

2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209];

7. *Wetlands and Water Resources*: Clean Water Act, 33 U.S.C. 1251–1377 [Section 404, Section 401, Section 319]; Safe Drinking Water Act [42 U.S.C. 300f et seq.]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–129].

Executive Orders: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 13112, Invasive Species. Nothing in this notice creates a cause of action under these Executive Orders.

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

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

Issued on: March 19, 2012.

**James C. Christian,**

*Division Administrator, Salt Lake City.*

[FR Doc. 2012–7168 Filed 3–23–12; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA–2012–0006]

#### Notice of Proposed Buy America Waivers

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of proposed Buy America waiver and request for comment.

**SUMMARY:** The purpose of this notice is to solicit comment a request from Allison Transmission, Inc. to renew a waiver for its hybrid electric propulsion system, Energy Storage Unit subsystem H 49.40 EPS system, until December 31, 2013 so they may complete their ongoing process to secure a domestic supplier of Lithium Ion batteries. FTA seeks public comment before deciding whether to grant Allison's request.

**DATES:** Comments must be received by April 2, 2012. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** Please submit your comments by only one of the following means, identifying your submissions by docket number FTA–2012–0006. All

electronic submissions must be made to the U.S. Government electronic site at [www.regulations.gov](http://www.regulations.gov). Commenters should follow the instructions below for mailed and hand delivered comments.

(1) *Web site:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments on the U.S. Government electronic docket site;

(2) *Fax:* (202) 493–2251;

(3) *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, Room W12–140, Washington, DC 20590–0001.

(4) *Hand Delivery:* Room W12–140 on the first floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must make reference to the “Federal Transit Administration” and include docket number FTA–2012–0006. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to [www.regulations.gov](http://www.regulations.gov). For More information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Jayne L. Blakesley at (202) 366–0304 or [jayne.blakesley@dot.gov](mailto:jayne.blakesley@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to seek public comment on whether the Federal Transit Administration (FTA) should waive its Buy America requirements of 49 U.S.C. 5323(j), as implemented at 49 CFR Part 661, until December 31, 2013, for an Energy Storage Unit (ESU) manufactured by Allison Transmission, Inc. (Allison). The purpose of the waiver is to allow Allison until December 2013 to complete its ongoing process to secure and qualify a domestic supplier of Lithium Ion batteries.

The ESU is one of five subsystems of Allison's hybrid-electric propulsion system known as the H 40/50 EP System. The ESU supplies and stores energy for the H 40/50 EP System during normal motor-generator operation and during regenerative braking. The ESU is a packaged

subsystem comprised of proprietary batteries, a battery management system, thermal management equipment and containment. It is manufactured to Allison's specifications and is functionally critical and specific to the H 40/50 EP System. The company currently procures the ESU completely assembled from a supplier that cannot comply with FTA's Buy America requirements.

With few exceptions, FTA's Buy America rules require that all steel, iron and manufactured goods used in FTA-funded projects be produced in the United States. One exception to Buy America is non-availability—that in some instances certain steel, iron, and manufactured goods are not produced in the United States in sufficient and reasonably available quantities or are not of a satisfactory quality. When this is the case, FTA may waive its Buy America requirements and allow the use of foreign-produced goods in an FTA-funded project.

On April 3, 2009, FTA granted a limited non-availability waiver to Allison. The waiver allowed Allison to produce its ESU outside the United States. While the waiver was in effect, FTA instructed Allison to identify and qualify a domestic manufacturer capable of producing ESUs for Allison's H 40/50 EP System. The waiver expired and, despite its best efforts, Allison has not identified and qualified a U.S. manufacturer.

Allison asked FTA to renew and extend the waiver until December 31, 2013, to allow it to complete the qualification process. According to Allison, since the issuance of the 2009 waiver, Allison has utilized competitive assessments, technical reviews, and independent market studies with U.S. based Lithium Ion suppliers. The company compared its current Nickel Metal Hydride (NiMH) batteries with Lithium Ion and determined Lithium Ion was appropriate for transit bus applications. In addition, Allison is changing from NiMH to Lithium Ion because no NiMH supplier is producing within the U.S. to meet Allison's requirements (design, reliability, quality, pricing, etc). Most domestic suppliers who expressed interest in starting production of the ESU subsystem quoted Lithium Ion technologies. Five companies have started or are starting cell production in the United States. Five additional companies are starting pack production in the United States.

After contacting and surveying a number of potential suppliers, Allison has chosen a domestic supplier. The selection and approval of this supplier

and its product is subject to the guidelines and requirements of Allison's structured product development and approval process known as the Process of Concurrent Engineering (POCE). This process applies to all products developed, manufactured and sold by Allison, including components and/or subcomponents that are purchased by Allison and provided as part of Allison's system or product that are delivered to its customers. The POCE process consists of four activity areas of focus with each having durations of approximately three months to one year. Allison is currently in the Concept Validation (CV) phase, evaluating/validating the possibility of utilizing a current U.S. hybrid ESS supplier who is working with Allison through an ARRA grant awarded in fiscal year 2009 (DOE Grant DE-EE00002025). Beyond the CV phase, additional joint work has been planned for Design Validation, OEM vehicle testing, and Production Validation phases that are needed to assure an appropriate Start of Production launch.

FTA proposes to grant Allison a waiver through December 31, 2013. Unlike other requests for non-availability waivers, the granting of which would enable otherwise non-compliant materials to be utilized until a U.S. producers comes forward, this waiver would allow Allison to maintain its position in the market while continuing the process of securing a domestic manufacturer for its ESU subsystems. Without a waiver extension, Allison faces a potential loss of volume, market share, and revenue, and a potential loss of U.S. Jobs. In addition, Allison's bus manufacturing customers would be limited in their ability to offer buses utilizing hybrid propulsion technology, without furthering the goals of Buy America.

Before deciding whether to grant Allison's request, FTA seeks comment from all interested parties. In the interest of transparency, FTA has published copies of Allison's request to the docket. Interested parties may access these materials by visiting the docket comments by April 2, 2012. Late-filed comments will be considered to the extent practicable.

Issued this 16th day of March 2012.

**Dorval R. Carter, Jr.,**  
Chief Counsel.

[FR Doc. 2012-7186 Filed 3-23-12; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0031, Notice 1]

#### Notice of Receipt of Petition for Decision That Nonconforming Right-Hand Drive 2000-2003 Jeep Wrangler Multi-Purpose Passenger Vehicles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that right-hand drive (RHD) 2000-2003 Jeep Wrangler multi-purpose passenger vehicles (MPVs) that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The closing date for comments on the petition is April 25, 2012.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *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 or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

**Instructions:** Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. 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 heading below.

**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 19477-78).

**How to Read Comments submitted to the Docket:** You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <http://www.regulations.gov>.

Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

**FOR FURTHER INFORMATION CONTACT:** George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notices in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

US SPECS of Havre de Grace, Maryland (Registered Importer 03-321) has petitioned NHTSA to decide