and 29 and October 10, 11 and 12, 1998 the draws will open on signal if at lease three hours notice is given. In the event of an approaching tropical storm on hurricane, the channel will be cleared and the draws will return to normal operation within 12 hours.

Dated: June 23, 1998.

A.L. Gerfin, Jr.

Captain, U.S. Coast Guard, Commander, 8th Coat Guard Dist. Acting.

[FR Doc. 98–17510 Filed 6–30–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

[CGD 79–116]

RIN 2115–AA03

Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases

AGENCY: Coast Guard, DOT.

ACTION: Final rule; establishment of dates for compliance.

SUMMARY: The Coast Guard modifies the qualification requirements for some Persons in Charge (PICs) of transfers of fuel oil and establish the date for compliance with the modified requirements. This modification is necessary to address public concern and implement the Final Rule, which, in the part addressed here, reduces the risk and severity of spillage from vessels involved in fuel-oil transfers. The requirement that PICs obtain letters from their trainers stating that the PICs have successfully completed certain training should ensure to the greatest degree possible that crewmembers acting as PICs of fuel-oil transfers get sufficient training to minimize the risks of water pollution.

DATES: *Effective date:* The effective date for the amendments in this rule is July 1, 1998.

Compliance dates:

(1) The compliance date for 33 CFR 155.710(e)(4) is July 1, 1998.

(2) The compliance date for 33 CFR 155.710(e) introductory text, (e)(1), (e)(2), and (e)(3) and § 155.715 is October 1, 1998.

ADDRESSES: Documents, as indicated in this preamble, are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA, 3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–1477.

FOR FURTHER INFORMATION CONTACT: Mr. Mark C. Gould, Project Manager, Maritime Personnel Qualifications Division, (202) 267–6890 or 1–800–842–8740, extension 7–6890.

SUPPLEMENTARY INFORMATION:

Regulatory History

On December 18, 1980, the Coast Guard published two Notices of Proposed Rulemaking (NPRMs): CGD 79–116, which proposed rules for tankermen [45 FR 83290]; and CGD 79–116a, which proposed rules for Persons in Charge (PIC) of transfers of oil [45 FR 83268].

On October 17, 1989, the Coast Guard published a Supplemental Notice of Proposed Rulemaking (SNPRM), entitled, ''Tankerman Requirements and Qualifications for Persons-in-Charge of Dangerous Liquid and Liquefied Gas Transfer Operations'' [54 FR 42624], which combined the original two rulemakings and officially closed CGD 79–116a as a distinct rulemaking. The Coast Guard received 42 comments on that SNPRM. No public meeting was requested, nor was one held.

On April 4, 1995, the Coast Guard published an Interim Rule entitled ''Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases'' [60 FR 17134].

On March 26, 1996, the Coast Guard reopened the comment period [61 FR 13098]. No public meeting was requested, nor was one held.

On May 8, 1997, the Coast Guard published a Final Rule entitled ''Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases'' [62 FR 25115].

On September 17, 1997, the Coast Guard published a request for comments to that portion of the Final Rule concerning the qualifications for a PIC of transfer of fuel oil [62 FR 48769]. This request for comments also delayed the compliance date until July 1, 1998, for 33 CFR 155.710 (e) introductory text and paragraphs (e)(1), (e)(2), and (e)(3). Several comments requested a public meeting, but none was held. This regulatory project has been in preparation since 1979. During the nineteen years of preparation, the Coast Guard requested comments on the proposed rule no fewer than five times. In the last request for comments, the focus was on a very narrow section of the entire rule-qualification requirements for PICs of transfers of fuel oil. The Coast Guard felt that all sides of this debate could be adequately covered in writing; therefore, no public hearing was necessary.

Background and Purpose

In the Interim Rule [60 FR 17134 (April 4, 1995)], § 155.710(e) of title 33, Code of Federal Regulations (CFR), which sets out requirements for Tankermen-PICs, was written ambiguously. If interpreted literally, the section stated that, on an uninspected vessel required to have a licensed person aboard, either (a) the PIC of a transfer of fuel oil must hold a license authorizing service as master, mate, engineer, or operator aboard that vessel, or (b) that person must have 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.

In the Final Rule [62 FR 25115 (May 8, 1997)], the Coast Guard corrected this ambiguity by revising the section. The Final Rule required that, onboard one of these same uninspected vessels, the PIC of a transfer of fuel oil hold either (a) a license authorizing service as master, mate, engineer, or operator aboard that vessel, or (b) a merchant mariner's document (MMD) endorsed as Tankerman-PIC.

