

Maintenance Facility South Record of Decision (ROD), dated August 7, 2024.

Supporting documentation:

Operations and Maintenance Facility South Project Final Environmental Impact Statement (FEIS), dated June 7, 2024, and Operations and Maintenance Facility South Project Draft Environmental Impact Statement (DEIS) dated September 22, 2023. The ROD, FEIS, DEIS and associated documents can be viewed and downloaded from: <https://www.soundtransit.org/system-expansion/operations-maintenance-facility-south>.

Authority: 23 U.S.C. 139(l)(1).

Megan Blum,

Deputy Associate Administrator for Planning and Environment.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2024–0009]

Notice of Proposed Buy America Waiver and Request for Comment

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice; request for comment.

SUMMARY: The Federal Transit Administration (FTA) received a request from the Detroit Transportation Corporation (DTC) for a Buy America nonavailability waiver for the procurement of special trackwork turnout switch components needed to keep the DTC's Elevated Guideway in a state of good repair. FTA is providing notice of the nonavailability waiver request and seeks public comment before deciding whether to grant the request. If granted, the waiver would apply for the switch components identified in the waiver request.

DATES: Comments must be received by September 24, 2024. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit all comments electronically to the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the instructions for submitting comments.

Instructions: All submissions must refer to the Federal Transit Administration and the docket number of this notice. Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public on <https://www.regulations.gov>. You may review

DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT:

Jason Luebbbers, FTA Attorney-Advisor, at (202) 366–8864 or Jason.Luebbbers@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether the FTA should grant a nonavailability waiver for the Detroit Transportation Corporation (DTC) for the procurement of replacement special trackwork turnout switch components (the “switch”).

Background

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 take place in the United States; and (2) all of the components of the product are 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).

FTA may waive Buy America requirements for a product if, among other reasons, a compliant version of the product is not produced in a sufficient and reasonably available amount or is not of a satisfactory quality. 49 U.S.C. 5323(j)(2)(B). FTA cannot deny a request for a nonavailability waiver unless it can provide the waiver applicant with a written certification that: the item is produced in the United States in a sufficient and reasonably available amount; the item produced in the United States is of a satisfactory quality; and includes a list of known manufacturers in the United States from which the item can be obtained. 49 U.S.C. 5323(j)(6).

DTC is the owner and operator of the Detroit People Mover, which is the largest municipal rail system in Michigan. It is an automated light rail system that operates twelve rail cars on an elevated single track in a 2.9-mile loop with thirteen passenger stations in Detroit's central business district.

The existing switches were installed as original equipment in 1987 and designed to European standards, using AREMA 115RE rail throughout the turnout with a special EN60E1A1 switch point section. The proper

operation of the switch is essential for the continued, safe operations of DTC vehicles. DTC seeks a waiver for the switch because there are no known domestic manufacturers of the switch. DTC previously sought and received a Buy America waiver from FTA for two replacement switches from Delta Railroad Construction, Inc. (Delta), on April 19, 2016 (81 FR 23077).

On January 19, 2023, DTC issued a request for proposals (RFP) (No. 1–19–2023, for DTC Sub-Package 7), which includes the special track switch described above, and received two responses. Both bidders certified that the switches they could provide would not comply with the FTA Buy America requirements. Following the RFP, DTC submitted a nonavailability waiver request to FTA for the noncompliant switch components. 49 U.S.C. 5323(j)(2) and 49 CFR 661.7(c)(2).

The product that requires a waiver is one pair of EN60E1A1 switch point rails and all appurtenances associated with its installation; four transition head machined rails for connection to frog and turnout rails; and one set of switch point rods consisting of two drive rods and two detector rods. FTA estimates the total cost of goods subject to this proposed waiver is less than \$300,000.

