classified as uninspected vessels and are required to have PICs for transfers. The total population count [2760] represents the number of vessels [1380] multiplied by the number of PICs aperper vessel [2].

Frequency of Response: The Coast Guard expects that each PIC will receive the recognized training once.

Burden of Response: 10 minutes annually per respondent.

Estimated Total Annual Burden: An annual burden of 153 hours' information collection.

Persons submitting comments on the collection of information should submit the comments both to OMB and to the Coast Guard where indicated under ADDRESSES by the date under **DATES**.

No person need to respond to a request for collection of information unless it displays a currently valid control number from OMB.

List of Subjects in 33 CFR Part 155

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 155 as follows:

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

1. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; Sec. 2, E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, 155.470, 155.1030(j) and (k), and 155.1065(g) also issued under 33 U.S.C. 1903(b); and sections 155.1110 and 155.1150 also issued under 33 U.S.C. 2735.

2. Revise paragraphs (e) introductory text, (e)(1), (2) and (e)(3) of § 155.710 to read as follows:

§ 155.710 Qualifications of person in charge.

* * * * *

(e) The operator or agent of each vessel to which this section applies shall verify to his or her satisfaction that the PIC of any transfer of fuel oil requiring a Declaration of Inspection—

(1) On each inspected vessel required by 46 CFR chapter I to have a licensed person aboard, holds a valid license issued under 46 CFR part 10 authorizing service as a master, mate, pilot, engineer, or operator aboard that vessel, or holds a valid merchant mariner's document endorsed as Tankerman-PIC;

(2) On each uninspected vessel, either complies with the requirements of paragraph (e)(1) of this section or carries a letter satisfying the requirements of § 155.715 and designating him or her as a PIC, unless equivalent evidence is immediately available aboard the vessel or at his or her place of employment.

(3) On each tank barge, for its own engine-driven pumps, either complies with paragraph (e)(1) or (2) of this section or has been instructed by the operator or agent of the vessel both in his or her duties and in the Federal statutes and regulations on water pollution that apply to the vessel; or

* * * * *

3. Add a new § 155.715 to read as follows:

§ 155.715 Contents of letter of designation as a person-in-charge of the transfer of fuel oil.

The letter of instruction required in § 155.710(e)(2) must designate the holder as a person-in-charge of the transfer of fuel oil and state that the holder has received sufficient formal instruction from the operator or agent of the vessel to ensure his or her ability to safely and adequately carry out the duties and responsibilities of the PIC described in 33 CFR 156.120 and 156.150.

Dated: June 23, 1998.

J. P. High,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–17267 Filed 6–30–98; 8:45 am]

BILLING CODE 4910–14–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

36 CFR Part 327

Shoreline Use Permits, Flotation

AGENCY: U.S. Army Corps of Engineers.

ACTION: Final rule.

SUMMARY: An amendment to Appendix A section 327.30 ''Guidelines for Granting Shoreline Use Permits'' was part of a proposed rule published in the **Federal Register** on April 15, 1997. The language in this amendment reduced the burdensome requirements on individuals who have requested waivers because of limiting health conditions. The amendment gives Operations Managers the flexibility to take special circumstances of the applicant into consideration when issuing a shoreline use permit. This amendment is also in this final rule.

The U.S. Army Corps of Engineers also published a proposed rule in the April 15, 1997, issue of the **Federal Register**, to amend Appendix C of Section 327.30. The amendment concerned flotation materials to be used on all new docks and boat mooring buoys. Comments received during the 45-day comment period prompted the Corps to conduct further studies and withdraw the proposed rule to amend Appendix C issued on April 15, 1997. Subsequently, a replacement rule was published in the **Federal Register** on December 4, 1997. Comments were accepted on this proposed revision until January 20, 1998. This final rule reflects the comments received. We believe that the changes will substantially increase the safety of project visitors and the protection of the natural resources.

EFFECTIVE DATE: August 17, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Darrell E. Lewis, (202) 761–0247.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Army Corps of Engineers published a final rule providing policy and guidance on the management of shorelines of Corps managed Civil Works projects in the **Federal Register** on July 27, 1990 (55 FR 30690–30702), last amended in the **Federal Register** on July 1, 1992 (57 FR 29219–29220).

Two amendments to the regulations were published as a proposed rule in the **Federal Register** on April 15, 1997 (62 FR 18307–18308). An amendment to Paragraph 2.c.(9) of Appendix A, Section 327.30, Guidelines for Granting Shoreline Use Permits, gave Operations Managers the flexibility to take special circumstances of the applicant into consideration when issuing a permit. This language reflected the Corps desire to accommodate basic access for those individuals who have requested waivers because of limiting health conditions that are either obvious or substantiated by a doctor's certification. No negative comments were received regarding this amendment during the comment period.