Before this clarification, the Captains of the Port (COTPs) in some ports, particularly deepwater, were already interpreting the section in this way. However, in other ports, particularly inland and river, the COTPs were allowing the industry to comply with either the ambiguous requirements stated in the Interim Rule or the intended requirements stated in the Interim Rule as clarified in the Final Rule.

Many in the inland maritime industry were satisfied with the wording of the Interim Rule and, not suspecting that the Final Rule would change the qualification requirements, did not submit comments until the Final Rule was published. Many of these comments claimed that the Coast Guard had not provided the opportunity to comment on the revised text of § 155.710(e). As a result, the Coast Guard issued a request for comment on § 155.710(e) and delayed the compliance date for this section except paragraph 4—whose compliance date already was July 1, 1998—until July 1, 1998 [62 FR 48769 (September 17, 1997)].

Discussion of Comments and Changes

The Coast Guard received a total of 96 written comments in response to the

reopened comment period. All of these letters are available for inspection in CGD 79–116 at the address listed under **ADDRESSES.**

Applicability

The Coast Guard received four written comments addressing the applicability of this rule. One of the comments asked whether an Uninspected Towing Vessel (UTV) with a 14,000-gallon fuel capacity would have to comply with this rule if the transfer of fuel oil was always accomplished by a shoreside fueling-company whose trucks have a maximum capacity of 8,000 gallons.

Section 155.700 of title 33 CFR states that, if either vessel has a capacity in excess of 250 barrels (or 10,500 gallons), then 33 CFR 155.710(e) applies.

A second comment questioned whether this rule would apply to Mobile Offshore Drilling Units (MODUs). More specifically, it asked, ''What must the PIC of a transfer of fuel on a MODU hold—a license, an endorsed MMD, or neither?''

That person must hold a license or else hold an MMD endorsed as Tankerman-PIC. 33 CFR Section 155.700 of 33 CFR, the applicability section that covers 33 CFR 155.710(e), applies to each vessel with a capacity of more than 250 barrels of fuel oil, cargo oil, or hazardous materials. Therefore, the PIC of a transfer of fuel oil on a MODU encompassed by 33 CFR 155.710 must comply with 33 CFR 155.710(e)(1); that is, he or she must hold a valid license issued under 46 CFR part 10 authorizing service as a master, mate, pilot, engineer, or operator aboard that vessel, or else hold an MMD endorsed as Tankerman-PIC.

The third comment expressed concern that the Coast Guard had stated that crewmembers of Oil Spill Response Vessels (OSRVs) belong to a category of person eligible to seek restricted Tankerman-PIC endorsements in 46 CFR 13.111, though the Coast Guard Authorization Act of 1996 stated that they are not subject to requirements of tankermen for tank vessels as such.

The Coast Guard disagrees. It agrees that 46 U.S.C. 3702(f) establishes that 46 U.S.C. Chapter 37, and statutes whose applicability is based on 46 U.S.C. Chapter 37, do not apply to an OSRV. However, 46 U.S.C. 3302(a) makes clear that the designation of a vessel as an OSRV does not preclude it from also being considered a tank vessel under other laws and regulations. An OSRV is a tank vessel as defined by 46 U.S.C. 2101(39). 46 U.S.C. 3702(f) only states only that an OSRV will not be subject to regulations promulgated under the authority in 46 U.S.C. Chapter 37. This does not affect the applicability to an OSRV of other regulations for tank vessels, regulations not based on the authority of 46 U.S.C. Chapter 37. The Ports and Waterways Safety Program (33 U.S.C. Chapter 25, 33 U.S.C. 1221 *et. seq.*) and the Water Pollution Prevention and Control Program (33 U.S.C. Chapter 26, 33 U.S.C. 1251 *et. seq.*) also apply to these types of operations conducted by OSRVs. The purposes of Chapter 25 include the protection of the marine environment and natural resources through, among other functions, the regulation of vessel manning. The tankerman requirements for OSRVs are based on these statutes and on 33 CFR part 155. Therefore, under 33 CFR 155.710(a)(3), the PIC of a transfer of liquid cargo in bulk or of cargo-tank cleaning on an OSRV shall hold a Tankerman-PIC endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product. Note that 46 CFR 13.111(a) discusses the possibility of OSRVs' crewmembers' obtaining a restricted Tankerman-PIC endorsements. Individual companies should ask their Regional Examination Centers (RECs) about establishing training programs and competency requirements unique to their vessels' configurations and operations.

A fourth comment asked whether floating crane rigs or other stevedoring equipment need to comply with this rule.

