

**§ 250.1010 Applications for a pipeline right-of-way grant.**

(a) You must submit an original and three copies of an application for a new or modified pipeline right-of-way grant to the Regional Supervisor. The application must address those items required by § 250.1007 (a) or (b) of this subpart, as applicable. It must also state the primary purpose for which you will use the right-of-way grant. If the right-of-way has been used before the application is made, the application must state the date such use began, by whom, and the date the applicant obtained control of the improvement. When you file your application, you must pay the rental required under § 250.1009(c)(2) of this subpart and a non-refundable filing fee of \$2,350 for a pipeline right-of-way grant to install a new pipeline or a non-refundable filing fee of \$300 for a pipeline right-of-way grant to convert an existing lease term pipeline into a right-of-way pipeline. \* \* \*

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Dated: July 9, 1999.

**E.P. Danenberger,**

*Chief, Engineering and Operations Division.*

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 100**

[CGD08-99-048]

RIN 2115-AE46

**Special Local Regulations; Aurora APR Powerboat Races Ohio River Miles 496.5-498.5, Aurora, IN**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Special local regulations are being adopted for the Aurora APR Powerboat Races taking place on the Ohio River at approximately mile 496.5 to 498.5. This event will be held on August 28-29, 1999 from 9 a.m. until 7 p.m. at Aurora, Indiana. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** These regulations are effective from 9 a.m. until 7 p.m. on August 28-29, 1999.

**ADDRESSES:** Unless otherwise indicated, all documents referred to in this regulation are available for review at Marine Safety Office, Louisville, 600 Martin Luther King Jr. Place, Room 360, Louisville, KY 40202-2230.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Jeff Johnson, Chief, Port Management Department, USCG Marine Safety Office, Louisville, KY, telephone (502) 582-5194, ext. 39.

**SUPPLEMENTARY INFORMATION:** *Drafting information.* The drafters of this regulation are Lieutenant Jeff Johnson, Project Officer, Chief, Port Management Department, USCG Marine Safety Office, Louisville, KY, and LTJG Michele Woodruff, Project Attorney, Eighth Coast Guard district Legal Office.

**Regulatory History**

In accordance with 5 U.S.C. 553, a notice of proposed rule making for these regulations has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rule making procedures would be impracticable. The details of the event were not finalized in sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

**Background and Purpose**

The marine event requiring this regulation is a Powerboat Regatta. The event is sponsored by Aurora Riverfront Beautification. The Powerboat Regatta will take place on the Ohio River at approximately mile 496.5 to 498.5. Non-participating vessels will be able to transit the area after the river is reopened.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

**Small Entities**

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

**Collection of Information**

This rule contains no information collection requirements under the paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

**Federalism Assessment**

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant to preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard considered the environmental impact of this rule and concluded that under section 2-1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set forth in the preamble, the Coast Guard temporarily amends Part 100 of Title 33, Code of Federal Regulations, as follows:

**PART 100—REGATTAS AND MARINE PARADES**

1. The authority citation for Part 100 continues to read:

**Authority:** 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Effective from 9 a.m. to 7 p.m., August 28-29, 1999, a temporary § 100.35T-08-048 is added to read as follows:

**§ 100.35T-08-048 Ohio River at Aurora, Indiana.**

(a) *Regulated area.* Ohio River Mile 496.5 to 498.5.

(b) *Special local regulation.* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. "Participants" are those persons and/or vessels identified by the sponsor as taking part in the event. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessel assigned to patrol the event. The Coast Guard "Patrol Commander" is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, Coast Guard Marine Safety Office Louisville.

(1) No vessel shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective

dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF-FM Channel 16 by using the call sign "PATCOM".

(c) *Effective date.* This section is effective from 9 a.m. until 7 p.m., August 28-29, 1999.

Dated: July 26, 1999.

**Paul J. Pluta,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD08-99-047]

RIN 2115-AE47

#### Drawbridge Operation Regulation; Tennessee River, TN

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Commander, Eighth Coast Guard District is temporarily changing the regulation governing the Chief John Ross Drawbridge, Mile 464.1, Tennessee River. The drawbridge need no open for vessel traffic and may remain in the closed-to-navigation position from July 26, 1999 to October 1, 1999. This temporary rule is issued for bridge repairs and painting necessary to maintain the lift span in safe, working order.

**DATES:** This temporary rule is effective from 12:01 a.m., July 26, 1999 to noon, October 1, 1999.

**ADDRESSES:** The public docket and all documents referred to in this rule will be available for inspection and copying at room 2.107f in the Robert A. Young Federal Building at Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St., Louis, Missouri 63103-2832, between 7 a.m and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Roger K. Wiebusch, Bridge Administrator; Eighth Coast Guard District, Bridge Branch, telephone 314-539-3900 extension 378.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 29, 1999, the Tennessee Department of Transportation (TNDOT) requested a temporary change to the operation of the Chief John Ross Drawbridge across the Tennessee River, Mile 464.1 at Chattanooga, Tennessee. The TNDOT requested that the drawbridge be permitted to remain closed to navigation beginning in July to the end of September to facilitate necessary repair work and painting required to keep the lift span in safe, working order. Repairs to the deck will require the placement of heavy concrete lane barriers on the lift span which will preclude openings.

This rule is being published as a temporary rule and is being made effective on the date of publication. This rule is being promulgated without a notice of proposed rulemaking and should be made effective in less than 30 days due to the short time frame provided between the submission of the request by the TNDOT and the date of the scheduled start to work. For this reason, the Coast Guard determined good cause exists, according to 5 U.S.C. 553, to eliminate public comment period before the effective date of this rule and to make the rule effective in less than 30 days after publication.

##### Discussion of Temporary Rule

The Chief John Ross Drawbridge navigation span provides vertical clearance of 58.7 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. Presently, the draw is required to open on signal when the vertical clearance beneath the draw is 50 feet or less. When the vertical clearance is more than 50 feet at least eight hours notice is required. Due to the clearance provided by the bridge in the closed-to-navigation position commercial vessel operators do not usually require the bridge to open for passage of marine traffic. There was only a single reported bridge opening in the past 15 years. This temporary drawbridge operation amendment has been coordinated with the commercial waterway operators. No objections to the temporary rule were raised.

##### Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866

and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. Since the bridge has not had to open for river traffic in the past several years, it is not expected that navigation will change in the next four months to require openings.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000.

Because it expects the impact of this action to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this action will not have a significant economic impact on a substantial number of small entities.

##### Collection of Information

This temporary rule does not provide for a collection-of-information requirement under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

##### Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612, and has determined that this temporary rule does not raise sufficient implications of federalism to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over the navigable waters of the U.S. belong to the Coast Guard by Federal statutes.

##### Environmental

The Coast Guard considered the environmental impact of this temporary rule and concluded that under Figure 2-1, paragraph 32(e) of Commandant Instruction M16475.1C, this temporary rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection