

some areas along the eastern portion of the project area that were included in the original landfill boundary would no longer be needed to support development of the landfill. The revised landfill boundary encompasses a total of approximately 242 acres, compared to the original 174 acres, resulting in a net change of approximately 68 acres of additional disturbance.

In August 2019, TVA completed a supplemental review providing an analysis of potential impacts associated with the proposed change in the future onsite CCR landfill boundary and the use of this onsite landfill as a repository for both existing and future CCR rather than using the Fly Ash Stack (as originally proposed) as the storage facility for existing CCR. TVA now amends the June 2018 ROD (**Federal Register** Vol. 83, No. 110) to incorporate the revised proposal. By this notice, TVA is providing notification of its decision and agency reasoning.

#### Environmental Consequences

In the Supplemental Analysis, TVA adopted the analysis in the 2018 Cumberland Fossil Plant Coal Combustion Residuals Management Operations Final EIS and provided supplemental analysis of the potential impacts with the proposed change in the future onsite CCR landfill boundary, in addition to using this new landfill as a repository for both existing and future CCR. The 2018 Final EIS identified that existing CCR would be placed in the Fly Ash Stack.

The proposed changes to the landfill location would increase the project's footprint by 68 acres. The proposed change would impact an additional 66 acres of low quality summer roosting and foraging habitat for threatened and endangered bats. An additional 2.0 acres of wetlands is within the revised project boundary. While additional water features were identified within the revised landfill boundary, the stormwater impoundment would be relocated and the leachate impoundment would be replaced by a tank system, therefore avoiding direct stream impacts. The remaining resources analyzed in the 2018 FEIS, including air quality, geology, groundwater, cultural and historic resources, public health and safety, parks and recreation, natural areas, visual resources, and socioeconomic and environmental justice, would see no additional impacts as a result of this increase.

Impacts to additional environmental resources would be slightly higher than those discussed in the 2018 Final EIS as well. However, the impacts would be

minor and do not alter the overall impact findings and conclusions of the 2018 Final EIS.

#### Amended Decision

TVA has decided to amend the June 7, 2018 ROD to incorporate the proposed change in the future onsite CCR landfill boundary and the use of this onsite landfill as a repository for both existing and future CCR. The proposed action would result in additional impacts to resources than those reviewed in the 2018 Final EIS. However, the impacts would be minor and do not alter the overall impact finding and conclusions of the Final EIS.

#### Mitigation Measures

The June 7, 2018 ROD lists mitigation measures associated with the Cumberland Fossil Plant Coal Combustion Residuals Management Operations Final EIS to reduce adverse impacts associated with the proposed actions. These mitigation measures will remain in effect and are listed below. No new mitigation measures were identified during the supplemental analysis.

- A TDEC Aquatic Resources Alteration Permit and U.S. Army Corps of Engineers 404 permit will be required for disturbance to wetlands and stream features, and the terms and conditions of these permits would likely require mitigation for these proposed activities. TVA will adhere to all conditions stipulated in these permits.
- TVA will implement groundwater mitigation measures that could include monitoring, assessment, or corrective action programs as mandated by state and federal requirements. The CCR Rule and state requirements provide an additional layer of groundwater protection to minimize risk.
- TVA will coordinate with the Tennessee Department of Transportation and Stewart County transportation officials as needed to develop appropriate mitigation measures to reduce localized temporary transportation effects.
- Potential impacts to Wells Creek and/or Scott Branch from landfill leachate and stormwater discharges will be mitigated as required to meet permit requirements.
- Forested land within the proposed landfill project area is of low summer roosting quality for threatened and endangered bats, although it may be used as a foraging area. Section 7 consultation with U.S. Fish and Wildlife Service has been completed. No tree removal would occur between June 1 and July 31 to avoid any potential direct

impact to juvenile bats at a time when they are unable to fly.

- TVA executed a memorandum of agreement with the Tennessee State Historic Preservation Officer to address the adverse effects of National Register of Historic Places listed site 40SW219.

**Authority:** 40 CFR 1505.2.

Dated: October 4, 2019.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2019–0161]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TAIL LIGHTS (Motor Vessel); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before November 14, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD–2019–0161 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2019–0161 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2019–0161, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a

telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel TAIL LIGHTS is:

—*Intended Commercial Use of Vessel:* “Overnight luxury pleasure time charters for week long or greater charter periods”

—*Geographic Region Including Base of Operations:* “Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York (excluding New York Harbor), New Jersey, Pennsylvania, Delaware, Maryland, Washington, DC, Virginia, North Carolina, South Carolina, Georgia, Florida” (Base of Operations: Miami, FL)

—*Vessel Length and Type:* 116’ motor vessel

The complete application is available for review identified in the DOT docket as MARAD-2019-0161 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

**Public Participation**

*How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised

that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2019-0161 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

\* \* \* \* \*

Dated: October 8, 2019.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.**

*Secretary, Maritime Administration.*

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**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket No. MARAD-2019-0164]

**Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SWOOSH (Sailboat); Invitation for Public Comments**

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before November 14, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2019-0164 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2019-0164 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2019-0164, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov),