



Palmetto
RAILWAYS

January 27, 2015

Sarah Feinberg, Acting Administrator
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: RRIF Domestic Preference "Buy America" Policy Waiver

Dear Administrator Feinberg:

Palmetto Railways (Palmetto), a common carrier railroad and division of the South Carolina Department of Commerce, is developing a new multi-modal freight rail terminal in the City of North Charleston. Palmetto anticipates submitting an application for a loan from the Railroad Rehabilitation and Improvement Financing (RRIF) program to finance part of the costs of this project. A key component of this terminal will be wide-span, electric, rail-mounted gantry cranes for the movement of containers between trains, trucks, and container stacks.

Based on our research these cranes are not available from any source that can meet the FRA's Buy America requirements. Accordingly, we present this waiver request for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey M. McWhorter".

Jeffrey M. McWhorter
President & CEO

cc: Patrick McCrory, Vice President & COO, Palmetto Railways
Email: PMcCrory@palmettorail.com Tel. (843) 727-2067

**Request for a Waiver of the Buy America Policy Applied to the
Railroad Rehabilitation and Improvement Financing Loan Program**

For

**Electric-Powered, Dual Cantilever Wide-Span, Rail-Mounted
Gantry Cranes for Intermodal Container Handling**

January 27, 2015

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1. DESCRIPTION OF THE PROJECT

1.1 Project Purpose and Transportation Need

The project will construct a brand new Intermodal Container Transfer Facility (ICTF) on the site of the former Charleston Navy Base, located in the City of North Charleston, South Carolina. The ICTF will serve traffic primarily generated by flows through the Port of Charleston. Existing intermodal facilities will reach their capacity to handle projected intermodal traffic growth in the region within the next five years. The main activity at the terminal will be the transfer of intermodal containers between trucks, container stacks, and trains. The ICTF will be directly connected to two Class I freight railroad networks, and have a direct private drayage road connection to the new Navy Base Marine Container Terminal that is presently under construction. Attachment 1 to this document provides a plan view illustration of the layout of the proposed facility, and a profile view illustrating the equipment in question.

1.2 Scope of the Project

The new ICTF will have a footprint of 90 acres. The major components of this project include access roads, grade separation flyovers for local vehicle traffic, container handling areas, the wide-span electric rail mounted gantry container cranes, truck and hostler infrastructure; fueling and servicing areas for vehicles and railroad rolling stock; gate facilities, support buildings, and railroad infrastructure including processing (43,000 feet), classification (30,800 feet), arrival/departure, and car repair tracks.

1.3 Schedule and Other Federal Actions

Project planning activities are well advanced. The project is subject to NEPA, a process which is being led by the U.S. Army Corps of Engineers with the Environmental Protection Agency and the Federal Railroad Administration as participating agencies. The Notice of Intent to Prepare a Draft Environmental Impact Statement was published in the Federal Register on October 23, 2013. The public scoping meeting was held in North Charleston, South Carolina on November 14, 2013 and the Draft Environmental Impact Statement is expected to be issued in the first quarter of 2015.

Construction of the ICTF is planned to commence by the second quarter of 2016 with revenue operations beginning in the fourth quarter of 2018.

2. DESCRIPTION OF THE NONCOMPLIANT GOODS

The steel, iron or manufactured goods not meeting the Buy America requirement are three (3) electric, rail-mounted, high capacity wide-span cantilever gantry container cranes (WSCs).

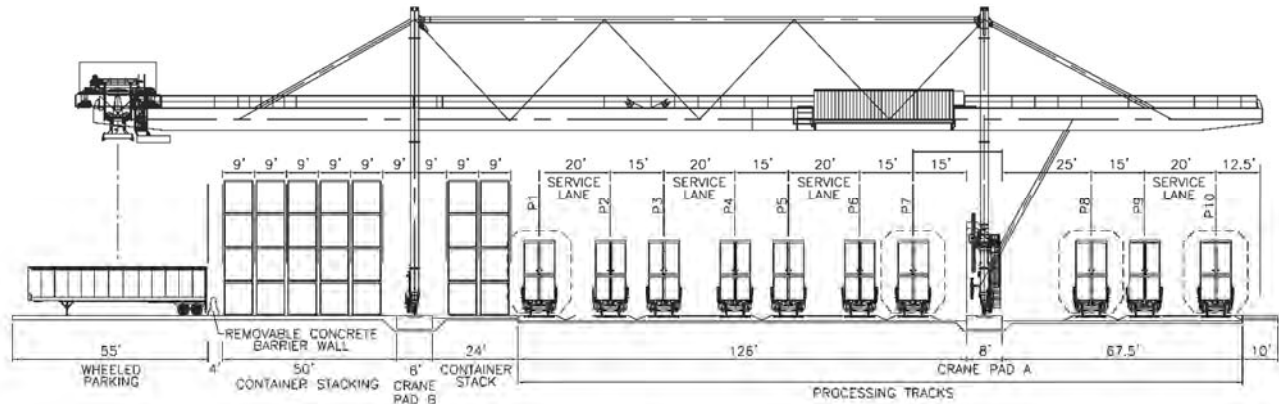


Figure 1: Concept of WSC in Place, Profile View

The figure above illustrates the general arrangement of the equipment as it expected to be configured in place in the new terminal. WSC's are a system which includes the following major assemblies:

- Gantry (superstructure or frame)
- Bogies and wheels
- Crane rails, accessories, and foundations
- Electric power supply and energy transmission components
- Hoist, travel, trolley, rotator and spreader
- Drive motors
- Software and systems for control, operation, asset management, and communications

WSC's are long-lived, complex, capital goods that are traditionally offered on the market by a discrete manufacturer, with some teaming involved for local services and support. A limited assortment of subcomponents may be integrated from local sources in the United States. Offers are typically made by the original equipment manufacturers (OEMs) who will respond to a client's request for proposals and specifications. These OEMs will provide sourcing and integration of most or all, components and services, bundled together as a package, including delivery, assembly, and commissioning, and usually long-term arrangements for service, parts and support.

The estimated total cost for these three WSCs to be procured using RRIF funds is \$16.5 million. This is 6.2% of the total investment of \$267 million projected to construct the ICTF.

Based on our research, all the WSCs available on the market are manufactured outside the United States, and delivered either partially assembled or in comprehensive kit form. Nearly all the iron, steel or manufactured goods found in any WSC that could be purchased for this project can be expected to be of foreign origin, and there are no WSCs offered on the market that comply with the requirements of 49 United States Code § 24405(a).

Technology Selection Considerations

The selection of this specific crane technology was determined as necessary to meet the strategic objectives of this next-generation Intermodal Container Transfer Facility. The selection followed a thorough feasibility and alternatives analysis performed by Palmetto Railways with the support of HPC Hamburg Port Consulting GmbH. This process concluded in the first quarter of 2014. Seven scenarios were initially evaluated with combinations of crane types, container handling equipment, and terminal layouts and operating plans. These scenarios were narrowed down to two, an evaluation of a concept combining WSCs and rubber tired gantry cranes (RTGs), and an all-WSC concept, the latter being ultimately selected.

Some of the objectives met by use of the selected WSC technology include:

- Minimized footprint of equipment (minimal craneways) and maximum reach across tracks and lanes, optimally balancing use of available space between rail, truck, crane, container stacking and handling, and support functions.
- Extremely high throughput (cycle times) of 40 – 50 containers per hour for continuous operations in a range of climatic conditions.
- High throughput that minimizes emissions from train and truck engines idling while waiting to load or unload containers.
- High throughput and interoperability to leverage the latest technology and capacity of other terminal components including the automated gate system and the terminal operating system.
- Reduction in the need for diesel-powered container handling equipment within the facility, which improves safety and reduces noise and pollutant emissions.
- Achievement of minimum noise and pollutant emissions from crane operations.
- Regenerative power capability, to reduce operating costs (and upstream power plant emissions) by transferring energy between cranes and feeding power back to the electrical grid.
- Enabling a future second phase expansion featuring additional WSCs in a nested configuration, to increase terminal capacity in response to predicted demand (year 18+).
- Providing sufficient capacity in the secondary build out, long-range scenario optimistic traffic case of up to 700,000 units of throughput.

- The selected WSC configuration enables avoidance of adding a second stacking yard (truck service stack) in response to projected traffic growth, saving investment cost, footprint, and additional movements of containers.
- Positive NPV across long-term pessimistic to optimistic financial operating scenarios.
- A proven technology applied successfully in the United States at similar rail intermodal container transfer facilities.

The WSC technology selected is a fundamental component of the terminal engineering design. The cranes will be tightly integrated with other terminal technologies and the facility layout and operating plan, to enable the required throughput, safety, quality of service, and financial return in the face of projected demand and stakeholder requirements.

Crane Functional Requirements

The detailed specifications for procurement of the WSCs are under development by the project engineering team at the time of this writing. These detailed specifications are not expected to change the selection of WSC technology, nor the general requirements of the cranes, as follows:

- Wide-span, electric, rail-mounted, cantilever gantry crane design.
- Vertical clearance sufficient to accommodate container movements over ISO container stacks 4 units high (lifting height of ≥ 50 feet).
- Horizontal gantry capability of approximately 960 feet.
- Capacity on the spreader to lift ≥ 46 tons.
- Capable of supporting handling attachments for lifts of multiple ISO and US domestic container sizes, including adjustable 20/40/45/53, wide top pick and twin lift spreaders.
- Capability to regenerate energy during operations to feed to adjacent WSCs or the grid.
- Capable of CMAA Class F continuous severe service.
- Built to environmental tolerances suitable for all-weather outdoor operations in a near-marine dock application in Charleston, South Carolina.
- Demonstrated successful application in revenue service in a rail intermodal container terminal application.

