

appear to present any barrier to wetland establishment.

Much of the Bear Creek Reservoir shoreline has eroded since the reservoir was filled in 1969, and rock outcrops and bluffs are common along the shoreline. No critically eroding shoreline has been identified. At the 576-foot elevation, shoreline vegetation present prior to the 2005 emergency drawdown has not decreased. Refilling the reservoir under Alternatives 1 and 2 is not expected to cause additional erosion. Thus, establishment of shoreline buffers to prevent erosion is neither feasible nor necessary.

Returning the reservoir to its original full summer pool is expected to result in water quality conditions virtually identical to the pre-2005 conditions. Most of the shoreline surrounding Bear Creek Reservoir is undeveloped and forested. Runoff from upland areas enters the reservoir primarily via tributary streams. The degree of upland runoff filtered by wetlands is dependent on those wetlands present in coves and associated with streams. These areas have not been affected dramatically by changes in reservoir levels. Historically, low levels of dissolved oxygen have occurred in the deeper portions of the reservoir. Currently there are no plans to improve dissolved oxygen. However, TVA will continue to monitor water quality on Bear Creek Reservoir and would take remedial measures as necessary.

#### Decision

TVA has decided to implement Alternative 2, Modify Dam and Maintain Summer Pool Level of 576 Feet. Under this alternative, the original project objectives of flood control, recreation, economic development, and water supply would be met. The new seasonal minimum flows would improve conditions for endangered species downstream of the dam, and the one-foot increase in the winter pool level would improve operating conditions for the public water supply intake and treatment plant on the reservoir.

Three alternative methods of repairing the dam are identified in the EIS. TVA has selected Alternative 2a, the construction of a roller-compacted concrete structure at the downstream edge of the existing dam.

#### Environmentally Preferred Alternative

Alternative 2—Modify Dam and Maintain Summer Pool Level of 576 Feet is the environmentally preferred alternative. Implementation of this alternative would afford a stable water supply source for the Franklin County

Water Service Authority and would restore water-based recreational opportunities on Bear Creek Reservoir. Repair of the dam under this alternative would provide increased flood protection to downstream areas compared to the other alternatives. Operation of the dam under Alternative 2 to provide target minimum flows would provide improved water quality for three federally listed mussel species known to occur downstream of Bear Creek Dam.

The potential environmental consequences of implementing any of the three Alternative 2 repair methods are similar. However, Alternative 2a—Roller-Compacted Concrete Structure is preferable to the other two methods in that it would most likely provide the best long-term solution to the leakage problems. It would provide protection against the probable maximum flood. The need for future construction disturbance would be reduced under Alternative 2a.

#### Mitigation

Standard construction best management practices would be followed in all aspects of the proposed repairs and construction to avoid or minimize adverse environmental impacts. TVA would ensure that all necessary permits are obtained from the appropriate regulatory agencies and that permit requirements are met. TVA would ensure that all site operations adhere to the requirements in each permit and would employ all necessary actions to minimize environmental impacts. The following non-routine measures would be implemented to reduce the potential for adverse environmental effects:

- Construction buffers would be delineated around any caves within one-fourth mile of a construction area. The buffer for caves would be 200 feet. Within this buffer, vegetation would not be cleared, and vehicles or equipment would be restricted to existing roads.
- TVA would increase patrols and monitoring of cultural resources within the reservoir drawdown area until conditions are stabilized or protected.
- Archaeological surveys as required by the Memorandum of Agreement between TVA and the Alabama State Historic Preservation Officer will be conducted, and mitigation will be performed on any sites or resources determined to be eligible for inclusion on the National Register of Historic Places in accordance with the terms of the Memorandum of Agreement.

Dated: September 10, 2007.

**Janet C. Herrin,**

*Senior Vice President, River Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Corridors of the Future Program

**AGENCY:** Department of Transportation (DOT).

**ACTION:** Notice; announcement of the Corridors of the Future under the Corridors of the Future Program.

**SUMMARY:** The U.S. Department of Transportation (DOT) announces the selection of the Corridors of the Future (CFP) Phase 2 applications to be designated as the Corridors of the Future. The DOT has identified nationally significant corridors and the corresponding CFP applications that have the potential to alleviate congestion and provide national and regional long-term transportation benefits that will increase freight reliability and enhance the quality of life for U.S. citizens within the corridors and across the Nation.

