewal of Mr. Hamsten’s exemption from the requirements of 49 CFR 383.23. The Agency requests that interested parties with specific data concerning Mr. Hamsten’s safety record submit comments by September 1, 2010. FMCSA will review all comments received by this date and determine whether renewal of the exemption is consistent with the requirements of 49 U.S.C. 31136(e) and 31315.

FMCSA believes the requirements for renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by granting the renewal and then requesting and subsequently evaluating comments submitted by interested parties. As indicated above, on one prior occasion, the Agency determined that providing an exemption for this Volvo driver does not compromise the level of safety that would exist if the exemption were not granted. The prior FMCSA decision was based on careful consideration of the comments received, and on the merits of each driver’s demonstrated knowledge and skills about the safe operation of CMVs. Interested parties or organizations possessing information that would show that Mr. Hamsten is not currently achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse information submitted and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA will take immediate steps to revoke the exemption.

Issued on: July 27, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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