

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.

[FR Doc. 2016-29132 Filed 12-2-16; 8:45 am]

BILLING CODE 4915-01-P

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

justice issues. The final range of issues to be addressed in the environmental review will be determined, in part, from scoping comments received. The preliminary identification of reasonable alternatives and environmental issues in this notice is not meant to be exhaustive or final.

Public Participation

TVA is interested in an open process and wants to hear from the community, interested agencies and special interest groups about the scope of resources and issues they would like to be considered in this EIS.

The public is invited to submit comments on the scope of this EIS no later than the date identified in the **DATES** section of this notice. Federal, state and local agencies such as the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Tennessee Department of Environmental Conservation and the Tennessee State Historic Preservation Officer also are invited to provide comments.

After consideration of comments received during the scoping period, TVA will develop and distribute a document that will summarize public and agency comments that were received and identify the schedule for completing the EIS process. Following analysis of the issues, TVA will prepare a draft EIS for public review and comment. In making its final decision, TVA will consider the analyses in this EIS and substantive comments that it receives. A final decision on proceeding with construction and operation of a bottom ash dewatering facility, management and final disposal of CCR and closure of the Bottom Ash Impoundment and Main Ash Impoundment will depend on a number of factors. These include results of the EIS, requirements of the CCR Rule, engineering and risk evaluations and financial considerations.

TVA anticipates holding a community meeting near the plant after releasing the Draft EIS. Meeting details will be posted on TVA's Web site. TVA expects to release the Draft EIS in summer of 2017.

Dated: November 28, 2016.

M. Susan Smelley,

Director, Environmental Permitting and Compliance.

[FR Doc. 2016-29082 Filed 12-2-16; 8:45 am]

BILLING CODE 8120-08-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Safety Advisory 2016-03]

Mitigation and Investigation of Passenger Rail Human Factor Related Accidents and Operations in Terminals and Stations With Stub End Tracks

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

ACTION: Notice of Safety Advisory.

SUMMARY: FRA is issuing Safety Advisory 2016-03 to stress to passenger and commuter railroads the importance of taking action to help mitigate human factor accidents, assist in the investigation of such accidents, and enhance the safety of operations in stations and terminals with stub end tracks. This safety advisory contains various recommendations to passenger and commuter railroads related to inward- and outward-facing cameras, sleep apnea, and operating practices to potentially mitigate the occurrence and assist in the investigation of human factor related accidents and to enhance the safety of operations in terminals and stations with stub end tracks.

FOR FURTHER INFORMATION CONTACT: Christian Holt, Operating Practices Specialist, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493-0978.

SUPPLEMENTARY INFORMATION:

I. New Jersey Transit Incident

On September 29, 2016, at approximately 8:38 a.m., New Jersey Transit (NJT) Train 1614 travelling at 21 miles per hour (mph) impacted the bumping block at the end of the track No. 5 Depot, at Hoboken Terminal, in Hoboken, New Jersey. The cab car overrode the bumping block and struck the wall of the terminal building, near the ticket office in the corner of the building. NJT Train 1614 was occupied by three crew members and approximately 331 passengers. The accident resulted in the three crewmembers and 108 passengers being transported to four area hospitals. One individual who was standing on the pedestrian walkway between the tracks and the station was fatally injured from falling debris.

The National Transportation Safety Board (NTSB) has taken the lead role in conducting the investigation of this accident under its legal authority. See 49 U.S.C. 1101 *et seq.*; 49 CFR 831.2(b). As is customary, FRA is participating in the NTSB's investigation and also

investigating the accident under its own authority. NTSB has not issued its formal findings. Although the NTSB has not concluded its investigation of this accident, FRA believes railroads should take more robust action to address human factors that may cause accidents and to enhance protection of railroad employees and the public.

II. Other Railroad Accidents

Amtrak Accident at Philadelphia, PA

On Tuesday, May 12, 2015, National Railroad Passenger Corporation (Amtrak) passenger train 188 (Train 188) was traveling from Washington, DC, to New York City. Aboard the train were five crew members and approximately 238 passengers. Shortly after 9:20 p.m., the train derailed while traveling through a curve in the track at Frankford Junction in Philadelphia, Pennsylvania. As a result of the accident, eight persons were killed and a significant number of persons were seriously injured.

NTSB conducted an investigation of this accident under its legal authority and issued its findings on May 17, 2016.¹ As Train 188 approached the curve from the west, it traveled over a straightaway with a maximum authorized passenger train speed of 80 mph. The maximum authorized passenger train speed for the curve was 50 mph. NTSB determined the train was traveling approximately 106 mph within the curve's 50-mph speed restriction, exceeding the maximum authorized speed on the straightaway by 26 mph, and 56 mph over railroad's maximum authorized speed for the curve.² NTSB concluded the locomotive engineer operating the train made an emergency application of Train 188's air brake system, and the train slowed to approximately 102 mph before derailing in the curve.³ NTSB concluded that the probable cause of the engineer accelerating to this speed was due to his loss of situational awareness likely because his attention was diverted to an emergency situation with another train.⁴

On July 8, 2015, NTSB sent a letter to FRA reiterating NTSB recommendations

¹ 49 U.S.C. 1101 *et seq.*; 49 CFR 831.2(b); and NTSB, Railroad Accident Report, RAR-16/02, Derailment of Amtrak Passenger Train 188, Philadelphia, Pennsylvania, May 12, 2015, <http://www.ntsb.gov/investigations/AccidentReports/Reports/RAR1602.pdf>.

² RAR-16/02 at 1. FRA regulations provide, in part, that it is unlawful to "[o]perate a train or locomotive at a speed which exceeds the maximum authorized limit by at least 10 miles per hour." 49 CFR 240.305(a)(2).

³ RAR-16/02 at 4-5.

⁴ *Id.* at 44.