

groundwater; however, Alternative C would achieve the purpose and need of the project and calls for less movement of CCR material and less dewatering than Alternative B resulting in greater stability, less impacts to air and less risk to worker safety. Consequently, Alternative C could also be completed sooner and for a lower cost than Alternative B.

Impacts associated with the construction and operation of a lined process water basin to handle plant flows would be the same under Alternatives B and C.

The beneficial impacts to groundwater, which environmentally advantage Alternative B over Alternative C, are not substantive enough to outweigh the benefits associated with air quality, constructability, design considerations, schedule, and economics.

Under Alternative B and C, there would be minor impacts to land use, prime farmlands and soil, surface water, vegetation, wildlife, threatened and endangered species, and wetlands. Minor impacts to land use include conversion of undeveloped land to industrial use. Borrow material may be required for closure activities resulting in minor impacts to soils. Alterations of the wet-weather conveyance and storm water flow are minor impacts to surface water. Disruption of habitat during closure and construction activities and conversion of undeveloped land to industrial result in minor impacts to vegetation, wildlife, and threatened and endangered species. Minor impacts are associated with conversion of 0.26 acre of wetlands. There would be no impacts to cultural resources. Impacts under Alternative C would be slightly less than those described under Alternative B.

#### Public Involvement

On November 1, 2016, TVA published a Notice of Intent in the **Federal Register** announcing that it planned to prepare an EIS to address the potential environmental effects associated with ceasing operations at both the SWL and Ash Impoundment 2, and constructing, operating, and maintaining a new CCR Landfill at SHF. TVA hosted an open house scoping meeting on November 15, 2016, at the Robert Cherry Civic Center in Paducah, Kentucky. The Draft EIS was issued on June 8, 2017, and TVA hosted a public meeting on June 22, 2017, at the Robert Cherry Civic Center in Paducah, Kentucky. The Final EIS was issued on December 8, 2017, and a ROD was signed on January 16, 2018. Public comments and TVA's responses

are included in Appendix I of the Final EIS.

The NOA for the Draft SEIS was published in the **Federal Register** on May 4, 2018, initiating a 45-day public scoping period, which concluded on June 18, 2018. In addition to the notice in the **Federal Register**, TVA sent notification of the availability of the Draft SEIS to local and state government entities and federal agencies; published notices regarding this effort in local newspapers; issued a press release to media; and posted the NOA on the TVA website. TVA accepted comments submitted through mail and email. TVA received a total of 19 comments from 6 commenters. Summarized comments and TVA's responses are included in Appendix E of the Final SEIS.

The NOA for the Final SEIS was published in the **Federal Register** on August 31, 2018.

#### Decision

TVA has decided to close the SWL and Ash Impoundment 2 in place with regrading of both facilities and to construct a new PWB (Alternative C). These actions would achieve the purpose and need of the project and call for less movement of CCR material and less dewatering and would result in fewer air quality impacts than Alternative B, while also potentially being completed sooner and for a lower cost than Alternative B.

#### Mitigation Measures

TVA would use appropriate best management practices during all phases of impoundment closure and construction and operation of a process water basin. Mitigation measures, actions taken to reduce adverse impacts associated with the proposed action, include:

- Final drainage for the temporary treatment basin (if utilized) would be routed to existing or new discharge outfalls and comply with the Kentucky Pollutant Discharge Elimination System permit to ensure that no adverse impacts to surface waters would occur. Mitigation measures would be identified, as needed, to ensure the discharges meet permit limits. This may or may not require a permit modification.
- Prior to disturbing wetland and surface water features within the process water basin project site, TVA would obtain a Clean Water Act Section 404 permit and a Kentucky Division of Water 401 Water Quality Certification. Where impacts to these features cannot be avoided, TVA would mitigate impacts in accordance with the Section 404 permit and/or Water Quality

Certification as determined in consultation with the U.S. Army Corps of Engineers and Kentucky Division of Water.

- Tree removal would occur in winter months (between November 15 and March 31) outside breeding season, and would be tracked, documented, and reported to the U.S. Fish and Wildlife Service.

Dated: October 22, 2018.

**Robert M. Deacy, Sr.,**

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

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2018-0034]

### Request for Comments on Negotiating Objectives for a U.S.-Japan Trade Agreement

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

**ACTION:** Request for comments and notice of public hearing.

**SUMMARY:** On October 16, 2018, the United States Trade Representative notified Congress of the Administration's intention to enter into negotiations with Japan for a U.S.-Japan Trade Agreement. The Office of the United States Trade Representative (USTR) is seeking public comments on a proposed U.S.-Japan Trade Agreement including U.S. interests and priorities, in order to develop U.S. negotiating positions. You can provide comments in writing and orally at a public hearing. Our aim in negotiations with Japan is to address both tariff and non-tariff barriers and to achieve fairer, more balanced trade.