Paragraph 14, Appendix C, of Section 327.30, also published as a proposed rule on April 15, 1997, reflected the Corps amended flotation requirements for all new docks and boat mooring facilities. The Corps received 28 letters concerning flotation during the comment period of this proposed rulemaking. The comments prompted the Corps to conduct further studies and give additional consideration to flotation requirements. Accordingly, the flotation portion of the proposed rule published on April 15, 1997, was withdrawn and was subsequently

replaced by a new proposed rule published in the **Federal Register** on December 4, 1997. Twelve comments were received on the new proposed rule change and are summarized below.

Discussion of Public Comments and Changes

I. Definition of terms

Many of the comments received asked for specific definitions as they relate to the final rule. Those definitions are as follows:

1. *Waterlogged*—This term means saturated with water to the point of sogginess or loss of buoyancy. Although all floatation materials absorb water to some degree (unless they are completely encased), they do not all lose buoyancy and become waterlogged at the same rate. Flotation that is not watertight will become progressively heavier and more waterlogged over time. At some point, these floats no longer meet the specifications for flotation as originally designed. Floats with air as a flotation media become waterlogged as soon as they are punctured or cracked, sinking almost immediately after enough chambers are penetrated.

2. *Crack, peel, fragment*—These terms refer to plastic, fiberglass, or concrete encasements or coatings. Some of these encasements may contain hairline cracks. Although these small cracks (and some larger ones) do not affect the structural integrity of the float if it is filled with good foam, some encasements have more than one gap or opening. Once filled with water, these cracks can expand and allow beads to enter the water. In the case of peeling and fragmenting, the same situation occurs when a portion of the encasement becomes dislodged and allows for the entrance of beads or other flotation material into the water.

3. *Resistant to puncture and penetration*—This phrase means that the float or its flotation will withstand the intended use under ordinary circumstances. Because waves cause floats to rise and fall along the shoreline, these floats are expected to withstand the daily beating from waves, submerged obstacles such as small rocks or snags in the area, daily bumps of boats or other recreational vessels, as well the normal extremes in weather conditions encountered in the area.

When dealing primarily with floats that use air chambers as the means of flotation, these floats take on water and sink when enough chambers are punctured or penetrated. When dealing with floats using bead flotation, punctures and other forms of penetration could allow the beads to escape into the water and then allow water to enter the encasement, eventually causing failure of the float.

4. *Damage by animals*—Animals and/or waterfowl sometimes burrow into beaded or foam flotation materials to escape the weather or for nesting. Any flotation material should be encased with material that is strong enough and thick enough to prevent intrusion by animals under normal circumstances.

5. *Fire resistant*—This term means able to resist fire and not readily combustible. It does not mean ''fire proof''. Flotation that is fire resistant must not be made of materials that will heighten or intensify an existing fire.

6. *Severely deteriorated and no longer serviceable*—This phrase means that there is significant damage to the float or its flotation (including taking on excess water or releasing beads), the float or its flotation no longer performs its designated function, or the float or its flotation fails to meet the specifications for which it was originally warranted. In addition, ''no longer serviceable'' means the float or its flotation material can no longer be repaired so that it performs its designated function or it fails to meet the specifications for which is was originally warranted.

7. *No longer performing its designated function*—This means that a float no longer can be used for its originally intended purpose as a result of damage or deterioration or that the float cannot be used without creating safety hazards for the recreating public.

8. *Marine use*—This term means that use which is related to navigation or water-based activities.

II. Use of Drums or Barrels

Objections were received to eliminating recycled 55-gallon drums, either metal or plastic, as floats. Some respondents stated that if these containers could not be recycled and used as floats, proper disposal was difficult. Others objected because of the cost involved with obtaining other types of floats. Another comment stated that if barrels did become punctured, they were easily replaced with new ones.

There are many problems associated with the use of drums, barrels, or other containers. One of the major problems is that these items can be punctured or cracked through ordinary use. Not all drums or barrels are manufactured to universally agreed-upon standard specifications. Once the integrity of the drum or barrel has been compromised, any remaining contents left in them will mix with water and be disseminated in the area, spreading possible contamination.

Secondly, 55-gallon drums easily break away from docks. Because drums cannot be through-bolted to the dock they normally float in the water under the dock sometimes within a supporting confinement structure. When these barrels become partially filled with water, they float at or just below the water surface and sometimes come out from within the confinement structure. As a result, these drums float free and are a hazard to boaters, water skiers, and other recreational users.

Lastly, when the drums do partially fill with water and sink, they can cause considerable damage to dam mechanisms, water intakes, pipelines, and other water control structures. Even if these drums are filled with polyurethane foam, they can still break loose and may sink or partially sink as a result of the water's displacement of the air within the voids.

