

Tollway and CP have presented related issues that ultimately may be relevant to future construction plans and activities for the EOWA Project. Therefore, it is appropriate to institute a proceeding to provide guidance on the issues raised by both the Tollway and CP.

The Board will establish a procedural schedule for the filing of additional pleadings. The Tollway's petition will serve as its opening statement. CP's substantive reply and comments from other interested persons will be due by February 23, 2017. In its substantive reply, CP should provide an analysis that details the impact of the proposed construction projects on its rail operations. The Tollway and other interested parties may respond to CP's reply only on the issue of the potential crossing of the Bensenville Yard by March 16, 2017.

CP also requests that the Board allow for limited discovery on the Tollway's alternative alignment options, the Tollway's plans regarding the Bensenville Yard, and the basis of the Tollway's expert opinions. CP's request for discovery will be denied. The Board often does not provide for discovery in declaratory order proceedings.³ Nor is it apparent that discovery is necessary here. Alignment options for the tollway were analyzed and discussed in the Environmental Impact Statements for the EOWA Project, which are publicly available and which CP cites in its reply. (Tollway Surreply 4; CP Reply 8.) These Environmental Impact Statements also provide information regarding the Tollway's prospective plans for the Bensenville Yard.⁴ To the extent that CP wishes to challenge the Tollway's expert witness's findings on and observations of CP's rail operations, CP possesses the information on its own operations needed to call into question the bases for the expert witness's conclusions. For these reasons, the Board will not order discovery in this proceeding.

It is ordered:

1. A proceeding is instituted.
2. CP and other interested persons may file substantive replies to the Tollway's petition by February 23, 2017.
3. The Tollway and interested persons may file responses to CP's reply, limited to only the issue of the Bensenville Yard, by March 16, 2017.

³ See, e.g., *CSX Transp. Inc.—Pet. for Declaratory Order*, FD 33388 (Sub-No. 101), slip op. at 5 (STB served Aug. 27, 2008).

⁴ See Elgin O'Hare-West Bypass Study: Tier Two Final Environmental Impact Statement (Oct. 2012), § 3.4.2. The Final Environmental Impact Statements are available on the Illinois Department of Transportation's Web site at <http://apps.dot.illinois.gov/fileexplorer/?search=environment/Elgin-Ohare%20final%20EIS>.

4. CP's request for limited discovery is denied.

5. The Tollway's motion for leave to file a surreply is granted.

6. CP's motion for leave to file a reply to the Tollway's surreply is granted.

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

8. This decision is effective on its service date.

Decided: January 17, 2017.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

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TENNESSEE VALLEY AUTHORITY

Environmental Impact Statement— Transmission System Vegetation Management Program

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 management of vegetation on its transmission system. In order to ensure that electric service to the public is not disrupted by outages on its transmission lines, TVA must control the vegetation on about 260,000 acres of the rights of way (“ROW”) for those lines. This EIS will programmatically consider the impacts of vegetation management activities on approximately 17,000 miles of transmission line.

DATES: Comments on the scope of the EIS must be received on or before March 20, 2017.

ADDRESSES: Written comments on the scope of the EIS should be sent to Anita E. Masters, Tennessee Valley Authority, 1101 Market Street, BR 4A, Chattanooga, Tennessee 37402. Comments also may be submitted online at tva.com/nepa or by email to aemasters@tva.gov.

FOR FURTHER INFORMATION CONTACT: For further nepa information, contact Anita Masters, 1101 Market Street BR 4A, Chattanooga, TN 37402, aemasters@tva.gov. For information on current row maintenance practices, see TVA's Transmission Web page (<https://www.tva.gov/Energy/Transmission-System/Right-of-Way-Maintenance>).

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 (NEPA) (<https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews/NEPA-at-TVA>.)

TVA Power System and ROW Maintenance

TVA is a federal agency and instrumentality of the United States created by and existing pursuant to the TVA Act of 1933. Its broad mission is to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. One component of this mission is the generation, transmission, and sale of reliable and affordable electric energy.

