

written and established line of succession, may serve on the Committee during such absence or inability. In addition, if one of the positions listed as a member of the Agency Licensing Committee is vacant, the individual serving in that position in an acting capacity shall serve on the Agency Licensing Committee. This authority will remain in effect until revoked in writing by the Administrator or by operation of law.

Dated: November 16, 2016.

Maria Contreras-Sweet,
Administrator.

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SURFACE TRANSPORTATION BOARD

[Docket No. EP 724; Docket No. EP 724 (Sub-No. 3)]

United States Rail Service Issues; United States Rail Service Issues—Data Collection

On April 1, 2014, and October 8, 2014, the Board issued two orders in response to service issues at the time across the U.S. rail network. The first order, in Docket No. EP 724, announced a public hearing in response to concerns about service problems that were occurring across significant portions of the nation's rail network. In response to the concerns raised at that hearing (as well as a second public hearing), the Board issued an order in Docket No. EP 724 (Sub-No. 3) requiring all Class I carriers and the Chicago Transportation Coordination Office (CTCO) (through its Class I members) to file weekly public performance data on an interim basis. For the reasons stated below, the proceedings in Docket No. EP 724 and Docket No. EP 724 (Sub-No. 3) will be discontinued. Concurrently with this decision, the Board is issuing a final rule in Docket No. EP 724 (Sub-No. 4) requiring all Class I railroads and the CTCO to file public performance data on a permanent basis.

Background

Docket No. EP 724. On April 10, 2014, the Board held a public hearing at its offices in Washington, DC, to get more information on service problems occurring at the time across the U.S. rail network, hear rail industry plans to address those service problems, and discuss options to improve service. See *U.S. Rail Serv. Issues*, EP 724, slip op. at 1 (STB served Apr. 1, 2014). On September 4, 2014, the Board held a field hearing in Fargo, ND, to provide another forum for interested parties to

report on service disruptions and provide updates on plans to resolve those issues, and to discuss additional options to improve service. *U.S. Rail Serv. Issues*, EP 724 et al., slip op. at 1 (STB served Aug. 18, 2014). Following that hearing, the Board directed Canadian Pacific Railway Company (CP) to answer specific requests to supplement the information it had provided at the field hearing and in its annual peak season letter to the Chairman.¹ *U.S. Rail Serv. Issues*, EP 724, slip op. at 1 (STB served Oct. 14, 2014). On October 24, 2014, CP submitted its responses to the Board's questions. (CP Reply, Oct. 24, 2014, *U.S. Rail Serv. Issues*, EP 724.) Additionally, in response to a petition by the Western Coal Traffic League, the Board required BNSF Railway Company (BNSF) to submit "its contingency plans for addressing any [critical shortfalls of coal], including a detailed description of the steps it takes to identify coal-fired plants at critical levels and to remedy acute shortages in a timely fashion." *U.S. Rail Serv. Issues*, EP 724, slip op. at 6 (STB served Dec. 30, 2014). BNSF filed its reply on January 29, 2015.

Docket No. EP 724 (Sub-No. 3). On October 8, 2014, the Board issued an order requiring regular reporting of standardized performance data by Class I railroads and the CTCO (through its Class I members). See *U.S. Rail Serv. Issues—Data Collection (Interim Data Order)*, EP 724 (Sub-No. 3), slip op. at 2-5 (STB served Oct. 8, 2014).² Pursuant to the *Interim Data Order*, the Class I railroads and the Association of American Railroads (on behalf of its freight railroad member representatives in the CTCO) have been reporting data weekly since October 22, 2014.

Docket No. EP 724 (Sub-No. 4). On December 30, 2014, the Board issued a notice of proposed rulemaking

¹ The annual "Fall Peak letter" has since been discontinued due to, among other things, the weekly collection of service performance reports that the Board began collecting pursuant to the *Interim Data Order*. Press Release, Surface Transportation Board, STB Chairman Daniel R. Elliott III Discontinues Annual Letter to Rail Industry Seeking End-of-Year Outlook (Aug. 22, 2016), https://www.stb.gov/stb/news/news_releases.html (follow "date of issuance within the current year" or "prior to the current year" hyperlink, as appropriate to access 2016 press releases; then follow "8/22/2016" hyperlink).

