

standards applicable to the various components comprising the products. Although FHWA received some promising responses to its RFI on both DCFC and ACL2 chargers, for the reasons discussed above in the section summarizing those comments, it remains uncertain whether these manufacturers are able to meet the unprecedented and immediate demand for Buy America-compliant EV chargers on FHWA-funded projects throughout the U.S.

In ensuring strong and effective Buy America implementation consistent with E.O. 14005, FHWA must also ensure that important Federal programs for transportation infrastructure investment, including EV charger programs specifically, are able to complete infrastructure projects in a timely manner. In response to the RFI, stakeholders have voiced concerns regarding the implementation of Buy America requirements for EV chargers, such as comments indicating that certain components for EV chargers meeting FHWA's Buy America requirement are not currently available to meet anticipated demand. FHWA also received comments indicating that States and industry need additional time to develop processes to certify and demonstrate compliance for EV chargers. FHWA recognizes both the importance of ensuring Buy America compliant EV chargers and the need to implement the requirement in a way that is not overly burdensome to producers and funding recipients or prevents timely and effective delivery of EV charger projects. At present, based in part on information from the RFI, FHWA is proposing to issue the waiver discussed in this notice.

Based on the responses from the RFI, FHWA is proposing to issue a waiver that would step down in incremental stages. The proposed waiver will, if issued, provide an initial interim period during which FHWA's Buy America requirement is completely waived while industry ramps up domestic production of EV chargers. Following this initial period in calendar year 2022, FHWA proposes to partially phase-out the waiver with two changes occurring during calendar year 2023 and one additional change on January 1, 2024. Following that transition period, FHWA proposes to leave the waiver in place as a general applicability standing waiver for EV chargers, subject to the mandatory periodic review requirement in the BIL. This approach will provide recipients of FHWA financial assistance and their industrial vendors a reasonable transition period to increase

the domestic content of their EV chargers.

This proposal is designed to ensure wide availability of EV chargers in the immediate future on FHWA-funded projects but also provide a strong incentive for manufacturers to rapidly shift toward domestic manufacturing processes to comply with the narrowing scope of the waiver for EV chargers during calendar year 2023 and arriving at the final proposed phase on January 1, 2024. FHWA believes this approach will be effective in fulfilling the purpose of E.O. 14005 to help American businesses and workers compete and thrive in the global marketplace.

Should the proposed waiver become effective, FHWA will publish its decision in the **Federal Register**. The proposed FHWA dates are subject to shortening, extension, or other modification—either prior to issuance of a final waiver or following the effective date of the final waiver and the applicable notice and comment period for modifying the waiver—based on relevant considerations including, but not limited to: (i) the ability of the domestic industry to supply EV chargers that comply with the proposed waiver phases, including producing sufficient volume to meet demand needed for NEVI program goals discussed above; (ii) the ability of States and industry to effectively certify such compliance with the proposed waiver phases. FHWA requests comment on other factors that would be relevant to considering such an adjustment. We also note that phases of this waiver are proposed for efficiency. Should a recipient be unable to meet the general phases of this waiver, a recipient still has the option to request that FHWA grant a project-specific waiver under 23 U.S.C. 313, for iron, steel, and manufactured products, and Section 70194(b) of the BIL, for construction materials.

The OMB Implementation Guidance also provides that, before granting a waiver in the public interest, to the extent permitted by law, agencies shall assess whether a significant portion of any cost advantage of a foreign-sourced product is “the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products.” OMB Implementation Guidance at p. 12. E.O. 14005 at Section 5 includes a similar requirement for “steel, iron, or manufactured goods.” However, because the public interest waiver that FHWA is proposing in this notice is not based on consideration of the cost advantage of any foreign-sourced steel, iron, or manufactured product content in EV chargers, there is

not a specific cost advantage for FHWA to now consider.

