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**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 stainless steel clad reinforcing bars used for experimental purposes in a Federal-aid Bridge construction project administered by the Delaware Department of Transportation (DelDOT).

In accordance with Division K, section 130 of the "Consolidated Appropriations Act, 2008" (Pub. L. 110-161), the FHWA published a notice of intent to issue a waiver on its Web site for experimental use of stainless steel clad reinforcing bars for a Federal-aid Bridge project in Delaware (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=29>) on February 19. The FHWA evaluated several comments received in response to the notice. Some commenters suggested that solid stainless rebar should be used and that stainless clad rebar may be more expensive than solid stainless rebar. Other commenters disagreed with this position and stated that additional experimental review is not required. The Delaware DOT's waiver request is to evaluate the stainless clad reinforcing bars, which have not previously been used in the State, along with two other types of corrosion resistant reinforcing steels under an experimental project. The use of this product in DelDOT's bridge project will enable the State to conduct its own evaluation of this product. Thus, the FHWA agrees with the Delaware DOT that it is in the public

interest to waive the Buy America requirements for this experimental project; therefore, 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 Delaware waiver page noted above.

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

Issued on April 7, 2009.

**King W. Gee,**

*Associate Administrator for Infrastructure,  
Federal Highway Administration.*

[FR Doc. E9-8334 Filed 4-10-09; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Environmental Impact Statement: Erie County, NY**

**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 will be prepared for a proposed bridge replacement project (PIN 5758.17) located in Erie County, New York.

**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 Room 719, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127; or Alan E. Taylor, P.E., Regional Director, NYSDOT Region 5; 100 Seneca Street, Buffalo NY 14203, Telephone: (716) 847-3238; or Steven P. Ranalli, P.E., Senior Project Manager, Erie Canal Harbor Development Corporation (ECHDC), 95 Perry Street, 5th Floor, Buffalo, NY 14203, Telephone: (716) 846-8241.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) and the Erie Canal Harbor Development Corporation (ECHDC), a subsidiary of the New York

State Urban Development Corporation d/b/a/Empire State Development Corporation (ESDC), will prepare an environmental impact statement (EIS) in accordance with the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002 for a National Environmental Policy Act (NEPA) "Class I" action on a proposal to replace the former South Michigan Avenue Bridge in the City of Buffalo, Erie County.

A transportation facility is needed that provides a direct link from the inner harbor area to the outer harbor area and providing local access between the two areas while maintaining adequate waterway access for commercial and recreational craft. The facility would be located in one of several locations within a 1.5 mile corridor extending from a northern terminus at the mouth of the Buffalo River (in the vicinity of the Erie Basin Marina) to a southern terminus near the southern navigation limit of the City Ship Canal (west of the existing Ohio Street Bridge) in the inner and outer harbor areas of the City of Buffalo (containing various local streets that end short of the Buffalo River or the City Ship Canal). The range of alternatives will include no action and give consideration to locations derived from previous studies that investigated reconnecting the harbor. Alternatives under consideration include: (1) Taking no action; (2) replacing the South Michigan Avenue Bridge on existing alignment; and (3) constructing a new bridge on new alignment across the Buffalo River and/or City Ship Canal. Additional input from Participating and Cooperating Agencies, and from the public, will be necessary before a final decision will be made regarding the full range of alternatives to be studied.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations, citizens and other project stakeholders. A series of public information meetings, including a formal NEPA scoping meeting, will be held in the City of Buffalo between May 2009 and August 2011. In addition, a formal NEPA scoping meeting and a public hearing will be held. Public notice will be given of the time and place of the meetings and hearings. The draft EIS will be available for review and comment by the public and agencies.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, NYSDOT or ECHDC at the addresses provided above. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, 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. 315; U.S.C. 771.123.

Issued on April 7, 2009.

**Jeffrey W. Kolb,**

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

[FR Doc. E9-8392 Filed 4-10-09; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Commercial Space Transportation Advisory Committee—Open Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Commercial Space Transportation Advisory Committee open meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Thursday, May 21, 2009, starting at 8 a.m. at the Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC, in the Bessie Coleman Conference Center, located on the 2nd Floor. This will be the forty-ninth meeting of the COMSTAC.

The proposed agenda for this meeting will focus on discussions concerning several critical issues, including:

- The impact of the current economy on the U.S. commercial space transportation industry;
- Space situational awareness, space traffic management, and FAA's role in these areas;
- Identifying the critical issues impacting operations at U.S. federal and non-federal launch sites that the COMSTAC should be considering.

There will also be briefings on the 2009 Commercial Space Transportation Market Forecasts and discussions and activity reports by the chairpersons of the COMSTAC working groups. Subject to approval, a portion of the May 21st

meeting will be closed to the public (starting at 3:45 p.m.).

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may be concerning the issues and agenda items mentioned above and/or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact Brenda Parker, DFO, (the Contact Person listed below) in writing (mail or e-mail) by May 1, 2009, so that the information can be made available to COMSTAC members for their review and consideration prior to the May 21st meeting. Written statements should be supplied in the following formats: one hard copy with original signature and/or one electronic copy via e-mail.

An agenda will be posted on the FAA Web site at <http://ast.faa.gov>. For specific information concerning the times and locations of the COMSTAC working group meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Brenda Parker (AST-100), Office of Commercial Space Transportation (AST), 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267-3674; E-mail [brenda.parker@faa.gov](mailto:brenda.parker@faa.gov). Complete information regarding COMSTAC is available on the FAA Web site at: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ast/advisory\\_committee/](http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/).

Issued in Washington, DC, April 6, 2009.

**George C. Nield,**

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. E9-8367 Filed 4-10-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte 680 (Sub-No. 1)]

#### Supplemental Report to the U.S. Surface Transportation Board on Capacity and Infrastructure Investment

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice.

**SUMMARY:** The Surface Transportation Board seeks written public comments on the independent study prepared by Christensen Associates, Inc., entitled *Supplemental Report to the U.S. Surface Transportation Board on Capacity and Infrastructure Investment*, released on April 8, 2009 (*Report*). This report supplements an earlier report by Christensen Associates, released in November 2008, *A Study of Competition in the U.S. Freight Railroad Industry and Analysis of Proposals That Might Enhance Competition*.

**DATES:** Comments are due on or before May 8, 2009. Replies to comments are due by May 28, 2009.

**ADDRESSES:** Comments and replies may be submitted either via the Board's e-filing format or in traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies referring to STB Ex Parte No. 680 (Sub-No. 1) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:** Timothy Strafford, (202) 245-0356. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** In September 2007, the Board awarded a contract to Christensen Associates to conduct an independent study that provides a comprehensive analysis of a wide range of issues including competition, capacity, and the interplay between the two. After the study was released, the Board held a public meeting on November 6, 2008, with Christensen Associates to discuss it.

In August 2008, to supplement this study, the Board called for an analysis of long-term forecasts of freight rail demand, particularly the U.S. Department of Transportation's Freight Analysis Framework (FAF). The Board requested a review of FAF and augmentation of FAF to permit greater incentive-based responses by economic agents and to test the sensitivity of FAF to key inputs, such as fuel prices and rates.

The *Report* compares the FAF commodity flow forecasts to other macroeconomic and commodity-specific forecasts to develop alternative forecast scenarios of future freight rail volumes. The *Report* also analyzes the 2007 Cambridge Systematics study that used the FAF commodity flow forecasts to