² In that decision, the Board also discontinued reporting ordered under *U.S. Rail Service Issues—Grain*, Docket No. EP 724 (Sub-No. 2), with two exceptions related to CP's supplying of locomotives and grain cars moving between CP and the Rapid City, Pierre & Eastern Railroad, Inc. (RCP&E). *Interim Data Order*, slip op. at 2 n.7. On February 23, 2016, the Board discontinued all reporting by CP related to RCP&E. *U.S. Rail Serv. Issues—Data Collection*, EP 724 (Sub-No. 3) (STB served Feb. 23, 2016).

proposing to establish regulations requiring all Class I railroads and the CTCO to permanently report certain service performance metrics on a weekly, quarterly, and occasional basis. See *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4), slip op. at 1, 3-4 (STB served Dec. 30, 2014). After the close of the comment period, the Board issued an order announcing that it would waive its ex parte communications rules to allow Board staff to hold meetings with interested parties regarding technical issues in this proceeding. See *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4) (STB served Nov. 9, 2015). Those meetings were held between November 19, 2015 and December 7, 2015. A summary of each meeting was posted in that docket and parties provided additional comments on the summaries. The Board then issued a supplemental notice of proposed rulemaking. See *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4) (STB served April 29, 2016), corrected, (STB served May 13, 2016).

Discussion and Conclusions

Concurrently with this decision, the Board is issuing its final rule in Docket No. EP 724 (Sub-No. 4). The final rule requires Class I railroads to begin reporting the required data on February 8, 2017, at which point reporting under the *Interim Data Order* will no longer be necessary. Accordingly, the Board will discontinue reporting required by the *Interim Data Order* immediately following the reports due one week prior to the start of reporting under the final rule. The final date for reporting under the *Interim Data Order* will be February 1, 2017. The issuance of the final rule in Docket No. EP 724 (Sub-No. 4) also concludes the need for additional comment in Docket No. EP 724 on the service issues that occurred throughout the national rail network in 2013-2014. As explained in the final rule, those service issues prompted the Board to issue the *Interim Data Order* which, in turn, led to the issuance of the final rule. *U.S. Rail Serv. Issues—Performance Data Reporting*, EP 724 (Sub-No. 4), slip op. at 1-4 (STB served Nov. 30, 2016). Because the Board is issuing new regulations in a separate sub-docket, Docket No. EP 724 and Docket No. EP 724 (Sub-No. 3) will be closed, effective the day after the final reporting date for the *Interim Data Order*, February 2, 2017.

It is ordered:

1. The final date for reporting under the *Interim Data Order* will be February 1, 2017.

2. The proceedings in Docket No. EP 724 and Docket No. EP 724 (Sub-No. 3) will be discontinued as described above, effective February 2, 2017.

3. Notice of the Board's action will be published in the **Federal Register**.

Decided: November 29, 2016.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Kenyatta Clay,
Clearance Clerk.

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TENNESSEE VALLEY AUTHORITY

Environmental Impact Statement for Cumberland Fossil Plant Coal Combustion Residual Management

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with management of coal combustion residual (CCR) material produced at the Cumberland Fossil Plant (CUF) located near Cumberland City, Stewart County, Tennessee. The purpose of the proposed EIS is to address long-term management of CCR produced at CUF. The project will help TVA comply with state and federal regulatory requirements related to CCR production and management, including the requirements of U.S. Environmental Protection Agency (EPA's) CCR Rule and Effluent Limitations Guidelines.

TVA will evaluate the potential environmental impacts of construction and operation of a new bottom ash dewatering facility and options for management and disposal of dry CCR produced at CUF. TVA will also evaluate closure of the Bottom Ash and the Main Ash Impoundments. TVA will develop and evaluate various alternatives to these actions, including the No Action Alternative. Public comments are invited concerning both the scope of the review and environmental issues that should be addressed.

DATES: Comments on the scope of the EIS must be received on or before January 6, 2017.

