

150 Study conducted between March 1, 2013 and September 9, 2016. It was requested that the FAA review this material as the Noise Exposure Maps, as described in Section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under Section 47504 of the Act.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by the Melbourne Airport Authority. The documentation that constitutes the "Noise Exposure Maps" as defined in CFR Part 150 Section 150.7 includes: Chapter 2.0 Airport Facilities and Local Airspace, Chapter 5.0 Noise Modeling, Chapter 6.0 Airport Operational Data, Chapter 7.0 Noise Exposure, Chapter 8.0 Noise Exposure Maps Certification, Figure 6-1 Modeled Flight Tracks—East Flow, Figure 6-2 Modeled Flight Tracks—West Flow, Figure 6-3 Modeled Flight Tracks—Touch and Go and Helicopter, Figure 7-1 2016 Noise Exposure Map, Figure 7-2 Future Land Use, Figure 7-3 2021 Noise Exposure Map, Table 6-1 2016 Annual Operations, Table 6-2 2016 Annual-Average Day Fleet Mix (Itinerant Operations), Table 6-3 2016 Annual-Average Day Fleet Mix (Local Operations), Table 6-4 2021 Annual Operations, Table 6-5 2021 Annual-Average Day Fleet Mix (Itinerant Operations), Table 6-6 2021 Annual-Average Day Fleet Mix (Local Operations), Table 6-7 2016 and 2021 Stage Length Percentages, Table 6-8 2016 and 2021 Runway Use Percentages, Table 6-9 2016 and 2021 Departure Flight Track Use Percentages, Table 6-10 2016 and 2021 Arrival Flight Track Use Percentages, Table 6-11 2016 and 2021 Local and Helicopter Flight Track Use Percentages, Table 7-1 Land Use Acreage within Existing (2016) DNL Contours, Table 7-3 2021 DNL Contour Land Use Impacts. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on December 1, 2016.

The FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of CFR Part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund implementation of that Program. If questions arise concerning the precise relationship of specific properties to

noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the Noise Compatibility Program for Orlando Melbourne International Airport, also effective on December 1, 2016. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before May 30, 2017.

The FAA's detailed evaluation will be conducted under the provisions of Part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses. Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable.

Copies of the full Noise Exposure Map documentation and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, 5950
Hazelton National Drive, Suite 400,
Orlando, FL 32882

Orlando Melbourne International
Airport, One Air Terminal Parkway,
Suite 220, Melbourne, FL 32901

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Orlando, Florida, on December 1, 2016.

Bart Vernace,

Manager, Orlando Airports District Office,
Orlando, FL.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Transportation Project in Washington State

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of Section 1308 of the Moving Ahead for Progress in the 21st Century Act. The action relates to design refinements to West Approach Bridge South, the Montlake Lid, and other elements of the Montlake Interchange on State Route (SR) 520 in the City of Seattle, King County, State of Washington.

DATES: A claim seeking judicial review of the Federal agency actions on the listed highway project will be barred unless the claim is filed on or before May 11, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Anthony Sarhan, Major Project Oversight Manager, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, WA 98501-1284, 360-753-9487, or anthony.sarhan@dot.gov; or Margaret Kucharski, Mega Projects Compliance and Documentation Manager, Washington State Department of Transportation, 999 3rd Ave. Suite 2200, Seattle, WA 98104, 206-770-3500, or Margaret.Kucharski@wsdot.wa.gov.

SUPPLEMENTARY INFORMATION: On September 7, 2011, FHWA published a

“Notice of Final Federal Agency Actions on Proposed Highway in Washington” in the **Federal Register** at 76 FR 55459 for the SR 520, I–5 to Medina: Bridge Replacement and HOV Project. Notice is hereby given that, subsequent to the earlier FHWA notice, FHWA has taken final agency actions within the meaning of 23 U.S.C. 139(l)(1) by issuing a NEPA re-evaluation for the SR 520 SR 520, I–5 to Medina: Bridge Replacement and HOV Project: West Approach Bridge South and Montlake Lid Design (hereafter “re-evaluation”). The action(s) by FHWA and the laws under which such actions were taken, are described in the re-evaluation and the associated agency records. That information is available by contacting FHWA at the addresses provided above.

