

be detailed on a plan showing the general layout of the tanks, and, if a tanker is so fitted, a midship cross-section showing double bottom tanks and ballast side tanks.

(g) If a Material Safety Data Sheet (MSDS) on a hazardous cargo that a vessel is carrying is not available in a Seaway Traffic Control Center, the vessel shall provide information enabling the preparation of an MSDS.

(h) Every vessel shall submit its load plan to the nearest Seaway Traffic Control Center and, if there are subsequent changes in stowage including loading and discharging during a transit, the vessel shall submit an updated plan before departing from any port between St. Lambert and Long Point.

18. Section 401.75 is revised to read as follows:

§ 401.75 Payment of tolls.

(a) Every toll invoice shall be paid in Canadian or American funds, as indicated on the invoice, within forty-five days after the vessel enters the Seaway, and any adjustment of the amount payable shall be provided for in a subsequent invoice.

(b) Tolls, established by agreement between Canada and the United States and known as the St. Lawrence Seaway

Tariff of Tolls, shall be paid by pleasure craft in Canadian or American funds for the transit of each Seaway lock.

§ 401.77 [Removed and Reserved]

19. Section 401.77 is removed and reserved.

20. Section 401.84 is amended by revising paragraph (c) to read as follows:

§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.

* * * * *

(c) Any malfunction on the vessel of equipment required by §§ 401.5 to 401.21 and subsections (e) through (j) of Schedule I of subpart A of this Part;

* * * * *

21. Section 401.89 is amended by revising paragraph (a)(1) to read as follows:

§ 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when,

(1) The vessel is not equipped in accordance with §§ 401.6 to 401.21 and subsections (e) to (j) of Schedule I of subpart A of this part when transiting the Canadian waters of the Seaway;

* * * * *

22. Section 401.91 is revised to read as follows:

§ 401.91 Removal of obstructions.

The Corporation or the Authority may, at the owner's expense, move any vessel, cargo, or thing that obstructs or hinders transit on any part of the Seaway.

23. Section 401.94 is revised to read as follows:

§ 401.94 Keeping copy of regulations.

A copy of these Regulations (subpart A of Part 401), a copy of the vessel's latest Ship Inspection Report, and Seaway Notices for the current navigation year shall be kept on board every vessel in transit.

24. Schedule I to subpart A, part 401 is amended by revising paragraph (d)(3) to read as follows:

Schedule I—Vessels Transiting U.S. Waters

(d) * * *

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute, for a representative range of speeds, and a notice showing any critical range of revolutions at which the engine designers recommend that the engine not be operated on a continuous basis.

* * * * *

25. Schedule II to subpart A, part 401 is revised to read as follows:

SCHEDULE II.—TABLE OF SPEEDS ¹

From—	To—	Maximum speed over the bottom, knots	
		Col. III	Col. IV
1. Upper Entrance, South Shore Canal	Lake St. Louis, Buoy A13	10.5	10.5.
2. Lake St. Louis, Buoy A13	Lower Entrance, Lower Beauharnois Lock	16	16.
3. Upper Entrance, Upper Beauharnois Lock	Lake St. Francis, Buoy D3	9 upb; 10.5 dnb	9 upb; 10.5 dnb.
4. Lake St. Francis, Buoy D3	Lake St. Francis, Buoy D49	12	12.
5. Lake St. Francis, Buoy D49	Snell Lock	8.5 upb; 10.5 dnb	8 upb; 10.5 dnb.
6. Eisenhower Lock	Iroquois Lock	11.5	10.5.
7. Iroquois Lock	McNair Island, Lt. 137	13	10.5.
8. McNair Island, Lt. 137	Deer Island, Lt. 186	11.5	10.5.
9. Deer Island, Lt. 186..	Bartlett Point, Lt. 227..	8.5 upb; 10.5 dnb	8 upb; 10.5 dnb.
10. Bartlett Point, Lt. 227	Tibbetts Point	13	10.5.
11. Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island.	Open Waters between Wolfe and Howe Islands through the said Middle Channel.	9.5	9.5.
12. Port Robinson	Ramey's Bend through the Welland Bypass	8	8.
13. All other canals	6	6.

¹ Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions are set forth in this schedule. The Corporation and the Authority will, from time to time, designate the set of speed limits which is in effect.

26. Appendix I to subpart A, part 401 is amended by revising the first sentence of the second undesignated paragraph after paragraph (b) to read as follows:

Appendix I—Vessel Dimensions

* * * * *

The limits in the block diagram are based on vessels with a maximum allowable beam of 23.2 m. * * *

* * * * *

Issued at Washington, DC on April 25, 1996.

