

The FHWA received no comments in response to the Steel API 5L, Grade X52 PSL2 wall tubing in New Jersey and the drive machinery brakes in New York, which suggested that the Steel API 5L Grade X52 PSL2 wall tubing and machinery brakes may not be available domestically. The FHWA received one comment in response to four forged steel sheave hubs in Massachusetts, and machinery and motor brakes in Florida, respectively. The comment for the four forged steel sheave hubs in Massachusetts recommends that the certification should be reviewed prior to material purchase. Massachusetts Highway Department indicated that it has a material certification procedure for their highway construction program. The comment for the machinery and motor brakes in Florida suggested that the design needs be reconsidered to make it more attractive to domestic sources. The Florida DOT stated that alteration in the design of the motor brakes is not feasible and that the current design is in compliance with the capacity of the bridge. Further investigation and inquiry revealed that the products are not available domestically.

During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the products. Based on all the information available to the Agency, including the responses received to the notices as well as the Agency's nationwide review, the FHWA concludes that there are no domestic manufacturers for the Steel API 5L, Grade X52 PSL2 wall tubing, drive machinery and brakes, machinery and motor brakes, and four forged steel sheave hubs.

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 pursuant to 23 CFR 635.410(c)(1). 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 links above to the New Jersey, New York, Massachusetts and Florida waiver pages noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.)

Issued on: January 15, 2009.

**Thomas J. Madison, Jr.,**  
Federal Highway Administrator.

[FR Doc. E9–1516 Filed 1–23–09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Essex and Middlesex Counties, MA

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice, in accordance to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations contained in 23 CFR part 771, to advise the public that an Environmental Impact Statement (EIS) will be prepared for proposed highway improvements and an interchange project on Interstate 93 (I–93) in Essex and Middlesex Counties, Massachusetts. **FOR FURTHER INFORMATION CONTACT:** John McVann, Director of Project Delivery, Federal Highway Administration, 55 Broadway Floor, Cambridge, Massachusetts 02142, Telephone: (617) 494–2416.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Massachusetts Highway Department (MassHighway), will prepare an Environmental Impact Statement (EIS) on a proposal to improve I–93 in Essex and Middlesex Counties, Massachusetts. The proposed project would involve highway improvements to I–93 and the construction of a new break-in-access interchange near the Andover/Tewksbury/Wilmington town borders. Improvements to the I–93 corridor were examined in the Route I–93 Corridor Traffic Study finalized in 2004 and endorsed by the Merrimack Valley Metropolitan Planning Organization (MPO). The proposed break-in-access was the subject of an Interchange Justification Report dated July 2006, and conditionally approved by FHWA pending the completion of the NEPA process. Because it is anticipated that the resulting project may allow for general economic development opportunities, the Commonwealth of Massachusetts Executive Office of Housing and Economic Development (EOHED) is a partnering agency with MassHighway in this project.

The proposed project is to provide improvements for the existing and projected traffic demand, as well as to improve safety in the area where the use of the breakdown lane is allowed for regular vehicle travel during morning and evening peak periods. The proposed interchange will provide access to all three towns including potential new development sites. Alternatives under consideration include: (1) Taking no

action; (2) Transportation Demand Management (TDM); (3) using alternate travel modes; (4) providing improvements at other local and interstate roadway network locations; and (5) constructing a new interchange. Design variations of grade, alignment, and access will be incorporated into and studied with the various build alternatives.

A formal scoping meeting will be held at the Tewksbury Town Hall Auditorium on March 19, 2009, from 2 p.m. to 4 p.m. (EST) for the participating agencies, and from 4 p.m. to 8 p.m. (EST) for the general public. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in Andover, Tewksbury and Wilmington, Massachusetts throughout 2009. In addition, a public hearing will be held within 60 days of the availability of the draft EIS. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

Comments and suggestions are invited from all interested parties during the appropriate step in the NEPA process to ensure that the full range of issues related to this proposed action are addressed and all significant issues identified. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on: January 15, 2009.

**Lucy Garliauskas,**  
Division Administrator.

[FR Doc. E9–1422 Filed 1–23–09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Action on PIN 8006.72, New York State Route 17 at Exit 122 Within the Town of Walkill, Orange County, NY

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA and other federal agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, that involves reconstruction of an interchange and related transportation improvements centered on the New York State Route 17 Exit 122 interchange within the Town of Wallkill, Orange County, in the State of New York. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 27, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey W. Kolb, P.E., Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127 or Joan Dupont, P.E., Regional Director, NYSDOT Region 8; 4 Burnett Boulevard, Poughkeepsie, New York 12603, Telephone: (845) 431-5750.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA, and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following transportation project in the State of New York: New York Route 17 Exit 122 in the Town of Wallkill, Orange County. The project will reconstruct and rehabilitate the existing Exit 122 interchange ramp configuration to provide for new loop and directional ramps connected to relocated sections of East Main Street and Crystal Run Road to improve safety and operation and bring it up to current Federal standards for an Urban Principal Arterial Interstate. Crystal Run Road will be realigned to connect to East Main Street. The East Main Street extension will not be constructed, but the project could accommodate future roadway construction of an East Main Street extension if planned and approved through the local government planning process and built by others. The Crystal Run Road Bridge over NYS Route 17 will be removed and replaced

in a location closer to the Wallkill River. Auxiliary ramps will be provided between Exits 122 and 121 to separate weaving maneuvers from the mainline NYS Route 17. The project will also include reasonable measures to minimize environmental impacts, and other landscape and aesthetic enhancements within the project limits. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on July 21, 2008 and in the FHWA Record of Decision (ROD) issued on December 18, 2008. The FEIS, ROD, and other project records are available by contacting the FHWA or the New York State Department of Transportation at the addresses provided above.

This notice applies to all Federal agency decisions related to the New York Route 17 Exit 122 project as of the issuance date of this notice and all laws under which such actions were taken, include but are not limited to:

1. National Environmental Policy Act [42 U.S.C. 4321-4351].
2. Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
3. Clean Air Act [42 U.S.C. 7401-7671(q)].
4. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
5. Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536].
6. Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)].
7. Migratory Bird Treaty Act [16 U.S.C. 703-712].
8. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
9. Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)].
10. Farmland Protection Policy Act [7 U.S.C. 4201-4209].
11. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377].
12. Land and Water Conservation Fund [16 U.S.C. 4601-4604].
13. Rivers and Harbors Act of 1899 [33 U.S.C. 401-406].
14. Executive Order 11990 Protection of Wetlands.
15. Executive Order 11988 Floodplain Management.
16. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372

regarding intergovernmental consultation on Federal programs and activities apply to this program.)

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

Issued on: January 6, 2009.

**Jeffrey W. Kolb,**

*Division Administrator, Federal Highway Administration, Albany, New York.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket Number: FTA-2009-0005]

#### Notice of Availability of Discussion Paper on the Evaluation of Economic Development

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** This notice announces the availability of the Federal Transit Administration's (FTA) discussion paper on the Evaluation of Economic Development and requests your comments on it. The paper describes one possible approach that could be used to evaluate economic development impacts of projects seeking New Starts funding. Economic development is one of the criteria that FTA uses to assess project justification, which, along with local financial commitment, informs FTA funding decisions for New Starts projects.

**DATES:** Comments must be received within 60 days after publication in the **Federal Register**. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments [identified by the Docket Number FTA-2008-0053] by any of the following methods:

*Web site:* <http://regulations.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

*Fax:* 202-493-2251.

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

*Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.