

meetings were held, and numerous oral and written comments were received and considered. A final EIS adopting the residential access policies that would be implemented by this rule has been released, and a record of decision has been issued. This rulemaking reflects the involvement of the interested public during the environmental review process. An EA was prepared and a finding of no significant impact was issued for those aspects of the rule not addressed in the residential shoreline development EIS. The September 20, 2000, **Federal Register** notice mentioned that the EA was being prepared, and copies of the draft EA were mailed to interested members of the public and to Federal and State agencies in the seven-State TVA Watershed for comment.

G. Paperwork Reduction Act

Paragraphs (b), (c) and (d) of § 1304.2 of this rule contain information collection requirements which have been submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* TVA provided burden information and requested comments on these requirements in the preamble to the proposed rule. No comments specifically directed toward the information collection requirements were received. One commenter objected to the general requirement to apply for and obtain a permit before conducting vegetation management activities on TVA land. TVA responded to this comment in the Discussion of Public Comments at III above.

The only information collection activity contained in the rule is a requirement that persons seeking approval to construct an obstruction along or in the Tennessee River system or authorization to use certain property under TVA's control submit an application to TVA. The application consists of an application form plus, in the case of an obstruction, detailed plans, maps, and other information necessary for TVA to evaluate the request for approval. The estimated time to complete the application form and prepare the supplemental material is from 1 hour to 1.5 hours per application. The time may vary depending upon the nature and complexity of the proposed action. Comments concerning the accuracy of this burden estimate and suggestions for reducing the burden should be directed to the Agency Clearance Officer: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402-2801; (423) 751-2523.

The majority of information provided in a permit application is not confidential. Most information collected describes construction plans and is not of a sensitive or personal nature. However, since these records are maintained by a personal identifier (name of applicant), they are identified as a Privacy Act System of records. A Privacy Act Statement is included on the permit application.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. TVA will publish a document in the **Federal Register** announcing OMB's approval.

List of Subjects in 18 CFR Part 1304

Administrative practice and procedure, Natural resources, Navigation (water), Rivers, Water pollution control.

■ For the reasons set forth in the preamble, title 18, chapter XIII of the Code of Federal Regulations is amended by revising part 1304 to read as follows:

PART 1304—APPROVAL OF CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM AND REGULATION OF STRUCTURES AND OTHER ALTERATIONS

Subpart A—Procedures for Approval of Construction

Sec.

- 1304.1 Scope and intent.
- 1304.2 Application.
- 1304.3 Delegation of authority.
- 1304.4 Application review and approval process.
- 1304.5 Conduct of hearings.
- 1304.6 Appeals.
- 1304.7 Conditions of approvals.
- 1304.8 Denials.
- 1304.9 Initiation of construction.
- 1304.10 Change in ownership of approved facilities or activities.
- 1304.11 Little Tennessee River; date of formal submission.

Subpart B—Regulation of Nonnavigable Houseboats

- 1304.100 Scope and intent.
- 1304.101 Nonnavigable houseboats.
- 1304.102 Numbering of nonnavigable houseboats and transfer of ownership.
- 1304.103 Approval of plans for structural modifications or rebuilding of approved nonnavigable houseboats.

Subpart C—TVA-Owned Residential Access Shoreland

- 1304.200 Scope and intent.
- 1304.201 Applicability.
- 1304.202 General sediment and erosion control provisions.
- 1304.203 Vegetation management.
- 1304.204 Docks, piers, and boathouses.
- 1304.205 Other water-use facilities.

- 1304.206 Requirements for community docks, piers, boathouses, or other water-use facilities.
- 1304.207 Channel excavation on TVA-owned residential access shoreland.
- 1304.208 Shoreline stabilization on TVA-owned residential access shoreland.
- 1304.209 Land-based structures/alterations.
- 1304.210 Grandfathering of preexisting shoreland uses and structures.
- 1304.211 Change in ownership of grandfathered structures or alterations.
- 1304.212 Waivers.

Subpart D—Activities on TVA Flowage Easement Shoreland

- 1304.300 Scope and intent.
- 1304.301 Utilities.
- 1304.302 Vegetation management on flowage easement shoreland.
- 1304.303 Channel excavation.

Subpart E—Miscellaneous

- 1304.400 Flotation devices and material, all floating structures.
- 1304.401 Marine sanitation devices.
- 1304.402 Wastewater outfalls.
- 1304.403 Marina sewage pump-out stations and holding tanks.
- 1304.404 Commercial marina harbor limits.
- 1304.405 Fuel storage tanks and handling facilities.
- 1304.406 Removal of unauthorized, unsafe, and derelict structures or facilities.
- 1304.407 Development within flood control storage zones of TVA reservoirs.
- 1304.408 Variances.
- 1304.409 Indefinite or temporary moorage of recreational vessels.
- 1304.410 Navigation restrictions.
- 1304.411 Fish attractor, spawning, and habitat structures.
- 1304.412 Definitions.

Authority: 16 U.S.C. 831–831ee.

Subpart A—Procedures for Approval of Construction

§ 1304.1 Scope and intent.

The Tennessee Valley Authority Act of 1933 among other things confers on TVA broad authority related to the unified conservation and development of the Tennessee River Valley and surrounding area and directs that property in TVA's custody be used to promote the Act's purposes. In particular, section 26a of the Act requires that TVA's approval be obtained prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations along or in the Tennessee River or any of its tributaries. By way of example only, such obstructions may include boat docks, piers, boathouses, buoys, floats, boat launching ramps, fills, water intakes, devices for discharging effluent, bridges, aerial cables, culverts, pipelines, fish attractors, shoreline stabilization projects, channel