Saint Lawrence Seaway Development Corporation

Gail C. McDonald,

Administrator.

[FR Doc. 96-10941 Filed 5-1-96; 8:45 am]

BILLING CODE 4910-61-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

RIN 3095-AA65

Disposition of Federal Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: NARA is amending its regulations to require reimbursement for certain records maintained in Federal records centers that have exceeded the authorized disposal date. NARA has clarified in this final rule that the requirement will not apply to records whose disposition is stayed pending NARA action on a previously submitted record schedule. NARA is taking this action because the Federal records centers have a serious shortage of storage space and can no longer absorb the cost of storing records beyond their scheduled disposal date. NARA is also updating the addresses of the Federal records centers.

EFFECTIVE DATE: The final rule is effective June 3, 1996.

FOR FURTHER INFORMATION CONTACT: Debra Leahy at 301-713-7210.

SUPPLEMENTARY INFORMATION: On September 26, 1995, NARA published a notice of proposed rulemaking at 60 FR 49532. The 60-day comment period ended on November 27, 1995, but NARA considered all written comments received by December 4, 1995, in developing this final rule. Eight comments, all from Federal agencies, were received. The following major points were raised:

Agencies should not be required to pay for extended storage when the hold on disposal is not under the control of the agency. Five agencies stated that, in most cases, extended retention requirements are levied by another office of the Federal Government in anticipation of litigation, to meet a court order, or to resolve an issue with the Government Accounting Office. One agency suggested that any storage fees should be imposed on the organization that requested the hold on disposal.

It is not NARA's intent to impose a burden on agencies. NARA believes that the reimbursement plan is a reasonable solution that will benefit both the agencies and the Federal records centers. In the past, NARA has absorbed the cost of storing temporary records that have exceeded their authorized disposition date. However, because of the continued growth of records in this category, NARA can no longer pay for the space needed to store such records. Without reimbursement, NARA will be forced, in the near future, to return the records to the agencies for further retention.

Like the agencies, NARA has no means of projecting when a court-ordered or GAO disposal suspension will occur or how many records will be affected. In some cases, entire record groups have been placed under disposal suspension. Legal custody of temporary records remains with the agency even

though the records are stored in a Federal records center. Therefore, NARA must request reimbursement from the legal custodian of the records rather than from the imposer of the disposal suspension. NARA recommends that agencies work with their attorneys and records officials, the Department of Justice attorneys and GAO officials when applicable, to narrow the scope of records required for litigations and audits.

Three agencies pointed out circumstances where NARA has rescinded disposal authority pending re-appraisal of potentially permanent records; where an SF 115, Request for Disposition Authority, had been submitted to NARA to approve a change in the scheduled disposition; where unscheduled records accepted for accessioning into a Federal Records Center (FRC) required screening to separate permanent from disposable records; and where an agency must work with NARA to reconcile conflicting mandated retention periods for contractor-generated records. NARA has never intended to require reimbursement for continued storage of records where the disposition of the records is contingent on NARA action. We have clarified § 1228.54(g) on this point.

We have also modified § 1228.54 (g) to provide that NARA will waive fees for extended storage when the administrative cost to NARA for the agreement and billing would exceed the fees expected to be received. For the remainder of FY 1996, the threshold for waiving fees will be \$100 based on the agency's total records center holdings subject to the fee. NARA will bill the headquarters office rather than individual offices or units.

One agency noted that occasionally, when NARA sends a destruction notice, an agency will discover that records were retired to the FRC under the wrong disposal authority and that the correct retention period is longer. There will be no charge for the extended storage period for correction of this error.

Removal of records from FRC space. If agencies do not wish to reimburse NARA for continued storage of records for the extended retention period, the proposed rule would require agencies to remove the records within 60 days. One agency recommended that § 1228.54(g) be amended to require removal within 90 days from the date of notification to ensure that agencies had sufficient time to effect the arrangements for removal. NARA has adopted this comment.

Another agency commented that it would be more costly for agencies to store returned records in their office

space and that NARA discourages agency records centers in another section of Part 1228 by requiring agencies to obtain NARA approval to establish agency records centers. NARA recognizes the agency's argument that FRC storage space is generally more economical than storage in agency office space. The purpose of the cited regulatory requirement is to ensure that agencies comply with the records storage standards NARA imposes on itself to protect the records and that the agency centers are as cost-effective as FRC's. This regulatory provision is based on 44 U.S.C. which requires NARA approval of agency-operated records centers.

Billing procedures. Two agencies asked for clarification of billing procedures.

The billing procedure will be specified in the reimbursable agreement that the agency and NARA will sign. NARA anticipates billing agencies quarterly, based on the volume of retained holdings in the FRC system on the last day of the quarter. Data for fourth quarter billing will be cut off on August 31 of each year. Agencies may negotiate alternate arrangements with the Office of Federal Records Centers that will better serve the agency and NARA.

Effective date. Five agencies stated that the proposed January 1, 1996, effective date did not give agencies adequate lead time to budget for the unplanned expenditure. Three of these agencies recommended a delay in the effective date until FY 1997. Since agencies have already submitted their FY 1997 budgets to OMB, NARA does not believe that a delay to October 1, 1996, will materially affect the agencies' ability to budget payments for extended storage fees. Moreover, as explained previously, NARA cannot continue to absorb the cost we incur for the extended storage of otherwise disposable records in FRC space. To provide agencies time to enter into a reimbursable agreement with NARA or to plan for the removal of affected records, we have revised the effective date to June 3, 1996, in response to these comments.

Other comments. One agency pointed out that the list of administrative purposes that justify a temporary extension were stated differently in the proposed §§ 1228.32(b) and 1228.54(g) and that a reference in § 1228.54(a) to paragraph (g) in that section should be changed to § 1228.32(b). We have made both of these changes.

Section 1228.54(a) also refers to a procedure specified in § 1228.164 for obtaining a temporary extension in

retention period for a single accession. We have clarified § 1228.164(c) to provide that agencies may use this procedure to extend the retention period for an individual accession for no longer than 6 months. Normally agencies request an extension under § 1228.164(c) to allow time for a review of the records, to request a series level retention period change from the NARA Office of Records Administration (NIR), or to withdraw the records from the records center. No charge would accrue to the agency for extended records storage under this provision; however the extension will not be renewed.

The same agency commented that NARA needs to know about proposed temporary extensions of records retention periods only when the records are stored in an FRC and recommended that this clarification be added to § 1228.32(b). We have not adopted this comment because it is incorrect. A retention period that is specified in a NARA-approved agency records schedule or in a General Records Schedule is mandatory by law; the agency may not retain temporary records beyond that date without NARA approval whether the records are located in agency space, FRC space, or other space.

Addresses of Federal records centers. In this final rule, we are also updating or correcting the addresses of the Federal records centers listed in § 1228.150, and adding the Pittsfield, MA, Federal records center. The introductory paragraph to this section is unchanged.

This rule is a significant regulatory action under E.O. 12866 of September 30, 1993 and has been reviewed by OMB. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small entities.

List of Subjects in 36 CFR Part 1228

Archives and records.

For the reasons set forth in the preamble, 36 CFR part 1228 is amended as follows:

PART 1228—DISPOSITION OF FEDERAL RECORDS

1. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. chs 21, 29, and 33.

2. Section 1228.32 is revised to read as follows:

§ 1228.32 Request to change disposition authority.

(a) Agencies desiring to change the approved retention period of a series or system of records shall submit an SF 115. Disposition authorities contained in approved SF 115 are automatically superseded by approval of a later SF 115 applicable to the same records unless the later SF 115 specified an effective date. Agencies submitting revised schedules shall indicate on the SF 115 the relevant schedule and item numbers to be superseded, the citation to the current printed records disposition schedule, if any, and/or the General Records Schedules and item numbers that cover the records.

(b) Agencies proposing to change the retention period of a series or system of records shall submit with the SF 115 an explanation and justification for the change. The need to retain records longer than the retention period specified in the disposition instructions on an approved SF 115 for purposes of audit, court order, investigation, litigation, study, or any other administrative purpose that justifies the temporary extension of the retention period shall be governed by the procedures set forth in § 1228.54. Agencies shall not submit an SF 115 to change the retention period in such cases.

3. Section 1228.54 is amended by revising paragraphs (a) and (g) and adding paragraph (h) to read as follows:

§ 1228.54 Temporary extension of retention periods.

(a) Approved agency records schedules and the General Records Schedules are mandatory (44 U.S.C. 3303a). Except as specified in § 1228.32(b), records series or systems approved for destruction shall not be maintained longer without the prior written approval of the National Archives and Records Administration (NIR). However, extended retention of an individual shipment of records to a Federal Records Center for a period up to 6 months is governed by procedures in § 1228.164(c).

