

Creek, this route would be slightly to the east of Alternative B and cross under Florence Boulevard (U.S. 43-72). In order to construct an underpass at the Florence Boulevard intersection, retaining walls would be required, adding to the costs of the project, and a compact diamond-shaped interchange would be constructed. This would restrict the length and functioning of turning lanes on Florence Boulevard.

1B. Build along a corridor designated "Alternative B." North of the Tennessee River and in the vicinity of Sweetwater Creek, this route would be slightly to the west of Alternative A. It would cross over Florence Boulevard, and therefore would not restrict the potential length and functioning of turning lanes as in Alternative A. Both Alternative 1A and Alternative 1B would require that a playground in a public housing development be moved. Avoidance of the playground was judged to be not practicable because additional residential property losses (Alternative A), or a relocation of a railroad switching yard (Alternative B), would be required. The playground will be replaced in a new location convenient to the housing project.

Because the original EIS was issued in 1991, TVA conducted a supplemental environmental review of the impacts of the Sweetwater Creek relocation to confirm that the findings of the 1991 EIS were still valid. The proposed stream relocation and modification of Sweetwater Creek was announced to the public and environmental agencies through issuance of a Joint Public Notice by the U.S. Army Corps of Engineers, TVA, and the State of Alabama on June 20, 2000. Responses were received from the Alabama Historical Commission (AHC), the U.S. Fish and Wildlife Service (FWS), The Foundry of the Shoals, and two members of the public. AHC requested that a cultural resources assessment be provided for review. Information on previous section 106 coordination was subsequently provided, and by letter of August 10, 2000, AHC concurred that the project would not adversely affect resources eligible for the National Register of Historic Places. FWS expressed concerns about the loss of a riparian buffer along the stream and recommended that the proposed riprapped channel be meandered and planted with mast-producing hardwood trees. They also requested mitigation of any unavoidable loss of aquatic habitat through the Alabama Stream Habitat Restoration Program. The stream habitat program was never created, and therefore is not a viable mitigation option. However, the applicant has

agreed to replant the proposed new channel with hardwood trees in a 30-foot wide riparian buffer on both sides of the stream. Additionally, the applicant has agreed to deduct 0.5 credits from the Alabama Department of Transportation wetland mitigation bank. The banking agreement includes sites throughout Alabama, and suitable compensatory mitigation banks currently exist for use by ADOT in Jackson County, Alabama and Lawrence County, Alabama within the Tennessee River watershed. The Foundry of the Shoals was concerned that the proposed project would increase flooding in the area. Members of the public expressed concerns about the length of the culverting and the loss of natural stream values. TVA has reviewed the plans and confirmed that there would be no reduction in the size of the channel; as a result, flooding problems would not be affected by the highway construction. Because this is an urban area, the stream exhibits few natural stream values. In addition, it is not practical to reduce the length of the culvert because this is the only place to squeeze a multi-lane facility through an urban area without extensive residential or industrial property impacts. Both Alternatives 1A and 1B would have impacts to the floodplain. Only no action would not impact the floodplain. However, this alternative is not practicable because the traffic congestion needs are not addressed. Florence is a participant in the National Flood Insurance Program. In accordance with this program, the project will not significantly increase 100-year flood elevations and will not involve placement of fill or other flow obstructions in the floodway portion of the floodplain unless compensatory adjustments are also included. By letter of July 24, 2000, the Alabama Department of Environmental Management issued Water Quality Certification under section 401 of the Clean Water Act.

Based on the supplemental evaluation, TVA concurs that the Alternative 1B route north of the river in the city of Florence is still the appropriate build alternative.

#### Decision

TVA has decided to issue section 26a approval for the relocation and modification of 2,270 feet of Sweetwater Creek in Florence, Alabama. Specific actions requiring section 26a approval are a culvert extending 1400 feet from north of Huntsville Avenue to south of the proposed new highway, a channel relocation and riprap extending 760 feet south of the Huntsville Avenue-Patton Island Expressway culvert, and a culvert

extending 110 feet under Union Avenue. The relocation, culverts, and riprap would allow completion of the Patton Island project originally proposed in the FEIS. Based on its supplemental evaluation, TVA reaffirms that the analyses contained in the FEIS are adequate. The EIS concluded that Alternative 1B north of the river in Florence is the appropriate build alternative. Alternative 1B is the more practical alternative given the topography of the Florence area, and would result in less traffic congestion on Florence Boulevard. Because of these reasons, TVA believes that this is the more environmentally preferable alternative for completion of the Patton Island project. The other action alternative in the Sweetwater Creek area, Alternative 1A, would require a retaining wall at the Cherry Hills Housing Project playground, which representatives of the project have said is not desirable. The No Action alternative is not desirable because it would result in increasing traffic congestion as the area grows.

#### Environmental Commitments

TVA will require the use of Best Management Practices for erosion control and will also require that the relocated channel be planted with a 30-foot width of mast-producing hardwood trees on each side of the channel. In addition, 0.5 credits will be withdrawn from the Alabama Department of Transportation wetland mitigation bank complex. With the implementation of the above environmental protection measures, TVA has determined that adverse environmental impacts of the Patton Island Expressway project across Sweetwater Creek would be substantially reduced. These protective measures represent all of the practicable measures to avoid or minimize environmental harm that are associated with this alternative.

Dated: December 5, 2001.

**Kathryn J. Jackson,**

*Executive Vice President, River System Operations & Environment.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2001-10235]

#### Notice of Public Hearing; the Union Pacific Railroad

The Union Pacific Railroad (UP) has petitioned the Federal Railroad

Administration (FRA) seeking a waiver of compliance with the requirements of 49 CFR 214.329. UP requests relief that will permit the use of a system described by UP as the automatic train approach warning system (TAWS). UP proposes that roadway work groups be permitted to substitute TAWS for watchmen/lookouts as the method of train approach warning when fouling a track within equipped interlockings and controlled points. UP also proposes that lone workers be permitted to use TAWS as a method of train approach warning within the limits of those interlockings and controlled points without a requirement to establish working limits. Technical details of the TAWS system, its developmental history, and its function were described in the **Federal Register** notice cited in the following sentence.

The FRA issued a public notice (66 FR 49063, September 25, 2001) seeking comments of interested parties. All documents in the public docket, including UP's detailed waiver request, are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>. After examining the railroad's proposal and the available facts, FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 9 a.m. CST, on Wednesday, February 6, 2002, in Room 102-A (first floor) of the Peter Kiewit Building, 1313 Farnam Street, Omaha, Nebraska. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (Title 49 CFR 211.25), by a representative designated by the FRA.

Issued in Washington, DC on December 10, 2001.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 01-30822 Filed 12-12-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 216X)]

#### Norfolk Southern Railway Company— Abandonment Exemption—in Buchanan County, VA

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a

2.95-mile line of railroad between milepost SP-0.0, at Dwight, and milepost SP-2.95, at Spruce Pine, in Buchanan County, VA (line). The line traverses United States Postal Service Zip Code 24066.

Applicant has certified that: (1) No local or overhead traffic has moved over the line for at least 2 years; (2) any overhead traffic, if there is any, can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government agency acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 12, 2002, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 24, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 2, 2002, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

representative: James R. Paschall, Esq., Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510. If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed a separate environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 18, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1552. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NSR's filing of a notice of consummation by December 13, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Website at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: December 3, 2001.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-30448 Filed 12-12-01; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

December 7, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the