

## DEPARTMENT OF STATE

Bureau of Oceans and International  
Environmental and Scientific Affairs

[Public Notice 2528]

Certifications Pursuant to Section 609  
of Public Law 101-162

April 3, 1997.

**SUMMARY:** On April 30, 1996, the Department of State certified, pursuant to Section 609 of Public Law 101-162, that 36 countries with commercial shrimp trawl fisheries have adopted programs to reduce the incidental capture of sea turtles in such fisheries comparable to the program in effect in the United States and have an incidental take rate comparable to that of the United States, or that the fishing environment in the countries does not pose a threat of the incidental taking of species of sea turtles protected under U.S. law and regulations. The Department has also certified four other countries since that time. The Department was unable to issue a certification for Brazil on April 30, 1996, and, as a result, imports of shrimp harvested in Brazil in a manner harmful to sea turtles were prohibited effective May 1, 1996. The Department of State subsequently issued a certification for Brazil on April 2, 1997, and, as a result, the ban on shrimp imports from that country that had been in effect since May 1, 1996, was lifted.

**EFFECTIVE DATE:** April 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Hollis Summers, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-3940.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 prohibits imports of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on April 19, 1996 (61 FR 17342).

On April 30, 1996, the Department of State certified that 36 shrimp harvesting nations have met, for the current certification year, the requirements of the law. The Department has also certified four additional countries since that time. The Department of State was unable to certify Brazil at that time. As a result, imports of shrimp from Brazil that were harvested in ways harmful to sea turtles were prohibited pursuant to Public Law 101-162, effective May 1, 1996.

The Department did not previously certify Brazil because the Government of Brazil had not demonstrated that its sea turtle protection program was comparable to that of the United States, or that its specific fishing environment did not pose a threat to sea turtles. The Government of Brazil has now provided documentary evidence of the adoption of a sea turtle protection program comparable to the program in the United States. On February 19, 1997, Brazil adopted a regulation prohibiting shrimp trawling conducted in ways harmful to sea turtles. The regulation requires all shrimp trawl vessels, including the vessels fishing for pink shrimp in the southern region, to use turtle excluder devices (TEDs). The Department of State, therefore, was able to certify to Congress that Brazil has met the standards of Section 609 of Public Law 101-162.

Dated: April 3, 1997.

**Mary Beth West,***Deputy Assistant Secretary for Oceans.*

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BILLING CODE 4710-09-M

## TENNESSEE VALLEY AUTHORITY

Upper Ocoee River Corridor  
Recreational Development, Polk  
County, TN, Ocoee Ranger District,  
Cherokee National Forest**AGENCY:** Tennessee Valley Authority.**ACTION:** Issuance of record of decision.

**SUMMARY:** This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR 1500 to 1508) and TVA's implementing procedures. As a cooperating agency, TVA's Board of Directors has decided to adopt Alternative 5, the environmentally preferred alternative, identified in the United States Department of Agriculture, Forest Service, Cherokee National Forest's final environmental impact statement (EIS), "Upper Ocoee River Corridor Recreational Development, Polk County, Ocoee

Ranger District, Cherokee National Forest." The final EIS was made available to the public on February 14, 1997. A Notice of Availability of the final EIS was published by the Environmental Protection Agency (EPA) in the **Federal Register** on February 21, 1997 (62 FR 8012-8013). The preferred alternative proposes a maximum level of land-and water-based recreation development to provide and meet the increasing demand for a variety of recreation opportunities in the Upper Ocoee River Corridor.

In support of maximum recreation development in the Upper Ocoee River Corridor, TVA has decided to release water from Ocoee No. 3 Dam into the upper Ocoee River channel to accommodate special events and commercial and recreation use of the river. TVA will make available water releases for up to 20 days per year for special competitive events associated with the Ocoee Whitewater Center and up to 54 days per year for commercial rafting and recreational use. Water releases will be consistent with TVA water management objectives and take into account the existing TVA operations of Blue Ridge and Ocoee No. 2 and 3 dams. Water releases will require TVA be reimbursed for revenues foregone by diverting water used for power generation to recreation use. However, TVA has decided to "sponsor" without reimbursement up to 10 days of the 20 days of water releases for special events annually for a five year period.

