

particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the respondent believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

(c) *Informal settlement.* In addition or as an alternative to a written response to a prepenalty notice pursuant to this section, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent is not required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30-day period specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

§ 537.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly shall notify the respondent in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any response to the prepenalty notice, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition of the monetary penalty to the respondent.

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the mailing of the penalty notice.

(2) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer

identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collection and reporting on any delinquent penalty amount in the event of a failure to pay the penalty imposed.

§ 537.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the mailing of the written notice of the imposition of the penalty, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Subpart H—Procedures

§ 538.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see subpart D of part 501 of this chapter.

§ 538.802 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 13067 (3 CFR, 1997 Comp., p. 230), and any further Executive orders relating to the national emergency declared with respect to Sudan in Executive Order 13067, may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 538.901 Paperwork Reduction Act notice.

The information collection requirements in §§ 538.506 and 538.521 have been approved by the Office of Management and Budget ("OMB") and assigned control number 1505-0169. For approval by OMB under the Paperwork Reduction Act of other information collections relating to recordkeeping and reporting requirements, to licensing procedures (including those pursuant to statements of licensing policy), and to other procedures, see § 501.901 of this

chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Dated: June 18, 1998.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: June 25, 1998.

James E. Johnson,

*Assistant Secretary (Enforcement),
Department of the Treasury.*

[FR Doc. 98-17538 Filed 6-29-98; 8:51 am]

BILLING CODE 4810-25-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-98-036]

RIN 2115-AE47

**Drawbridge Operation Regulation;
Lake Pontchartrain, LA**

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is temporarily changing the regulation for the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans across Lake Pontchartrain between Metairie, Jefferson Parish and Mandeville, St. Tammany Parish, Louisiana. From July 6, 1998 through November 10, 1998, the draws will remain closed to navigation Monday through Saturday except for September 5, 6, 7, 24, 25, 26, 27, 28 and 29, 1998 and October 10, 11 and 12, 1998. During these closure periods there will be crane barges under the bridge to support equipment. On Sundays and on September 5, 6, 7, 24, 25, 26, 27, 28 and 29, 1998, October 10, 11 and 12, 1998, the draws will open on signal if at least three hours notice is given. In the event of an approaching tropical storm or hurricane, the draw will return to normal operation within 12 hours and the channel cleared of all construction equipment. This temporary rule is issued to allow for cleaning and painting of the bascule structure, an extensive but necessary maintenance operation.

DATES: This temporary rule is effective from July 6, 1998 through November 10, 1998.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch,

Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary rule.

FOR FURTHER INFORMATION CONTACT: Phil Johnson or David Frank, Bridge Administration Branch, at the address given above.

SUPPLEMENTARY INFORMATION: On April 10, 1998, the Coast Guard issued a temporary deviation from the regulation governing the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans across Lake Pontchartrain, to allow the draw to remain closed Monday through Saturday from May 4, 1998 through July 2, 1998. The deviation was issued to allow for the cleaning and painting of the bascule structures. However, the contractor was unable to mobilize for reasons including contract negotiation, acquisition of insurance and impeded access to the job site due to a navigation lock closure. The Greater New Orleans Expressway Commission has requested the Coast Guard issue a temporary rule to allow the work to begin on July 6, 1998 and to continue through November 10, 1998. The deteriorated condition of the bridge warrants the closures so that remedial work can be accomplished. The Coast Guard was not notified in time to issue a notice of proposed rulemaking. For this reason, good cause exists to make this temporary rule effective in less than 30 days after publication.

Background and Purpose

The south channel span of the Greater New Orleans Expressway Commission causeway across Lake Pontchartrain Louisiana provides an alternate route with a vertical clearance of 50 feet above mean high water. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The special equipment used for this procedure has to be removed each time the draw span is opened. Since this process is time consuming and costly, the equipment must remain in place for 6-day periods, allowing the contractor to maximize work time. While the draw span being serviced is in the closed to navigation position, the equipment will be supported by two crane barges which must remain in place below the draw span. As a result, the channel will be completely blocked by the barges. The short term inconvenience, attributable

to a delay of vessel traffic which is not able to use the south channel span as an alternate route, for a maximum of six days, is outweighed by the long term benefits to be gained by keeping the bridges free of corrosion and in proper working condition. This work is essential for the continued operation of the draw spans. Presently, the draws open on signal if at least three hours notice is given.

Regulatory Evaluation

This temporary rulemaking is not a significant regulation 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. It has not 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 10e of the regulatory policies and procedures of DOT is unnecessary. This is because the majority of vessels affected by the closure is minimal. The majority of commercial vessel and most of the recreational sailboats which normally transit the causeway bridge are able to do so at one of the navigation humps, located at four mile intervals along the bridge, or through the south channel span, which provides a vertical clearance of 50 feet above mean high water.

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 (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. The majority of commercial vessels and fishing vessels which normally transit the causeway bridge will still be able to do so through the south channel span. Thus, the Coast Guard expects there to be no significant economic impact on these vessels. The Coast Guard is not aware of any other waterway who would suffer economic hardship from being unable to transit the waterway during these closure periods. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule will not

have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this proposal in under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that this action is categorically excluded from further environmental documentation under current Coast Guard CE #32(e), in accordance with Section 2.B.2 and Figure 2-1 of the National Environment Protection Act Implementing Procedures, COMDTINST M16475.1C. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending part 117, 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; and 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Public Law 102-587, 106 Stat. 5039.

2. Effective July 6, 1998 through November 10, 1998, § 117.467 is amended by suspending paragraph (b) and adding paragraph (c) to read as follows:

§ 117.467 Lake Pontchartrain.

* * * * *

(c) From July 6, 1998 through November 10, 1998 the draws of the Greater New Orleans Expressway Commission causeway, north bascule span, need not open for the passage of vessels Monday through Saturday except for September 5, 6, 7, 24, 25, 26, 27, 28 and 29, 1998 and October 10, 11 and 12, 1998. From 12:01 a.m. on Sundays to 12:01 a.m. on Mondays and on September 5, 6, 7, 24, 25, 26, 27, 28

and 29 and October 10, 11 and 12, 1998 the draws will open on signal if at least three hours notice is given. In the event of an approaching tropical storm or 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 Coast 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