Several comments asked for the use of tires as a form of encasement. The problem with tires is not their composition; instead, the problem is how they truly function as encasements. If the exposed extruded polystyrene portion of the flotation must be further encased by plywood or some other material, there are several problems that must be addressed. Any misshaping of the tire could result in a ''non-contact'' spot which would allow the entrance of water, thus altering the buoyancy of the float. If the plywood encasements are through-bolted, cracks in the wood around the bolts may occur which, again, could decrease the performance of the float. In addition, the wood around the bolts is more susceptible to rot, thus affecting the integrity of the float.

III. Specific Standards

Some comments indicated that the standards, as written, were not specific enough and that subjective requirements should be avoided. The standards were written to provide a framework for identifying measurable outcomes, focusing on results achieved rather than on strict specifications. Exact standards for thickness and density were not included for this reason. To include such restrictions would make the standards more limiting than necessary. As technologies advance and new and better forms of floats and flotation material are formulated, it may be unnecessary to meet such strict guidelines set by using today's technology.

IV. Open bead polystyrene

Several comments were received stating that if the Corps intends to not allow any flotation material made of

unprotected open bead polystyrene products, such a statement should be made outright in the new standards. Again, the standards were written to provide a framework for identifying measurable outcomes. If unprotected open bead polystyrene does not meet the standards as written, it cannot be allowed as flotation. Whether it is mentioned specifically in the standards or not is irrelevant.

V. Fire Resistance

Several comments were received regarding the fire resistance requirements for floats and flotation. One stated that although some encasements, such as wood and plywood, support combustion, most encasements are not known to feed fires. In fact, most fires start on boats and spread to the docks.

The purpose of the ''fire resistant'' statement is to ensure that the encasement or its flotation material is not constructed of a material that would heighten or intensify an existing fire. This requirement does not mean ''fire proof'' or ''non-combustible.'' In addition, the float and its flotation material must be resistant to combustion when either comes in direct contact with petroleum products.

Procedural Requirements

Executive Order (E.O.) 12866

The Secretary of the Army has determined that this final rule is not a ''major'' rule within the meanng of Executive Order (E.O.) 12866. This final rule will not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, geographic regions; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of a United States-based enterprise to compete with foreign-based enterprise in domestic or export markets.

Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Collection of Information

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

Executive Order 12612

The Corps has analyzed this final rule under principles and criteria in E.O. 12612 and has determined that this final rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12630

The Corps has determined that this final rule does not have ''significant'' taking implications. The final rule does not pertain to taking of private property interests, nor does it impact private property.

NEPA Statement

The Corps has determined that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

Unfunded Mandates Act of 1995

The final rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

List of Subjects in 36 CFR Part 327

Public lands, Shoreline management.

For the reasons set forth in the preamble, 36 CFR part 327, is amended as follows:

36 CFR PART 327, RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

1. The authority citation for 36 CFR part 327 continues to read as follows:

Authority: 16 U.S.C. 460d and 460*l*–6a.

2. Appendix A to § 327.30 is amended by revising paragraph 2c(9) as follows:

Appendix A to § 327.30—Guidelines for Granting Shoreline Use Permits

* * * * *

2. * * *

c. * * *

(9) The district commander or his/her authorized representative may place special conditions on the permit when deemed necessary. Requests for waivers of shoreline management plan permit conditions based on health conditions will be reviewed on a case by case basis by the Operations Manager. Efforts will be made to reduce onerous requirements when a limiting health condition is obvious or when an applicant provides a doctor's certification of need for conditions which are not obvious.

* * * * *

3. Appendix C to § 327.30 is amended by revising paragraph 14, to read as follows:

Appendix C to § 327.30—Shoreline Use Permit Conditions

* * * * * *

14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.

* * * * * *

Dated: June 23, 1998.

Robert W. Burkhardt,

Colonel, Corps of Engineers, Executive Director or Civil Works.

[FR Doc. 98–17396 Filed 6–30–98; 8:45 am]

BILLING CODE 3710–92–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1220, 1222, 1228, 1230, 1234, and 1238

RIN 3095–AA85

Technical Amendments to Records Management Regulations

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule; technical amendments.

SUMMARY: NARA is updating organizational titles and addresses in 36 CFR ch. XII, subchapter B, to reflect the current organizations that perform the functions. Since the regulations in 36 CFR ch. XII, subchapter B, were last revised, NARA has reorganized and renamed the offices that have records management responsibilities. Additionally, the offices have been relocated to the Archives II facility in College Park. Updating the titles and addresses will facilitate agency and public correspondence with NARA.

EFFECTIVE DATE: July 1, 1998.