

qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information which is exempt from disclosure by the Act (5 U.S.C. 552a(k)(5)), but only to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

\* \* \* \* \*  
Dated: March 30, 1999.

**Patrick F. Kennedy,**  
Assistant Secretary for the Bureau of Administration, Department of State.  
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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1926**

**Office of Management and Budget Control Numbers Under the Paperwork Reduction Act for Miscellaneous Construction Industry Rules**

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Final rule; Office of Management and Budget approval of information collection requirements.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is announcing that the Office of Management and Budget (OMB) has extended the approval of a number of information collection requirements in OSHA construction rules. OSHA sought approval under the Paperwork Reduction Act of 1995 and is announcing the new expiration dates for these OMB control numbers. These approvals are for provisions that require posting; retention of records that verify certain tests or inspections have been performed; retention or availability of plans at construction sites; and other miscellaneous requirements.

**EFFECTIVE DATE:** These amendments are effective April 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Barbara Bielaski, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3627, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 693-1954.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) 44 U.S.C. 3501-3520), collections of information must be periodically approved by the Office of Management and Budget (OMB). In 1998, the

Occupational Safety and Health Administration (OSHA) requested that OMB approve a number of information collection requirements contained in OSHA's construction industry standards (29 CFR part 1926). These provisions require employers to:

- Post floor-load limits and crane-rating chart limitations;
- Retain records that verify certain tests or inspections required in part 1926 have been performed.
- Retain or ensure the availability of plans at construction sites; and other miscellaneous requirements.

The previous approvals of these information collection requirements expired at various times during 1998. Last year, OSHA sought public comment on the burden-hour and cost estimates of these requirements through a series of **Federal Register** notices.

At the conclusion of the public comment period, the Agency submitted requests for an extension of OMB's approval of these records. In accordance with the PRA, OMB has renewed its approval for these information collection requirements. Each requirement was renewed for 3 years, but OMB staggered the new expiration dates in 2001 over a period of several months. The following table lists the subjects, **Federal Register** notices, and the OMB control numbers for each of these requirements:

Title and citation	Federal Register date and page No.	OMB control No.	Approval expires
Annual Inspection Record of Cranes or Derricks Used in Construction—§ 1926.550(a)(6).	June 8, 1998, 63 FR 31232 .....	1218-0113	June 30, 2001.
Design of Cave-in Protection Systems—§ 1926.652 (b) and (c) ..	July 10, 1998, 63 FR 37415 .....	1218-0137	July 31, 2001.
Concrete and Masonry Construction—§ 1926.703(a)(2) .....	June 19, 1998, 63 FR 33712 .....	1218-0095	July 31, 2001.
Construction Posting Rqmnts.: Emergency Phone No.'s and Floor Load Limits—§§ 1926.50(f) and 1926.250(a)(2).	July 14, 1998, 63 FR 37907 .....	1218-0093	Aug. 31, 2001.
Constr'n. Crane Rating Chart Limitation Instructions & Hand Signal Illustrations—§ 1926.550(a)(1), (2), (4), and (16).	June 19, 1998, 63 FR 33713 .....	1218-0115	Aug. 31, 2001.
Construction Cranes and Derricks: Oxygen and Toxic Gas Tests—§ 1926.550(a)(11).	June 19, 1998, 62 FR 33715 .....	1218-0054	Aug. 31, 2001.
Crane- or Derrick-Suspended Personnel Platforms Used in Constr'n.—§ 1926.550(g)(4)(ii)(I).	June 19, 1998, 63 FR 33715 .....	1218-0151	Aug. 31, 2001.
Underground Construction—§ 1926.800 .....	June 19, 1998, 63 FR 33714 .....	1218-0067	Oct. 31, 2001.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor a collection of information unless: (1) The collection displays a valid control number, and (2) the Agency informs persons who potentially may respond to the collections of information that they are not required to respond to the collection of information unless it displays a currently valid OMB control number. Accordingly, now that OMB has extended the approval on these collections, OSHA is publishing this

document to announce the new expiration dates for these OMB control numbers.

In addition, OSHA is amending § 1926.5, the section in which OSHA displays its approved collections under the PRA, to codify several interrelated collections that were determined to be paperwork burdens as a result of a more careful review and analysis of the information collection requirements in the crane and derrick standard. The Agency grouped these additional

collections with a related collection that had been previously identified.

**List of Subjects**

29 CFR Part 1926

Construction; Occupational safety and health; Reporting and recordkeeping requirements.

**Authority and Signature**

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for

Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 13th day of April, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

Accordingly, 29 CFR part 1926 is amended as set forth below.

**PART 1926—[AMENDED]**

1. The authority citation for subpart A of part 1926 is revised to read as follows:

**Authority:** Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12-71 (36 FR 8754), 8-76 (41 FR 25059), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable; 29 CFR part 1911.

2. In § 1926.5, the table is amended by adding entries for 1926.550(a)(2), (4), and (16) in numerical order to read as follows:

**§ 1926.5 OMB control numbers under the Paperwork Reduction Act.**

* * * * *	
§ 1926.550(a)(2).....	1218-0115
§ 1926.550(a)(4).....	1218-0115
* * * * *	
§ 1926.550(a)(16).....	1218-0115
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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[CCGD08-97-020]

RIN 2115-AE84

**Mississippi River, LA: Regulated Navigation Area**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising the Regulated Navigation Area (RNA) for vessels operating in the Mississippi River below Baton Rouge, including South Pass and Southwest Pass, by adding requirements for vessels of 1,600 gross tons or greater operating in the RNA. These requirements entail enhanced safety procedures for vessels of 1,600 gross tons or greater operating on the Mississippi River. The Coast Guard is also requiring moored or anchored passenger vessels with embarked passengers to maintain

manned pilothouse watches for the safety of the vessel, crew and passengers.

**DATES:** This final rule is effective April 16, 1999, with the exception of § 165.810(f)(1), which is effective June 1, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the office of the Eighth Coast Guard District, Marine Safety Division, 501 Magazine Street, Room 1341, New Orleans, LA, during normal office hours between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-4686.

**FOR FURTHER INFORMATION CONTACT:** Mr. M.M. Ledet, Vessel Traffic Management Specialist, at the Eighth Coast Guard District, Marine Safety Division, New Orleans, LA, or by telephone at (504) 589-4686.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On October 30, 1997 (62 FR 58650), the Coast Guard published an interim rule with request for comments entitled "Regulated Navigation Area Regulations; Mississippi River, LA-Regulated Navigation Area" in the **Federal Register**. The Coast Guard received nine letters commenting on the interim rule. One comment requested a public hearing to discuss 33 CFR 165.810(e) "Watch requirements for anchored and moored passenger vessels." Because this section was not open for comment, since there had been several previous opportunities for the public to provide input on this watch requirement, the Coast Guard did not opt to hold a public hearing. However, the Coast Guard took into consideration the information contained in the comment pertaining to 33 CFR 165.810(e) and, after a thorough review of the existing regulations, has changed this section to eliminate any confusion as to the definition of a "small passenger-carrying vessel" by referring to the definition contained in 46 CFR 175.110.

On August 29, 1997 (62 FR 45775), the Coast Guard published a notice of proposed rulemaking entitled "Regulated Navigation Area Regulations; Mississippi River, LA-Regulated Navigation Area" in the **Federal Register**. The Coast Guard received two letters commenting on the proposed rulemaking. No public hearing was requested, and none was held. On December 14, 1996, the 36,000 gross ton M/V BRIGHT FIELD allided with the Riverwalk store complex causing extensive damage and numerous

injuries. This marine casualty prompted the Captain of the Port New Orleans to issue Captain of the Port Orders to moored or anchored passenger vessels operating on the Mississippi River. These orders required those vessels to maintain manned pilothouse watches in order to monitor river activity and to be immediately available to activate emergency procedures to protect the vessel, crew, and passengers in the event of an emergency radio broadcast, danger signal, or other, visual indication of a problem. The initial intent of this order was to establish an interim measure to prevent future allisions and collisions. On March 18, 1997 (62 FR 14637, March 27, 1997), the Coast Guard established a temporary regulated navigation area (RNA) affecting the operation of downbound tows in the Lower Mississippi River from mile 437 at Vicksburg, MS, to mile 88 above Head of Passes. This RNA was subsequently amended on March 31, (62 FR 15398, April 1, 1997), March 29 (62 FR 16081, April 4, 1997), April 4 (62 FR 17704, April 11, 1997) and April 20 (62 FR 23358, April 30, 1997). The amendments added operating requirements for vessels of 1,600 gross tons or greater; increased the operating limitations on tank barges and ships carrying hazardous chemicals and gasses; and extended the RNA to the boundary of the territorial sea at the approaches to Southwest Pass.

This RNA and its subsequent amendments were also prompted by unprecedented high waters on the Mississippi River. Conditions on the Lower Mississippi River became so severe that they necessitated the opening of the Bonnet Carre Spillway by the Army Corps of Engineers in order to ease high water and partially combat very strong river currents. The high water contributed to numerous barge breakaways and a marked increase in vessel accidents. The additional operating requirements were designed to provide a greater margin of safety for vessels of 1,600 gross tons or greater operating on this waterway.

On April 20, 1997 (62 FR 23358, April 30, 1997), the towboat and barge limitations and the chemical and gas ship operating restrictions expired. The regulations affecting self-propelled vessels of 1,600 gross tons or greater were extended until July 1, 1997. On June 24, 1997 (62 FR 35097, June 30, 1997), the regulations affecting self-propelled vessels of 1,600 gross tons or greater were again extended, until