3. EFFORTS MADE TO SECURE COMPLIANT GOODS

In an effort to identify WSCs compliant with the Buy America requirements for steel, iron, or manufactured goods, Palmetto Railways undertook a three-part research effort. First, market research was conducted to identify active suppliers of WSCs. Then, federal actions and documentation on market availability of WSCs, and intermodal cranes generally, were researched. Finally, the identified established suppliers in the market were surveyed to determine if they had ever provided Buy America compliant WSCs, or expected to be able to do so in the near term.

3.1 Market Research: WSC Manufacturers

This initial phase of compliance research consisted of a review of open source literature on the equipment in question to identify major global suppliers of WSCs and sales of this equipment in the United States in recent years. There are many different cranes offered on the market for different purposes, and manufacturers often specialize in cranes for specific purposes or industries, such as for indoor industrial purposes, construction, containerized cargo, or shipbuilding. Within the universe of container cranes there is further specialization, with most manufacturers providing only certain types, capabilities and features. Further, some manufacturers only sell to certain countries or regions. Fourteen active suppliers of WSCs who could potentially meet the basic requirements for the cranes for the ICTF were identified. No manufacturer was identified that could supply Buy America compliant WSCs of the type required.

Anupam Industries Ltd. / Mitsubishi Heavy Industries

Established in 1973, Anupam is a manufacture of various types of cranes and hoists. They are headquartered in Gujarat, India. They manufacture WSCs of the type to be used in the project. They are a group member of Mitsubishi Heavy Industries of Japan and manufacture cranes through their joint venture ANUPAM-MHI. Manufacturing occurs in Gujarat. It does not appear that this business has sold any cranes of this type to customers in the United States customer in recent years. **Website:** <http://www.anupamgroup.com/>

BALTKRAN JSC

BALTKRAN JSC, based in Kaliningrad, Russia, was established in 1945 and as of 1992 is held jointly by NKM Noell of Germany and LUKOIL of Russia. They built their first container crane in 1996. BALTKRAN specializes in equipment to withstand arctic conditions. They offer WSCs of the type that would be used in the project, and they have sold equipment to US customers, but there is no indication they have ever sold WSCs to United States customers. Their manufacturing occurs in Russia. **Website:** <http://www.baltkran.ru>

Hans Künz GmbH

Founded in 1932, this company is based in the city of Hard, Austria. Künz (also anglicized as Kuenz) has manufacturing, engineering, assembly and service locations in St. Florian, Austria and Kechnec, Slovakia. Their United States office located in Raleigh, North Carolina performs sales support and service only. They offer several types of cranes including intermodal container electric WSCs. They offer their own spreaders. Künz sells regularly to customers in the U.S. and has provided WSCs for terminals of similar design to the ICTF in recent years. Künz responded to the sources sought notice and further information is available in the confidential annex.

Website: <http://www.kuenz.com/en>

Kalmar (Cargotec Finland Oy)

Headquartered in Helsinki, Finland, Kalmar traces its roots back to the 19th century and manufactured its first container cranes in the 1970's. They presently employ 5,300 persons. Kalmar is a division of Cargotec Corporation, which specializes in providing a wide range of cargo handling solutions. Among their product lines are rail mounted ship-to-shore cranes and automated RTG container stacking cranes. They do not market a WSC of the precise configuration and type required for this terminal project. Kalmar has provided subsystems and integration services for WSC installations in the United States (PACECO WSCs). Kalmar regularly sells various types of other container handling equipment to customers in the United States. Their manufacturing locations include Sweden, Finland, the Netherlands, Malaysia, China and the United States. Their crane products are not produced in the United States.

Website: <http://www.kalmarglobal.com/>

Konecranes

Konecranes, founded in 1910 and headquartered in Hyvinkää, Finland, is a specialized manufacturer of a wide range of material handling equipment and crane types, including WSCs. Konecranes employs over 11,000 persons and has production facilities in 13 countries, but they do not produce WSCs in the United States. Konecranes has provided WSCs to US customers within the past decade. Konecranes responded to the sources sought notice and more information is provided in the confidential annex. **Website:** <http://www.konecranes.com/>

Kranunion Kocks

Kranunion is an association of three crane manufacturing firms including Kocks, which specializes in Goliath cranes and ship-to-shore container cranes. They have been in business since 1913. Kocks is headquartered in Bremen, Germany. Kock's Terminal Server is a WSC of the type that is designed for use at inland container intermodal terminals similar to the ICTF. Kock's manufacturing facilities are located in Germany and Vietnam. They have not sold a WSC of the type specified to United States customers in recent years, but have sold over 80 of these

units globally. Kocks responded to the sources sought notice and further information is provided in the confidential annex. **Website:** <http://www.kranunion.de/en/kocks/>

Liebherr Group

Liebherr was established in 1949. It remains a family held enterprise, today held under Liebherr-International AG headquartered in Bulle, Switzerland. The company employed more than 39,000 workers as of 2013. Liebherr manufactures a wide range of equipment including earthmovers, material handling equipment, machine tools, automation systems, and many types of cranes, including rail mounted gantry (RMG) container stacking cranes. Liebherr does not conduct manufacturing in the United States, except for constructing dump trucks at a Newport News, Virginia, facility. Their container cranes are manufactured in Ireland. **Website:** <http://www.liebherr.com>

Nanjing Port Machinery Plant

Founded in 1958 and headquartered in Nanjing, China, this company specializes in the manufacture of port machinery and cargo handling solutions. Among their product offerings are WSCs of the general type specified for the project. They appear to have only sold their crane products to customers in China and Indonesia in recent years, there is no evidence they have ever sold equivalent equipment to the United States. **Website:** <http://www.njpmp.com>

PACECO (Mitsui Heavy Industries)

Headquartered in Hayward, California, PACECO designed and manufactured the first container crane in the world in 1958. They presently manufacture the RMG TRANSTAINER crane, which is of the general type to be used in the project. These cranes are manufactured by PACECO España S.A. which is headquartered in Madrid with its manufacturing performed in Vitoria, Spain. Spanish fabricator URSSA and Japanese firm Mitsui Heavy Industry are major shareholders in the manufacturing group. RMG TRANSTAINERS appear to have only been sold in recent years in Spain and Sweden. **Website:** <http://www.paceco.es/>

SANY Group

Founded in 1989, SANY Group Co. Ltd. is based in Changsha, Hunan Province, China. They are a manufacturer of heavy equipment including construction and hoisting machinery, port equipment and wind turbines. They offer WSC container cranes, which they manufacture at their Changsha, Guangzhou factory. This is a relatively new product offering from SANY and they so far appear to only have sold a handful of them to customers within China. **Website:** <http://www.sanygroup.com>

Shanghai Zhenhua Heavy Industries (ZPMC)

ZPMC is based in Shanghai, China and is a major manufacturer of heavy equipment including container and bulk material cranes, specialized vessels for oil and marine infrastructure construction and support, and also a fabricator of large steel components and structures. ZPMC claims to hold 75% market share for cranes of the types it provides, among them WSCs. The company is a subsidiary of China Communications Construction Company Ltd., a very large publicly traded company with over 100,000 employees. ZPMC's manufacturing is spread across eight different locations within China. The company has its own fleet of 26 cargo ships that they use to deliver nearly fully assembled cranes to customers worldwide. ZPMC is a regular provider of rail-mounted container cranes to U.S. customers, specifically quayside cranes. Our research identified one installation of ZPMC-provided container WSCs to United States customers (Los Angeles), the rest have been to foreign buyers. **Website:** <http://www.zpmc.com/>

Terex Port Solutions / NKM Noell / Groupe RÉEL / China Merchants Group

Terex was founded as the Euclid Company in 1933 in the United States, absorbed into General Motors as a division until the 1980's, after which it became independent and subsequently grew rapidly through global acquisitions. Terex Port Solutions produces a wide range of port equipment including container handling equipment and cranes for containers and bulk materials. Manufacturing of Terex Port Solutions crane products occurs in Düsseldorf and Würzburg, Germany and in Xiamen, China, with WSCs produced at the Xiamen location. Terex is partnered with France's Groupe RÉEL, NKM Noell Special Cranes GmbH, and China Merchants Group (a state held company) for China manufacturing activities. Terex sells regularly to customers in the U.S. and has provided WSCs for terminals of similar design within the past decade. Terex responded to the sources sought notice and more information is provided in the confidential annex. **Website:** <http://www.terex.com/port-solutions>

Wison Group

Headquartered in Shanghai, China, Wison Group was founded in 1997. They are a diversified manufacturer of heavy equipment and chemical products. They offer an array of crane types to the cargo/maritime industry, including WSCs. They have made at least one sale of equipment similar to the project requirements to the United States (in Memphis, Tennessee) in recent years. Their manufacturing sites are located in China. **Website:** <http://en.wison.com/>

Yufei Heavy Industries (Zhengzhou Ellsen Machinery Equipment Co.)

Yufei Heavy Industries Group was founded in 1955 and manufactures a wide range of crane types, including a WSC similar to the type specified for the project. Their headquarters and factory are located in Henan, China. Yufei does not appear to have supplied their WSCs to any United States customers. **Website:** <http://www.yufeimc.com>

3.2 Market Research: Components

While there are no identified suppliers of Buy America compliant cranes, we found that some selected components of WSCs could potentially be of U.S. origin or contain significant U.S. content. U.S. firms will also have an opportunity to perform significant services work for the initial assembly, installation, and commissioning of the cranes (which can take up to 180 days), as well as for provision of selected replacement parts, maintenance, and service support for the life of the crane.

Crane Rail and Accessories

WSCs are supported by specialized steel crane rail systems which guide and support the crane as it moves on its wheels. The crane rail is an inherent part of the WSC as a system; the WSC cannot function without crane rail, and crane rail is specialized infrastructure that is only installed to support the operation of the crane. Crane wheels differ from railway wheels in that they have two flanges rather than one and the wheel surface is flat tread rather than tapered, or they may not be flanged at all and instead utilize guide rollers. Crane rail is also of different dimensions and weight (heavier, about 171 lbs. per yard for the application in question) than the rail used for railroad operations. Crane rail installations include mounting and fastening components. The track foundations, mounting techniques and hardware are specialized and different from those used for railroad rail. One U.S. origin supplier of steel crane rails was identified and there are at least two U.S. suppliers for crane rail accessories. Multiple U.S. contracting companies are qualified to perform installation of crane rail.

Spreaders

The spreader is the device that makes the physical connection between the crane and the intermodal container being lifted. Spreaders come in two basic types, fixed and telescopic (adjustable). Telescopic spreaders may be electro-hydraulic or all electric, and accommodate containers ranging from 20 to 53 foot lengths. Twin lift spreaders are telescoping spreaders capable of picking up two 20 foot containers simultaneously. Telescoping 20/40/45 spreaders are very common, with twin lift spreaders becoming more common. A range of other designs are available but less common. A typical lifting capacity for a twin lift spreader might be up to 70 short tons. Different levels of automation and control systems are available with spreaders, ranging from largely manually operated spreaders with mechanical contact switch technology to very advanced fully automated and controlled spreaders.

Several of the crane manufacturers identified in the previous section offer spreaders as part of the WSC package. It is very common for other manufacturers to provide spreaders, and spreader choice is not necessarily tied to selection of the crane manufacturer. Several suppliers of spreaders were identified, of which only one appears to potentially offer a U.S.-origin product.

- **Bromma Conquip:** Headquartered in Kista, Sweden has focused on providing crane spreaders and rotators since the 1960s and they provide single and twin lift telescoping spreaders suitable for container WSCs. They perform their engineering in Sweden and manufacturing in Malaysia. Website: <http://www.bromma.com>
- **Stinis Holland B.V:** Headquartered in Krimpen aan de Lek, The Netherlands, Stinis traces its roots back to over 100 years. They provide a wide range of container spreader types, including electric and hydraulic telescoping and twin spreaders suitable for WSC applications. Stinis' research and development occurs in The Netherlands and manufacturing is done in Singapore. Website: <http://www.stinis-spreaders.com/>
- **RAM Spreaders:** Headquartered in Singapore, RAM Spreaders is a component of Asia Pacific industrial group NSL Engineering. They provide fixed and telescoping single and twinlift spreaders suitable for WSC use. RAM's research and development occurs primarily in Singapore and manufacturing occurs in Jiangshu, China. Website: <http://www.ramspreaders.com/>
- **Elme Spreader AB:** Headquartered in Älmhult, Sweden, has been providing container handling systems since 1974. All manufacturing occurs in Sweden. They offer a line of telescopic spreader types suitable for use with WSCs. Website: <http://www.elme.com/>
- **Kaup GmbH & Co:** Headquartered in Aschaffenburg, Germany. They offer a line of telescoping container spreaders suitable for WSCs. Their manufacturing occurs in both Germany and Xiamen, China. Website: <http://www.kaup.de/en.html>
- **Mi-Jack:** Headquartered in Hazel Crest, Illinois, Mi-Jack offers a line of U.S.-origin hydraulic telescoping spreaders capable of handling containers with twist locks at the 20 or 40 foot positions. Their manufacturing and assembly occurs at their headquarters facility. Mi-Jack is an established partner with Künz for their U.S. sales and they have provided these spreaders for Künz WSCs used in similar applications to that planned for the ICTF. Website: <http://www.mi-jack.com>
- **VDL Containersystemen:** Headquartered in Eindhoven, The Netherlands, VDL manufactures a range of container handling attachments. They offer rotators and both fixed and telescopic spreaders. Their manufacturing occurs in the Netherlands. Website: <http://www.vdlcontainersystemen.com>

Information Systems and Sensors

Various information system can be provided with WSC installations. Potentially some of these systems may have some level of U.S.-origin content. Typical modules for WSCs include GPS and inertial navigation modules for steering and asset tracking and container location and retrieval functions, an optical character recognition technology, radio frequency identification readers, crane trolley anti-collision lock out system, larger object recognition system, and associated processing components, communications components, software, and human-machine interfaces. One U.S. firm Mi-Jack Products, Inc. was identified as a potential supplier of some of these items for WSC installations.

Wheels, Sheaves, and Bogies

WSC's are supported at the base by steel wheels as part of a bogie assembly that enables the crane to move back and forth over the crane rail. A sheave is a grooved wheel or pulley used with a cable to change direction and point of application of pulling force in a crane. At least one U.S.-origin source of these components was identified, with experience providing crane wheels, crane bogies, and sheaves. New cranes typically come from overseas including these components, but they can also be provided domestically for new cranes. These items may be also be provided in the aftermarket from U.S. sources as replacement parts, and U.S. firms may conduct component rebuilding or refurbishing.

Other

Additional components with potential for sourcing with significant levels U.S. origin content include air conditioning, hoist ropes and brakes, rail brakes, and selected components of geared motors and electrical drive and control systems.

Fabrication/Manufacture

One supplier contacted indicated potential for establishment of manufacturing operations for WSCs in the United States, such that at some point in the future they potentially could manufacture Buy America compliant WSCs. Further information is available in the confidential annex. The information provided was not sufficient to change Palmetto's assessment that Buy America-compliant WSCs are not expected to be available on the market within the anticipated timeframe for the ICTF procurement, and a waiver is necessary.

3.3 Market Research: Recent U.S. Implementations

WSCs equivalent to the type specified for this implementation have been installed for several rail intermodal facilities in the United States in recent years. The list below identifies the buyer, facility, and national origin of manufacturer.

United States Department of Defense, Military Ocean Terminal Sunny Point (Ports America) – 2 WSCs for handling of containerized ammunition

Location: 6280 Sunny Point Road, SE, South Port, NC 28461

Manufacturer: Kuenz (Austria)

BNSF Railway (BNSF) Memphis Intermodal Facility – 5 production cranes; 3 nested cranes

Location: 4814 Lamar Avenue, Memphis, TN 38118

Manufacturer: KoneCranes (Finland)

BNSF Logistics Park Kansas City Intermodal Facility – 5 production cranes

Location: 32880 W. 191st, Edgerton, KS 66030

Manufacturer: KoneCranes (Finland)

BNSF Seattle International Gateway (SIG) Intermodal Facility – 4 production cranes

Location: 44 S. Hanford Street, Seattle, WA 98134

Manufacturer: KoneCranes (Finland)

CSX Intermodal Terminals, Inc. (CSX) Northwest Ohio Intermodal Container Transfer Facility – 7 production cranes

Location: 17000 Deshler Road, North Baltimore, OH 45872

Manufacturer: Kuenz (Austria)

CSX Columbus Intermodal Terminal – 3 production cranes

Location: 2351 Westbelt Drive, Columbus, OH 43228

Manufacturer: Kuenz (Austria)

CSX Central Florida Intermodal Logistics Center – 3 production cranes

Location: 3935 Intermodal Drive, Winter Haven, FL 33884

Manufacturer: Kuenz (Austria)

NYC Department of Sanitation - 4 production cranes (ordered, installation pending)

Location: New York City Harbor

Manufacturer: Kuenz (Austria)

Long Beach Container Terminal, LLC. – On-Dock Rail (2 or more cranes on contract, delivery and erection not completed)

Location: Pier F, Berths 6-10, 1171 Pier F Avenue, Long Beach, CA 90802

Manufacturer: ZPMC (China)

3.4 Federal Buy America Compliance Activity

Efforts by the federal government to identify Buy America-compliant intermodal container cranes for use in USDOT funded projects in recent years have not been successful. Several Buy America waivers for mobile intermodal harbor cranes issued by USDOT are were identified, and market research efforts have been conducted specific to WSCs.

