

Issued in Washington, DC, on August 3, 2004.

**JoAnn Horne,**

*Manager, Financial Analysis and Passenger Facility Charge Branch.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2004-18604]

#### Agency Information Collection Activities; Request for Comments; Clearance of a New Information Collection; Freight Planning Noteworthy Practices

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

**ACTION:** Notice and request for comments.

**SUMMARY:** The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to conduct a new information collection, which is summarized below under Supplementary Information. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by October 12, 2004.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number FHWA-2004-XXXXX by any of the following methods:

- *Web site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-000.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif

Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Public Comments Invited:** You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for the FHWA's performance; (2) the accuracy of estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of these information collections.

#### SUPPLEMENTARY INFORMATION:

**Title:** Freight Planning Noteworthy Practices.

**Background:** The FHWA plans to update its Freight Planning Web site by adding a new feature that will collect information and photographs about freight planning activities from the FHWA public sector partners. This information will be reviewed by the FHWA on a monthly basis to determine which project will be posted on the Web site as an informational and educational tool for the FHWA's public sector audiences, which are engaged in freight planning activities and/or are just beginning to develop freight planning activities. Freight planning agencies will provide a description of case studies on Freight Planning and Implementation, which can include plans or project, or both.

**Respondents:** 60 State Transportation Departments, including Metropolitan Planning Organizations, and local governments.

**Frequency:** On-going basis.

**Estimated Total Annual Burden:** 60 hours. It is estimated that each freight-planning agency spends one hour to prepare and provide this information to the FHWA.

**FOR FURTHER INFORMATION CONTACT:** Ms. Eloise Freeman-Powell, (202) 366-2068, Office of Planning, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

**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 (volume 65, number 70; pages 19477-78), or you may visit <http://dms.dot.gov>.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 29, 2004.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. 04-18192 Filed 8-9-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2004-18479]

#### Nationwide Waiver of Buy America Requirements for Green Wire/Rod

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The FHWA is soliciting comments on a proposed nationwide waiver of the Buy America requirements for Green Wire/Rod. Specifically, based on comments received from the National Steel Bridge Alliance (NSBA) and Lincoln Electric Company, the FHWA has reason to believe that the supply from domestic sources of hot drawn mild steel randomly rolled into coils (commonly referred to as "green wire/rod") that can be used in the manufacturing of filler metal wire/electrode (filler metal) is not adequate to permit full compliance with the Buy America requirements.

**DATE:** Comments must be received on or before October 12, 2004.

**ADDRESSES:** Mail or hand deliver comments to the U. S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001, or submit electronically at <http://dms.dot.gov/submit>, or fax comments to (202) 493-2251. All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgement page that appears after submitting comments electronically. 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 comments (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 (Volume 65, Number 70, Pages 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer Balis, (202) 493-7302, Office of Program Administration, HIPA, or Mr. Michael Harkins, Office of the Chief Counsel, HCC-30, (202) 366-4928. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access and Filing:** You may submit or retrieve comments online through the Document Management System (DMS) at: <http://dms.dot.gov/submit>. Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site.

An electronic copy of this document may also be downloaded from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661 by using a computer, modem and suitable communications software. Internet users may also reach the Office of the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

**Background**

The "Buy America" requirements outlined in section 165 of the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424; 96 Stat. 2097, 2136-2137, as amended, and the regulations implementing this section require that any iron or steel product that is permanently incorporated into a federally-aided highway construction project must be domestically manufactured. See 23 CFR 635.

Section 165(b)(2) of the STAA allows the Secretary of Transportation to grant a waiver of this requirement if such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality. The Secretary has delegated this authority to the Federal Highway Administrator (49 CFR 1.48(c)(19)).

The manufacturing process for an iron or steel product includes any process that modifies a product's chemical content, physical size or shape. Under the current regulations, welding is considered a manufacturing process and therefore must be done domestically. In addition, the manufacture of the filler metals themselves are subject to Buy America, since they consist of ferrous materials that will, as a result of the welding process, become an integral part of the structural element to be permanently incorporated into the project. The filler metals can consist of a variety of raw materials, such as green wire/rod, strip, minerals, various alloys, and other chemicals. Although the FHWA has exempted raw materials from Buy America coverage (48 FR 53099), materials that undergo a process that alters their chemical content or physical size and shape are subject to Buy America's application.<sup>1</sup> Since green wire/rod must undergo such a process before shipment to a welding manufacturer for further processing into filler metal, green wire/rod is subject to Buy America.

Recently, the NSBA and Lincoln Electric Company notified the FHWA that green wire/rod with the specific chemistry suitable for use in filler metal is no longer being produced domestically. Also, according to the NSBA, filler metal generally only comprises 0.3 percent to 0.5 percent of typical steel fabrication costs, and 0.04 percent to 0.06 percent of typical total project costs. Thus, considered alone, the cost of green wire/rod in filler metal would typically fall well below the minimal use percentage, which is \$2500 or one-tenth of one percent of the total contract cost, whichever is greater (23 CFR 635.410(b)).

However, whenever the filler metal's cost is viewed in conjunction with the costs of other incidental items, such as nuts and bolts, a contractor might risk exceeding the minimal use percentage allowance. Therefore, the FHWA is considering a nationwide waiver of the Buy America requirements for green wire/rod used on Federal-aid highway construction projects. This notice solicits comments on the potential impact of such a waiver.

<sup>1</sup> The FHWA discussed its decision to exempt raw materials from the Buy America requirements in the preamble of the final rule amending 23 CFR 635.410, published in the **Federal Register** on November 25, 1983, at 48 FR 53099. In addition, due to insufficient domestic supply, FHWA issued a nationwide waiver for pig iron and processed, palletized and reduced iron ores through the **Federal Register** at 60 FR 15478.

**Description of Proposed Action**

The basis for this proposed nationwide waiver is that green wire/rod with the specific chemistry suitable for use in filler metal is not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality (see section 165(b)(2) of the STAA). Therefore, imposing Buy America requirements on these materials is not in the public interest. The FHWA is requesting comments on this proposed nationwide waiver and the availability of a domestic supply of the materials included in the proposed waiver.

**Authority:** Sec. 165 of Public Law 97-424, 96 Stat. 2097, 2136-2137, as amended by Public Law 98-229; 98 Stat. 55, and 105 Stat. 1914, 1933; 49 CFR 1.48(c)(19); 23 CFR 635.410.

Issued on: August 3, 2004.

**Mary E. Peters,**

*Federal Highway Administrator.*

[FR Doc. 04-18207 Filed 8-9-04; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Environmental Impact Statement: In the Vicinity of Holy Cross and Crooked Creek, Alaska**

**AGENCY:** Federal Highway Administration (FHWA), Alaska Department of Transportation and Public Facilities (ADOT&PF), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed Yukon-Kuskokwim (Y-K) Road Project in the vicinity of Holy Cross and Crooked Creek, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Tim Haugh, Environment/Right-of-Way Programs Manager, Federal Highway Administration, P.O. Box 21648, Juneau, Alaska 99802, (907) 586-7430 or Patricia D. Miller, P.E., Project Manager, Alaska Department of Transportation and Public Facilities, Preconstruction Section, 2310 Peger Road, Fairbanks, Alaska 99709-5399, (907) 455-2275.

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA), in cooperation with the Alaska Department of Transportation and Public Facilities (ADOT&PF) will prepare an EIS on a proposal to build a road connecting the Yukon River in the vicinity of the community of Holy Cross, Alaska, with the Kuskokwim