ADDRESSES: Written comments should be sent to Ashley Pilakowski, NEPA Compliance Specialist, 400 West Summit Hill Dr., WT 11D, Knoxville, TN 37902-1499. Comments also may be submitted online at: www.tva.gov/nepa.

FOR FURTHER INFORMATION CONTACT: Other related questions should be sent to Ashley A. Pilakowski, NEPA Compliance Specialist, Tennessee Valley Authority, at 865-632-2256 or aapilakowski@tva.gov.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the regulations promulgated by the Council on Environmental Quality (40 CFR parts 1500 to 1508) and TVA's procedures implementing the National Environmental Policy Act (http://www.tva.com/environment/reports/pdf/tvanepa_procedures.pdf).

TVA Power System and CCR Management

TVA is a corporate agency and instrumentality of the United States created by and existing pursuant to the TVA Act of 1933 that provides electricity for business customers and local power distributors. TVA serves more than 9 million people in parts of seven southeastern states. TVA receives no taxpayer funding, deriving virtually all of its revenues from sales of electricity. In addition to operating and investing its revenues in its electric system, TVA provides flood control, navigation and land management for the Tennessee River system and assists local power companies and state and local governments with economic development and job creation.

Historically, TVA has managed its CCRs in wet impoundments or dry landfills. Currently, CUF consumes an average of 5.6 million tons of coal per year, generates approximately 16 billion kilowatt-hours of electricity a year (enough to supply 1.1 million homes), and produces approximately 1.3 million tons of CCR a year which are managed in an existing fly ash stack, gypsum ash stack, Bottom Ash Impoundment and Main Ash Impoundment. CUF sells approximately 75% of the CCRs produced (725,000 tons gypsum and 275,000 tons of fly ash) annually for beneficial reuse as raw manufacturing material.

In July 2009, the TVA Board of Directors passed a resolution for staff to review TVA practices for storing CCRs at its generating facilities, including CUF, which resulted in a recommendation to convert the wet ash management system at CUF to a dry storage system. On April 17, 2015, the EPA published the final Disposal of CCRs from Electric Utilities rule, also known as the CCR Rule.

In June 2016, TVA issued a Final Programmatic Environmental Impact Statement (PEIS) that analyzed methods for closing CCR impoundments TVA fossil plants and identified specific

screening and evaluation factors to help frame its evaluation of closures at its other facilities. A Record of Decision was released in July 2016 that would allow future environmental reviews of qualifying CCR impoundment closures to tier from the PEIS.

This EIS is intended to tier from the 2016 PEIS to evaluate the closure alternatives for the existing CCR Bottom Ash Impoundment and Main Ash Impoundment. The EIS will also evaluate construction and operation of a new bottom ash dewatering facility and management of dry CCR in a new lined CCR landfill meeting Tennessee Department of Environment and Conservation criteria. This project supports TVA's Board of Directors July 2009 resolution and subsequent recommendation to convert the wet ash management system at CUF to dry storage.

Alternatives

In addition to a No Action Alternative, this EIS will address alternatives that have reasonable prospects of providing a solution to the management and disposal of CCRs generated at CUF. TVA has determined that either the construction of a new on-site landfill or hauling CCR to an existing offsite permitted landfill are the most reasonable alternatives to address the need for dry CCR disposal. A new dewatering facility would dry bottom ash prior to disposal. TVA will consider closure alternatives for the Bottom Ash Impoundment and the Main Ash Impoundment in accordance with and consistent with TVA's PEIS and EPA's CCR Rule.

No decision has been made about CCR management at CUF beyond the current operations. TVA is preparing this EIS to inform decision makers, other agencies and the public about the potential for environmental impacts associated with the long-term management of CCR generated at CUF.

Proposed Resources and Issues To Be Considered

This EIS will identify the purpose and need of the project and will contain descriptions of the existing environmental and socioeconomic resources within the area that could be affected by management of CCR at CUF. Evaluation of potential environmental impacts to these resources will include, but not be limited to, water quality, aquatic and terrestrial ecology, threatened and endangered species, wetlands, land use, historic and archaeological resources, as well as solid and hazardous waste, safety, socioeconomic and environmental