

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]

**BILLING CODE 4910-22-P**

**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

River in the vicinity of the community of Crooked Creek, Alaska, a distance of about 90 miles.

The proposed project would develop a road connecting a dock on the Yukon River in the vicinity of the community of Holy Cross with a dock on the Kuskokwim River in the vicinity of the community of Crooked Creek. This proposed corridor would provide road access to inland areas between these two rivers, connect waterway routes, and enhance the movement of freight and fuel. Road Access connecting the neighboring communities along the rivers will also provide access to adjacent resource development in the area.

Alternatives have yet to be developed for the project. The No-build alternative will remain a viable alternative throughout the EIS process. The proposed Y-K Road Project is considered necessary to: meet the intent of the Northwest Alaska Transportation Plan; to provide access to resource development between the Yukon and Kuskokwim Rivers; and to provide road access to areas north of the Kuskokowim River and east of the Yukon River.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of agency and public meetings will be held in Holy Cross, Crooked Creek and other nearby communities throughout the EIS study process. In addition, public hearings will be held after approval of the draft EIS. Public notice will be given of the time and place of the meetings and hearings. The draft EIS will be available for public and agency review and comment prior to the public hearings. A formal agency scoping meeting is planned for Anchorage, Alaska, on August 27, 2004, and public scoping meetings are planned for Crooked Creek and Holy Cross, Alaska on August 25 and August 26, 2004, respectively.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or ADOT&PF at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program)

Dated: Issued on: August 4, 2004.

**David C. Miller,**

*Division Administration Juneau, Alaska.*

[FR Doc. 04-18240 Filed 8-9-04; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favour of relief.

#### Union Pacific Railroad

[Docket Number FRA-2004-18746]

The Union Pacific Railroad seeks a waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) § 232.205 Class I Brake Test—Initial terminal inspection, 232.409—Inspection and testing of end-of-train devices, 215.13 Pre-departure Inspection, and 229.21 Locomotive daily inspection. This waiver is necessary to allow tests and inspections conducted in Mexico by the Transportacion Ferroviaria Mexicana (TFM) to be considered valid for run-through trains interchanged with the Union Pacific at the Laredo, Texas Gateway. These trains are assembled in Mexico and receive a Class I airbrake and pre-departure inspections in Mexico at the TFM yard at Nuevo Laredo. Under current conditions, these trains operate only a few miles before receiving another Class I Brake Test and mechanical inspection in the United States. By granting this waiver, approximately five hours would be saved per run-through train and would greatly reduce congestion at the Laredo Gateway.

The parties to this waiver request are the Union Pacific Railroad, Transportacion Ferroviaria Mexicana (TFM) and the Texas Mexican Railway (Tex Mex). TFM would perform the Initial Terminal Tests and Inspections to the standards prescribed by Title 49 CFR Parts 215, 232, and 229. The Union Pacific would then operate the trains into the interior of the United States. Tex Mex would maintain all records required by applicable regulations for ready access on the U.S. side of the

border. In addition, TFM has provided written consent to inspection of their facilities and to their personnel involved with performing the tests and inspections.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2004-18746) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl-401, Washington, DC. 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street SW., Washington. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

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 19377-78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on August 2, 2004.

**Michael Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 04-18197 Filed 8-9-04; 8:45 am]

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