The project proposed to improve safety and mobility for people and goods across Lake Washington by replacing the SR 520 Portage Bay and Evergreen Point bridges and improve existing roadway between Interstate 5 (I–5) in Seattle and Evergreen Point Road in Medina spanning 5.2 miles. The Final Environmental Impact Statement (EIS) for the project was published in January 2011 and the Record of Decision (ROD) was issued in August 2011.

Since issuance of the FHWA ROD, the design has been refined for the West Approach Bridge South, Montlake Lid, and other project elements in the Montlake Interchange Area including changes to the path connections, changes to stormwater facilities, and changes to the design of the intersection at 24th Avenue East and East Lake Washington Boulevard. The re-evaluation considering these refinements was prepared in October 2016. It identifies and documents potential effects associated with these refinements. This notice only applies to the re-evaluation.

Information about the re-evaluation and associated records are available from FHWA and WSDOT at the addresses provided above and can be found at: <https://www.wsdot.wa.gov/Projects/SR520Bridge/Library/I5Medina.htm>. This notice applies to all Federal agency decisions related to the re-evaluation as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4347]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air*: Clean Air Act, as amended [42 U.S.C. 7401–7671(q)].
3. *Land*: Section 6(f) of the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 4601]; Section 4(f) of the

Department of Transportation Act of 1966 [49 U.S.C. 303].

4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544]; Section 7 of the Endangered Species Act [16 U.S.C. 1536]; Anadromous Fish Conservation Act [16 U.S.C. 757(a-757(g))]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (25 U.S.C. 3001–3013).

6. *Wetlands and Water Resources*: Section 7 of the Endangered Species Act [16 U.S.C. 1536]; Clean Water Act, (Section 319 [33 U.S.C. 329]); Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)].

7. *Navigation*: Rivers and Harbors Act of 1899 [33 U.S.C. 403]; General Bridge Act of 1946 [33 U.S.C. 9 and 11].

8. *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. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

Authority: 23 U.S.C. 139(l)(1), as amended by Moving Ahead for Progress in the 21st Century Act, (Pub. L. 112–141, 126 Stat. 405).

Frederick A. Judd IV,

FHWA Acting Assistant Division Administrator, Olympia, WA.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2016–0036]

Notice of Buy America Waiver for Replacement Parts on Diesel Multiple Unit Rail Vehicles

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Buy America waiver.

SUMMARY: The Federal Transit Administration (FTA) received a request

from the North County Transit District (NCTD) in California for a Buy America non-availability waiver for the procurement of replacement parts for Diesel Multiple Unit (DMU) rail vehicles. The 12 DMU rail vehicles were manufactured by Siemens as a part of their Desiro series and were placed in revenue service in 2008. Mid-life maintenance and replacement overhauls of vehicle parts are now required in order to ensure safe and continuous transit service. The FTA hereby waives its Buy America requirements, finding that the materials for which the waiver is requested are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality. This waiver is limited to the purchase of the replacement parts by NCTD over several phases from 2018 through 2026.

DATES: The waiver is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Cecelia Comito, Assistant Chief Counsel, at (202) 366–2217 or cecelia.comito@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce that FTA has granted a Buy America non-availability waiver for the NCTD’s purchase of replacement parts on their Siemens-manufactured Desiro series DMU rail vehicles, including, but not limited to, Power Pack Assembly, Power Truck Assembly, Jakobs Truck Assembly, Transmission, Primary Suspension, Secondary Suspension, Power Wheelset Assembly, Power Truck Brake Rotors, Jakobs Truck Brake Rotors, Power Truck Wheels, Jakobs Truck Wheels, A/C Compressors, Carbody Brake Components, Automatic Train Couplers, and HVAC Roof Mounted Units (the “Replacement Parts”) pursuant to 49 U.S.C. 5323(j)(2)(B) and 49 CFR 661.7(c).

With certain exceptions, FTA’s Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless “the steel, iron, and manufactured goods used in the project are produced in the United States.” 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that “the steel, iron, and goods produced in the