

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33462, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Joseph D. Anthofer, Esq., 1416 Dodge Street, #830, Omaha, NE 68179.

Decided: September 15, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-25350 Filed 9-23-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Finding of No Significant Impact for Implementation of White House Security Review Vehicular Traffic Restriction Recommendations

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of the Treasury (Treasury) has made a finding of no significant impact (FONSI) with respect to the environmental assessment (EA) for implementation of White House Security Review Vehicular Traffic Restriction Recommendations. This EA was prepared by the Department of the Treasury following the security action to restrict vehicular access to certain streets in the vicinity of the White House Complex pursuant to the emergency provision (40 CFR 1506.11) of the Council on Environmental Quality's (CEQ) National Environmental Policy Act (NEPA) implementing regulations. The Federal Highway Administration (FHWA) was a cooperating agency.

FOR FURTHER INFORMATION CONTACT: For a copy of the FONSI contact Mr. Bill McGovern, Environment and Energy

Programs Officer, 1500 Pennsylvania Avenue, NW, Treasury Annex Room 6140, Washington, DC, 20220; telephone (202) 622-0043; fax (202) 622-1468. Copies of the EA are also available at the above address. The EA is still available on the Department of the Treasury's home page at <http://www.treas.gov>. Additionally, copies of the EA were mailed to Federal, State, and local agencies; public interest groups; interested individuals; and District of Columbia public libraries.

SUPPLEMENTARY INFORMATION: On June 2, 1997, the Treasury made the EA available to the public for a thirty day comment period. A total of 650 copies of the EA were distributed to Federal, state, and local agencies, Members of Congress, the Government of the District of Columbia, private organizations and interested members of the public. Additionally, the EA was available via the Internet. Twelve comment letters were received. Three of the comment letters were from private individuals. Two were from individuals or agencies representing the District of Columbia: Eleanor Holmes Norton, and the District of Columbia Department of Public Works (DCDPW). Three were from historic preservation organizations and sites: the Advisory Council on Historic Preservation (ACHP); the National Trust for Historic Preservation; and Saint John's Church. Four were from other governmental entities: Region III of the Environmental Protection Agency; the National Capital Planning Commission; the National Park Service (NPS); and the Washington Area Metropolitan Transit Authority (Metro).

A brief description of the security action and the findings of the EA are presented below followed by a summary of the issues raised in the comment letters along with Treasury's response for each issue.

On May 19, 1995 the Secretary of the Treasury ordered the Director of the United States Secret Service to restrict vehicular traffic on certain streets surrounding the White House Complex. The Director implemented the action on May 20, 1995. The security action was taken to provide necessary and appropriate protection for the President of the United States, the first family, and those working in or visiting the White House Complex.

This security action was one of several recommendations resulting from the "White House Security Review" (the Review). The final report of the Review is classified; however a "Public Report of the White House Security Review" was issued in May 1995. The Review's recommendation states that it was "not

able to identify any alternative to prohibiting vehicular traffic on Pennsylvania Avenue that would ensure the protection of the President and others in the White House Complex from explosive devices carried in vehicles near the perimeter."

The EA examined the impacts of the security action on transportation, air quality, noise, vibration, visual/aesthetic resources, cultural resources, pedestrian access, socioeconomic resources, natural resources and cumulative environmental effects.

Available pre-action data was collected from local and Federal agencies and supplemented by traffic counts and travel time analysis conducted for the EA. With the exception of traffic counts for certain intersections, the available pre-action data was not directly comparable to the post action measurements and did not allow for accurate comparison of before and after action conditions. The analysis in the EA described the conditions after the action and several traffic modifications which the DCDPW implemented to alleviate congestion.

The EA did identify certain streets which received large increases in traffic after the security action. It also identified other streets which had large decreases in traffic. It was impossible to determine exactly how much of the increase or decrease was due to the security action because of the above mentioned lack of pre-action data. The majority of the streets in the study area continue to operate at an acceptable level, and traffic levels are typical of a downtown area in a major city.

The changes in traffic patterns did not result in any violations of National Ambient Air Quality Standards (NAAQS) for carbon monoxide, the pollutant of highest concern in intersection modeling. While the area remains in non-attainment status for ozone, ozone levels should not be significantly changed as a result of the security action. Ozone changes are more apt to result when there is a significant increase in vehicle miles traveled. The security action merely shifted traffic within the local area.

