

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final amendments to the Sentencing Commission's Rules of Practice and Procedure.

SUMMARY: This notice sets forth amendments to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.

SUPPLEMENTARY INFORMATION: Section 995(a)(1) of Title 28, United States Code, authorizes the Commission to establish general policies and promulgate rules and regulations as necessary for the Commission to carry out the purposes of the Sentencing Reform Act of 1984. The Commission originally adopted the Rules of Practice and Procedure in July 1997 and has now made amendments to these rules. Specifically, the amendments clarify various rules pertaining to public access and generally provide updated information regarding how the public can contact the Commission.

Authority: 28 U.S.C. § 995(a)(1); USSC Rules of Practice and Procedure 1.2.

Diana E. Murphy,
Chair.

Amendment: Part I of the Rules of Practice and Procedure is amended by striking the introduction in its entirety.

Part I of the Rules of Practice and Procedure is amended in Rule 1.1 by striking the last sentence and inserting the following:

"These rules are not intended to create or enlarge legal rights for any person."

Part II of the Rules of Practice and Procedure is amended in Rule 2.2 in the first paragraph by striking "public" following "and vote in"; and in the fourth paragraph by striking the last sentence and inserting the following:

"Such matters include the approval of budget requests, legal briefs, staff reports, analyses of legislation, administrative and personnel issues, notices regarding Commission amendment priorities, technical and clerical amendments to these rules, and decisions to hold a nonpublic meeting."

Part III of the Rules of Practice and Procedure is amended in Rule 3.1 by adding at the end the following paragraph:

"Members may participate in meetings from remote locations by electronic means, including telephone, satellite, and video conference devices."

Part III of the Rules of Practice and Procedure is amended in Rule 3.2 by adding at the end of the first paragraph the following:

"Except as provided in Rule 3.3, meetings of the Commission with outside parties shall be conducted in public."

Rule 3.3 is amended to read as follows:

Rule 3.3—Nonpublic Meetings

The Commission may hold nonpublic meetings (*i.e.*, meetings closed to the public) for purposes of the following: (1) to transact business of the Commission that is not appropriate for a public meeting (*e.g.*, discussion and resolution of personnel and budget issues); (2) to receive information from, and participate in discussions with, Commission staff and any person designated by an ex-officio commissioner as support staff for that commissioner; and (3) upon a decision by a majority of the members then serving, to receive or share information, from or with any other person, that is inappropriate for public disclosure (one example of which would be information from a law enforcement agency, the public disclosure of which would reveal confidential investigatory techniques or jeopardize an ongoing investigation)."

Part III of the Rules of Practice and Procedure is amended by striking Rule 3.4 in its entirety; and by redesignating Rules 3.5 and 3.6 as Rules 3.4 and 3.5, respectively.

Part V of the Rules of Practice and Procedure is amended in Rule 5.1 by striking "Office of Legislative and Public Affairs" and inserting "Office of Publishing and Public Affairs"; and by striking the second paragraph in its entirety and inserting the following:

"'Public comment' means (1) any written comment submitted by an outside party, including an agency represented by an ex-officio commissioner, pursuant to a solicitation by the Commission; and (2) any other written submission, from an outside party, that the Chair or a majority of the members then serving has not precluded from being made available to the public. 'Public comment' does not include any internal communication between and among commissioners, Commission staff, and any person designated by an ex-officio commissioner as support staff for that commissioner."

Part V of the Rules of Practice and Procedure is amended in Rule 5.2 by adding at the end the following paragraph:

"Subsequent to the deadline for comment on the tentative priorities, the Commission shall publish in the **Federal Register**, and make available to the public for inspection, a notice of priorities for Commission inquiry and possible action."

Part V of the Rules of Practice and Procedure is amended in Rule 5.3 by

striking "Data and Reports" in the title and inserting "Information"; by striking "relevant data and reports for consideration" and inserting "relevant data, reports, and other information for consideration"; and by striking the last sentence and inserting the following:

"Upon authorization by the Staff Director, the Office of Publishing and Public Affairs shall make the data, reports, and other information available to the public as soon as practicable."

Part VI of the Rules of Practice and Procedure is amended in Rule 6.1 by striking "(202) 273-4500" and inserting "(202) 502-4500"; by striking "(202) 273-4529" and inserting "(202) 502-4699"; and by adding at the end "The e-mail address is pubaffairs@ussc.gov."

Rule 6.2 is amended to read as follows:

Rule 6.2—Availability of Materials for Public Inspection; Office of Publishing and Public Affairs

The Office of Publishing and Public Affairs is the repository of all materials that are available to the public.

Generally, the Office of Publishing and Public Affairs will maintain for public inspection the following: (1) Agendas and schedules for Commission public meetings and public hearings; (2) approved minutes of Commission public meetings; (3) transcripts of public hearings; (4) public comment as defined in Rule 5.1; (5) data, reports, and other information made available pursuant to Rule 5.3; and (6) with respect to nonpublic meetings described in Rule 3.3(3), a list of outside parties attending the meeting, a list of issues upon which the Commission was briefed, and, unless otherwise directed by the Chair or a majority of the members then serving, copies of written materials submitted by outside parties.

The Office of Publishing and Public Affairs also will make available upon request (1) information available pursuant to the Commission's policy on public access to Commission data; and (2) *A Guide to Publications & Resources* that lists all publications and datasets available from the Commission."

Part VI of the Rules of Practice and Procedure is amended in Rule 6.4 by striking "http://www.access.gpo.gov/su_docs; 'Information Available for Free Public Use in Federal Depository Libraries' should be selected. The listing may be searched by state or by area code." and inserting "http://www.access.gpo.gov/su_docs/locators/findlibs/index.html."

Part VI of the Rules of Practice and Procedure is amended in Rule 6.5 by striking "<http://www.ICPSR.umich.edu/>

NACJD/home.html." and inserting "http://www.ICPSR.umich.edu/NACJD/archive.html."

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BILLING CODE 2210-40-P

TENNESSEE VALLEY AUTHORITY

Environmental Impact Statement for 500-kV Transmission Line in Middle Tennessee

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: The Tennessee Valley Authority (TVA) will prepare an environmental impact statement (EIS) addressing the proposed construction and operation of a new 500-kV transmission system in northern Middle Tennessee. This 500-kV transmission line would be located within a study area extending from near Cumberland City northeast to Clarksville and southeast to near Nashville, and including parts of seven counties in Tennessee. The EIS will evaluate the potential environmental impacts of the construction, operation, and maintenance of the line. TVA will use the EIS process to obtain public involvement on this proposal. Public comment is invited concerning both the scope of the EIS and environmental issues that should be addressed as a part of this EIS.

DATES: Comments on the scope and environmental issues for the EIS must be postmarked or e-mailed no later than December 31, 2001 to ensure consideration. Late comments will receive every consideration possible.

ADDRESSES: Written comments should be sent to Charles P. Nicholson, NEPA Specialist, Environmental Policy and Planning, Tennessee Valley Authority, mail stop WT 8C, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499. Comments may be e-mailed to cpnicholson@tva.gov.

FOR FURTHER INFORMATION CONTACT: Hugh S. Barger, Transmission/Power Supply, Tennessee Valley Authority, mail stop MR 4G-C, 1101 Market Street, Chattanooga, Tennessee 37402-2801. Telephone (423) 751-3131. E-mail may be sent to hsbarger@tva.gov.

SUPPLEMENTARY INFORMATION:

Background

Electric loads in the Nashville and surrounding areas of Middle Tennessee have grown steadily in the recent past and are projected to continue to grow. In addition, new electrical generation is being connected to the TVA system,

particularly in the western portion of the TVA service area. These two factors have combined to create two potentially serious problems: transmission system overloading and damage to electrical generating units.

TVA has studied this problem and has tentatively concluded that the best method of remedying these problems is the construction of a new 500-kV transmission line that would allow the additional movement of large quantities of power from the western part of its system to the Middle Tennessee area.

Project Description

The project would involve the construction of a new 500-kV transmission line from TVA's Cumberland Fossil Plant to one of two locations; either TVA's Montgomery, TN 500-kV substation located northeast of Clarksville, or TVA's Davidson, TN 500-kV substation located southwest of Nashville. The line would likely be built using self-supporting, laced steel towers on right-of-way 175 feet in width. A line to the Montgomery substation would be around 30 miles long, and a line to the Davidson substation would be around 45 miles long. Neither detailed routing studies nor line design studies have yet been conducted. The line structure type, right-of-way characteristics, and line length remain to be determined and could change when additional information is gathered.

Line construction would require removal of trees within the line right-of-way as well as any other nearby tall trees which would endanger the safe operation of the line. Construction of the support structures would require the excavation of foundations for each of the tower legs. Cranes and other heavy equipment would be needed to construct the towers and pull the electrical conductor into place. After construction, the land disturbed would be restored and the right-of-way would be periodically maintained to prevent the growth of tall vegetation which would endanger the line. The EIS will provide a detailed description of these activities, as well as applicable and appropriate environmental protection measures.

After the completion of scoping, TVA will begin its detailed line routing studies using maps, aerial photography and other relevant data. When the studies have progressed sufficiently, potentially affected landowners will be contacted directly, and additional field surveys will be conducted.

Proposed Issues To Be Addressed

The EIS will describe the existing environmental and socioeconomic

resources within the area that would be affected by construction and operation of a transmission line. TVA's evaluation of environmental impacts to these resources will include, but not necessarily be limited to, the potential impacts on water quality, aquatic and terrestrial ecology, endangered and threatened species, wetlands, aesthetics and visual resources, land use, historic and archaeological resources, and socioeconomic resources.

Alternatives

The results of evaluating the potential environmental impacts and other important issues identified in the scoping process, as well as, engineering and economic considerations will be used by TVA in selecting a preferred alternative. At this time, the range of alternatives TVA has identified for detailed evaluation include no action and construction and operation of a 500-kV transmission line from Cumberland Fossil Plant to one of two possible sites.

Scoping Process

Scoping, which is integral to the NEPA process, is a procedure that solicits public input to the EIS process to ensure that: (1) Issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the draft EIS is thorough and balanced; and (4) delays caused by an inadequate EIS are avoided. TVA's NEPA procedures require that the scoping process commence soon after a decision has been reached to prepare an EIS in order to provide an early and open process for determining the scope and for identifying the significant issues related to a proposed action. The scope of alternatives and issues to be addressed in the draft EIS will be determined, in part, from written comments submitted by mail or e-mail, and comments presented orally or in writing at public meetings. The preliminary identification in this notice of reasonable alternatives and environmental issues is not meant to be exhaustive or final.

The scoping process will include both interagency and public scoping. The public is invited to submit written comments or e-mail comments on the scope of this EIS no later than the date given under the **DATES** section of this notice.

TVA will conduct two public scoping meetings within the project study area. The first meeting will be held at the Tennesco Community Center, 115 Tennesco Drive in Dickson, Tennessee on November 28, 2001 and the second will be held at the Burt-Cobb Community Center, 1011 Franklin Street in