

the Fukushima event, TVA will consider what further steps might be taken to ensure the safe operation of its nuclear fleet.

### Decision

On August 20, 2010, the TVA Board approved a budget allocation of \$248 million in support of continued engineering, design, and regulatory-basis development, as well as the procurement of long-lead components such as steam generators for Unit 1. This helped to preserve Bellefonte Unit 1 as a feasible energy resource option. After considering the analyses done for TVA's 2011 IRP, the IRP FEIS, the results of engineering and financial studies conducted since August 2010, and analyses in response to the Fukushima Daiichi accident, the TVA Board approved the completion and operation of Bellefonte Unit 1 on August 18, 2011. The Board directed TVA staff to not resume construction activities at Bellefonte Unit 1 until fuel is initially loaded at TVA Watts Bar Unit 2. Subject to this condition, plant construction can commence 120 days after TVA submits a written notice to the Nuclear Regulatory Commission (NRC) containing certain information regarding plant status, schedules, and other descriptions as set forth in the NRC Policy Statement on Deferred Plants (52 FR 38077 [October 14, 1987]).

### Environmentally Preferred Alternative

As discussed in the September 2010 Bellefonte ROD, TVA has concluded that the environmental impacts of the two Action Alternatives would be very similar and that neither Action Alternative would be environmentally preferable to the other. However, either Action Alternative likely would be environmentally preferable to the No Action Alternative, assuming TVA would build new base load generation elsewhere.

### Mitigation Measures

The following measures will be used to minimize environmental impacts from completion and operation of Bellefonte Unit 1:

- Avoid disturbance of archaeological site 1JA111.
- Take appropriate steps to monitor and mitigate potential housing, traffic, and school impacts in Jackson County, Alabama, during plant construction and mitigate such impacts if needed. Mitigation could include measures such as transportation assistance for commuting employees living outside a 30-mile commuting distance, remote parking areas with shuttles to the Bellefonte site, development of a

temporary on-site RV park and campground or a collaborative development off site.

- In accordance with the permit issued by USFWS on April 15, 2010, provide \$30,000 for research and recovery of the pink mucket.

The following mitigation measures would be implemented to respond to the potential impacts of the proposed transmission system improvements. Prior to implementing any ground-disturbing work, TVA would:

- Survey areas to be disturbed where endangered or threatened plant species have been previously reported to verify if the rare species are still present in the transmission line right-of-way. The locations of any listed species would be identified on construction plans and avoided during construction activities.

- Survey wetlands in the areas that may be disturbed as a result of upgrading/reenergizing activities. Mitigation measures that avoid, minimize, or compensate for impacts to wetlands would be implemented to ensure no significant impacts or loss of wetland function occurs.

- In consultation with the SHPO (for the state in which the property is located) and other consulting parties, develop and evaluate alternatives or modifications that would avoid, minimize, or mitigate any adverse effects to historic properties, if any. With the implementation of the above measures, TVA has determined that adverse environmental impacts of completing and operating Bellefonte Unit 1 would be substantially reduced.

Dated: August 24, 2011.

#### Ashok S. Bhatnagar,

Senior Vice President, Nuclear Generation Development and Construction.

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BILLING CODE 8120-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(J)(1). The actions relate to a proposed bridge widening and

rehabilitation project, the North Spring Street Viaduct Widening and Rehabilitation in the County of Los Angeles, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(J)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before February 27, 2012. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Ollie Jackson, Senior Environmental Planner, Caltrans, District 7, Division of Environmental Planning, 100 South Main Street, Suite 100, Los Angeles, CA 90012-3712, (213) 897-8610, [ollie\\_jackson@dot.ca.gov](mailto:ollie_jackson@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans have taken final agency actions subject to 23 U.S.C. 139(J)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The City of Los Angeles in cooperation with Caltrans proposes improvements and rehabilitation to the existing North Spring Viaduct and its adjoining roadways. The proposed project area is situated northeast of downtown Los Angeles in an area that includes residential, commercial, industrial, and open space land uses. The proposed project area straddles portions of the Central City North and Northeast Los Angeles Community Planning areas. Regional transportation facilities in the area include interstate 110 (I-110), Interstate 5 (I-5), and State Route 101 (SR-101). Completing the project would correct existing geometrical and design deficiencies, and to address seismic vulnerability issues in order to increase the viaduct's SR to a minimum of 80. An additional purpose of the project is to improve bicycle and pedestrian circulation and safety across the river and railroad tracks. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Finding of No Significant Impact (FONSI) for the project, approved on June 30, 2011. The FONSI and other project records are available by