**FOR FURTHER INFORMATION CONTACT:**

Linda B. Oxendine, Senior NEPA Specialist, Environmental Management, Tennessee Valley Authority, 400 West Summit Hill Drive, Mailstop WT 8C, Knoxville, Tennessee 37902-1499, telephone (423) 632-3440 or e-mail lboxendine@tva.gov. Copies of the final EIS may be obtained by writing to Dave Carroll, Cherokee National Forest, USDA Forest Service, P. O. Box 2010, Cleveland, Tennessee 37320, or by calling (423) 476-9700.

**SUPPLEMENTARY INFORMATION:** In July 1995, TVA and the state of Tennessee were invited by the Forest Service to participate as cooperating agencies in an EIS on post Olympic recreation use of the Upper Ocoee River Corridor. TVA agreed to participate in the EIS because it controls water flows within the Ocoee River and its approval of water-related structures would be needed under Section 26a of the TVA Act. TVA must approve water releases for river based recreational opportunities. TVA's actions are limited to those described above.

In 1994, both the Forest Service and TVA, as a cooperating agency, issued Records of Decision (ROD) on the 1994 Olympics Whitewater Venue Final Environmental Impact Statement. Both RODs recognized that the Ocoee Whitewater Center, Olympic facilities, and water course could be used for athletic training and future competitive events and general recreational use to enhance economic development within the area; however, both agencies recognized that any post-Olympic use of the site would require further environmental analysis. The 1997 Upper Ocoee River Corridor Recreational Development final EIS provides that further environmental analysis.

The Ocoee River has a national and international reputation as a premier whitewater river. Since the 1996 International Olympics Slalom Competition and World Cup events, the Ocoee Whitewater Center and other recreational facilities within the Upper Ocoee River Corridor have been a focal point for enhanced visitation and associated increase in demand for recreation opportunities within the area. The existing recreational facilities within the lower Ocoee River corridor are approaching maximum capacity. The growing demand for recreation areas by the public requires the development of facilities that will provide quality recreation experiences while protecting the natural beauty and resources of the area. Development of recreational opportunities will enhance economic development within the area.

New land-based or land-and water-based recreational opportunities within and adjacent to the Upper Ocoee River Corridor are planned by one or more of the involved agencies. These include horse, mountain bike, and hiking trails; campground and day use areas; and improved access to the upper Ocoee River for competitive, recreation, and commercial use.

The proposed site is located within the Cherokee National Forest, Ocoee Ranger District, Polk County, Tennessee, about 28 miles east of Cleveland, Tennessee, along U.S. Highway 64. The upper Ocoee River as defined in the proposal includes that portion of the river from river mile 29.2 to river mile 24.2 or the area just below Ocoee No. 3 Dam down to the Roger's Branch river put-in just above Ocoee No. 2 Dam. This section of the Ocoee River has very low flow because of water diversion at Dam No. 3 for power generation. Water present in the channel is attributed mainly to small inflows from tributary drainages.

Based on comments received during the scoping process, five alternatives were developed and evaluated in the draft EIS. A Notice of Availability of the draft was published by EPA in the **Federal Register** on October 25, 1996 (61 FR 55294), and copies of the draft EIS were sent to over 300 individuals, organizations, and agencies. The public was invited to submit comments on the draft or to attend a meeting at the Ocoee Whitewater Center. No new information or issues were raised in the process.

#### Alternatives Considered

The following five alternatives were considered by the Forest Service and cooperating agencies and were evaluated in the final EIS. These alternatives were designed to address significant issues raised during scoping and to minimize adverse effects on potentially affected resource categories. The No Action alternative assumed a continuation of present management direction and practices and served as a basis for evaluating both the beneficial and adverse impacts associated with the other four alternatives.

*Alternative 1. No Action.* The proposed development would not occur and baseline conditions would continue. Current management directions and practices would continue.

*Alternative 2.* A moderate level of land-based recreational development would occur. Forty two miles of multiple use trails would be established. The Tumbling Creek campground would be reconditioned to accommodate equestrian use. A trailhead would be developed on Chestnut Ridge, and day use facilities at Boyd Gap would be developed. No regularly scheduled water releases would be available from TVA Ocoee Dam No. 3.

*Alternative 3.* A moderate level of land-based and minimum water-based recreational development would occur. Development would include 23 miles of multiple use trails, a 25 to 30 site campground just north of Ocoee Lake No. 3, a trailhead on Chestnut Ridge, day use facilities at Boyd Gap and on the road leading to Ocoee Dam No. 3. The current put-in at Ocoee Dam No. 2 would be expanded. There would be scheduled water releases available from TVA Ocoee Dam No. 3 for 20 days to accommodate special events associated with the Ocoee Whitewater Center.

*Alternative 4.* A moderate to high level of land- and water-based recreation development would occur. Land-based development would include 44 miles of multiple use trails; a 40 site campground north of Ocoee Lake No. 3;

a trailhead on Chestnut Ridge; day use facilities at Boyd Gap, below and on the road leading to Ocoee Dam No. 3, and at "Stumpfield." The current put-in at Ocoee Dam No. 2 would be expanded. There would be scheduled water releases available from TVA Ocoee Dam No. 3 to accommodate 20 days for special events associated with the Ocoee Whitewater Center and 38 days for commercial and recreational use.

*Alternative 5.* A maximum level of land- and water-based recreation development would occur. Development is similar to Alternative 4, with the exception of a slightly larger campground north of Ocoee No. 3 Lake and an increase from 38 to 54 days for commercial and recreational use. As in Alternatives 3 and 4, there would be 20 days of scheduled water releases available for special events.

For commercial and recreation use, TVA considered flows for water release in the range of 2,000 cubic feet per second (cfs) for 8 hours on weekends in March, April, and May; 1,400 cfs for 10 hours on weekends in June, July, and August; and 8 hours for the days of July 4 and Labor Day. Flows for special events were in the range of 1400 cfs for 9.25 hours, which will ensure 8 hours of optimal flow for the event. Flows for commercial and recreational use would not occur during special or competitive events. In providing scheduled water releases, TVA operations at Blue Ridge Lake and Ocoee No. 2 and Ocoee No. 3 powerhouses will be carefully coordinated to ensure that sufficient water is available at the scheduled times, and to avoid flow conditions adverse to recreation whitewater activities associated with Ocoee No. 2. Because of the limited storage of Ocoee No. 3 Lake, TVA cannot control high flows from the local drainage area between Blue Ridge Dam and Ocoee No. 3 Dam during heavy rainfall events. If drought conditions occur, TVA will use water from Blue Ridge to supply the competitive course. Use of water stored in Blue Ridge Lake could potentially lower the lake level; this effect would be negligible. However, TVA's decision to release water is subject to the availability of water.

TVA concurs with the determination of the Forest Service and the state of Tennessee that Alternative 5 is the environmentally preferred alternative. This determination is based on the existing environment and includes potential physical, biological, and socioeconomic impacts of implementing the proposed actions as required by 40 CFR 1502. The environmental impacts of Alternatives 2 through 5 are very similar. Alternative 1 would have the

least impact on the physical and biological environment as no disturbance would occur. Alternatives 2 through 5, with their mitigation measures, have virtually the same environment effects. The main difference between the alternatives is the economic impact to the Ocoee region as a whole and the enhanced recreation opportunities associated with the action alternatives. Alternative 5 provides the greatest opportunity for public use and enjoyment of the Ocoee Whitewater Center, and best meets the increasing demand and expectation by the public for a variety of recreation opportunities and experiences in the Upper Ocoee River Corridor.

#### **Basis for the Decision**

The TVA Board has decided to adopt Alternative 5 because it would produce the most recreation and economic development benefits without significantly impacting the environment. Economic development benefits include approximately 500 additional new jobs and an estimated \$25 million annually added to the economy of the area through direct spending. Implementation of Alternative 5 by TVA and the other involved agencies is also expected to increase recreation opportunities and the quality of the recreation experience, increase national recognition of the recreation resources of the southeast, and provide trails and other physical improvements to the site and increase efforts to protect the area.

