

18 CFR Part 380

Environmental impact statements, Reporting and recordkeeping requirements.

By the Commission.

David P. Boergers, Secretary.

In consideration of the foregoing, the Commission amends Parts 157 and 380, Chapter I, Title 18, Code of Federal Regulations, as follows.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

1. The authority citation for Part 157 continues to read as follows:

Authority: 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7352.

2. In § 157.6, paragraphs (d)(1) introductory text, (d)(1)(i) and (d)(1)(iii), (d)(2)(ii) and (d)(2)(iv), the last sentence of paragraph (d)(3)(ii) and paragraph (d)(3)(v) are revised; and a new paragraph (d)(3)(vii) is added to read as follows:

§ 157.6 Applications; general requirements.

* * * * *

(d) * * *

(1) For all applications filed under this subpart which include construction of facilities or abandonment of facilities (except for abandonment by sale or transfer where the easement will continue to be used for transportation of natural gas), the applicant shall make a good faith effort to notify all affected landowners and towns, communities, and local, state and federal governments and agencies involved in the project:

(i) By certified or first class mail, sent within 3 business days following the date the Commission issues a notice of the application; or

(ii) * * *

(iii) By publishing notice twice of the filing of the application, no later than 14 days after the date that a docket number is assigned to the application, in a daily or weekly newspaper of general circulation in each county in which the project is located.

(2) * * *

(ii) Abuts either side of an existing right-of-way or facility site owned in fee by any utility company, or abuts the edge of a proposed facility site or right-of-way which runs along a property line in the area in which the facilities would be constructed, or contains a residence

within 50 feet of the proposed construction work area;

* * * * *

(iv) Is within the area of proposed new storage fields or proposed expansions of storage fields, including any applicable buffer zone.

(3) * * *

(ii) * * * Except: pipelines are not required to include the pamphlet in notifications of abandonments or in the published newspaper notice. Instead, they should provide the title of the pamphlet and indicate its availability at the Commission's Internet address;

* * * * *

(v) A brief summary of what rights the landowner has at the Commission and in proceedings under the eminent domain rules of the relevant state. Except: pipelines are not required to include this information in the published newspaper notice. Instead, the newspaper notice should provide the Commission's Internet address and the telephone number for the Commission's Office of External Affairs; and

* * * * *

(vii) A copy of the Commission's notice of application, specifically stating the date by which timely motions to intervene are due, together with the Commission's information sheet on how to intervene in Commission proceedings. Except: pipelines are not required to include the notice of application and information sheet in the published newspaper notice. Instead, the newspaper notice should indicate that a separate notice is to be mailed to affected landowners and governmental entities.

* * * * *

3. In § 157.203, paragraphs (d)(1) introductory text and (d)(2) introductory text are revised and new paragraphs (d)(3)(iii) and (d)(3)(iv) are added to read as follows:

§ 157.203 Blanket certification.

* * * * *

(d) * * *

(1) Except as identified in paragraph (d)(3) of this section, no activity described in paragraph (b) of this section is authorized unless the company makes a good faith effort to notify all affected landowners, as defined in § 157.6(d)(2), at least 30 days prior to commencing construction or at the time it initiates easement negotiations, whichever is earlier. A landowner may waive the 30-day prior notice requirement in writing as long as the notice has been provided. The notification shall include at least:

* * * * *

(2) For activities described in paragraph (c) of this section, the company shall make a good faith effort to notify all affected landowners, as defined in § 157.6(d)(2), within at least three business days following the date that a docket number is assigned to the application or at the time it initiates easement negotiations, whichever is earlier. The notice should include at least:

* * * * *

(3) * * *

(iii) No landowner notice is required if there is only one landowner and that landowner has requested the service or facilities.

(iv) No landowner notice is required for activities that do not involve ground disturbance or changes to operational air and noise emissions.

PART 380—[AMENDED]

4. In Appendix A to Part 380:

a. The reference to “(§§ 380.12 (a)(4) and (c)(10))” in paragraph number 8 under Resource Report 1—General Project Description is revised to read “(§ 380.12(c)(10))”;

b. The reference to “(§ 380.12 (f)(1)(ii) & (2))” in paragraph number 1 under Resource Report 4—Cultural Resources is revised to read “(§ 380.12 (f)(1)(i) & (2))”;

c. The reference to “(§ 380.12 (f)(1)(iii) & (2))” in paragraph number 2 under Resource Report 4 is revised to read “(§ 380.12 (f)(1)(ii) & (2))”;

d. The reference to “(§ 380.12 (l)(3))” in paragraphs number 4 and 5 under Resource Report 10—Alternatives is revised to read “(§ 380.12 (l)(2)(ii))”.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR part 117

[CGD09-00-001]

RIN-2115-AE47

Drawbridge Operation Regulations; Pine River (Charlevoix), MI

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, Commander, Ninth Coast Guard District, is changing the regulations governing the U.S. Route 31 lift bridge, mile 0.3 over Pine River in Charlevoix, Michigan. Currently, the bridge is required to open twice an hour between

6 a.m. and 6 p.m. for recreational vessels all year long. This rule will allow the bridge to open for recreational vessels twice an hour between 6 a.m. and 10 p.m., April 1 through October 31, and require a 12-hour notice from all vessels for openings between January 1 and March 31.

DATES: This rule is effective June 20, 2000, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before May 22, 2000. If adverse comment is received, the Coast Guard will publish a timely withdrawal or this rule in the **Federal Register**.

ADDRESSES: Comments may be mailed or delivered to: Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH 44199-2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902-6084.