Noise levels in the study area were not significantly increased by the security action. Levels in the area on the north side of the White House dropped noticeably. Vibration levels on H street were examined and found to be similar to pre-existing levels. The frequency of vibration probably did increase; however, because the vibration levels remain below the threshold for damage to fragile historic buildings, no problems are anticipated.

The placement of the temporary security barriers has had an adverse visual impact on a number of historic buildings in the study area. This will be remedied by the NPS when they complete their plan for replacement of the temporary barriers with an acceptably designed permanent barrier. The removal of traffic from Pennsylvania Avenue presents pedestrian tourists and residents alike with an improved view of the north side of the White House.

Pedestrian access as measured by accident data appears to be relatively unchanged. Access to the north side of the White House is improved at Pennsylvania Avenue.

Socioeconomic analysis was limited to emergency services (fire and police) and Metro bus cost increases and parking meter revenue losses. No police or fire stations were moved as a result of the security action. Some minor adjustments in emergency response routes were made. Metrobus changed several routes and bus stops as a result of the security action. Some intersections had to be reconfigured to accommodate the turning radius of the buses. Metrobus provided a cost estimate of \$115,000 in capital costs and \$314,000 in annual operating costs. Parking meter revenue losses were estimated to be \$98,000 annually.

No endangered or threatened species are known to frequent the study area. Little or no impact occurred to the native wildlife since there was no ground disturbing activity.

The cumulative impacts analysis did not identify any violation of NAAQSs even when the projected full operation of the Ronald Reagan Federal Building was added into the air quality analysis.

A number of recommendations are discussed which could further improve traffic conditions in the area around the White House. These recommendations are presented in the EA; however, they are meant for consideration by the relevant NPS and District of Columbia offices which have the legal authority to implement them.

None of the impacts analyzed in the EA were found to be significant under NEPA. None of the comment letters raised new issues that were not addressed in the EA. The comments along with responses to each comment are included below. Based on the FONSI, an Environmental Impact Statement will not be prepared for the security action (40 CFR 1501.4(c), (e)).

Summary of issues raised in the comment letters:

Issue 1: Two commenters questioned the lack of alternatives in the environmental assessment (EA). Both

suggested alternatives that should have been considered.

Response: The White House Security Review, which was an eight month comprehensive study, considered numerous other alternatives; however, it ultimately concluded that none of the other alternatives would provide the necessary level of protection to the White House Complex. The Security Review is classified top secret and could not be included in a public review document such as the EA.

Issue 2: Two commenters stated that Treasury should prepare an Environmental Impact Statement (EIS) because the EA does not adequately address the socioeconomic impacts of the action. Both stated that there are significant impacts to the commercial sector of the city from the restriction.

Response: Neither comment provided any data to support the assertion as to commercial impact. Treasury's analysis of the economic impact of the action was limited to identifiable costs incurred by the District in terms of increased Metro costs and lost parking revenue. Treasury was able to gather reliable data in each of these areas. Over 150 copies of the EA were mailed to commercial entities and associations representing the private sector. No comments were received from any of these entities.

Issue 3: Three commenters questioned how Metro and the District would be reimbursed for the Metrobus costs incurred and parking meter revenue lost as a result of the security action.

Response: Treasury continues to work with the Office of Management and Budget to explore ways in which the Federal Government can provide economic support to Metro and the District.

Issue 4: Two commenters stated that Treasury should prepare an EIS because the EA does not adequately address the traffic conditions resulting from the security action. One commenter alleged that Treasury did not consider all the traffic data that might be available.

Response: The EA characterizes the traffic operating conditions within the study area in terms of level of service and travel speed and identifies the streets which received the increases and decreases in traffic. It does not quantify the increase or decrease in commuting time resulting from the security action, because of the lack of a comparable pre-action data. The emergency nature of the action precluded a systematic, advance collection of traffic data. Existing data was used to the extent possible, but no complete set of information ever existed which could be used for a direct comparison of before

and after conditions. After an extensive search, every available source of data was used for the traffic analysis in the EA, including the DCDPW, the FHWA, and the NPS.