Proposed Waiver

FTA proposes waiving the Buy America requirement for the special trackwork switches DTC seeks to procure under Sub-Package 7. The proposed waiver would apply only to the switch described above that is procured after a notice of final waiver is published. The waiver would not apply to any other products or any other projects besides Sub-Package 7. The proposed waiver would be effective from the effective date of the final waiver through the period of performance and closeout of FTA's financial assistance for the project, which is estimated to be March 30, 2030.

Request for Comment

This notice satisfies FTA's requirement to publish any proposed Buy America waiver in the **Federal Register** and provide the public with a reasonable period of time for notice and comment. 49 U.S.C. 5323(j)(3) and section 70937(b)(1) of the Build America, Buy America Act (Pub. L. 117–58).

FTA seeks public and industry comment from all interested parties. In particular, FTA seeks comment regarding whether the waiver should be approved, and, if so, whether it should be modified from FTA's proposal and

why. Relevant information and comments will help FTA understand completely the facts surrounding the waiver requests and FTA's proposal.

In accordance with Section 70916(c) of the Build America, Buy America Act, FTA will also consult with the Hollings Manufacturing Extension Partnership before approving the proposed waiver.

Veronica Vanterpool,

Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2024-0053]

Damon Motors Inc.; Receipt of Petition for Temporary Exemption From a Rear Wheel Brake Requirement of FMVSS No. 123

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of a petition for a temporary exemption; request for comment.

SUMMARY: Damon Motors Inc. (Damon) has petitioned the agency for a temporary exemption from a rear wheel brake control requirement of Federal Motor Vehicle Safety Standard (FMVSS) No. 123, Motorcycle controls and displays. The petitioner seeks to install the rear brake control on the left handlebar instead of the right foot control required by FMVSS No. 123. NHTSA is publishing this document in accordance with statutory and administrative provisions and requests comment on the merits of Damon's exemption petition. NHTSA has made no judgment at this time on the merits of the petition.

DATES: You should submit your comments not later than October 9, 2024.

FOR FURTHER INFORMATION CONTACT:

Natasha Reed, Office of the Chief Counsel, NCC-200, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: (202) 366-2992; Fax: (202) 366-3820.

ADDRESSES: We invite you to submit comments on the application described above. You may submit comments identified by docket number in the heading of this notice by any of the following methods:

- Fax: 1 (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone: (202) 366-9826.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 CFR part 512. All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the

agency under part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. 1905, you may submit your request via email to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

SUPPLEMENTARY INFORMATION:

I. The Motorcycle Rear Brake Control Requirement in FMVSS No. 123 and Its Purpose

FMVSS No. 123, Motorcycle Controls and Displays, specifies requirements for the location, operation, identification, and illumination of motorcycle controls and displays. The purpose of FMVSS No. 123 is to minimize crashes caused by operator error in responding to the motoring environment by standardizing certain motorcycle controls and displays. Among other requirements, FMVSS No. 123 S5.2.1 (table 1) requires the control for a motorcycle's rear brakes to be located on the right side of the motorcycle and to be operable by the rider's right foot.

In 2005, NHTSA issued a final rule amending FMVSS No. 123 to require scooter-type motorcycles with automatic transmissions (*i.e.*, scooters without a clutch lever) to have a left-hand rear brake control.¹ NHTSA chose not to allow the option of placing the rear brake control on either the left handlebar or right foot pedal, explaining it had concerns that permitting manufacturers to choose between two different arrangements could result in a loss of standardization, as similar or even identical clutchless motorcycles could have different rear brake controls. Further, NHTSA stated that while some commenters asserted such an outcome would not have any safety consequences, without probative data, the agency believed the goal of standardization was better served via FMVSS No. 123 specifically requiring one brake control location. Thus, the final rule made the left-hand rear brake control a requirement, not an option, on scooter-type motorcycles with automatic transmissions (*i.e.*, without a clutch lever). The final rule continued to require non-scooter motorcycles with combined brake systems to have their single-point control located at the right foot, the required location for the rear brake control. For supplemental rear brake controls, the final rule continued

¹ 70 FR 51286.