

activities. In addition, the rate on MD 4 from FDR Boulevard to MD 235, as well as the rear end collision rate across the Thomas Johnson Memorial Bridge, is greater than the statewide average.

Alternatives under consideration include taking no action and widening existing MD 4 to a four-lane divided highway, with various options for bridge improvements and/or reconstruction. The EA will be available for public and agency review and comment prior to a Public Hearing. Public notice will be given of the availability of the EA for review and of the time and place of this hearing. A Scoping Meeting was held in May 2007, and two Open House Workshops were held in June 2008 to solicit opinions and ideas on proposed improvements from local citizens.

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 determination that an EA is the proper environmental document should be directed to FHWA at the address 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.)

Issued on May 27, 2010.

Jeanette Mar,

Environmental Program Manager.

[FR Doc. 2010-13399 Filed 6-3-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Tennessee Division: Notice To Rescind a Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS): State Route 91 Improvements in Elizabethton, Carter County, TN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescind NOI to prepare an EIS.

SUMMARY: The FHWA is issuing this notice to advise the public that the NOI published on February 22, 2007, at 72 FR 8054, to prepare an EIS for the State Route 91 Improvements in Elizabethton, Carter County, Tennessee, is being rescinded.

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. O'Neill, Planning and Program Management Team leader,

FHWA-Tennessee Division Office, 404 BNA Drive, Suite 508, Nashville, TN 37217.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation (TDOT) is rescinding the NOI to prepare an EIS for the State Route 91 Improvements in Elizabethton, Carter County, Tennessee.

The proposed project calls for improving the State Route 91 corridor from west of State Route 362 to just west of State Route-37 (U.S. 19E), a distance of approximately four miles. The purpose of the project is to improve traffic flow, travel time, and mobility; reduce the conflicts between vehicles on State Route 91; and create an easily navigable route to area businesses along State Route 91. Since the NOI to prepare an EIS was published in the Federal Register on February 22, 2007, TDOT has conducted public involvement and agency coordination, developed a purpose and need for the project, and developed preliminary alternatives to be examined in the EIS. The preliminary alternatives included No-Build, a Transportation System Management (TSM) alternative, build alternatives that would construct a roadway on new locations to the north and to the south of the existing roadway, and an upgrade to existing State Route 91. Preliminary screenings identified sensitive environmental features associated with new location alternatives that could result in potentially significant adverse impacts.

FHWA and TDOT have determined that a combination of TSM and upgrade improvements along existing State Route 91 would meet the need and purpose of the project and could be accomplished without potentially significant adverse impacts to sensitive environmental features. FHWA and TDOT will evaluate these improvements of State Route 91 along the existing route as a Categorical Exclusion.

Comments and questions concerning the proposed action should be directed to 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 proposed program.)

Charles J. O'Neill,

Planning and Program Management Team Leader, Nashville, TN.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Withdrawal of Regulatory Guidance Concerning the Federal Motor Carrier Safety Regulations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; withdrawal of regulatory guidance.

SUMMARY: FMCSA announces the withdrawal of a number of items of regulatory guidance concerning the Federal Motor Carrier Safety Regulations (FMCSRs) that are now obsolete as a result of rules published by FMCSA and found in 49 CFR part 393, "Parts and accessories necessary for safe operation." All prior interpretations and regulatory guidance concerning the applicability of the obsolete FMCSRs that were published in the **Federal Register**, as well as memoranda and letters concerning those regulations, may no longer be relied upon as authoritative if they are inconsistent with the revised and/or amended regulations.

DATES: *Effective Date:* This regulatory guidance is effective on June 4, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, (202) 366-5370, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Legal Basis

The Motor Carrier Safety Act of 1984 (Pub. L. 98-554, Title II, 98 Stat. 2832, October 30, 1984) (the 1984 Act) provides authority to regulate drivers, motor carriers, and vehicle equipment. It requires the Secretary of Transportation (Secretary) to prescribe regulations on minimum safety standards for commercial motor vehicle (CMV) safety. At a minimum, the regulations shall ensure that: (1) CMVs are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of CMVs do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of CMVs is adequate to enable them to operate the vehicles safely; and (4) the operation of CMVs does not have a deleterious effect on the physical condition of the operators (49 U.S.C. 31136(a)). Section 211 of the 1984 Act also grants the Secretary broad power, in carrying out