Issue 5: One commenter stated that the EA had thoroughly evaluated the potential impacts of the action. It concluded that the impacts were minor, should be further reduced by the recommendations in Chapter 3 and recommended that we prepare a finding of no significant impact.

Response: Treasury agrees the impacts are minor. It should be noted that several of the recommendations in Chapter 3 have been implemented by the cognizant agencies such as the DCDPW and Metro. The recommendations are items which could provide additional relief to traffic problems.

Issue 6: Three commenters questioned the adequacy of the air quality analysis provide in the EA. They believe that since the District was in non-attainment status for ozone, even before the security action, and attainment for carbon monoxide (CO), ozone should have been modeled to measure any increases. One commenter stated that slow moving vehicles would emit more emissions than were emitted before the action.

Response: Ozone is a regional problem. An action that creates traffic delay within a corridor of the study area does not translate into increased ozone in that same corridor because of the time lag between the emission of substances that are the precursors to ozone and ozone creation. Such an action theoretically could pose a threat to the region by representing an increase in the inventory of emissions leading to ozone formulation. The effects of individual projects are not known; the state of the art is to take care of ozone in planning, accounting for the interaction of numerous actions and multiple interrelated factors. The security action is not considered to be regionally significant. Many things contribute to ozone production. Hence the analysis at the region wide level. It is not common practice to conduct an assessment of the effects of an individual project, primarily because the individual project normally is not significant enough to perform an entire regional analysis to see how it fits into the picture. Whatever the effects the individual action would have on emissions would be within the terms of error of the model and thus would be statistically insignificant.

Additionally, the security action did not result in a large increase in vehicle miles traveled (VMT); the traffic that

otherwise would have been using Pennsylvania Avenue has shifted to adjoining streets. Idling or slow moving vehicles have low volatile organic compound (VOC) and nitrous oxide (Nox) emission rates. Instead, the amount of VMT and the speed of the travel are the main influences on VOC and Nox production. For Nox, which is the more vexing of the main ozone producing pollutants, any decrease in average speed below 28 miles per hour actually reduces emissions. Most of the traffic in the study area moves at speeds below this level during the three peak periods.

Issue 7: One commenter stated the belief that Treasury was trying to conceal the extent of the increase in carbon monoxide (CO) emissions, positing that the model results should be compared to ambient concentrations prior to the closing of Pennsylvania Avenue to vehicular traffic in 1995.

Response: While a comparison of the CO levels prior to and after the action could potentially find some increases in emissions, such a comparison would be impossible to perform, because traffic levels and CO concentrations were not measured before the action took place. In addition, an increase in emissions, by itself, is not an indication that a problem exists, provided that the NAAQS are met, and the State Implementation Plan is not violated. The EA shows that both these conditions are met. The analysis performed in the EA satisfies the requirements of the NEPA.

Issue 8: One commenter questioned the treatment of indirect emissions in the EA and the assertion that Treasury doesn't have control over these emissions.

Response: The direct and indirect emissions resulting from the security action were analyzed under NEPA. The same analysis techniques were used that would have been used for the analysis under the Clean Air Act Amendments' (CAAA) conformity requirements had they been applicable. The indirect emissions were not included in reaching a CAAA conformity decision because Treasury does not have a continuing program of control over traffic in the downtown area.

Issue 9: Two commenters stated that the results of the noise and vibration analysis along H Street are not representative of what they experience at their locations. One stated that parking tour buses along H Street were a noisy visual "wall of steel" on the historic structures. The same commenter requested that a vibration barrier be installed along H Street to eliminate the potential for damage to the

historic structures. One questioned the use of the 95 dB vibration threshold for damage to extremely fragile historic buildings from the Federal Transit Administration (FTA).

Response: The noise and vibration data in the EA are actual data taken in a representative manner at various locations in the H Street area. This data is consistent with the limited amount of pre-existing data that was available. Treasury believes that repairing of the street could further reduce the noise and vibration levels along H Street. Treasury agrees that the illegally parked tour buses create additional sources of noise and vibration and should be removed by the appropriate authorities.