The District Commander maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Scot M. Striffler, Project Manager, Ninth Coast Guard District Bridge Branch, at (216) 902-6084.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments for or against this rule. Persons submitting comments should include names and addresses, identify the rulemaking [CGD09-00-001] and the specific section of this rule to which each comment applies, and give the reason(s) for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05-55, because no adverse comments are anticipated. If no adverse comments or any written notice of intent to submit adverse comment are received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, prior to the effective date, the Coast Guard will public a document in the **Federal Register** stating that no adverse

comment was received and announcing confirmation that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comment, the Coast Guard will publish in the final rule section of the **Federal Register** a timely withdrawal of this rule. If the Coast Guard decides to proceed with a rulemaking, a separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

Background and Purpose

The owner of the bridge, Michigan Department of Transportation (M-DOT), requested the Coast Guard approve a modified schedule for the bridge to reduce vehicular traffic delays in Charlevoix, MI, during the peak tourist season and to establish a permanent winter operating schedule. The bridge is currently required to open on signal for recreational vessels from three minutes before to three minutes after the hour and half-hour between the hours of 6 a.m. and 6 p.m. throughout the year. M-DOT has secured voluntary participation from local boaters since 1991 to extend the scheduled twice-an-hour openings between 6 p.m. and 10 p.m. on an annual basis. Additionally, the City of Charlevoix receives a large influx of tourist traffic between April and November, and has endorsed this schedule as a means to reduce vehicular traffic back-ups during their peak tourist season. Under the provisions of 33 CFR 117.45, M-DOT has requested, and received, permission from Commander, Ninth Coast Guard District, to operate the bridge with 12-hour advance notice from vessels between January 1 and March 31 since 1991. The Coast Guard has not received any user complaints concerning the voluntary schedule or winter operating schedule since it's inception in 1991.

Under this rule, the bridge will be required to open on signal for recreational vessels only from three minutes before to three minutes after the hour and half-hour between the hours of 6 a.m. and 10 p.m., 7 days a week, from April 1 until October 31. The bridge will open on signal for all vessels between 10 p.m. and 6 a.m. during this period, and at all times between November 1 and December 31. The bridge will open at all times for public vessels of the United States, state and local vessels used in public safety, commercial

vessels, vessels seeking shelter from severe weather, and vessels in distress where a delay would endanger life or property. Between January 1 and March 31, the bridge will open on signal if at least 12 hours advance notice is provided by vessels prior to their intended time of passage.

The vehicular traffic count and bridge opening data provided by M-DOT indicated (during a 2-week sample period between August 16 and August 29, 1998) that requests for bridge openings averaged 1.4 times per day between the hours of 10 p.m. and 6 a.m., with 30.6 openings per day between the hours of 6 a.m. and 10 p.m. During this same sample period, 230.5 vehicles per hour crossed the bridge between the hours of 10 p.m. and 6 a.m., and 1186 vehicles per hour crossed between 6 a.m. and 10 p.m. Between 10 p.m. and 6 a.m., the fewest number of vehicles recorded (60) crossed between the 3 a.m. to 4 a.m. hour, while the largest number of vehicles (660) crossed between the 11 p.m. to 12 a.m. hour. Between 6 a.m. and 10 p.m., the fewest number of vehicles recorded (333) crossed during the 6 a.m. to 7 a.m. hour, while the largest number of vehicles (1572) crossed during the 2 p.m. to 3 p.m. hour. The bridge opening logs showed 221 opening in the month of October 1998 with a mixture of recreational and commercial (or public) vessels. In November 1998, 81 openings were recorded, with only 8 of the 81 specifically for recreational vessels. Only 32 openings were recorded in December 1998 (none for recreational vessels), with 2 openings logged in both January and February, 1999. There were 8 openings logged for March 1999, and 105 openings for April 1999, including a large number of recreational vessels.

The Coast Guard concludes that the dates and times requested by M-DOT for this rule will adequately provide for the reasonable needs of navigation and help reduce vehicular traffic congestion during the peak tourist season in Charlevoix.

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 cost 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.

This determination is based on the fact that this rule only modestly changes the existing regulation, and passage through the bridge is available year-round, with few requested openings recorded during the winter months.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant 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 people.

This rule simply extends the hours (6 p.m. to 10 p.m.) that the bridge owner may limit openings for recreational vessels. Passage through the bridge is not restricted for commercial or public vessels. The 12-hour advance notice requirement during winter months is an accepted practice and only affects one known entity operating during those months.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This 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 rule under the principles and criteria contained in Executive order 13132, and determined that this rule does not have federalism implications under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the federal government having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have

taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule changes a drawbridge regulation which has been found not to have a significant effect on the environment. A "Categorical Exclusion Determination" is not required.

List of Subjects in 33 CFR Part 117

Bridges.

For reasons set out in the preamble, the Coast Guard amends Part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Revise § 117.641 to read as follows:

§ 117.641 Pine River (Charlevoix).

(a) The draw of the U.S. 31 bridge, mile 0.3 at Charlevoix, shall be operated as follows:

(1) From April 1 through December 31, the draw shall open on signal; except from 6 a.m. to 10 p.m., April 1 to October 31, the draw need open only from three minutes before to three minutes after the hour and half-hour for recreational vessels. Public vessels of the United States, state or local vessels used for public safety, commercial vessels, vessels in distress, and vessels seeking shelter from severe weather

shall be passed through the draw as soon as possible.

(2) From January 1, through March 31, the draw shall open on signal if at least 12 hours advance notice is provided prior to a vessel's intended time of passage.

(b) The owner of the bridge shall provide and keep in good legible condition two board gauges painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all water levels. The gages shall be placed on the bridge so that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

Dated: March 14, 2000.

James D. Hull,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 224–0213a; FRL–6549–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Air Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following districts: Monterey Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, and South Coast Air Quality Air Management District. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) according to the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from the coating of wood products and wood flat stock. Thus, EPA is finalizing the approval of these