

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Rescinding the Notice of Intent for an Environmental Impact Statement: Gilpin, Clear Creek, and Jefferson Counties, CO**

**AGENCY:** Federal Highway Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** This notice rescinds the Notice of Intent for preparing an Environmental Impact Statement that was issued on August 11, 2000, for a proposed transportation improvement project in Gilpin, Clear Creek, and Jefferson Counties, Colorado. The action is being taken because there are no federal or state funds identified to make the proposed transportation improvements in this corridor for the next 20 years. It is not known when federal or state funds may become available for these improvements therefore an Environmental Impact Statement will not be prepared until further notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Melinda Urban, Operations Engineer, FHWA, Colorado Division, 12300 West Dakota Avenue, Suite 180, Lakewood, CO, 80228, Telephone: (720) 963-3015. Mr. Russel Cox, Resident Engineer, Colorado Department of Transportation Region 1, 425 Corporate Circle, Suite 250, Golden, Colorado 80401, Telephone: (720) 497-6905.

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA) in cooperation with the Colorado Department of Transportation (CDOT) initiated an Environmental Impact Statement (EIS) with a Notice of Intent August 11, 2000, to improve access into the gaming towns of Blackhawk and Central City along the SH 119 corridor. The FHWA and CDOT have determined that while major transportation improvements along SH 119 are needed, federal, state, or other funds are not available to meet these needs in the foreseeable future. Much work has been completed towards an EIS for this corridor and can serve as a planning foundation for future projects by CDOT.

In late 2008 it became apparent that many transportation needs in the State would be competing for very limited funding. This EIS project was one of six major Denver-area EISs initiated in 2000 with the expectation that funding levels would continue and possibly increase. While the need for a project is an important factor in determining which projects receive funding, those with the

greatest public and local-entity support are more likely to receive funding in a fiscally-constrained, long-range plan. As a result, the current long-range plan does not include funding for the improvements considered in the Gaming Area EIS. As such, it is not the best use of limited public funds to complete the NEPA process for this project.

If any entity or authority, public or private, wants to proceed with improvements or connections to state highways in this area in the future, applicable state and federal requirements must be met and established study processes followed to determine feasibility and environmental impacts. In consultation with CDOT and FHWA, the information collected as part of Gaming EIS could support efforts to develop these future NEPA, technical studies, or smaller safety projects. Decision-making for future projects within the SH 119 corridor should consider the purpose and need, alternatives development and evaluation, environmental resource background data, and public and agency coordination that was compiled as part of the EIS process.

**Authority:** (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 program)

Issued On: March 31, 2010.

**Karla S. Petty,**  
Colorado Division Administrator.

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

**[Docket No. NHTSA-2008-0185; Notice 2]**

**China Manufacturers Alliance, LLC, Grant of Petition for Decision of Inconsequential Noncompliance**

China Manufacturers Alliance, LLC (CMA), as importer of record for Dynacargo brand truck and bus radial tires manufactured by Shandong Jinyu Tyre Company Limited (Jinyu) has determined that certain tires manufactured during the period May 2007 through June 2008 do not fully comply with paragraph S6.5(d) of 49 CFR 571.119 Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles With a GVWR of More than 4,536 Kilograms (10,000 pounds) and*

*Motorcycles*. The affected tires were imported by CMA and sold to American Tire Distributors (ATD). CMA has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), CMA has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-day public comment period, on December 19, 2008, in the **Federal Register** (73 FR 77873). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2008-0185."

For further information on this decision, contact Mr. George Gillespie, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5299, facsimile (202) 366-7002.

Affected are approximately 2,537 size 235/75R17.5/16 Dynacargo brand load range H truck and bus tires manufactured during the period May 2007 through June 2008 with DOT date codes in the range 1407 through 2608. 1,153<sup>1</sup> of these tires are currently under the control of ATD and 1,384 have been sold to consumers.

Paragraph S6.5(d) of 49 CFR 571.119 requires in pertinent part:

S6.5 Tire markings. Except as specified in this paragraph, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section. The markings shall be placed between the maximum section width (exclusive of sidewall decorations or curb ribs) and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area which is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, the markings shall appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The

<sup>1</sup> CMA's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt CMA as importer from the notification and recall responsibilities of 49 CFR Part 573 for all 2,537 of the affected tires. However, the agency cannot relieve ATD as distributor of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires currently under its control. Those tires must be brought into conformance, exported, or destroyed.