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TENNESSEE VALLEY AUTHORITY

Adoption of Final Environmental Impact Statement

AGENCY: Tennessee Valley Authority.

ACTION: Adoption of Final Environmental Impact Statement.

SUMMARY: In accordance with Tennessee Valley Authority (TVA) procedures implementing the National Environmental Policy Act (NEPA) and consistent with 40 CFR 1506.3, TVA has decided to adopt a Final Environmental Impact Statement (FEIS) issued by the U.S. Department of Energy (DOE), Office of Fissile Materials Disposition in June 1996. This FEIS is titled "Disposition of Surplus Highly Enriched Uranium." Final Environmental Impact Statement Notice of the availability of the FEIS was published by the U. S. Environmental Protection Agency in the **Federal Register** on June 28, 1996. A separate DOE Notice of Availability, summarizing the Highly Enriched Uranium Final EIS appeared in the **Federal Register** that same day. TVA has determined that the FEIS meets the standards for an adequate FEIS and can be adopted.

DATES: Submit comments no later than March 19, 2001, to Bruce Yeager, Senior NEPA Specialist, at the address listed below.

ADDRESSES: The FEIS can be inspected at the following locations:

TVA Corporate Library, East Tower Plaza, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

TVA Corporate Library, Signal Place Building (North), 1st floor, Quadrant "A", 1101 Market Street, Chattanooga, Tennessee 37402.

Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Athens-Limestone Public Library, 405 E. South St., Athens, Alabama 35611.

Unicoi County Public Library, 201 Nolichucky Ave., Erwin, Tennessee 37650.

Richland Public Library, 955 Northgate Dr., Richland, Washington 99352.

Aiken County Public Library, 314 Chesterfield St. SW, Aiken, South Carolina 29801.

Oak Ridge Public Library, 1401 Oak Ridge Turnpike, Oak Ridge, Tennessee 37093.

The complete FEIS and Summary are also available in electronic format on the U. S. Department of Energy NEPA website at <http://www.tis.eh.doe.gov/nepa>.

FOR FURTHER INFORMATION CONTACT:

Bruce Yeager, Senior NEPA Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive, Mailstop WT 8C, Knoxville, Tennessee 37902, (865) 632-8051 or e-mail at blyeager@tva.gov.

SUPPLEMENTARY INFORMATION: In June 1996, the Department of Energy, Office of Fissile Materials Disposition released an FEIS titled "Disposition of Surplus Highly-Enriched Uranium." This FEIS assessed the environmental impacts that may result from the disposition of U.S. origin weapons-usable highly enriched uranium (HEU) that was or may be declared surplus to national defense or defense-related program needs. In addition to the No Action Alternative, this EIS assessed four alternatives that would aid U.S. non-proliferation policies. These alternatives would eliminate the weapons usability of HEU by blending it down with natural uranium, low enriched uranium (LEU) or depleted uranium to create LEU to be used either as commercial reactor fuel feedstock or disposed of as low-level radioactive waste. The EIS assessed the disposition of approximately 200 metric tons of surplus HEU.

The potential blending sites considered in the EIS were: DOE's Y-12 Plant at Oak Ridge, TN; DOE's Savannah River Site in Aiken, SC; the Babcock and Wilcox Naval Nuclear Fuel Division Facility in Lynchburg, Virginia; and the Nuclear Fuel Services Fuel Fabrication Plant in Erwin, TN. Several domestic commercial nuclear fuel fabrication plants, including Siemens Nuclear Power's plant in Richland, Washington, were identified as potential destinations for the LEU produced. Evaluations of impacts at the potential blending sites on site infrastructure, water resources, air quality, noise, socioeconomic resources, waste management, public and occupational health and environmental justice were included in the EIS. The impact of intersite transportation of nuclear and hazardous materials was also assessed. The preferred alternative was blending down as much of the HEU to LEU as possible while gradually selling the commercially usable LEU for use as reactor fuel. DOE plans to continue the activity over an approximately 15 to 20 year period.

The DOE issued a HEU Draft EIS on October 27, 1995 and held open the formal public comment period on this Draft EIS through January 12, 1996. In preparing the HEU Final EIS, DOE considered comments received via mail, fax, electronic bulletin board; transcribed messages from telephone; and recorded comments and concerns from interactive public meetings held in Knoxville, TN on November 14, 1995, and Augusta, Georgia on November 16, 1995. The Final EIS was released in June 1996, a Notice of Availability was published in the **Federal Register** on June 28, 1996 and a Record of Decision issued July 29, 1996.

The Tennessee Valley Authority proposes to take actions related to this same project. TVA proposes to enter into contracts with Framatome-Cogema and Siemens for fuel blending and fabrication services, as well as execute an Interagency Agreement with the DOE to obtain approximately 33 metric tons of HEU. These 33 metric tons of HEU are a portion of the 200 metric tons identified in the DOE EIS. The HEU for eventual use as blended down LEU fuel in TVA's Browns Ferry Nuclear Plant near Athens, Alabama, would originate from DOE's Y-12 Plant at Oak Ridge, Tennessee and the Savannah River Site in Aiken, South Carolina. Blending down and processing of the HEU to LEU would occur at the Nuclear Fuel Services (NFS) facility in Erwin, Tennessee and at DOE's Savannah River Site (SRS) in Aiken South Carolina. Commercial fuel fabrication would occur at Siemens Power Corporation (SPC) in Richland, Washington.

