

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]

**BILLING CODE 4910-22-P**

## 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72 FR 8054, to prepare an EIS for the State Route 91 Improvements in Elizabethton, Carter County, Tennessee, is being rescinded.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]

**BILLING CODE 4910-22-P**

## 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

motor carrier safety statutes and regulations, to “prescribe recordkeeping and reporting requirements” and to “perform other acts the Secretary considers appropriate” (49 U.S.C. 31133(a)(8) and (10)). The FMCSA Administrator has been delegated authority under 49 CFR 1.73(g) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 311, subchapters I and III, relating to CMV programs and safety regulation.

Members of the motor carrier industry and other interested parties may access FMCSA’s guidance through FMCSA’s Internet site at <http://www.fmcsa.dot.gov>. Specific questions addressing any of the interpretive material withdrawn in this document should be directed to the contact person listed earlier under **FOR FURTHER INFORMATION CONTACT**, or to the FMCSA Division Office in each State.

#### Basis for the Notice

On February 12, 2008, the Commercial Vehicle Safety Alliance (CVSA) petitioned FMCSA to withdraw certain regulatory guidance concerning 49 CFR part 393. The regulatory guidance that was the subject of the petition had been made obsolete by final rules concerning (1) protection against shifting and falling cargo, and (2) general amendments to Part 393 of the FMCSRs.

For the reasons set forth below, FMCSA granted the CVSA’s petition on July 9, 2009:

#### Protection Against Shifting and Falling Cargo

FMCSA published a final rule on September 27, 2002 (67 FR 61212), revising the regulations in 49 CFR part 393 concerning protection against shifting and falling cargo for CMVs engaged in interstate commerce. The previous cargo securement regulations required all cargo-carrying CMVs to be equipped with devices that provided protection against shifting or falling cargo and that met the requirements of one of four “options” (Options A, B, C, or D). The September 2002 cargo securement final rule replaced Options A through D with: (1) More comprehensive, performance-based, general requirements; and (2) detailed requirements for a number of specific commodities, the proper securement of which generated the most disagreement between industry and enforcement agencies. Because Options A through D are no longer a part of the cargo securement regulations, the regulatory guidance provided in questions 2, 5, and 6 to section 393.100 (reference 62

FR 16419, dated April 4, 1997) is no longer valid and is hereby withdrawn.

#### General Amendments to Part 393

FMCSA published a final rule on August 15, 2005 (70 FR 48008), amending part 393 of the FMCSRs. As part of this rule, FMCSA clarified that CMVs must have both windshield wiping and windshield washing systems that meet the requirements of Federal Motor Vehicle Safety Standard No. 104, “Windshield wiping and washing systems.” As such, the regulatory guidance provided in question 1 to section 393.78 (reference 62 FR 16418, dated April 4, 1997) is no longer valid and is hereby withdrawn.

FMCSA further clarified that the requirements of section 393.201 apply to all CMVs, including trailers, and not only buses, trucks, and truck tractors. As such, the regulatory guidance provided in question 2 to section 393.201 (reference 62 FR 16419, dated April 4, 1997) is no longer valid and is hereby withdrawn.

FMCSA also revised section 393.201(d) to make the regulation more practical. Paragraph (d) was intended to prohibit welding on vehicle frames constructed of certain types of steel that are weakened by the welding process. However, the previous wording was overly restrictive. To address this issue, paragraph (d) now allows welding which is performed in accordance with the vehicle manufacturer’s recommendations, and therefore, the regulatory guidance provided in question 3 to section 393.201 is now redundant, no longer necessary, and hereby withdrawn.

#### Decision

For the reasons presented above, FMCSA removes the following regulatory guidance: Section 393.78, question 1; section 393.100, questions 2, 5, and 6; and section 393.201, questions 2 and 3, published online at <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/FmcsrGuideDetails.aspx?menukey=393>.

Issued on: May 26, 2010.

**Anne S. Ferro,**

Administrator.

[FR Doc. 2010-13401 Filed 6-3-10; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Vehicle Theft Prevention Standard; Mercedes-Benz

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the Mercedes-Benz USA, LLC (MBUSA) petition for an exemption of the SL-Class Line Chassis vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541).

**DATES:** The exemption granted by this notice is effective beginning with the 2011 model year.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosalind Proctor, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., West Building, W43-302, Washington, DC 20590. Ms. Proctor’s telephone number is (202) 366-0846. Her fax number is (202) 493-0073.

**SUPPLEMENTARY INFORMATION:** In a petition dated April 26, 2010, MBUSA requested an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the new MY 2011 SL-Class Line Chassis vehicle line. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, MBUSA provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its new vehicle line. MBUSA will install a passive ignition immobilizer (FBS III) and access code protected locking system as standard equipment on its new vehicle line beginning with MY 2011. MBUSA stated that its immobilizer device is an interlinked system of control units which