Again, 33 CFR 155.700, the applicability section that covers 33 CFR 155.710(e), applies to each vessel with a capacity of more than 250 barrels of fuel oil, cargo oil, or hazardous materials. Therefore, the PIC of a transfer of fuel oil on any vessel encompassed by 33 CFR 155.710 must comply with 33 CFR 155.710—either (e)(1), if the vessel is inspected, or (e)(2), if the vessel is uninspected.

Exemptions

One comment asked that this rule continue to exempt those vessels with a fuel-oil capacity of less than 250 barrels.

The Coast Guard agrees and makes no changes to the applicability under 33 CFR 155.700.

Comment Period

Several comments requested that the Coast Guard hold public meetings before making a final decision on such an important issue.

The Coast Guard declines. The public has received more than adequate opportunity to submit comments or ask questions on this issue.

General Comments

The comments received did not surprise the Coast Guard. Comments from deepwater ports generally tended to favor the stricter interpretation, since many uninspected vessels in those ports each already carry several licensed persons aboard, as well as unlicensed crewmembers documented as Tankermen-PICs. On the other hand, comments from inland and river ports, where vessels usually each carry only one licensed person onboard, generally tended to favor the wording of the Interim Rule.

Two of the comments shared the opinion that the Coast Guard should require the PIC to hold a valid MMD. One of these two recommended that the PIC receive his or her vessel-specific training from the master of the UTV or other licensed officer.

The Coast Guard disagrees. For previously mentioned reasons, and because of the expense applicants would incur to complete the required training, PICs on UTVs need not obtain MMDs.

Another comment stated that most spills caused by the human factor are the result of attitude rather than ability. The PIC knows how to do the job; he or she simply fails to execute.

The Coast Guard does not know whether this is true; however, the first step is to require some minimal amount of training to maximize the chances of a safe transfer of fuel oil. Besides, training can improve attitude along with ability.

A recommendation in one comment stated that the Coast Guard needs to understand the unique operating and regulatory environment of the brown-water maritime fleet.

The Coast Guard agrees, and has gone to extraordinary lengths to include the inland and river marine industry in this rulemaking. In fact, it was mostly comments from the brown-water fleet of UTVs that led the Coast Guard to the final amendments in this reconstitution of the Final Rule.

The Coast Guard received eleven comments agreeing with the wording as it appeared in the Final Rule [62 FR 25115 (May 8, 1997)]. These comments stated that requiring a license or an MMD for transfers of fuel oil on UTVs is good marine practice. One of the eleven stated that the rule should require that the PIC of such transfers hold either a license or an MMD.

Upon reviewing the public comments, the Coast Guard now disagrees. Because it lacks firm statistical evidence that transfers of fuel oil contribute to the amount of pollution from UTVs, the

Coast Guard lacks adequate reason to require a license or an MMD with Tankerman-PIC endorsement.

Most comments agreed that the Coast Guard should require PICs of transfers of fuel oil to obtain instruction by the operators or agents of their vessels, both in their duties and in the Federal statutes and regulations on water pollution that apply to their vessels. These comments presented the following persuasive arguments:

Statistics

Many of the comments stated there are currently no statistics to prove that spills from transfers of fuel oil contribute significantly to the pollution of the marine environment.

Although the Coast Guard speculates, and has heard from reliable sources off the record, that mid-stream transfers contribute significantly to pollution of rivers, there are currently no supporting statistics. However, the Coast Guard recently instituted new data-gathering systems that in time will provide statistics one way or the other.

Further, many of the comments stated that, factually, there are no data to show that a reduction in oil spills would occur if the PIC of a UTV transfer of fuel oil were required to hold a license or MMD and that, therefore, no such requirement would be appropriate.

The Coast Guard agrees and, again, has dropped the requirement.

Training

Several comments stated that the key to the safe transfer of fuel oil to UTVs is training. They suggested that the Coast Guard and industry jointly develop and adopt a training program that specifically addresses transfers.

The Coast Guard agrees—in part. For now, the new requirement for a letter of training from the operator or agent of a vessel will satisfy the training requirements. However, if it later turns out that this training is not having the desired effect, the Coast Guard will ask the industry to help it develop and adopt more formal training.

Several comments felt that simple possession of a license does not endow an Operator of Uninspected Towing Vessels (OUTV) with sufficient knowledge of transfers of fuel oil. In addition, the OUTV often is not physically present where the transfer takes place. Therefore, it is unfair to make the OUTV legally responsible for the transfer.

The Coast Guard agrees. The person legally responsible for the transfer of fuel oil to the UTV, if not from the barge, is the PIC aboard the UTV.

Five comments recommended that the Coast Guard create a new UTV license that specifically certifies an individual for transfers of fuel oil. The industry and Coast Guard would jointly develop qualifications and training procedures for this license.

Currently, the Coast Guard disagrees. For now, a letter of training from the operator or agent of a vessel will satisfy the training requirements. However, if it later turns out that this training is not having the desired effect, the Coast Guard will consider strengthening the requirements in a further rulemaking.

Courses in Firefighting

Four of the comments addressed the requirements for the successful completion of approved courses in firefighting. The comments stated that these courses do not apply to operations on UTVs.

The Coast Guard agrees that most existing, approved courses in firefighting contain more-detailed training than personnel aboard UTVs need. However, the Coast Guard no longer requires approved courses in firefighting for PICs of uninspected vessels involved in transfers of fuel oil. The Coast Guard remains willing, should the need arise, to work with industry in designing the proper curriculum for a course in firefighting applicable to UTVs.

Training in Preventing Pollution

Some of the comments stated that significant training in preventing pollution is not now required to obtain a license as OUTV. Therefore, mere possession of a license, as required in the Final Rule, will not ensure that a transfer of fuel oil is safely conducted.

The Coast Guard agrees that there is insufficient stress put on environmental protection to ensure that the bare fact of holding an OUTV license marks a PIC as sufficiently trained in preventing water pollution.

A letter from the operator or agent of a vessel, stating that the PIC has been instructed both in his or her duties and in the Federal statutes and regulations on water pollution that apply to the vessel, will satisfy the training requirements.

Voluntary Industry Standards

Several of the comments mentioned the existence of voluntary industry standards. They stated that the American Waterways Operators (AWO) carries out a Responsible Carrier Program with the Coast Guard. Many of the comments urged that this Program, as well as other voluntary industry initiatives, should improve marine safety and environmental protection without this new rule.

The Coast Guard agrees that the Responsible Carrier Program is indeed an exemplary initiative for volunteer companies to help reduce pollution and improve marine safety. However, the volunteer companies participating in the various initiatives are not, nor have they ever been, the companies with which the Coast Guard is concerned. The Coast Guard is concerned with companies that do not belong to any of these initiatives. What incentive do they have to implement new programs to help improve marine safety and reduce pollution? Therefore, the new requirement, for an operator or agent of a vessel to sign a letter stating that the crewmember acting as PIC in a transfer of fuel oil has received the proper training, significantly increases the chances that the training has, in fact, been conducted. Only time will tell the significance of the impact these voluntary initiatives will have on marine safety and environmental protection.

In addition, the Coast Guard received one comment stating that the towing industry has chosen to turn its back on this issue in the past because it carries unlicensed engineers on its UTVs.

The Coast Guard partially agrees. However, with AWO's Responsible Carrier Program and similar initiatives now in place, the Coast Guard feels that the industry is trying to address the problem without added regulation.

Regional Examination Centers

Two comments stated that RECs of the Coast Guard are already inundated with licensing and documentation. The advent of the estimated 3,000–4,000 applicants required to obtain the MMD endorsed as Tankerman-PIC would place the RECs in an untenable position.

The Coast Guard recognized that the initial impact on the RECs would have been significant. That is why the plan staggered the date of compliance to correspond with renewal of MMDs, normally accomplished every 5 years. This Final Rule renders this issue irrelevant: It lifts the burden from the RECs and, to some extent, from the mariners while it shifts it in kind though not in amount for the operators and agents.

Cost

Several comments felt that the cost of hiring a licensed tankerman for each transfer of fuel oil to a UTV would be staggering.

The Coast Guard disagrees, but the point is moot. No vessel will have to hire a licensed tankerman for each

transfer, or to incur fees transfer by transfer. The PIC of each transfer will be an onboard crewmember who has received in-house training from the vessel's operator or agent.

Use of Other Trained Personnel on a Vessel

Two comments recommended that the expertise of a driver required to hold a commercial driver's license at the shoreside fueling-company suffice for a transfer of fuel oil to a UTV.

The Coast Guard disagrees. The PIC onboard the UTV must have some minimal training to ensure that he or she is aware of the rules peculiar to the vessel and of the law that governs the prevention of pollution.

Another comment stated that the Tankerman-PIC onboard the barge supplying the fuel oil should be responsible for the entire transfer to the UTV.

The Coast Guard disagrees. The PIC on the barge is, in all probability, unfamiliar with the loading characteristics of the receiving UTV. The PIC onboard the UTV must have some minimal training to ensure that he or she is aware of the rules for the vessel and of the laws that govern the prevention of pollution.

Many of the comments recommended that companies, rather than their PICs aboard UTVs, be responsible for the safe completion of transfers of fuel oil to the UTVs.