TVA operates the nation's largest public power system, producing approximately four percent of all of the electricity in the nation. TVA provides electricity to most of Tennessee and parts of Virginia, North Carolina, Georgia, Alabama, Mississippi, and Kentucky. Currently, it serves more than nine million people in this seven-state region. The TVA Act requires the TVA power system to be self-supporting and operated on a non-profit basis and directs TVA to sell electricity at rates as low as are feasible. TVA receives no taxpayer funding, deriving virtually all of its revenues from sales of electricity.

Most of the electricity is generated on the TVA system from 3 nuclear plants, 8 coal-fired plants, 9 simple-cycle combustion turbine plants, 7 combined-cycle combustion turbine plants, 29 hydroelectric dams, a pumped-storage facility, a methane-gas cofiring facility, a diesel-fired facility, non-TVA owned facilities under power purchase agreements, and various small solar photovoltaic facilities. The electricity generated by these resources is transmitted along high-voltage transmission lines to TVA business customers and local power companies. The local power companies then distribute the electricity to end users such as residents, business owners, and public entities like school systems and hospitals. Distribution lines are owned and operated by local power companies and are the power lines typically seen along streets in neighborhoods.

TVA transmission lines are high-voltage (46-kilovolts or more, with 161-kilovolt most common) and typically have three conductors (wires) suspended from large structures (towers or tall poles) in ROWs that are cleared of buildings and tall vegetation. In most cases, transmission line ROWs vary in width from about 75 feet to 200 feet, with the width increasing with the voltage of the line. Most of TVA's ROWs

are located on easements that TVA acquired from property owners who still can use easement areas in ways consistent with TVA's operation and maintenance of its transmission lines. These easements give TVA the legal right to manage vegetation within its ROWs as well as adjacent to the ROW if vegetation is tall enough to pass within ten feet of a conductor or strike a structure should it fall toward the transmission line.

TVA manages its transmission system according to industry-wide standards established by the North American Electric Reliability Corporation (NERC). Those standards state that the TVA transmission system must be able to survive single-failure events while continuing to serve customer loads with adequate voltage and no overloaded facilities while maintaining adequate transmission line clearances as required by the National Electric Safety Code (NESC).

In order to meet its goal of providing the public safe and reliable electricity, TVA must control the vegetation that would otherwise grow up on its ROWs. When trees or branches get too close to high-voltage transmission lines, electricity can arc through the air like a lightning bolt, seeking the nearest path to the ground, such as a tree. When this occurs, the electricity can cause a fault on the transmission line, severely damaging or destroying nearby property and structures (e.g., houses), and injuring nearby people. The cost and disruption to people's lives when this happens can be serious even if people are not injured from the arc or flash over itself. In August 2003, a single tree contacted a transmission line in Ohio and triggered cascading transmission line failures and blackouts from Ontario, Canada to the northeastern United States. Eleven people died as a result of these blackouts and the economic impact was estimated at \$6 billion. As a result of the event, mandatory reliability standards were developed and implemented. These standards are monitored and enforced by NERC.

TVA uses an integrated approach to vegetation management on its ROWs designed to encourage low-growing plant species and discourage tall-growing plant species. This includes the initial clearing of trees and other tall-growing vegetation from ROWs. Vegetation re-clearing along ROWs utilizes various management techniques including mechanical mowing (using tractor-mounted rotary mowers), tree removal by means of chain saws or other mechanized equipment, and non-restricted herbicides registered with the U.S. Environmental Protection Agency

when appropriate. TVA's approach to vegetation management historically has taken into account whether the vegetation is in the "wire zone," the area directly under the transmission line and between the outermost conductors, or the "border zone," the areas between the wire zone and the edge of the ROW, as well as whether vegetation outside the ROW is tall enough to pass within ten feet of a conductor or strike a structure should it fall toward the transmission line.

The purpose of this EIS is to examine at a programmatic level the potential environmental impacts of vegetation management practices along the approximately 17,000 miles of TVA's transmission line within its seven-state power service area and alternative management approaches.

EIS Scope

Scoping is a process that allows the public to comment on an agency's plans for an EIS. This includes identifying issues that should be studied and those that have little significance. The public's views on alternative actions that meet the stated purpose of the EIS are also helpful in preparing an EIS.

TVA anticipates evaluating several alternative management approaches, but these could change as the NEPA EIS process progresses. As required by applicable regulations, one of those alternative approaches is the No Action Alternative, or no change to TVA's current management practices. TVA has evaluated growth rates, climate, conductor sag and sway to design a cyclical, preemptive vegetation management program that is currently practiced on TVA's transmission line system. TVA's current management practices target existing incompatible vegetation within the ROW as well as vegetation that will become incompatible in the future. Under the No Action Alternative, TVA's ROW management personnel have discretion to manage the risk associated with vegetation growth that otherwise would be cleared. This approach allows TVA's ROW management personnel to allow exceptions to having the entire width of the ROW cleared by TVA. This approach is subject to the availability of financial resources. Any "danger" tree adjacent to the ROW is cleared by TVA. Danger trees include any trees located beyond the cleared ROW, but that are tall enough to pass within ten feet of a conductor or strike a structure should it fall toward the transmission line. TVA would continue to maintain its ROWs consistent with this approach, or any different approach that may be

mandated during development of the EIS.

A second alternative approach is utilizing integrated vegetation management (IVM) practices with a wire zone/border zone approach, where TVA sets objectives, identifies compatible and incompatible vegetation. TVA would then consider action thresholds and evaluate, select and implement the most appropriate methods to achieve the established short and long-term objectives. This vegetation control method is based on considerations of environmental impact and anticipated effectiveness, safety, reliability, economics, site topography and other factors. This approach would be subject to the availability of financial resources. Any "danger" trees adjacent to the ROW would be cleared by TVA.

A third alternative approach to be considered is a border-to-border (BTB) approach in which TVA would remove all vegetation except the low-growing vegetation for the width of the easement on TVA ROWs (includes both the wire and border zones as well as danger trees outside the ROWs). This approach would be subject to the availability of financial resources. TVA ROWs would take on the appearance and characteristics of natural meadows, as well as promote inflorescence by keeping woody stem counts low.

A number of natural resource impacts would be evaluated in the EIS. These include potential impacts on air quality, surface water, groundwater, aquatic ecology, vegetation, wildlife, threatened and endangered species, wetlands, forest resources, and natural areas and parks. In addition, TVA would evaluate socioeconomic impacts and impacts on archaeological and historic resources and aesthetics (visual, noise, and odors). Potential impacts from siting lines in floodplains occur when new lines are constructed and are usually addressed in the environmental reviews done for those lines. Accordingly, TVA does not plan to address floodplain impacts in this programmatic EIS unless circumstances warrant.

These analyses will be conducted at a programmatic, transmission system-wide level. For new transmission lines, TVA considers the potential effects of the initial ROW clearing and of continuing site-specific vegetation management. For ongoing vegetation management of transmission lines already on the TVA system, TVA considers potential site-specific impacts in its NEPA reviews of transmission sector analyses, including impacts on identified sensitive areas. TVA divides its entire transmission system into discrete "sectors" and conducts

environmental analyses within specific sectors slated for vegetation maintenance each year. TVA anticipates that these sector area analyses would continue in the future, tiering off of the programmatic EIS when it is completed.

Public Participation

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. After TVA prepares a draft of the EIS, TVA will release it for public comment. TVA anticipates holding public meetings at various locations throughout TVA's seven-state service area after release of the draft EIS. Meeting details will be posted on TVA's Web site at tva.gov/nea.

Dated: January 13, 2017.

M. Susan Smelley,

Director, Environmental Permitting & Compliance.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Notice Regarding the 2016/2017 GSP Annual Product Review and Certain Country Practice Cases

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of hearing and receipt of public comments.

SUMMARY: This notice announces petitions submitted in connection with the 2016/2017 GSP Annual Product Review that have been accepted for further review. This notice also sets forth the schedule for submitting comments and for a public hearing associated with the review of these petitions and products. This notice also announces the closure of the country practices review of worker rights in Fiji and Niger without change to those countries' GSP trade benefits.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, Director for GSP, Office of the United States Trade Representative, 1724 F Street NW., Washington, DC 20508. The telephone number is (202) 395-2974 and the email address is Naomi_S_Freeman@ustr.eop.gov.

DATES: The schedule for the 2016/2017 GSP Annual Product Review is set forth below: February 15, 2017—Due date for submission of comments, pre-hearing briefs and requests to appear at the GSP Subcommittee Public Hearing on the

2016/2017 GSP Annual Product Review. February 22, 2017—The GSP Subcommittee of the Trade Policy Staff Committee (TPSC) will convene a public hearing on all petitioned product additions, product removals, and competitive needs limitation (CNL) waiver petitions that were accepted for the 2016/2017 GSP Annual Product Review. The hearing will be held in Rooms 1 and 2, 1724 F Street NW., Washington, DC 20508, beginning at 9:30 a.m. March 15, 2017—Due date for submission of post-hearing comments or briefs in connection with the GSP Subcommittee Public Hearing.

April 2017—The U.S. International Trade Commission (USITC) is expected to publish a public version of its report providing advice on the probable economic effect of the prospective addition and removal of products and granting of CNL waiver petitions considered as part of 2016/2017 GSP Annual Product Review. Comments from interested parties on the USITC report on these products should be posted on www.regulations.gov in Docket Number USTR-2016-0009 following the instructions provided below and will be due ten calendar days after the date of the USITC's publication of the public version of the report. July 1, 2017—Effective date for any modifications that the President proclaims to the list of articles eligible for duty-free treatment under the GSP resulting from the 2016/2017 Annual Product Review and for determinations related to CNL waivers.

SUPPLEMENTARY INFORMATION:

Certain Country Practice Reviews

The status of country practices reviews being considered as part of the 2016/2017 GSP Annual Review is described in the list of Active and Closed Country Practices Reviews, which is available on the USTR GSP Web site at <https://ustr.gov/node/6526>. This list includes previously accepted country practices petitions. The United States Trade Representative, drawing on the advice of the TPSC, has decided to close the country practices review cases in docket number USTR-2013-0012 regarding worker rights in Fiji, and docket number USTR-2013-0005 regarding worker rights in Niger, in view of progress made by the governments of Fiji and Niger, respectively, in addressing worker rights issues in those countries.

Background

The GSP program provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The

GSP program is authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*), as amended (1974 Act), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

Petitions Requesting Modifications of Product Eligibility

In a notice published in the **Federal Register** on August 25, 2016 (81 FR 58547), the Office of the U.S. Trade Representative (USTR) announced the initiation of the 2016/2017 GSP Annual Review and indicated that the interagency GSP Subcommittee of the TPSC was prepared to receive petitions to modify the list of products that are eligible for duty-free treatment under the GSP program and petitions to waive CNLs on imports of certain products from specific beneficiary countries.

The GSP Subcommittee of the TPSC has reviewed the product and CNL waiver petitions submitted in response to these announcements, and has decided to accept for review five petitions to add a product to the list of those eligible for duty-free treatment under GSP, one petition to remove a product from GSP eligibility for certain GSP beneficiary countries, and seven petitions to waive CNLs.

A list of petitions and products accepted for review is posted on the USTR Web site at <https://ustr.gov/issue-areas/preference-programs/generalized-system-preferences-gsp/current-reviews/gsp-20162017> under the title "Petitions Accepted in the 2016/2017 GSP Annual Product Review." This list also can be found at www.regulations.gov in Docket Number USTR-2016-0009. Acceptance of a petition indicates only that the TPSC found that the subject petition warranted further consideration and that a review of the requested action will take place.

The GSP Subcommittee of the TPSC invites comments in support of or in opposition to any petition that has been accepted for the 2016/2017 GSP Annual Product Review. The GSP Subcommittee of the TPSC will also convene a public hearing on these products and petitions. See below for information on how to submit a request to testify at this hearing.

Notice of Public Hearing

The GSP Subcommittee of the TPSC will hold a hearing on Wednesday, February 22, 2017 beginning at 9:30 a.m., for products and petitions accepted for the 2016/2017 GSP Annual Product Review. The hearing will be held at 1724 F Street NW., Washington,