**FOR FURTHER INFORMATION CONTACT:** Ms. Alla C. Shaw, Attorney-Advisor, (202) 366-1042 ([alla.shaw@dot.gov](mailto:alla.shaw@dot.gov)), Federal Highway Administration, Office of the Chief Counsel, 1200 New Jersey Avenue, E84-463, Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

**Electronic Access:** An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

**Background:** On September 5, 2006, the DOT published a notice in the **Federal Register** seeking applications from States, or private sector entities, interested in working together to build and manage corridors in a way that alleviates congestion on our highways, rail, or waterways (71 FR 52364). The notice outlined a two-phase submission and selection process and explained that the DOT would select up to 5 corridors in need of investment. However, the compelling nature of the Phase 2 applications justified DOT's selection of the 6 corridors outlined below. For Phase 1, interested parties were asked to submit proposals containing general information about the proposed corridor projects. The DOT

received 38 Phase 1 proposals. The DOT established a team comprised of representatives from DOT's surface transportation administrations with expertise in the areas of finance, environment and planning, infrastructure, and operations to review the proposals (CFP Team). The proposals were evaluated based on each applicant's responsiveness to the information requested for Phase 1. In a **Federal Register** Notice published on February 7, the DOT invited 14 Phase 1 applicants, with proposals for projects located on 8 major transportation corridors, to participate in Phase 2. (72 FR 5787)

At the end of Phase 2, the DOT received 11 applications for projects located on the 8 corridors identified during Phase 1. The CFP Team evaluated the applications based on each applicant's responsiveness to the information requested for Phase 2 in the September 5, 2006 **Federal Register** notice. For Phase 2, applicants were asked to submit detailed information about the proposed corridor including how the proposed corridor would reduce current national and regional areas of congestion or address future congestion, increase mobility of people and freight, support national and international commerce by reducing congestion and providing reliable travel times, and information about innovative project delivery and financing features proposed for the project. Based on the recommendations of the CFP Team, the DOT identified the following corridors and corresponding Phase 2 applications, to designate as the Corridors of the Future.

1. Interstate 95
  - A. Interstate 95 (I-95)—Florida to the District of Columbia—Submitted by the North Carolina DOT in partnership with the Florida, Georgia, South Carolina, and Virginia DOTs.
  - B. I-95—Florida to the Canadian Border—Submitted by the I-95 Corridor Coalition.
2. Interstate 70 Dedicated Truck Lanes—Submitted by the Indiana DOT in partnership with the Illinois, Missouri, and Ohio DOTs.
3. Interstate 15—A Corridor without Borders—Submitted by the Nevada DOT on behalf of the Western States Coalition (Arizona, California, Nevada, and Utah DOTs).
4. Interstate 5—A Roadmap for Mobility—Submitted by the Washington DOT in partnership with the California and Oregon DOTs.
5. Interstate 10—Submitted by the I-10 National Freight Corridor Coalition.
6. Interstate 69 Corridor—Submitted by Arkansas State Highway and

Transportation Department on behalf of the I-69 Steering Committee.

The DOT encourages State departments of transportation and other project sponsors to continue to advance those ideas contained in the applications that were not selected.

**Authority:** 49 U.S.C. 101.

Issued on: September 5, 2007.

**Thomas J. Barrett,**

*Deputy Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### CSX Transportation

[Docket Number FRA-2007-28612]

CSX Transportation (CSX) seeks a permanent waiver of compliance from certain provisions of the *Locomotive Safety Standards*, 49 CFR 229.129(c), as it pertains to railroad locomotive horn testing. CSX seeks to utilize an automated sound measurement system (ASMS) to test locomotive horns as required in Sections 229.129(a) and (b). The ASMS utilizes a Class 1 sound-level measuring instrument that is permanently mounted in a fixed test site and uses the same technology that is used to measure noise at airports nationwide.

CSX requests to extend the requirement for acoustic calibration (49 CFR 229.129(c)(2) and (9)) from immediately before and after each session of compliance tests to a period of not more than every 6 months. The 6-month period is to be extended to 1 year if the system demonstrates a history of stability that indicates the 6-month testing is unnecessary. CSX states in their petition that the ASMS is equipped with an electrostatic test device that monitors acoustic calibration, and that they would review these tests daily and perform calibration as needed.

In addition, CSX requests a waiver to reduce the requirement from a locomotive needing a 200-foot clearance (49 CFR 229.129(c)(5)) to the front and sides from large reflective surfaces to 150 feet at the side clearance. CSX states in their request that they performed horn testing at 150 feet and again at the required 200 feet with no measurable difference in meter readings. A reduction in the side clearance would assist the railroad in finding suitable test sites closer to their maintenance facilities.

Finally, CSX requests a waiver from the requirement of testing cab- and low-mounted horns (49 CFR 229.129(c)(7)) at a 4-foot level in order to allow all locomotive horns to be tested at the 15-foot level. CSX feels that testing all horns at the 15-foot level would provide more consistent and meaningful measurements for both types of horn mountings. CSX testing shows that cab- and low-mounted horns showed reduced sound measurement at the 4-foot level compared to the 15-foot level, due to the effect of the acoustic shadow created by the locomotive.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2007-28612) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590-0001.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments