

Analysis in Section 3011 of SAFETEA-LU, codified at 49 U.S.C. 5309(a)(1), aligns it more closely with the MPO planning process; and (b) section 6002 requires that the "type of work" be identified by the project sponsor at the initiation of the environmental review process. The FTA seeks comment on any implications of these provisions for the New Starts Alternatives Analysis and the NEPA review of the New Starts project.

The FHWA specifically seeks comment on the following questions and issues:

1. *Flexibility.* Are there specific areas where the guidance could and should provide greater flexibility, while still complying with the relevant section 6002 requirement? Within the limits of section 6002, would flexibility in a particular area allow for customization by the State departments of transportation, transit agencies, and FHWA and FTA field offices in response to issues of greater regional concern?

2. *Adequacy of guidance.* Are there areas that need additional guidance or instruction on how best to implement the new requirement?

3. *Lead agency responsibilities.* Some responsibilities of the lead agency have been retained by FHWA and FTA, some have been essentially assigned to the State or local lead agency, and some have been left for the Federal and non-Federal lead agencies to allocate between themselves, project by project as they see fit. Does the description of the roles of the various lead agencies adequately communicate their respective responsibilities, authorities, and limitations? Is the division of labor, responsibility, and authority appropriate?

4. *Methodologies for project analyses.* Is the process for involving participating agencies in the development of methodologies adequate? Will it serve to minimize late-in-the-process methodological debates between transportation agencies and resource agencies?

5. *Coordination with participating agencies.* Does the proposed guidance present the required coordination with participating agencies, including the development of a schedule and its resulting implications, in sufficient detail? Should changes in the schedule require coordination with all participating agencies or just with the cooperating agencies, as stated in SAFETEA-LU?

The FTA and FHWA will respond to comments on the guidance generated by this Notice in a second **Federal Register** notice to be published after the close of

the comment period. That second notice will also announce the availability of the revised Section 6002 guidance that reflects the changes implemented as a result of comments received. In the meantime, the proposed guidance provides the current FHWA and FTA interpretation of Section 6002, the requirements of which became effective on August 10, 2005, the date of SAFETEA-LU's enactment.

**Authority:** 23 U.S.C. 315; Pub. L. 109-59, 119 Stat. 1144; 49 U.S.C. 5334; 23 U.S.C. 139; 49 CFR 1.48; 49 CFR 1.51.

Issued on: June 23, 2006.

**Sandra K. Bushue,**

*Deputy Administrator, Federal Transit Administration.*

**J. Richard Capka,**

*Administrator, Federal Highway Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Environmental Impact Statement: Relocation or Reconstruction of Rail Lines in Tupelo, MS

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of intent to prepare an Environmental Impact Statement.

**SUMMARY:** The Federal Railroad Administration (FRA) is issuing this notice to advise the public that FRA will prepare an Environmental Impact Statement (EIS) for the relocation or reconstruction of railroad lines in the Tupelo, Mississippi central business district. The study area is defined to extend from the vicinity of Plantersville, MS, southeast of Tupelo, to the vicinity of Sherman, northwest of Tupelo. Tupelo is the primary business center of northeast Mississippi.

Currently, within the central business district there are more than 25 at-grade rail crossings on two railroad lines. One of the rail lines is owned by the BNSF Railway Company (BNSF) and the other by the Kansas City Southern Railroad (KCS). The two rail lines cross at an interchange near downtown Tupelo. There are between twenty and twenty-five trains per day on the BNSF line, and three or four per day on the KCS line. There are few rail customers remaining in the central business district, and most of the trains are through trains operating in the Birmingham, Alabama to Memphis, Tennessee corridor.

Traffic congestion is already a significant problem in the central business district, and the current rail line configuration is a contributing cause to this congestion. The switchyard between the two lines is within the central business district, and the BNSF line runs diagonally through the highest volume intersection in the city. Tupelo's employment has been growing at a steady pace of about 1,000 jobs per year for the last few years, which only increases vehicular traffic to the area and further exacerbates the situation. Moreover, issues with access to emergency facilities exist in that many Tupelo residents may be cut off from the regional medical center due to delays caused by the rail line and switching station.

The FRA has entered into a cooperative agreement with the Mississippi Department of Transportation (MDOT), with FRA as the lead Federal agency and MDOT as the lead state agency. Funding for the EIS was provided through an appropriation in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004, Public Law 108-199 (January 23, 2004).

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne Parrish, Planning Division, Mississippi Department of Transportation, 401 N. West Street, Jackson, MS 39201, telephone number (601) 359-7685; Mr. John Winkle, Project Manager, Federal Railroad Administration, 1120 Vermont Avenue, NW., Washington, DC 20590, telephone number (202) 493-6067.

