

environmental documents prepared by another Federal agency when the proposed actions are "substantially the same" and the adopting agency has concluded that the initial statement meets the standards for an adequate statement under the CEQ regulations. 40 CFR 1506.3. Furthermore, the CEQ regulations state that when the actions are substantially the same, "the agency adopting the agency's statement is not required to recirculate it except as a final statement." *Id.* FRA has conducted an independent review of the 2004 EIS for the purpose of determining whether FRA could adopt it pursuant to 40 CFR 1506.3. FRA's review concluded that FRA's action in funding the train box is substantially the same as the action documented in the 2004 EIS, that the EIS adequately assessed the environmental impacts associated with the train box and meets the standards of the CEQ NEPA Regulations (40 CFR parts 1500 through 1508), and that the FRA can adopt the 2004 EIS. CEQ's regulations implementing NEPA strongly encourage agencies to reduce paperwork and duplication. 40 CFR 1500.4. One of the methods identified by CEQ to accomplish this goal is adopting the environmental documents prepared by other agencies in appropriate circumstances. 40 CFR 1500.4(n), 1500.5(h), and 1506.3.

In order to comply with its obligations under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470 *et seq.*, the FRA also intends to join the existing Memorandum of Agreement (MOA) between the FTA and the California State Historic Preservation Officer. That MOA describes the roles and responsibilities of the parties and will allow FRA to take into account the potential effect of the FRA's action on historic properties pursuant to the requirements of Section 106. In addition, the 2004 EIS includes a final determination according to the requirements of Section 4(f) of the Department of Transportation Act of 1966. 49 U.S.C. 303. Section 4(f) requires that projects undertaken by DOT must avoid using parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative, and the action includes all possible planning to minimize harm to the property. By adopting the 2004 EIS, the FRA is also adopting the FTA's Final Section 4(f) Evaluation and will therefore be in compliance with the requirements of that statute.

Furthermore, FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) require the

reevaluation of a Final EIS if major steps toward implementation of the proposed action have not commenced within three years from the date of approval of the final EIS. The reevaluation is required to determine whether the final EIS is still accurate, adequate and valid. As described above, the train box was an element of the 2004 EIS; however, design modifications to the train box occurred, and the Environmental Reevaluation provides an update to those sections for which new information is available that is pertinent to the proposed action in Phase 1 of the Transbay Terminal project. In accordance with the Environmental Protection Agency's (EPA) requirements regarding the filing of EISs, FRA has provided the EPA with a notice of adoption and five copies of the FTA's Final EIS and the Environmental Reevaluation. EPA will publish a notice of availability of the Final EIS in the **Federal Register** consistent with its usual practices. Because of the multi-volume size of the FEIS and its continued availability in libraries in the affected community and on the TJPA's and FRA's Web sites, FRA is not republishing the document on its own. This would be costly, defeat CEQ's goals of reducing paperwork and duplication of effort, and be of little or no additional value to other agencies or the public. The Environmental Reevaluation is also available on the TJPA's Web site ([www.transbaycenter.org](http://www.transbaycenter.org)), on the FRA's Web site (<http://www.fra.dot.gov>), and at libraries in San Francisco, San Bruno, and Oakland, California. FRA has mailed a notification of FRA's adoption and identified places where the 2004 EIS and the Environmental Reevaluation are available to persons and parties of record who have participated in the most recent phase of the 2004 EIS process, as well as to elected officials, local transit agencies, regional agencies, local media, and potentially interested community organizations. Comments on the 2004 EIS or the Environmental Reevaluation may be submitted no later than June 28, 2010 to Melissa DuMond at the address noted above.

The final stage in the environmental review process under NEPA is the issuance of a Record of Decision by the agency describing the agency's decision and the basis for it. Under the timelines included in the CEQ regulation (40 CFR 1506.10), a Record of Decision cannot be issued by an agency earlier than thirty days after the EPA publishes its **Federal Register** notice notifying the public of the availability of the final EIS. Any Record of Decision issued by the FRA will be consistent with 40 CFR 1505.2

and section 15 of FRA's Procedures for Considering Environmental Impacts.

*Accordingly, FRA has adopted and is recirculating the 2004 EIS and has issued an Environmental Reevaluation.*

Issued in Washington, DC, on May 28, 2010.

**Joseph C. Szabo,**

*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Calvert and St. Mary's Counties, MD

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

**ACTION:** Notice of withdrawal.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a prior Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed roadway widening and bridge replacement project in Calvert and St. Mary's Counties, Maryland (**Federal Register** Vol. 72, No. 203; FR Doc. 07-5190) is being withdrawn and an Environmental Assessment (EA), in lieu of an EIS, is being prepared for this proposed highway project.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jeanette Mar, Environmental Program Manager, Federal Highway Administration, DelMar Division Office, City Crescent Building, Suite 2450, 10 South Howard Street, Baltimore, Maryland 21201; Telephone: (410) 779-7152, e-mail address: [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA), in cooperation with the Maryland State Highway Administration (SHA), is advising the general public that SHA conducted studies of the potential environmental impacts associated with the proposed roadway widening and bridge replacement of MD 4 from MD 2 to MD 235 in Calvert and St. Mary's Counties, a distance of approximately 4.1 miles.

Improvements to the corridor are necessary to improve existing capacity and traffic operations, and to increase vehicular, pedestrian and bicycle safety along MD 4, while supporting existing and planned development in the area. Improvements to the bridge are necessary due to inadequate shoulder widths, major traffic delays and/or closures currently occur along the Thomas Johnson Memorial Bridge during crashes and maintenance

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.*

[FR Doc. 2010-13428 Filed 6-3-10; 8:45 am]

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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