#### **Environmental Consequences and Commitments**

The principal effect of TVA's water release decision is to provide increased flows from Ocoee No. 3 Dam for competitive and special events and recreational and commercial uses. Scheduled water releases are not expected to impact water quality. The impact on Blue Ridge Lake level was the main factor in determining the range of flows considered in the analysis. Minor impacts on Blue Ridge would only be noticeable during drought years, and would occur during the period when the seasonal drawdown is already in progress. Operation of the TVA system to provide water in the upper Ocoee River channel would result in power losses to the TVA system. Most of the power losses result from bypassing Ocoee No. 3 powerhouse. In addition, some power generation would be shifted from peak to off-peak periods at Blue Ridge, Ocoee No. 2, and Ocoee No. 3 powerhouses. Also, additional spills at Ocoee No. 2 diversion dam would result in lost power generation. The amount

would depend on the hours during the day releases are actually scheduled. The "cost" of these changes in hydroelectric plants operation would range from \$660,000 to \$830,000 per year. This cost includes 20 days for special events and 54 days for recreation and commercial uses.

An additional potential cost in implementing Alternative 5 water releases includes replacement of low-level sluice gates on Ocoee No. 3 Dam. To allow for water releases on a regular basis, the low-level sluice gates on Ocoee No. 3 Dam would have to be replaced. The current gates were designed to periodically release water from the bottom of the reservoir for siltation removal. The life expectancy of these gates average about 500 cycles before replacement is required. The estimated cost of a gate design for long-term use is \$350,000. This cost includes design and installation of a gate that can be used for operation releases without excess wear and tear on the components.

When TVA approval under Section 26a of the TVA Act of water use facilities is sought in the future, it will require best management practices to control erosion and sedimentation, as necessary, to prevent adverse water quality impacts. The possible location of acid bearing rock formations would be identified in any construction plans, and their disturbance would be avoided to the extent possible.

Dated: April 3, 1997.

**Mark O. Medford,**

*Executive Vice President, Customer Service and Marketing.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

#### **Reports, Forms and Recordkeeping Requirements**

#### **Agency Information Collection Activity Under OMB Review**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice.

**SUMMARY:** The Department of Transportation (DOT) will submit the following emergency processing public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). The DOT is publishing a notice in the **Federal Register**, informing the public

of DOT's plan to submit to OMB, 13 information collections for reinstatement, some with changes, of previously approved collections for which approval has expired, under the emergency processing procedures, 5 CFR 1320.13. The titles, descriptions, affected public, with burden estimates are shown below. Because OMB approval is valid for 180 days, DOT is taking appropriate steps to obtain a regular approval.

**DATES:** Comments on this notice must be received on or before June 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phillip Leach, DOT Information Collection Clearance Officer, Office of Information Resource Management, Room 7107-R, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366-0770.

#### **SUPPLEMENTARY INFORMATION:**

#### **Federal Transit Administration (FTA)**

*Title:* University Research and Training Program.

*OMB Control Number:* 2132-0547.

*Affected Public:* Accredited Institutions of Higher Learning.

*Abstract:* 49 U.S.C. 5312 authorizes the Secretary of Transportation to make grants to public and private nonprofit institutions of higher learning to assist in establishing or carrying on comprehensive research in the problems of transportation in urban and rural areas. The information collected is submitted in the form of an application for a grant and is used to determine eligibility of grant applicants and to assure that all FTA and Federal requirements are met. This information also enables FTA and the academic community to properly define subject matter categories and to identify the kinds of organizations that are submitting proposals. Also, the information is essential to support basic and theoretical research within the academic community that will advance the current knowledge base, improve the transportation service provider's decisionmaking and management processes, and assist transit professionals to anticipate significant national issues and trends. The information is also used to report annually to Congress, the Secretary, and to the FTA Administrator on how grantees are responding to national emphasis areas and Congressional direction, and allows FTA to track grantees' use of Federal planning and research funds.

*Estimated Annual Burden:* 4,728 hours.

*Title:* Managerial Training Program.