According to the FTA, the 95 dB vibration threshold is applicable to both short term impacts from construction and long-term vibration effects of operational traffic. It was used in the EA because it is one of only a few guidance publications on the effects of vibration. Further research has identified the California Department of Transportation (Caltrans) criteria for historic buildings and ancient ruins. The Caltrans guidance applies to continuous vibration sources, such as those resulting from traffic and trains. The Caltrans guidance uses a vibration criteria of 0.08 inch/second Peak Particle Velocity (PPV) as the threshold for damage. PPVs below this level should not result in damage. This is a more conservative level than the FTA's 95 dB (rms) or 0.12 inch/second PPV criteria. The post-action measured levels along H Street were 0.016 inch/second or below. Pre-action data showed levels as high as 0.035 inch/second PPV at Decatur House. Both the pre- and post-action levels are well below the Caltrans level of 0.08 inch/second PPV. It is clear that the security action did not result in any significant increase in these levels, and the vibration data does not show any need for installation of a vibration barrier along H Street.

Issue 10: Two commenters stated that the cumulative impacts analysis in the EA was deficient because it did not include a discussion of the General Service Administration's (GSA) proposal to limit on street parking at Federal Office Buildings here in the District.

Response: The purpose of the EA was to analyze the security action, which occurred two years before the GSA proposal. The GSA proposal is currently at the scoping stage and was not developed enough to include in the EA at the time the EA was being written. A draft of the Treasury EA was reviewed by GSA. GSA did provide detailed information about the parking at the

Ronald Reagan Federal Building for use in the cumulative impact analysis. The GSA action will be fully described in a draft EIS they plan to release in December 1997. The security action should be part of the base condition for their EIS.

Issue 11: Three commenters asked questions related to the Metrobus impacts. Two requested detailed data on increases or decreases in ridership resulting from the actions. One provided corrections related to schedules and stops.

Response: Information obtained from Metro after the security action indicated there were some ridership changes in the period before and after the security action, but the changes could not be attributed to the security action. The corrections related to stops and schedules are acknowledged.

Issue 12: The Advisory Council on Historic Preservation stated that additional information about the historic character of the affected buildings would be needed to complete the Section 106 review under the National Historic Preservation Act. The commenter also clarified the extent of the original Section 106 review coverage undertaken at the time of the security action by Treasury.

Response: Additional information on the significance of the buildings on the register will be included in any follow-on Section 106 compliance activity. Treasury agrees that the temporary barriers were addressed as an emergency action at the time of the action and that only newly identified issues would be part of a follow-on Section 106 activity. It was important to recognize the adverse effect of the temporary barriers and to clarify that the National Park Service will be replacing the temporary barriers with a system of permanent barriers as part of its Long-term Design Plan for Pennsylvania Avenue.

Issue 13: One commenter noted that the description of the Section 106 compliance activity was confusing as to which agencies were doing what.

Response: Section 106 compliance for the placement of the temporary security barriers was completed by the Treasury in 1995. The NPS has a project to develop an acceptable permanent design and replace the temporary barriers, which will be subject to the Section 106 compliance process. Treasury is conducting a separate Section 106 process to examine effects other than the placement of the temporary security barriers, including traffic increases and the resulting visual, noise, and vibration impacts.

Issue 14: One commenter noted that the E Street traffic recommendation could affect the Zero Milestone and the Butt-Millet memorial, raising historic preservation issues that were not included in the EA.

Response: The recommendation for providing for resumption of westbound traffic on E Street assumed that the existing street configuration would be maintained and not require widening in the area of the Zero Milestone and the Butt-Millet memorial. The recommendations provided in Chapter 3 are just that, recommendations for consideration by the agencies with the authority to implement them.

Issue 15: One commenter stated that the EA was misleading because it did not describe the process for reaching a decision on whether to issue a FONSI or a notice of intent to prepare an environmental impact statement.

Response: The CEQ's NEPA regulations have been in place since 1978. Treasury did not feel it was necessary to explain the purpose of an environmental assessment in its document. The comment period was announced in the **Federal Register** and the EA itself.

Issue 16: One commenter stated that traffic was worse and that Pennsylvania Avenue and E Street should be reopened to vehicular traffic.

Response: The security need for the restriction has not been eliminated; however, Treasury is working with other agencies to examine potential new designs for traffic on E Street. The EA does show that some streets have had increases in traffic. The exact amount which is due to the action cannot be determined due to the lack of pre-action data.