contacting Caltrans at the addresses provided above. The Caltrans FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist07/resources/envdocs/>.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

- *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal Aid Highway Act; [23 U.S.C. 109].

- *Air*: Clean Air Act 42 U.S.C. 7401–7671(q).

- *Migratory Bird Treaty Act* [16 U.S.C. 703–712]

- *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(aa)–11].

- *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d) (1)]; The Uniform Relocation Assistance Act and Real Property Acquisition Policies Act of 1970, as amended.

- *Hazardous Materials*: Comprehensive Environmental response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA);

- *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13112 Invasive Species.

(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.)

**Authority**: 23 U.S.C. 139(l)(1).

Issued on: August 24, 2011.

**Vincent P. Mammano**.

*Division Administrator, Federal Highway Administration, Sacramento, California.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2006–24812]

### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR),

this document provides the public notice that by a document dated July 27, 2011, BNSF Railway (BNSF) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain requirements of Federal railroad safety regulations contained at 49 CFR part 232. FRA has assigned the petition Docket Number 2006–24812.

BNSF seeks a waiver of compliance from certain provisions of 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment*. Specifically, BNSF is requesting to expand the scope of the existing waiver that granted relief from the maximum mileage and inspection requirements specified by 49 CFR 232.213, *Extended haul trains*. BNSF would like to perform the 1,500-mile extended haul inspection for two designated trains at points that slightly exceed the 1,500-mile limit. The two destination points are Kansas City Power and Light (KCP&L); Iatan Generating Plant in Sadler, MO; and Dynegy, Hennepin Plant in Havana, IL. The origination points are various coal mines in the Powder River Basin that would exceed the 1,500-mile Class 1 inspection limit between 30.8 and 103.2 miles. Also, BNSF would like to realign the inspection points. Some inspections normally performed at Lincoln, NE, may be reduced on the Dynegy trains by shifting inspections to Guernsey, WY. Also, KCP&L train inspections may be shifted to Guernsey or Donkey Creek, WY, from Lincoln, NE.

Given the increased demand for coal by the utility industry, BNSF believes that granting this relief is critical to relieving congestion at Lincoln, NE, while maintaining high-quality inspections; and the railroad believes this will not compromise railroad safety. The following trains are covered by the requested relief: E–SAIATM, E–SAIBAM, E–SAIBTM, E–SAICAM, E–SAICDM, E–SAICRM, E–SAIWTM, C–ATMPHH, C–BTMPHH, C–ETMPHH, and C–NAMPHH.

In summary, BNSF respectfully requests that these trains be granted inclusion in FRA Waiver 2006–24812, which was established to resolve congestion issues in 2006. In the 4 years that these trains have been operating under the current waiver, there has been no adverse impact to safety. Since the trains covered by this request operate the very same type of equipment, there is no anticipated deviation from the current high level of safety.

BNSF states that it will provide both mechanical and operating forces with the list of trains allowed to operate past the 1,500-mile threshold. Additionally,

BNSF would maintain records of defective conditions discovered during inspections, as currently required, including any defective equipment set out en route.

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 and may be submitted by any of the following methods:

- *Web site*: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax*: 202–493–2251.

- *Mail*: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.

- *Hand Delivery*: 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 14, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on August 24, 2011.

**Robert C. Lauby**,

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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