#### Comment Period for Proposed Waiver

FHWA will consider comments received in the 30-day comment period during our evaluation of the waiver request. This comment period length exceeds the minimum comment period requirement in 23 U.S.C. 313(g), and is consistent with the minimum comment period for reviewing general applicability waivers specified in Section 70914(d) of the Act. Comments received after this period, but before notice of our finding is published in the **Federal Register**, may be considered to the extent practicable. Section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572) requires an additional 5-day, comment period after FHWA publishes a waiver finding notice. Comments received during that period will be reviewed, but the finding will continue to remain valid. Those comments may influence FHWA's decision to terminate or modify a finding.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85 on August 26, 2022.

**Stephanie Pollack,**

*Acting Administrator, Federal Highway Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Limitation on Claims Against a Proposed Public Transportation Project—Chicago Red Line Extension (RLE) Project

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

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) regarding the Chicago Red Line Extension (RLE) Project in Cook County, Chicago, Illinois. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject project and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** A claim seeking judicial review of FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before January 30, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (312) 705-1269, or Saadat Khan, Environmental Protection Specialist, Office of Environmental Programs, (202) 366-9647. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project files for the project. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at <https://www.transit.dot.gov>.

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA (42 U.S.C. 4321-4375), section 4(f) requirements (23 U.S.C. 138, 49 U.S.C. 303), section 106 of the National Historic Preservation Act (54 U.S.C. 306108), Endangered Species Act (16 U.S.C. 1531), Clean Water Act (33 U.S.C. 1251), and the Clean Air Act (42 U.S.C. 7401-7671q). This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and actions that are the subject of this notice follow:

*Project name and location:* Chicago Red Line Extension (RLE) Project, Chicago, Illinois.

*Project sponsor:* The Chicago Transit Authority (CTA), Chicago, Illinois.

*Project description:* The Chicago RLE Project is a 5.6-mile heavy rail transit line extension from the existing 95th/Dan Ryan terminal to 130th Street. The RLE Project involves construction of four (4) new stations near 103rd Street, 111th Street, Michigan Avenue, and 130th Street consisting of multimodal connections at each station including bus, bicycle, pedestrian, and park-and-ride facilities with approximately 1,340 parking spaces along the corridor. The project also includes construction of a modern, efficient railcar storage yard and shop facility at 120th Street.

*Final agency actions:* Section 4(f) *de minimis* impact determination, dated July 28, 2022; Section 106 No Adverse Effect determination, dated August 10, 2021; and Chicago Red Line Extension (RLE) Project Final Environmental Impact Statement (FEIS)/Record of Decision (ROD), dated July 28, 2022. Supporting documentation: Chicago Red Line Extension (RLE) Project Draft Environmental Impact Statement (DEIS), dated October 6, 2016, and Chicago Red Line Extension (RLE) Project Supplemental Environmental Assessment (SEA), dated January 4, 2022. The ROD/FEIS, DEIS, SEA and associated documents can be viewed and downloaded from: <https://www.transitchicago.com/rle/>.

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

**Mark A. Ferroni,**

*Deputy Associate Administrator for Planning and Environment.*

[FR Doc. 2022-18816 Filed 8-30-22; 8:45 am]

**BILLING CODE 4910-57-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-2022-0032]

**Agency Information Collection Activities; Notice and Request for Comment; Strategies To Improve DRE Officers' Performance and Law Enforcement Agencies' DRE Programs**

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

**ACTION:** Notice and request for comments on a new information collection.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection to study ways to help improve Officers' performance and Law Enforcement programs for Drug Recognition Experts (DRE). Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on Strategies to

Improve DRE Officers' Performance and Law Enforcement Agencies' DRE Programs.

**DATES:** Comments must be submitted on or before October 31, 2022.

**ADDRESSES:** You may submit comments identified by the Docket No. NHTSA-2022-0032 through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366-9322 before coming.

*Instructions:* All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <https://www.transportation.gov/privacy>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

**FOR FURTHER INFORMATION CONTACT:** For additional information or access to background documents, contact: Jacqueline Milani, NPD220 (routing symbol), (202) 913-3925, National Highway Traffic Safety Administration, Enforcement and Justice Services Division, Room number: W44-206, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the