- On March 17, 2011, MARAD issued a Buy America Waiver Notification for the use of federal funds under the TIGER II grant program to purchase foreign-built cranes for a project at the Port of Providence in Rhode Island. These cranes (mobile harbor cranes for general cargo and containers, not WSCs) were provided by Liebherr of Switzerland.
- On November 8, 2010, MARAD issued a Buy America Waiver Notification for the purchase of foreign-built mobile harbor cranes using funding provided under the American Recovery and Reinvestment Act of 2009 (ARRA). These cranes were for projects at the Port of Searsport in Maine, the Port of West Sacramento in California, and the Port of Davisville in Rhode Island. These cranes were mobile harbor cranes for containers and general cargo (not WSCs) and included Gottwald (Terex) and Liebherr LHM models.
- On October 6, 2009 FHWA issued a Buy America Waiver Notification for the use of federal funds under the ARRA to purchase foreign-built cranes for a project at the Toledo Port Authority in Ohio. These cranes (mobile harbor cranes for general cargo, not WSCs) were provided by Liebherr of Switzerland.
- Attachment 5 to this waiver request documents 2013 findings by the Manufacturing Extension Partnership of the National Institutes of Standards and Technology. The key finding as reported to the U.S. Department of Transportation's Maritime Administration was: *"...(NIST) – conducted a Supplier Scouting analysis of domestic manufacturing capabilities and capacity for the production of overhead rail-mounted cranes and rubber tire cranes needed for operations within intermodal rail yards for lifting and transporting ISO freight containers of 20, 40 and 45 foot lengths, in single and Twin-20 configurations, with a typical load rating of 60 tons...None of the results was reported as an exact match indicating the identification of U.S. manufacturers that currently make the exact overhead rail-mounted and rubber tire cranes being sought."*

Documentation of these findings is provided as an attachment to this waiver request.

3.5 Sources Sought Notice

A formal “Sources Sought” notice was issued by Palmetto on December 10, 2014 to obtain supplier feedback on the ability to supply Buy America compliant WSC’s. The notice was published through Palmetto’s project solicitations website as well as industry associations including the National Railway Construction and Maintenance Association (NRC), the American Short Line and Regional Railroad Association (ASLRRA), and the Railway Engineering-Maintenance Suppliers Association (REMSA). The deadline given for responses was January 9, 2015. Four responses were received and findings are described in the confidential annex.

4. DESCRIPTION OF THE BIDDING PROCESS

Palmetto expects to acquire the WSCs through an open, international competitive bidding process using a formal request for proposals. The evaluation of proposals received will be based on best value criteria weighting both technical and cost considerations. It is expected that the evaluation criteria will include some weighting of the ability of a supplier to offer a technically compliant, cost-effective solution that maximizes U.S.-origin content over the lifecycle of the WSCs.

5. COST DIFFERENTIALS

The research performed did not identify any manufacturers of WSCs that are presently capable of offering Buy America-compliant products, nor any that Palmetto expects to be able to provide compliant products within the expected procurement timeframe. Accordingly, no cost-differential analysis was performed.

6. STATUTORY CITATION

This waiver is sought under 49 U.S.C. § 24405(a)(2)(B): “...*the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality.*”

7. JUSTIFICATION

Palmetto’s market research, reinforced by recent findings by MARAD and NIST, indicates that there are no providers offering the manufactured goods in question on the market that will meet FRA’s Buy America requirements.

Viable U.S.-origin sources were identified for only selected, discrete components of WSCs. These components, such as crane wheels and crane rail, would make up only a relatively small

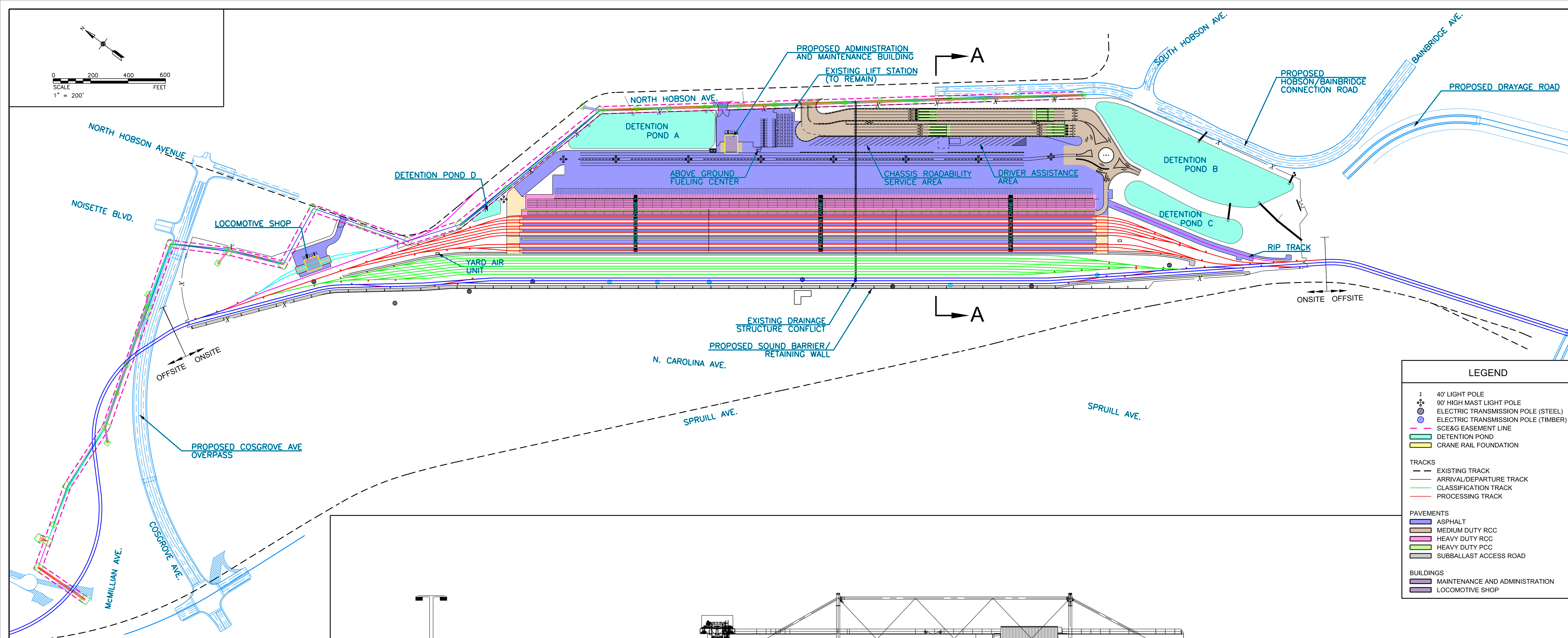
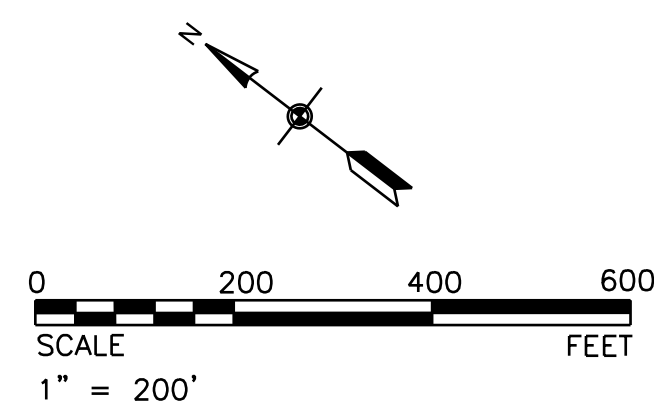
fraction of the capital cost of the WSCs. The vast majority of the iron, steel, and manufactured goods making up the WSCs will be of foreign origin.

8. CONTACT INFORMATION

Questions or comments regarding this waiver request may be directed to:

Mr. Patrick McCrory
Vice President and Chief Operating Officer
South Carolina Department of Commerce
Division of Public Railways d/b/a Palmetto Railways
540 East Bay Street
Charleston, South Carolina 29403
Telephone: (843) 727-2067
Email: PMcCrory@palmettorail.com

PALMETTO RAILWAYS
2015 RRIF BUY AMERICA POLICY WAIVER REQUEST
ATTACHMENT 1



LEGEND

- 40' LIGHT POLE
- 90' HIGH MAST LIGHT POLE
- ELECTRIC TRANSMISSION POLE (STEEL)
- ELECTRIC TRANSMISSION POLE (TIMBER)
- SCE&G EASEMENT LINE
- DETENTION POND
- CRANE RAIL FOUNDATION

TRACKS

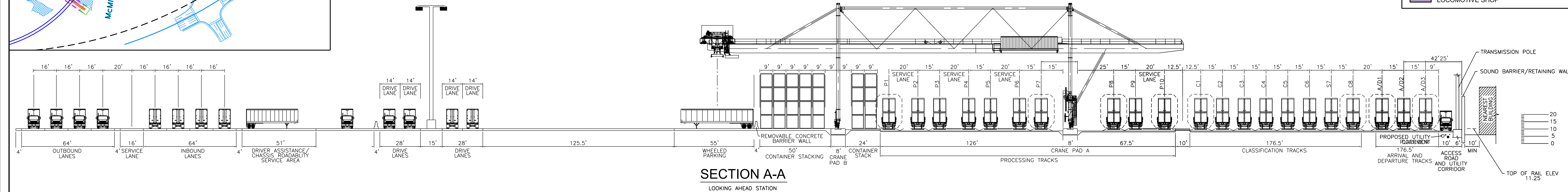
- EXISTING TRACK
- ARRIVAL/DEPARTURE TRACK
- CLASSIFICATION TRACK
- PROCESSING TRACK

PAVEMENTS

- ASPHALT
- MEDIUM DUTY RCC
- HEAVY DUTY RCC
- HEAVY DUTY PCC
- SUBBALLAST ACCESS ROAD

BUILDINGS

- MAINTENANCE AND ADMINISTRATION
- LOCOMOTIVE SHOP



CDM Smith
 421 WANDO PARK BLVD, STE 210
 FORT WORTH, TX 76104
 PHONE: 817-746-3410

TranSystems
 4900 BELLE OAKS DR., STE 120
 FORT WORTH, TX 76133
 PHONE: 817-266-9300

CONCEPT DESIGN
 NOT FOR CONSTRUCTION

Palmetto RAILWAYS
 KEEPING BUSINESS ON TRACK

NORTH CHARLESTON, SC

REVISIONS:	MARK	DATE	DESCRIPTION

PROJ NO: P307120110
 SCALE: 1"=200'
 DATE: 11/20/2007
 DESIGNED BY:
 DRAWN BY:
 CHECKED BY:
 SHEET TITLE:
EXHIBIT B1
 FACILITY OVERVIEW
 PHASE 1
 SHEET NO. 1
 SHEET 1 OF 1

PALMETTO RAILWAYS
2015 RRIF BUY AMERICA POLICY WAIVER REQUEST
ATTACHMENT 2

uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grants agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use of navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

The submitted program included eleven proposed actions for noise mitigation on and off the airport, as applicable. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied.

On September 16, 2009, the FAA approved the General Wayne A. Downing Peoria International Airport noise compatibility program. All eleven of the recommendations of the program were approved.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Chicago Airports District Office.

These determinations are set forth in detail in a Record of Approval signed by Deb Roth on September 16, 2009. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the General Wayne A. Downing Peoria International Airport.

DATES: *Effective Date:* The effective date of the FAA's approval of the General Wayne A. Downing Peoria International Airport noise compatibility program is September 16, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Hanson, Environmental Protection Specialist, CHI-603, Federal Aviation Administration, Chicago Airport District Office, 2300 East Devon Avenue, Des Plaines, IL 60018. Telephone number: 847-294-7354. Documents reflecting this FAA action may also be reviewed at this same location.

Issued in Des Plaines, IL September 17, 2009.

Jack Delaney,

Acting Manager, Chicago Airports District Office.

[FR Doc. E9-23926 Filed 10-5-09; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the purchase of foreign Mobile Harbor Cranes in the Federal-aid/American Recovery and Reinvestment Act of 2009 project for the Toledo Port Authority General Cargo Facility.

DATES: The effective date of the waiver is October 6, 2009.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at gerald.yakowenko@dot.gov. For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at michael.harkins@dot.gov. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application of such requirements would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the acquisition of Mobile Harbor Cranes at the General Cargo Facility in Ohio. While funded by funds made available to the FHWA and subject to the Buy America requirements under 23 U.S.C. 313 and 23 CFR 635.410, the project is being administered by the Maritime Administration. The FHWA has coordinated this Buy America waiver for administrative convenience.

In accordance with the Division I, section 126 of the "Omnibus Appropriations Act, 2009" (Pub. L. 111-8), the FHWA published a notice of intent to issue a waiver on the Mobile Harbor Cranes (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=38>) on August 25, 2009. The FHWA received no comments in response to this notice which suggested that the Mobile Harbor Cranes may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the Mobile Harbor Cranes. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the Mobile Harbor Cranes. Thus, the FHWA concludes that a Buy America waiver is appropriate as provided by 23 CFR 635.410(c)(1).

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Ohio waiver page noted above.

Authority: 23 U.S.C. 313; Public Law 110-161, 23 CFR 635.410.

Issued on: September 23, 2009.

King Gee,

Associate Administrator for Infrastructure.

[FR Doc. E9-23662 Filed 10-5-09; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 09-22-C-00-ORD To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Chicago O'Hare International Airport, Chicago, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC Chicago O'Hare International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before date which is 30 days after date of publication in the Federal Register.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Jack Delaney, Federal Aviation Administration, Acting Manager, Chicago Airports District Office, 2300 E. Devon, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Rosemarie Andolino, Commissioner of the City of Chicago Department of Aviation at the following address: Chicago O'Hare International Airport, 10510 West Zemke Road, P.O. Box 66142, Chicago, Illinois 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Jack Delaney, Federal Aviation Administration, Acting Manager, Chicago Airports District Office, 2300 E. Devon, Des Plaines, Illinois 60018, (847) 294-7336. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose, use the revenue from, impose and use the revenue from a PFC at Chicago

O'Hare International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On September 17, 2009, the FAA determined that the application to impose, use the revenue from, impose and use the revenue from a PFC submitted by City of Chicago Department of Aviation was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 1, 2010.

The following is a brief overview of the application.

Proposed charge effective date: May 1, 2026.

Proposed charge expiration date: April 1, 2028.

Level of the proposed PFC: \$4.50.

Total estimated PFC revenue: \$274,750,247.

Brief description of proposed project(s): Remaining O'Hare Modernization Program Residential Sound Insulation.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi.

Any person may inspect the application in person at the FAA Office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: 2300 E. Devon, Des Plaines, Illinois 60018.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois, on September 21, 2009.

Elliott Black,

Manager, Planning/Programming Branch, Airports Division Great Lakes Region.

[FR Doc. E9-23942 Filed 10-5-09; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Committee to the Internal Revenue Service; Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The Information Reporting Program Advisory Committee (IRPAC) will hold a public meeting on Wednesday, October 28, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Caryl Grant, National Public Liaison, CL:NPL:SRM, Rm. 7559, 1111

Constitution Avenue, NW., Washington, DC 20224. Telephone: 202-927-3641 (not a toll-free number). E-mail address: *public_liaison@irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a public meeting of the IRPAC will be held on Wednesday, October 28, 2009 from 9 a.m. to 12 p.m. in the Main IRS Building, 1111 Constitution Avenue, NW., Room 3313, Washington, DC. Issues that may be discussed include: reporting of customer's basis in securities transactions, supplemental W-4 instructions and simplification of tax compliance—Non-resident Aliens, proposed regulations under IRC 3402(t) Withholding on Certain Payments Made by Government Entities, TIN masking on payee 1099s, reporting of payments in settlement of payment card and third party network transactions, Form SSA-7028, notice to third party of Social Security number assignment, 5500 enhancements, use of logos on substitute information returns, Section 530 relief, Barter Exchange education, back-up withholding and B-Notice, Forms 3921 and 3922, Administration's Proposals—Tax Information Reporting and withholding, expansion of e-Services, federally declared, disaster casualty losses, proposed ETA e-Channel program, Build American Bonds, Form 1098—Mortgage Interest Statement, Form 5498—Reporting for Successor Beneficiaries, Form 945-X, IRM 4.10.21—Examinations, Form 8886—Reportable Transaction Disclosure Statement, Form 1098-T—Tuition Statement, Form 1099-MISC—missing or incorrect TIN, Notice 2009-46—personal usage of employer-provided cell phones, and WHIFTS—Widely Held Fixed Investment Trusts. Last minute agenda changes may preclude advance notice. Due to limited seating and security requirements, please call or email Caryl Grant to confirm your attendance. Ms. Grant can be reached at 202-927-3641 or *public_liaison@irs.gov. Attendees are encouraged to arrive at least 30 minutes before the meeting begins to allow sufficient time for purposes of security clearance. Should you wish the IRPAC to consider a written statement, please call 202-927-3641, or write to: Internal Revenue Service, Office of National Public Liaison, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue, NW., Washington, DC 20224 or e-mail: *public_liaison@irs.gov.

(\$ 0.0032 per share) has the most stringent criteria, and is \$0.0001 greater than the Ultra Tier rebate (\$0.0031 per share) and \$0.0002 greater than the Super Tier rebate. (\$0.0030 per share) For example, based on average TCX for September 2010 (7.2 billion), in order for a Member to qualify for the Mega Tier, the Member would have to post 54 million shares on EDGX. In order to qualify for the Ultra Tier, which has less stringent criteria than the Mega Tier, the Member would have to post 36 million shares on EDGX. Finally, the Super Tier has the least stringent criteria. In order for a Member to qualify for this rebate, the Member would have to post 10 million shares on EDGX. In addition, these rebates also result, in part, from lower administrative costs associated with higher volume.

In addition, conforming amendments have been made to place references to footnote "1" on Flags N, W, and 6 since this amendment qualifies these flags by proposing an exception to the \$0.0030 per share charge for each flag. A reference to footnote 1 has also been placed on the \$0.0030 per share default rate for removing liquidity at the table on the top of the fee schedule to signify this exception.

EDGX Exchange proposes to implement these amendments to the Exchange fee schedule on November 1, 2010.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,⁴ in general, and furthers the objectives of Section 6(b)(4),⁵ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. Finally, the Exchange believes that the proposed rates are equitable in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

⁴ 15 U.S.C. 78f.
⁵ 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Act⁶ and Rule 19b-4(f)(2)⁷ thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-EDGX-2010-16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-EDGX-2010-16. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

⁶ 15 U.S.C. 78s(b)(3)(A).
⁷ 17 CFR 19b-4(f)(2).

Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission,⁸ all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-EDGX-2010-16 and should be submitted on or before November 29, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Florence E. Harmon,
Deputy Secretary.

(FR Doc. 2010-28181 Filed 11-5-10; 8:45 am)
 BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2010 0097]

Buy America Waiver Notification

AGENCY: Maritime Administration, DOT.
ACTION: Notice and Request for Comments.

SUMMARY: This notice provides information regarding the Maritime Administration's (MarAd) finding that a Buy American waiver, stated in 23 U.S.C. 313, is appropriate for the purchase of foreign Mobile Harbor Cranes in the Federal-aid/American Recovery and Reinvestment Act of 2009 (ARRA) for the Port of Searspport, Port of Stockton, Port of West Sacramento and the Port of Davisville via the Quonset

⁸ The text of the proposed rule change is available on the Exchange's Web site at <http://www.directedge.com>, on the Commission's Web site at <http://www.sec.gov>, at EDGX, and at the Commission's Public Reference Room.

⁹ 17 CFR 200.30-3(a)(12).

Development Corporation. The waivers for each of these projects involve specific items that are not produced in the United States and deemed necessary for the construction of the project. MarAd has reached out to the steel industry and solicited public comments on the domestic availability of these items. No domestic manufacturers have been located.

DATES: The effective date of the waiver is November 9, 2010. Comments may be submitted up to 15 days after publication.

FOR FURTHER INFORMATION CONTACT:

Anthony Shuler Jr., Office of Infrastructure Development and Congestion Mitigation, Maritime Administration, MAR-510, 1200 New Jersey Ave., SE., Washington, DC 20590. Telephone: (202) 366-6639, or via e-mail at Anthony.L.Shuler@dot.gov. For legal questions, you may contact Murray Bloom, Chief, Division of Maritime Programs, Office of the Chief Counsel, Maritime Administration, MAR-222, 1200 New Jersey Ave., SE., Washington, DC 20590. Telephone: (202) 366-5320, or via e-mail at Murray.Bloom@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov/federal-register/> and at <http://www.regulations.gov>.

Background

Congress has enacted a Buy American provision which requires manufactured goods permanently incorporated into a project funded with Federal-aid funds to be produced in the United States. The application of Buy American is triggered by the obligation of Federal funds to a project. Once Federal-aid funds are obligated to a project, then all steel and iron incorporated into the project must be produced in the United States. The specific statutory requirement reads as follows:

Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) or this title and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.

23 U.S.C. 313(a)

Under 23 U.S.C. 313(b), the Secretary may waive the Buy American

requirements for specific products on a Federal-aid construction project when, Buy American is inconsistent with the public interest; such materials and products are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

The waiver process is initiated by a requesting organization when it believes that a waiver is Warranted pursuant to any of the three waiver provisions under 23 U.S.C. 313(b). Pursuant to Division A, Section 123 of the Consolidated Appropriations Act, 2010 (Pub. L. 111-117), MarAd is required to provide an informal public notice and comment opportunity for a period of 15 days for all waiver requests. MarAd complied with this informal public notice and comment requirement through the establishment of a dedicated Web site for Buy America waiver requests. The Web site MarAd established for this purpose is located at the following address: <http://www.marad.dot.gov>. The waiver notification postings solicited public comments on the intent to issue a waiver for a 15-day period, and all comments received within the 15 day comment period were evaluated and potential domestic sources were verified. During the 15-day comment period, MarAd conducted additional nationwide reviews by coordinating the waiver requests with appropriate industry associations and other potential domestic manufacturers. Following this comment period, and after MarAd's evaluation of the comments and coordination with the industry associations and potential manufacturers, MarAd developed findings and justifications for the waiver and publishes this decision in the **Federal Register**. MarAd's publication of its Buy American decision is required pursuant to the Buy American Act, 2 CFR 176.80(b)(2). The specific statutory requirement reads as follows:

The head of the Federal department or agency shall publish a notice in the **Federal Register** within two weeks after the determination is made, unless the item has already been determined to be domestically non-available. A list of items that are not domestically available is at 48 CFR 25.104(a). The **Federal Register** notice or information from the notice may be posted by OMB to Recovery.gov. The notice shall include — (i) The title "Buy American Exception under the American Recovery and Reinvestment Act of 2009"; (ii) The dollar value and brief description of the project; and (iii) A detailed written justification as to why the restriction is being waived.

2 CFR 176.80(b)(2)

Upon publication of this **Federal Register** notice, the public is afforded an opportunity to submit additional comments on this finding to MarAd's Web site for 15 days following the effective date of the finding.

Authority: 2 CFR 176.80(b)(2), 48 CFR 25.104(a).

Dated: November 2, 2010.

By Order of the Maritime Administrator
Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010-28143 Filed 11-5-10; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: St. Louis County, MO

AGENCY: Federal Highway Administration (FHWA), 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 highway project generally from the vicinity of Laclede Station Road and Hanley Road southeastward to River Des Peres Boulevard and Lansdowne Avenue in St. Louis County, Missouri.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy J. Casey, Program Development Team Leader, FHWA Division Office, 3220 West Edgewood, Suite H, Jefferson City, MO 65109, Telephone: (573) 636-7104; or Mr. Kevin Keith, Interim Director, Missouri Department of Transportation, P.O. Box 270, Jefferson City, MO 65102, Telephone: (573) 751-2803. Questions may also be directed to the Local Public Agency sponsor by contacting: Mr. John Hicks, Transportation Development Analyst, St. Louis County Department of Highways and Traffic, 121 S. Meramec Avenue, Clayton, Missouri 63105, Telephone: (314) 615-8532.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT) and St. Louis County Department of Highways and Traffic (County), will prepare an EIS for a proposed roadway project in St. Louis County, Missouri. The project corridor begins in the vicinity of Laclede Station Road and Hanley Road, extending from the vicinity of Laclede Station Road and Hanley Road, extending southeastward to River Des Peres Boulevard and Lansdowne Avenue near the

as prescribed by the Director of OMB. OMB may issue additional guidance on the preparation and submission of Jobs Accountability Reports. The grant recipient must also register with the CCR database or complete other registration requirements as determined by the Director of OMB.

Section 1609: Environmental Reporting—Section 1609(c) of ARRA requires that Federal agencies report via the President (specifically, to the White House Council on Environmental Quality) every 90 days following enactment of ARRA on the status of projects funded under ARRA with respect to compliance with NEPA. Grant recipients may be requested to submit information to assist FRA in completing this report.

Additional Information—To satisfy the purposes of ARRA, grant recipients may be required to provide additional information in response to requests from OMB, the Congressional Budget Office, the Government Accountability Office, or the Department's Inspector General. FRA will inform grant recipients if and when such additional reports or information are required.

Section 7: Agency Contact

For further information regarding this notice and the HSIPR program, please contact the FRA HSIPR Program Manager via e-mail at HSIPR@dot.gov, or by mail: U.S. Department of Transportation, Federal Railroad Administration, MS-20, 1200 New Jersey Avenue, SE., Washington, DC 20590 Attn: HSIPR Program.

Issued in Washington, DC, on March 11, 2011.

Joseph C. Szabo,
Administrator.

(FR Doc. 2011-6178 Filed 3-14-11; 11:15 am)
BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Buy America Waiver Notification

AGENCY: Maritime Administration, U.S. Department of Transportation.
ACTION: Notice.

SUMMARY: This notice provides information regarding MARAD's finding that a Buy America waiver, stated in 41 U.S.C. 10b, is appropriate for the purchase of foreign Mobile Harbor Cranes in the Federal-aid/TIGER II grant for the Port of Providence. The waiver for this project involves the purchase and use of specific items that are not produced in the United States and

deemed necessary for the construction of the project. MARAD has reached out to industry on the domestic availability of these items. No domestic manufacturers have been located.

The Port of Providence's TIGER II project is to expand and upgrade the Port of Providence in Rhode Island. TIGER II dollars in the amount of \$10.5 million will help replace two aged diesel cranes, one of which is currently non-functional, with new electric, barge-based cranes that will enable the Port to handle container traffic. Replacing these cranes will allow the port to expand its container short sea shipping operation, help relieve bottlenecks along the I-95 corridor, and support jobs in and around the economically distressed area of Providence.

This waiver is being requested because mobile harbor cranes are not produced in the United States. These cranes are considered to be specialized equipment and other types of cranes cannot be adapted to meet the mobility, lift, precision, and efficiency requirements necessary for marine cargo operations at the Port of Providence. MARAD has consulted and coordinated directly with appropriate industry associations and has determined that it has been more than 15 years since cranes of this type were manufactured in the United States. It should also be noted, the purchase of foreign built cranes to complete this, and other port development projects, is only one part of the overall port modernization and expansion effort. All other materials used in the construction of all port construction projects will be produced in the United States, and MARAD has been working with the Manufacturing Extension Partnership, under the National Institute of Standards and Technology, to identify manufacturing opportunities for domestic harbor crane construction and repair.

DATES: The effective date of the waiver is March 17, 2011.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Anthony Shuler Jr., MARAD Office of Infrastructure Development and Congestion Mitigation, (202) 366-8639, or via e-mail at Anthony.L.Shuler@dot.gov. For legal questions, please contact Jeff Vogel, MARAD, Office of the Chief Counsel, (202) 493-0307 or via e-mail at Jeff.Vogel@dot.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the Federal

Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

Background

Congress has enacted a Buy American provision which requires manufactured goods that are permanently incorporated into a project that is funded with Federal-aid funds to be produced in the United States. The application of Buy American is triggered by the obligation of Federal funds to a project. Once Federal-aid funds are obligated to a project, then all steel or manufactured goods incorporated into the project must be produced in the United States. The specific statutory requirement reads as follows:

Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be in the United States, shall be acquired for public use. 41 U.S.C. 10a.

Under 41 U.S.C. 10b, the Secretary may waive the Buy American requirements for specific articles, materials, or supplies on a Federal-aid construction project when with respect to those articles, materials, or supplies it is impracticable to require adherence with the Buy American Act or such a requirement would unreasonably increase the project cost.

The waiver process is initiated by the requesting organization when it believes that a waiver is warranted pursuant to any of the waiver provisions under 41 U.S.C. 10b. MARAD develops findings and justifications for the waiver and publishes the decision in the *Federal Register*. MARAD's publication of its Buy American decision is required pursuant to the Buy American Act, 41 U.S.C. 10b. The effective date of the waiver is the date following publication of the *Federal Register*.

Authority: 41 U.S.C. 10a.

By Order of the Maritime Administrator.

Dated: March 10, 2011.

Christine Gurland,

Secretary, Maritime Administration.

(FR Doc. 2011-6103 Filed 3-15-11; 8:45 am)

BILLING CODE 4910-01-P

PALMETTO RAILWAYS
2015 RRIF BUY AMERICA POLICY WAIVER REQUEST
ATTACHMENT 3



SOURCES SOUGHT NOTICE

**Electric-Powered, Dual Cantilever, Wide-Span, Rail-Mounted Gantry
Cranes (WSCs) for Intermodal Container Handling**

**NORTH CHARLESTON, SOUTH CAROLINA
UNITED STATES OF AMERICA**

Issued on Wednesday December 10, 2014

*Amended on December 19, 2014 to correct the response date to
January 9, 2015.*

SOURCES SOUGHT NOTICE

ELECTRIC-POWERED, DUAL CANTILEVER, WIDE-SPAN, RAIL-MOUNTED GANTRY CRANES (WSCs) FOR INTERMODAL CONTAINER HANDLING

1. INTRODUCTION

Palmetto Railways is performing market research in anticipation of a future procurement of electric-powered, dual cantilever wide-span, rail mounted gantry cranes (WSCs). These cranes will be used to transfer intermodal containers between trucks, container stacks, and trains in a new near-dock rail intermodal container transfer facility to be constructed in North Charleston, South Carolina. Cranes sought will be capable of twin-lifts and handling of 20/40/45/53-foot ISO/domestic containers with wide top-pick features on the spreader. The cranes shall have regenerative capability and be able to operate reliably under CMAA Class F continuous severe service conditions.

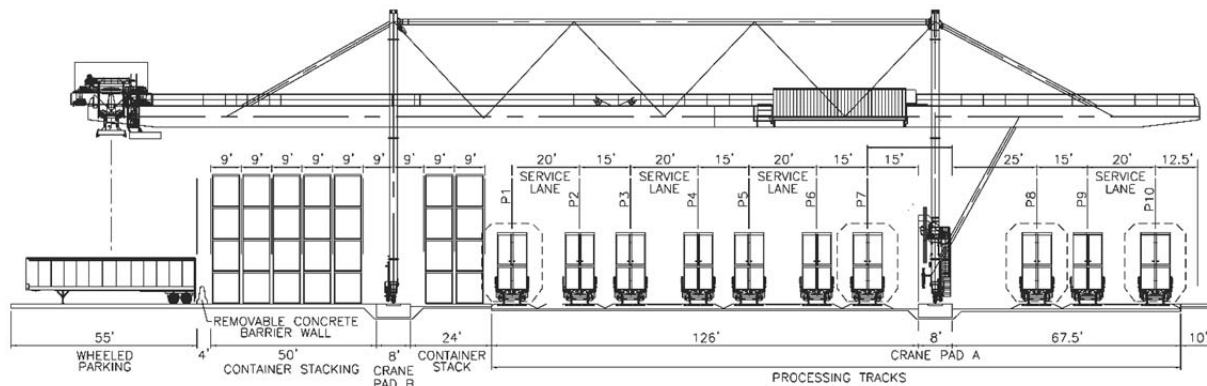


Figure 1: Detail Selection from Facility Overview Phase I Concept Design Drawing – WSC in Place

Palmetto Railways seeks to identify qualified providers of this equipment and to gather information about their experience, capabilities, and their ability to maximize United States-origin content in provision of this equipment.

2. SUBMISSION OF RESPONSES AND MATERIALS

Respondents must answer each of the specific questions posed in the following section 4. Respondents may submit marketing materials, catalogs, and equipment specifications as they see fit towards documenting their experience and capability to provide the type of equipment indicated. Responses must be received by **Friday, January 9, 2015** in electronic format sent to the attention of:

Mr. Patrick McCrory, Vice President and Chief Operating Officer
South Carolina Department of Commerce
Division of Public Railways d/b/a Palmetto Railways
540 East Bay Street, Charleston, South Carolina 29403
Email: PMcCrory@palmettorail.com

Any questions regarding this notice shall be submitted in electronic format only.

THIS NOTICE IS NOT A REQUEST FOR PROPOSAL. This notice is for information and planning purposes only. It is a market research tool to determine the availability and adequacy of potential business sources prior to determining the method of acquisition and possible issuance of a Request for Proposal. The notice does not constitute a solicitation for bids, quotations, and proposals, and is not to be construed as a commitment by Palmetto Railways. Responses to this notice will not disqualify any entity from potential participation in future procurements. The information provided herein is subject to change and in no way binds Palmetto Railways to solicit for or award a competitive contract. Palmetto Railways is not obligated to, and will not pay for, any information received from potential sources as a result of response to this Sources Sought Notice. Palmetto Railways will not pay for any materials provided in response to this synopsis and submittals will not be returned to the sender.

3. MARKINGS

Materials provided by respondents to this Notice shall be marked appropriately where they contain proprietary or commercially sensitive information, using the following citation on each page:

Confidential: *This document contains trade secrets or commercial or financial information covered under 49 C.F.R. Sec. 7.13(c)(4) and matter exempt from disclosure under S.C. Code Ann. § 30-4-40.*

4. QUESTIONS

Respondents to this Notice should answer all the following questions. The questions should be answered in the order given below, numbered as below, and the exact text of each question shall be provided as preamble to each response. Responses to these questions shall be provided within a discrete document, paginated and formally identifying the respondent on each page, not simply as text within the body of an email. All questions refer to the equipment as specified in section 1.

1. Have you provided equipment of this type (WSCs) to customers in the United States within the past 10 years? Identify the equipment provided, customer, facility and year of installation.
2. Of the equipment of this type (WSCs) that you have provided, was any of it able to meet the U.S. origin requirements for iron, steel, and manufactured goods as specified in 49 United States Code § 24405(a) et seq.? (“Buy America”)?
3. Do you anticipate being able to offer this equipment (WSCs) within the next two years such that it would be fully compliant with the identified Buy America requirements?
4. Please identify any significant components or assemblies of WSCs that you have supplied that were of U.S. origin in past installations, and from what company those items were procured. (This could include, for example, items such as wheels, spreaders, or crane rail; or information, drive or power systems).
5. Briefly explain any steps or strategy you could take, or established partners you could work with, to maximize U.S. origin content (iron, steel, or manufactured goods) of a WSC purchased within the next two years.
6. Provide complete contact information for the appropriate representative(s) from your firm for this type of equipment (WSCs).

