

review available resource data and information when considering permit applications associated with the mine plan under Sections 401 and 404 of the Clean Water Act. During their review, the Army Corps will identify impacts to the Waters of the U.S. and require that they be mitigated. The discharge of dredged or fill material into Waters of the U.S. is prohibited unless authorized by the Army Corps, the IDNR-Office of Water Resources, and the Illinois Environmental Protection Agency (IEPA).

In addition, impacts to aquatic life, streams or other waterbodies would be subject to Sugar Camp's integrated fish and wildlife habitat reclamation plan. Per the IDNR-OMM permit requirements, implementation of the plan would avoid or mitigate permanent impacts to biological resources associated with the Action Alternative and other mining actions within 20 miles of the Project, including the activities associated with the No Action Alternative. TVA anticipates that these permit requirements will be sufficiently detailed to mitigate anticipated impacts to the watershed and associated aquatic life. As acknowledged in the Final EIS, certain site-specific information is currently unknown, pending final mine component design. Bleeder shaft facilities would be located to avoid Waters of the U.S. to the maximum extent practicable. Construction on the site of the East Refuse Disposal Area would potentially impact 27,806 linear feet of ephemeral and intermittent streams, 1.4 acres of wetlands, and one pond totaling 0.2 acres. These waterbodies likely contain aquatic life, which has been or would be temporarily disturbed by surface disturbances and coal extraction-related effects. However, displaced species would likely return with completion of reclamation activities. Such effects to aquatic life resulting from mining operations are subject to mitigation under integrated fish and wildlife habitat reclamation plans.

The EPA identified a typographical error in TVA's response to Comment 18 in Appendix C of the Final EIS. In the response, TVA incorrectly identified IDNR as the state agency with authority for enforcement of the National Pollutant Discharge Elimination System (NPDES) permit for the mine. In fact, the IEPA is the authorized agency. TVA notes that IEPA was correctly identified as the authorized agency in section 1.5.1 of the Final EIS. The EPA also commented that TVA's response to Comment 18 in Appendix C should have noted that NPDES permit limits for categorical standards cannot allow for

instream mixing for achieving effluent limits and that the description of the instream dissipation of chloride is not relevant to the discussion about effluent exceedances because the mixing zone and receiving water conditions are taken into account when the effluent limit is established. TVA agrees that the current permit does not contain authorizations for discharges in exceedance of the NPDES permit effluent limits. Finally, as pointed out by EPA, TVA acknowledges that the current permit (IL0078565) does not authorize acid mine drainage.

#### Mitigation Measures

Permit conditions would be enforced by the State of Illinois; TVA does not regulate the mining activities of Sugar Camp. State of Illinois mitigation measures include:

1. The implementation of sediment and erosion control practices (e.g., silt fences, straw, mulch, or vegetative cover) and fugitive dust minimization (e.g., wetting roads prior to heavy use).
2. The implementation of water quality protection measures (e.g., sediment pond treatment, water quality monitoring, or establishment of riparian zone buffer zones).
3. The repair or compensation of any damage to buildings or other structures caused by subsidence.
4. The minimization of invasive species transmission per the requirements of the Illinois Noxious Weed Law.
5. Compensation for any interruption to well water quality or quantity caused by subsidence until the groundwater is restored.
6. The repair of any damage to roads caused by subsidence.
7. The repair of any drainage alteration caused by subsidence.
8. The compensatory mitigation of wetlands and streams impacted by subsidence, if necessary. This condition would also be enforced by the United States Army Corps of Engineers.
9. The repair of any damage to utilities caused by subsidence.

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*Senior Vice President, Generation Construction, Projects and Services.*

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#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2020-0037]

#### Notice of Public Hearing in Section 301 Investigation of Vietnam's Acts, Policies, and Practices Related to Currency Valuation

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** The Office of the United States Trade Representative (USTR) will convene a virtual public hearing and accept rebuttal comments in the Section 301 investigation concerning Vietnam's acts, policies, and practices related to the valuation of its currency.

#### **DATES:**

*December 10, 2020, at 11:59 p.m.:* To be assured of consideration, you must submit requests to appear at the hearing by this date. The request to appear must include a summary of the testimony.

*December 29, 2020, at 9:30 a.m.:* Hearing will be held virtually.

*January 7, 2021, at 11:59 p.m.:* To be assured of consideration, post-hearing rebuttal comments must be submitted by this date.

**ADDRESSES:** You should submit requests to appear at the hearing, hearing testimony, and written rebuttal comments through the Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov) (*Regulations.gov*). Follow the instructions for submitting comments in section III. The docket number is USTR2020-0-037. For issues with on-line submissions, contact the Section 301 line at (202) 395-5725.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning the submission of documents, contact the Section 301 line at (202) 395-5725. For questions concerning the public hearing, contact Michael Gagain, Assistant General Counsel, (202) 395-9529.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On October 2, 2020, the U.S. Trade Representative initiated an investigation pursuant to Section 301 of the Trade Act of 1974, of whether Vietnam's acts, policies, and practices related to the valuation of its currency are unreasonable or discriminatory and burden or restrict U.S. commerce. See 85 FR 63637. USTR invited interested persons to submit written comments by November 12, 2020, regarding the issues in the investigation.

## II. Hearing and Rebuttal Comments

USTR will hold a virtual public hearing in this investigation on Tuesday, December 29, 2020. To be assured of consideration, you must submit requests to testify at the virtual hearing, and summaries of your testimony, by December 10, 2020, at 11:59 p.m. Because the hearing will be public, your testimony should not include any confidential information.

USTR will post information regarding access to the virtual public hearing at <https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-vietnam>. In addition, USTR will contact persons who are testifying at the hearing regarding the procedures for participation.

You may request to testify on the issues covered by the investigation. See 85 FR 63637. In particular, USTR invites hearing testimony regarding:

- Whether Vietnam's currency is undervalued, and the level of the undervaluation.
- Vietnam's acts, policies, or practices that contribute to undervaluation of its currency.
- The extent to which Vietnam's acts, policies, or practices contribute to the undervaluation.
- Whether Vietnam's acts, policies and practices are unreasonable or discriminatory.
- The nature and level of burden or restriction on U.S. commerce caused by the undervaluation of Vietnam's currency.
- The determinations required under section 304 of the Trade Act, including what action, if any, should be taken.

USTR will offer a further opportunity for public comment in the event actions affecting specific products or services are considered in the investigation. Accordingly, the upcoming hearing will not involve testimony regarding specific products or services that might be affected by an action in the investigation.

USTR will consider rebuttal comments submitted by January 7, 2021. Rebuttal comments should be strictly limited to demonstrating errors of fact or analysis not pointed out in the written submissions or hearing testimony and should be as concise as possible.

## III. Submission Procedures

Requests to appear and summaries of testimony, as well as rebuttal comments, must be submitted on *Regulations.gov*. To make a submission via *Regulations.gov*, enter docket number USTR-2020-0037 in the 'search for' field on the home page and click 'search.' The site will provide a search

results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' in the 'filter results by' section on the left side of the screen and click on the link entitled 'comment now.'

When submitting a request to appear and a summary of your testimony, provide in the 'comment' field on the next page the full name, address, email address, and telephone number of the person who wishes to present the testimony. To submit a written statement or summary, *Regulations.gov* allows users to provide comments by filling in a 'type comment' field or by attaching a document using the 'upload file(s)' field. USTR prefers that you provide submissions in an attached document. The file name should include the name of the person who will be presenting the testimony, or if not testifying, the name of the person submitting the statement. The name of the presenter also should be clear in the content of the file itself. All submissions must be in English and be prepared in (or be compatible with) Microsoft Word (.doc) or Adobe Acrobat (.pdf) formats. Include any data attachments to the submission in the same file as the submission itself, and not as separate files. For additional information on using *Regulations.gov*, please consult the resources provided on the website by clicking on 'how to use this site' on the left side of the home page.

For any rebuttal comments that contain business confidential information (BCI), the file name of the business confidential version should begin with the characters 'BCI.' You must clearly mark any page containing BCI by including 'BUSINESS CONFIDENTIAL' on the top of that page and clearly indicating, via brackets, highlighting, or other means, the specific information that is BCI. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that you would not customarily release the information to the public. Filers of submissions containing BCI also must submit a public version of their comments. The file name of the public version should begin with the character 'P.' Follow the 'BCI' and 'P' with the name of the person or entity submitting the comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact the Section 301 line at (202) 395-5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except for submissions properly designated as BCI. You can view submissions on *Regulations.gov* by entering docket number USTR-2020-0037 in the search field on the home page.

**Joseph Barloon,**

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2020-0036]

### Notice of Public Hearing in Section 301 Investigation of Vietnam's Acts, Policies, and Practices Related to the Import and Use of Illegal Timber

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** The Office of the United States Trade Representative (USTR) will convene a virtual public hearing and accept rebuttal comments in the Section 301 investigation concerning Vietnam's acts, policies, and practices related to the import and use of illegally harvested or traded timber.

**DATES:**

*December 10, 2020, at 11:59 p.m.:* To be assured of consideration, you must submit requests to appear at the hearing by this date. The request to appear must include a summary of the testimony.

*December 28, 2020, at 9:30 a.m.:*

Hearing will be held virtually.

*January 6, 2021, at 11:59 p.m.:* To be assured of consideration, post-hearing rebuttal comments must be submitted by this date.

**ADDRESSES:** You should submit requests to appear at the hearing, hearing testimony, and written rebuttal comments through the Federal eRulemaking Portal:

[www.regulations.gov](http://www.regulations.gov) (*Regulations.gov*).

Follow the instructions for submitting comments in section III. The docket number is USTR-2020-0036. For issues with on-line submissions, contact the Section 301 line at (202) 395-5725.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning the submission of documents, contact the Section 301 line at (202) 395-5725. For questions concerning the public hearing, contact Assistant General Counsels David Lyons at (202) 395-9446, or Kimberly Reynolds at (202) 395-6336.

**SUPPLEMENTARY INFORMATION:**