#### DATES:

November 26, 2018: Deadline for the submission of written comments, and for written notification of your intent to testify, as well as a summary of your testimony at the public hearing.

December 10, 2018: The Trade Policy Staff Committee (TPSC) will hold a public hearing beginning at 9:30 a.m., at the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington DC 20436.

**ADDRESSES:** You should submit notifications of intent to testify and written comments through the Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments in parts 2 and 3 below. For alternatives to on-line submissions, please contact

Yvonne Jamison, Trade Policy Staff Committee, at (202) 395-3475.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning written comments, please contact Yvonne Jamison at (202) 395-3475. Direct all other questions to David Boling, Deputy Assistant U.S. Trade Representative for Japan, at (202) 395-5070.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

The decision to launch negotiations for a U.S.-Japan Trade Agreement is an important step toward achieving fairer, more balanced trade with Japan and was preceded by bilateral consultations on trade under the U.S.-Japan Economic Dialogue. In April 2018, new bilateral trade and investment consultations were announced, led by U.S. Trade Representative Robert Lighthizer for the United States, in order to intensify engagement on bilateral trade. These consultations culminated in the announcement in September 2018 that the United States and Japan plan to enter into negotiations for a U.S.-Japan Trade Agreement. See <https://www.whitehouse.gov/briefings-statements/joint-statement-united-states-japan/>.

On October 16, 2018, following consultations with relevant Congressional committees, the United States Trade Representative informed Congress that the President intends to commence negotiations with Japan for a U.S.-Japan Trade Agreement.

**2. Public Comment and Hearing**

The TPSC invites interested parties to submit comments and/or oral testimony to assist USTR as it develops its negotiating objectives and positions for the agreement, including with regard to objectives identified in section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201). In particular, the TPSC invites interested parties to comment on issues including, but not limited to, the following:

- a. General and product-specific negotiating objectives for the proposed agreement.
- b. Relevant barriers to trade in goods and services between the United States and Japan that should be addressed in the negotiations.
- c. Economic costs and benefits to U.S. producers and consumers of removal or reduction of tariffs and removal or reduction of non-tariff barriers on articles traded with Japan.
- d. Treatment of specific goods (described by HTSUS numbers) under the proposed agreement, including comments on:

- i. Product-specific import or export interests or barriers.

- ii. Experience with particular measures that should be addressed in the negotiations.

- iii. Ways to address export priorities and import sensitivities in the context of the proposed agreement.

- e. Customs and trade facilitation issues that should be addressed in the negotiations.

- f. Sanitary and phytosanitary measures and technical barriers to trade that should be addressed in the negotiations.

- g. Other measures or practices that undermine fair market opportunities for U.S. businesses, workers, farmers, and ranchers that should be addressed in the negotiations.

USTR must receive written comments no later than Monday, November 26, 2018. The TPSC will hold a hearing on December 10, 2018, in the Main Hearing Room at the U.S. International Trade Commission, 500 E Street SW, Washington DC 20436. If necessary, the hearing will continue on the next business day. Persons wishing to testify at the hearing must provide written notification of their intention by November 26, 2018. The intent to testify notification must be made in the 'type comment' field under docket number USTR-2018-0034 on the [www.regulations.gov](http://www.regulations.gov) website and should include the name, address, and telephone number of the person presenting the testimony. You should attach a summary of the testimony by using the 'upload file' field. The file name also should include who will be presenting the testimony. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

**3. Requirements for Submissions**

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make online submissions, using the [www.regulations.gov](http://www.regulations.gov) website. Persons submitting a notification of intent to testify and/or written comments must do so in English and must identify (on the first page of the submission) the 'U.S.-Japan Trade Agreement.'

To submit comments via [www.regulations.gov](http://www.regulations.gov), enter docket number USTR-2018-0034 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 and click on the link entitled 'comment now!' For further information on using the [www.regulations.gov](http://www.regulations.gov) website, please consult the resources provided on the

website by clicking on 'How to Use This Site' on the left side of the home page.

The [www.regulations.gov](http://www.regulations.gov) website allows users to provide comments by filling in a 'type comment' field, or by attaching a document using an 'upload file' field. USTR prefers that you provide comments in an attached document. If a document is attached, it is sufficient to type 'see attached' in the 'type comment' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the 'type comment' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters 'BC.' Any page containing business confidential information must be clearly marked BUSINESS CONFIDENTIAL on the top of that page. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character 'P.' The 'BC' and 'P' should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through [www.regulations.gov](http://www.regulations.gov). You must make any alternative arrangements before transmitting a comment and in advance of the applicable deadline with Yvonne Jamison at (202) 395-3475.

USTR will place comments in the docket for public inspection, except business confidential information. General information concerning USTR is available at [www.ustr.gov](http://www.ustr.gov).

**Edward Gresser,**

*Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.*

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