The Coast Guard agrees in part. Each company is responsible for the proper training of its PICs and is accountable to its underwriters and the law for unsafe practices. However, the PIC is the logical person to be responsible for the safe completion of a transfer of fuel oil to the UTV.

One comment asked whether the Tankerman-PIC on the fueling barge bears any responsibility for ensuring compliance by the UTV. The PIC on the barge is responsible for satisfying requirements for the safe transfer of fuel oil from the barge, though not to the vessel. The PIC on the UTV is responsible for satisfying them for the safe transfer of it to the UTV, though not from the barge. Several comments stated that possession of a license or MMD will not ensure that the transfer of fuel oil to a UTV is conducted safely. Therefore, they could not understand the logic behind the insistence by the Coast Guard that the requirement is ''good marine practice.''

The Coast Guard now agrees. A letter from the operator or agent of a vessel, stating that the PIC has been instructed both in his or her duties and in the Federal statutes and regulations on water pollution that apply to the vessel, will satisfy the training requirements.

One comment stated that the most appropriate option might be to require the PIC on a UTV to obtain a restricted Tankerman-PIC (Barge) endorsement.

The Coast Guard disagrees. The PIC on a UTV must have received training peculiar to his or her UTV to minimize the chances of a polluting spill. The transfer procedures on a tank barge may be vastly different from those on any UTV.

Inapplicable Comments

Six comments suggested that in-house training is sufficient for the safe loading and unloading of chemical barges dockside. The loading or unloading of chemical cargo is not the subject of this request for comments. The Coast Guard will answer these comments by letter.

The Coast Guard will also answer by letter another comment, which asked about the applicability of the Final Rule to vessels loading or unloading chlorine. Qualifications for persons loading and unloading chemical cargoes are not the subject of this request for comments.

One comment stateds that the Coast Guard should exempt or grandfather from the rules those who can show prior experience in loading and unloading cargo.

The loading and unloading of cargo (other than fuel oil) by Tankerman-PICs are not proper subjects of this comment period. The Coast Guard will answer this comment by letter, too.

Although the Coast Guard will allow those who wish to act as PICs of transfers of fuel oil to so act after obtaining instruction by the operators or agents of their vessels both in their duties and in the Federal statutes and regulations on water pollution that apply to the vessels, it is still concerned that some may not receive the proper training necessary to minimize the chances of water pollution.

Therefore, after receiving proper instruction from the operator or agent of a vessel, each trainee will have to receive a letter of instruction. The letter must come from the party providing the training. The training need occur only once, unless there is some unique characteristic about a particular vessel that would necessitate later, vessel-specific training. No person changing his or her place of employment need retake the training, unless there is something unique about the new vessel. The letter of instruction must stay either with the person, on the vessel, or in the office of the operator or agent of the vessel. It must be readily available to Coast Guard boarding officers.

Collection of Information

This reconstitution of a final rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As defined in 5 CFR 1320.3(c), ''collection of information'' includes reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions.

The information collections associated with this rule concern the letter of instruction described in 33 CFR §§ 155.710(e)(2) and 155.715. The Coast Guard sought authority for the collection from the OMB, asking emergency processing of the request for authority by July 15, 1998. The title and description of the collection, a description of the respondents, and an estimate of the total annual burden follow. The new request has been submitted and is pending approval. A copy of the request is available for review in the docket.

The Coast Guard estimates that the letter of instruction will impose an annual burden of 153 hours' information collection. The burden comprises all time for both gathering and maintaining the information.

Title: Letter of Instruction for Persons -In-Charge (PICs) on Uninspected Vessels.

Summary of the Collection of Information: This Final Rule contains collection-of-information requirements in 33 CFR 155.710(e)(2) and 155.715.

Need for Information: The U. S. Coast Guard administers and enforces the laws and regulations promoting the safety of life and property in marine transportation. It establishes Standards of training for mariners to ensure their ability to safely and adequately carry out duties and responsibilities that promote safety on vessels. To ensure that training standards are complied with, each PIC on an uninspected vessel must carry a letter of instruction. The letter's contents should verify the PIC's credentials, stating that the holder has received sufficient formal instruction from the owner, operator, or agent of the vessel, as required by 33 CFR 155.710(e)(2).

Proposed Use of Information: Carriage of a letter of instruction will verify the credentials of the PIC, and expedite verification of compliance by the Captain of the Port (COTP).

Description of the Respondents: Respondents include the operator, agent, or PIC involved in a transfer described in 33 CFR 155.700.

Number of Respondents: According to data from the Coast Guard Marine Safety Management System, there are approximately 1380 vessels that are

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