As a Federal agency, TVA must independently assess the environmental impacts of its actions in accordance with the National Environmental Policy Act (NEPA). In its regulations implementing NEPA, the Council on Environmental Quality (CEQ) strongly encourages agencies to reduce paperwork and duplication. One of the methods identified by CEQ to accomplish these goals is adopting the environmental documents prepared by other agencies, 40 CFR 1500.4(n). Under applicable regulations, TVA is allowed to adopt the Department of Energy FEIS as its own, since the actions covered by the DOE EIS and TVA's proposed actions are substantially the same.

The actions assessed in DOE's EIS relating to the blending down of HEU to LEU and the subsequent use of LEU as commercial reactor fuel, are also the actions that TVA seeks to carry out by entering into the necessary contracts and Interagency Agreement to obtain and use the fuel at TVA's Browns Ferry Nuclear Plant. TVA has carefully

reviewed the EIS and has concluded that the EIS adequately assesses the environmental impacts associated with the blending down of HEU and use of the resulting LEU-derived commercial reactor fuel. The impacts of the technical areas and issues TVA evaluated were bounded by the assessment in DOE's EIS and did not constitute substantial changes to relevant environmental concerns. Accordingly, TVA has adopted the DOE FEIS, "Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement," and has determined that no supplement or additional environmental review is required to support TVA's proposed action. The Notice of Adoption also constitutes the Notice of Availability of the same EIS at locations previously identified under the section titled, "Addresses."

Dated: February 7, 2001.

Kathryn J. Jackson,

Executive Vice President, River System Operations and Environment, Tennessee Valley Authority.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Review of Guatemala's Beneficiary Status Under the Caribbean Basin Trade Partnership Act

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments in connection with review of Guatemala's beneficiary status under the Caribbean Basin Trade Partnership Act.

SUMMARY: The Trade Policy Staff Committee (TPSC) is conducting a review of Guatemala's status as a beneficiary country under the Caribbean Basin Trade Partnership Act (CBTPA). This review will focus on Guatemala's performance with respect to worker rights, based on the eligibility criteria established in the CBTPA and objectives identified to the Government of Guatemala in October 2000. The TPSC is requesting written comments from the public to assist in developing information regarding Guatemala's current performance in the area of worker rights.

DATES: Public comments should be received by noon, March 16, 2001.

ADDRESSES: Public comments should be submitted to: Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 600 17th Street, NW., Washington, DC

20508 Attention: Guatemala CBTPA Review.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 600 17th Street, NW., Washington, DC 20508 (202) 395-3475. All other questions regarding the review should be addressed to Christopher Wilson, Director for Central America and the Caribbean, Office of the Western Hemisphere of the USTR (202) 395-5190.

SUPPLEMENTARY INFORMATION:

On October 2, 2000, the President designated Guatemala as a CBTPA beneficiary country. This designation followed a review by the TPSC of Guatemala's adherence to the eligibility criteria established in the CBTPA, including (1) an evaluation of the extent to which Guatemala provides internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, and (2) whether Guatemala has implemented its commitments to eliminate the worst forms of child labor.

The review of Guatemala's eligibility for the CBTPA preferences involved extensive consideration of the worker rights situation in that country. The United States raised specific concerns with respect to anti-union violence, labor law reform, the rights of association and collective bargaining, and other issues. Guatemalan officials were taking some steps to address these concerns. For example, the United States welcomed the Ministry of Labor's efforts to that date to facilitate a resolution to the situation arising from a 1999 incident involving violence against banana workers. The Guatemalan executive branch had also presented legislation to bring the country's labor laws into conformity with ILO recommendations.

On the basis of these actions and assurances, the TPSC in October recommended that the President designate Guatemala as a CBTPA beneficiary country. However, the United States indicated its concern that the overall worker rights environment in Guatemala represented a threat to those seeking to advance basic, internationally-recognized rights for workers. Instances of anti-union violence were cited. The widespread impunity for those who provoked and

carried out such violence was a particularly serious concern.

Consequently, at the time Guatemala's CBTPA designation was announced, the U.S. Trade Representative also announced that Guatemala's CBTPA beneficiary country status would be reviewed in April 2001, with a focus on further improvements in the area of worker rights. This review will cover the following factors: (a) Actions taken by the Guatemalan executive branch, within its authority, to ensure the physical safety and human and civil rights of union leaders and the effective criminal prosecution of persons charged with provoking anti-union violence, including killings of union leaders; (b) steps taken by the Government of Guatemala to provide for the re-employment of the 900 banana workers that were fired in 1999 and settlement of related labor law violations; (c) progress towards enacting a new Labor Code; and (d) performance in labor law enforcement and judicial administration related to the protection of labor rights.

As a further indication of the seriousness with which the United States views these issues, the U.S. Trade Representative initiated a review of Guatemala's eligibility as a beneficiary developing country under the Generalized System of Preferences (GSP), also to be concluded in April 2001, and focusing on the government's response to anti-union violence and other aspects of internationally recognized worker rights. USTR requested public comments in connection with this review through a **Federal Register** notice dated January 10, 2001.

Written Comments

Persons submitting written comments should provide twenty (20) copies by the date and to the address specified above. If possible, comments should be submitted before this date. Where possible, please supplement written comments with a computer disk of the submission. The disk should have a label identifying the software used and the submitter.

Comments should provide information on the current situation for worker rights in Guatemala, focusing in particular on the factors in the review summarized above. Due to the overlapping nature of the CBTPA review process and the GSP review process, individuals and organizations which have submitted comments in connection with the GSP review are informed that those comments will also be considered in connection with the CBTPA review and do not need to be resubmitted.