Issue 17: One commenter criticized the EA for not having a section on the beneficial impacts of the action such as the better access to Lafayette Park and providing a more appropriate setting for one of our preeminent national symbols.

Response: Treasury agrees that there are many beneficial impacts resulting from the vehicular traffic restriction and attempted to describe them in qualitative terms in the EA. Most of these impacts are very difficult to assign dollar figures to and such an effort is not warranted at the EA level.

Issue 18: One commenter noted that the action is not consistent with the District's transportation plan, as outlined in the *Transportation Vision, Strategy and Action Plan for the Nation's Capital*.

Response: The action was taken to protect the White House Complex from explosive devices carried by vehicles near the perimeter. This action, while

inharmonious with the transportation plan, is a necessary security precaution.

Issue 19: One commenter believes that there is sufficient pre-existing traffic data available from the District and the FHWA to allow for estimation of the action's effects.

Response: The EA used the above mentioned data and data from other sources and still could not identify a method for making the suggested estimation. FHWA was a cooperating agency for the EA.

Issue 20: One commenter citing anecdotal evidence from her constituents suggests that noise levels now are noticeably higher. This commenter also suggested that the methodology used for noise in the EA contains flaws and therefore failed to fully quantify the actual increase.

Response: The EA noise data was acquired using standard industry practices and equipment. It presents the actual dB readings taken at the time of the measurement in a scientifically accurate manner.

Issue 21: One commenter noted that the boundaries for the extended study area are appropriate for evaluating the project's effects.

Response: Treasury agrees.

Lawrence H. Summers,

Deputy Secretary.

[FR Doc. 97-25354 Filed 9-23-97; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY

Customs Service

Expansion of National Customs Automation Program Test Regarding Electronic Protest Filing

AGENCY: Customs Service, Treasury.

ACTION: General notice; expansion of program.

SUMMARY: This notice announces Customs plan to expand its program regarding the electronic filing of protests to encourage new participants. Also, public comments concerning any aspect of the test are solicited.

EFFECTIVE DATE: The testing period, which was scheduled to end on April 30, 1997, is now extended through December of 1997.

ADDRESSES: Written comments regarding this notice or any aspect of this test should be addressed to the Chief, Commercial Compliance Branch, U.S. Customs Service, 1301 Constitution Avenue, NW, Room 1313, Washington, DC 20229-0001.

FOR FURTHER INFORMATION CONTACT: For operational or policy issues: Neil

Shannon, Chief, Commercial Compliance Branch, (202) 927-0300.

For protest system or automation issues: Steve Linnemann, Office of Information and Technology, (202) 927-0436.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 1996, Customs published in the **Federal Register** (61 FR 3086) a general notice announcing, as part of the National Customs Automation Program (NCAP), a test regarding the electronic filing of protests. The test began on May 1, 1996, was to last six months, but was extended through April of 1997, when a second general notice was published on December 31, 1996, in the **Federal Register** (61 FR 69133). The test allows the following actions to be filed and tracked electronically:

(1) Protests against Customs decisions under 19 U.S.C. 1514

(2) Claims for refunds of duties deposited or for corrections of errors requiring reliquidation pursuant to 19 U.S.C. 1520 (c) and (d); and

(3) Interventions in an importer's protest by an exporter or producer of merchandise from a country that is a party to the North American Free Trade Agreement (NAFTA) under § 181.115 of the Customs Regulations (19 CFR 181.115).

Participation in this NCAP component is available to all interested parties. If you already are an ABI participant, you can take advantage of electronic protest immediately by contacting your local Customs Client Representative. If you are not an ABI participant, write a letter on your company's letterhead indicating your interest in electronic protest filing. The information provided should include your company's name, address, telephone number, and the name of a contact person. Send the letter to: U.S. Customs Service, Office of Information and Technology, User Support Services Division, Trade Support, Room 2419, 1301 Constitution Avenue, NW, Washington, DC 20229.

Expansion of Test

This notice informs the public that Customs is expanding the program for the electronic filing of protests to encourage new participants. Also, public comments concerning any aspect of the test are solicited.

Customs anticipates that this NCAP component will be available to all interested parties by January of 1998.