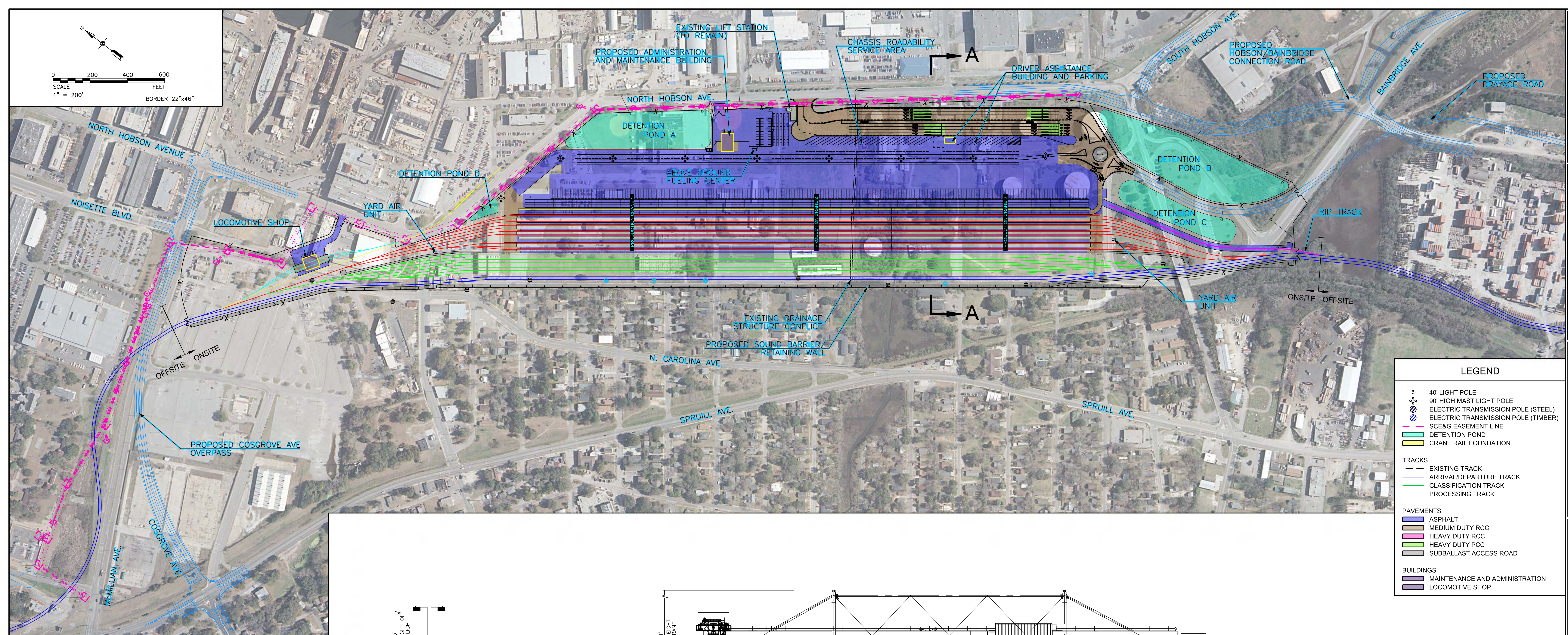
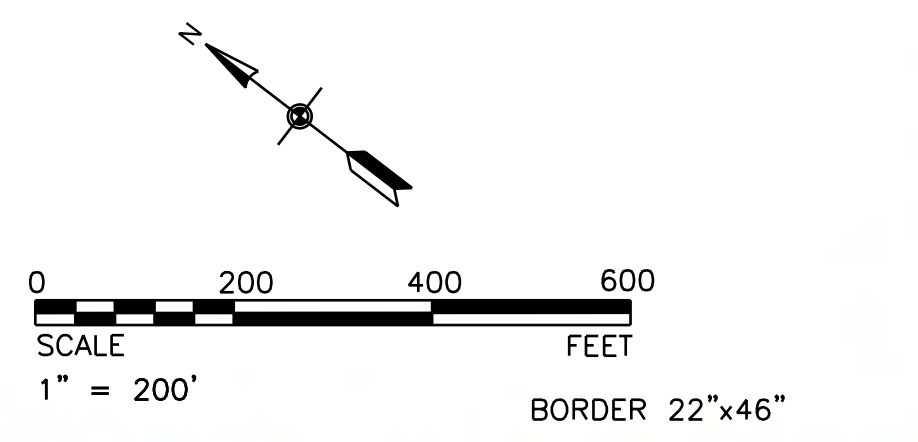
5. ATTACHMENTS AND REFERENCES

The following informational attachments are part of this Notice.

1. Concept design drawing Exhibit B1 Facility Overview Phase 1

Information on Buy America requirements under 49 United States Code § 24405 as applied by the United States Department of Transportation, Federal Railroad Administration may be accessed at: <http://www.fra.dot.gov/page/P0185>

Answers to frequently asked questions about Buy America are accessible at: <http://www.fra.dot.gov/eLib/Details/L02740>



LEGEND

- 40' LIGHT POLE
- 90' HIGH MAST LIGHT POLE
- ELECTRIC TRANSMISSION POLE (STEEL)
- ELECTRIC TRANSMISSION POLE (TIMBER)
- SCE&G EASEMENT LINE
- DETENTION POND
- CRANE RAIL FOUNDATION

TRACKS

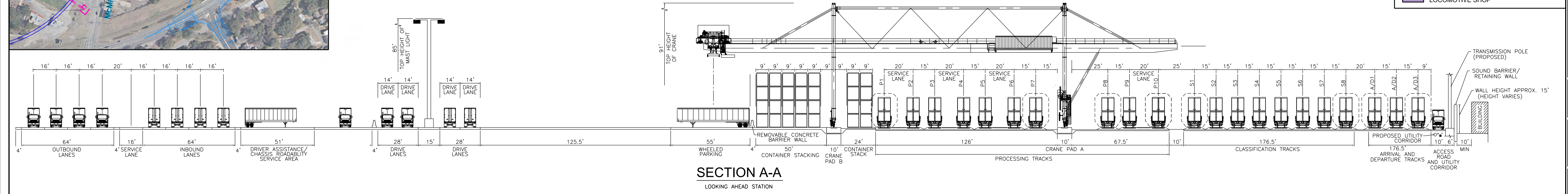
- EXISTING TRACK
- ARRIVAL/DEPARTURE TRACK
- CLASSIFICATION TRACK
- PROCESSING TRACK

PAVEMENTS

- ASPHALT
- MEDIUM DUTY RCC
- HEAVY DUTY RCC
- HEAVY DUTY PCC
- SUBBALLAST ACCESS ROAD

BUILDINGS

- MAINTENANCE AND ADMINISTRATION
- LOCOMOTIVE SHOP



TransSystems
4900 BELLE OAKS DR., STE 220
NORTH CHARLESTON, SC 29405
PHONE: 803-266-9300

CDM Smith
421 WANDS PARK BLVD., STE 210
NORTH CHARLESTON, SC 29405
PHONE: 803-746-2410

CONCEPT DESIGN
NOT FOR CONSTRUCTION

NAVY BASE INTERMODAL FACILITY
NORTH CHARLESTON, SC

Palmetto RAILWAYS
KEEPING BUSINESS ON TRACK

REVISIONS:	MARK	DATE	DESCRIPTION

PROJ NO: P307120110
SCALE: 1"=200'
DATE:
DESIGNED BY:
DRAWN BY:
CHECKED BY:

SHEET TITLE:
EXHIBIT B1
FACILITY OVERVIEW
PHASE 1

SHEET NO. 1
SHEET 1 OF 1

PALMETTO RAILWAYS
2015 RRIF BUY AMERICA POLICY WAIVER REQUEST
ATTACHMENT 4

ATTACHMENT 4: EXCERPT FROM MARAD/NIST 2014 SUPPLIER SCOUTING REPORT

The text below was provided to Palmetto Railways on October 22, 2014, by the U.S. Department of Transportation, Maritime Administration (MARAD), extracted from an internal report they received from the Manufacturing Extension Partnership of the U.S. Department of Commerce National Institute of Standards and Technology. It is provided as background and in the context that this product was prepared by NIST in response to MARAD requirements which may differ in some respects from Federal Railroad Administration requirements.

“During May 2013, the Manufacturing Extension Partnership (MEP) – a program of the U.S. Department of Commerce (DOC) National Institute of Standards and Technology (NIST) – conducted a Supplier Scouting analysis of domestic manufacturing capabilities and capacity for the production of overhead rail-mounted cranes and rubber tire cranes needed for operations within intermodal rail yards for lifting and transporting ISO freight containers of 20, 40 and 45 foot lengths, in single and Twin-20 configurations, with a typical load rating of 60 tons. MEP Supplier Scouting was performed at the request of the U.S. Department of Transportation (DOT) Maritime Administration (MarAd). Supplier Scouting was conducted by the nationwide network of MEP Centers with coordination and guidance from NIST MEP. The results of this Supplier Scouting analysis are presented herein, along with NIST MEP recommendations and next step suggestions.

The MEP Supplier Scouting processes conducted and reported in this report represent a preliminary analysis. While this analysis was facilitated by NIST MEP and communicated to the nationwide network of MEP Centers operating in all 50 U.S. states and Puerto Rico, NIST MEP makes no claims that the information presented herein is comprehensively representative of all capabilities operating in the U.S. Additional details about the processes followed and data collected by MEP to conduct the Supplier Scouting reported herein are available from NIST MEP.

13 scouting results were reported to NIST MEP for this opportunity by MEP Supplier Scouts operating across the nationwide network of MEP Centers. Results were reported from MEP Centers operating in the states of AR, CO, CT, IL, KY, MO, MS, NC, and PA.

A summary of the results follows:

- *None of the results was reported as an exact match indicating the identification of U.S. manufacturers that currently make the exact overhead rail-mounted and rubber tire cranes being sought.*
- *8 of the results were reported as partial matches indicating the identification of U.S. manufacturers that currently possess the capabilities to produce the crane items being sought – and 7 of these 8 partial match manufacturers are interested in pursuing the opportunity to produce the needed cranes.*
- *Of the 7 partial match U.S. manufacturers identified as currently possessing capabilities to produce the crane items being sought and interested in the opportunity to produce the needed cranes, 4 of the manufacturers were reported as currently making a similar product.*
- *Of the remaining 3 partial match U.S. manufacturers identified as currently possessing capabilities to produce the crane items being sought, 1 is a manufacturer of overhead bridge cranes, 1 is a precision fabrication company, and 1 is a fabricator and welder of large assemblies.”*

The point of contact at MARAD for this communication is:

Mr. Robert Bouchard
Director, Office of Infrastructure Development and Congestion Mitigation
U.S. Department of Transportation
Maritime Administration
Washington, DC 20590
Telephone: 202-366-5076
Robert.Bouchard@dot.gov

PALMETTO RAILWAYS
2015 RRIF BUY AMERICA POLICY WAIVER REQUEST
ATTACHMENT 5

*Attachment 5 contains commercially sensitive information and has been provided to FRA
under separate cover that is not for public release.*