*Environmental Issues:* Possible environmental impacts include displacement of commercial and residential properties, increased noise in some areas, effects to historical properties or archaeological sites, impacts to parks and recreational resources, viewshed effects, impacts to water resources, wetlands, and sensitive biological species and habitat, land use compatibility impacts, energy use, and impacts to agricultural lands.

*Alternatives:* The EIS will consider alternatives that include: (1) Taking no action; (2) reconstruction with grade separation of rail and highway facilities within the existing corridors; and (3) relocation and construction of the railroad line(s) in new location(s).

*Scoping and Comment:* FRA encourages broad participation in the EIS process and review of the resulting environmental documents. Comments, questions, and suggestions related to the project and potential environmental concerns are invited from all interested agencies and the public at large to

ensure that the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. These comments, questions, and suggestions should be addressed to the MDOT or the FRA at the addresses provided above. The public is invited to participate in the scoping process, to review the Draft EIS when published, and to provide input at all public meetings. Letters describing the proposed scope of the EIS and soliciting comments will be sent to appropriate Federal, State, and local agencies, elected officials, community organizations, and to private organizations and citizens who express interest in this proposal. Several public meetings to be advertised in the local media will be held in the project area regarding this proposal. Release of the Draft EIS for public comment and public meetings and hearings related to that document will be announced as those dates are established. A scoping meeting will be conducted in the Tupelo area at a date and place, which will be widely publicized well in advance of the meeting.

Persons interested in providing comments on the scope of the EIS should do so within 30 days of the publication of this Notice of Intent. Comments can be sent in writing to the points of contact listed above.

Issued in Washington, DC, on June 23, 2006.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Development, Federal Railroad Administration.*

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2006-24964]

**Highway Safety Programs; Model Specifications for Devices To Measure Breath Alcohol**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** This notice amends the Conforming Products List published in 2004 (69 FR 42237) for instruments that conform to the Model Specifications for Evidential Breath Testing Devices (58 FR 48705).

**DATES:** *Effective Date:* June 29, 2006.

**FOR FURTHER INFORMATION CONTACT:** Dr. Maria E. Vegega, Office of Behavioral Safety Research, Behavioral Research Division (NTI-131), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366-4892.

**SUPPLEMENTARY INFORMATION:** On November 5, 1973, the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol (38 FR 30459). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued on November 21, 1974 (39 FR 41399).

On December 14, 1984 (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices (Model Specifications), and published a Conforming Products List (CPL) of instruments that were found to conform to the Model Specifications as Appendix D to that notice (49 FR 48864).

On September 17, 1993, NHTSA published a notice (58 FR 48705) to amend the Model Specifications. The notice changed the alcohol concentration levels at which instruments are evaluated, from 0.000, 0.050, 0.101, and 0.151 BAC, to 0.000, 0.020, 0.040, 0.080, and 0.160 BAC;

added a test for the presence of acetone; and expanded the definition of alcohol to include other low molecular weight alcohols including methyl or isopropyl. On July 14, 2004, the most recent amendment to the Conforming Products List (CPL) was published (69 FR 42237), identifying those instruments found to conform with the Model Specifications.

Since the last publication of the CPL, five (5) instruments have been evaluated and found to meet the Model Specifications, as amended on September 17, 1993, for mobile and non-mobile use. In alphabetical order by company, they are:

(1) The "Alcotest 6810" manufactured by Draeger Safety, Inc., Durango, Colorado. This is a hand held device intended for use in stationary or roadside operation and is powered by an internal battery. It uses a fuel cell sensor.

(2) & (3) The "Alcotector BAC-100" and the "Alcotector C2H5OH", both sold by Guth Laboratories, Inc. of Harrisburg, Pennsylvania. These devices are hand held devices intended for use in stationary or roadside operations. Both devices use fuel cell sensors and are powered by 4 "AA" batteries. The two devices are identical except for their printers. The BAC-100 has an internal printer. The C2H5OH does not have an internal printer, but can use an optional wireless printer.

(4) The "EV 30" manufactured by Lifeloc Technologies, Inc. of Wheat Ridge, Colorado. This device is a hand held device that uses a fuel cell sensor and is powered by an internal battery. It is intended for stationary or roadside operations.

(5) The "DataMaster DMT", manufactured by National Patent Analytical Systems, Inc. of Mansfield, Ohio. This is a bench-top, AC powered, infrared type breath tester with an analytical filter at 3.44 microns, and interference filters at 3.37 and 3.50 microns.

The CPL has been amended to add the five instruments identified above.

In accordance with the foregoing, the CPL is therefore amended, as set forth below.

**CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES**

Manufacturer and Model	Mobile	Nonmobile
Alcohol Countermeasure Systems Corp. Mississauga, Ontario, Canada:		
Alert J3AD* .....	X	X
Alert J4X.ec .....	X	X
PBA3000C .....	X	X
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer* .....	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:		