* * * * *

(g) Except when NARA agrees to continue to store and service records on a reimbursable basis or waives the requirements of this paragraph under a condition specified in paragraph (h) of this section, agencies shall remove from Federal records centers at the agency's expense records that, because of audit, court order, investigation, litigation, study, or any other administrative reason the agency wishes to retain longer than the scheduled retention period for the records. The removal of records must be accomplished within 90 days of the date of the notification from the Federal records center that the retention period has expired. Agencies that wish to establish an agreement or inquire about their records should write to NARA, Office of Federal Records Centers (NC), 8601 Adelphi Road, College Park, MD 20740-6001.

(h) NARA will waive the requirements specified in paragraph (g) of this section when:

(1) The temporary extension of retention period has been imposed by NARA, for instance when NARA plans to reappraise the archival value of records or when NARA is working on a new or revised General Records Schedule item;

(2) The agency has submitted an SF 115, Request for Disposition Authority, to NARA to request a change in the scheduled disposition of a series of records;

(2) NARA and the agency mutually agree that temporary extension is required to meet exceptional records management situations such as a NARA-agency screening project to separate permanent from disposable records or application of a new records disposition schedule to previously unscheduled records; or

(3) The administrative cost to NARA to implement a reimbursable agreement would exceed the reimbursement received.

4. In § 1228.150, the table set forth at the end of the section is revised to read as follows:

§ 1228.150 Authority.

* * * * *

Area served	Federal records center
District of Columbia, Maryland, West Virginia, and Virginia (except U.S. Court records).	Washington National Records Center, 4205 Suitland Rd., Washington, DC 20409-0002.
Designated records of the Military Departments and the U.S. Coast Guard.	National Personnel Records Center (Military Personnel Records), 9700 Page Ave., St. Louis, MO 63132-5100.

Area served	Federal records center
The entire Federal Government personnel records of separated Federal employees; medical and pay records of all Federal employees; designated medical records of Army and Air Force military personnel and their dependents; and records of agencies in the St. Louis area (Missouri only), of Scott AFB, IL, and of the Memphis Service Center, Internal Revenue Service.	National Personnel Records Center (Civilian Personnel Records), 111 Winnebago St., St. Louis, MO 63118-4199.
National collection of long term records Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.	Federal Records Center, 100 Dan Fox Dr., Pittsfield, MA 01201-8230. Federal Records Center, 380 Trapelo Rd., Waltham, MA 02154-6399.
New York, New Jersey, Puerto Rico, and the Virgin Islands	Federal Records Center, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002-5388.
Delaware, Pennsylvania, and U.S. court records for Maryland, Virginia, and West Virginia.	Federal Records Center, 14700 Townsend Rd., Philadelphia, PA 19154-1025.
North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky.	Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30344-2593.
Illinois, Wisconsin, Minnesota, and U.S. court records for Indiana, Michigan, and Ohio.	Federal Records Center, 7358 S. Pulaski Rd., Chicago, IL 60629-5898.
Indiana, Michigan, and Ohio except for U.S. court records	Federal Records Center, 3150 Springboro Drive, Dayton, OH 45439-1883.
Kansas, Iowa, Nebraska, and Missouri except greater St. Louis area	Federal Records Center, 2312 E. Bannister Rd., Kansas City, MO 64131-3060.
Texas, Oklahoma, Arkansas, Louisiana, and New Mexico Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota	Federal Records Center, P.O. Box 6216, Fort Worth, TX 76115-0216. Federal Records Center, Denver Federal Center Bldg. 48, P.O. Box 25307, Denver, CO 80225-0307.
Nevada except Clark County, California except southern California, American Samoa.	Federal Records Center, 1000 Commodore Dr., San Bruno, CA 94066-2350.
Arizona; Clark County, Nevada, and southern California (counties of San Luis Obispo, Kern, San Bernadino, Santa Barbara, Ventura, Orange, Los Angeles, Riverside, Inyo, Imperial, and San Diego).	Federal Records Center, 24000 Avila Rd., P.O. Box 6719, Laguna Niguel, CA 92607-6719.
Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean area (except American Samoa).	Federal Records Center, 6125 Sand Point Way NE., Seattle, WA 98115-7999.

5. Section 1228.164 is amended by revising paragraph (c) to read as follows:

§ 1228.164 Disposal clearances for records in Federal records centers.

* * * * *

(c) Other records of Federal agencies held by Federal records centers will be destroyed with the concurrence of the agency concerned by use of NA Form 13001, Notice of Intent to Destroy Records, or other written concurrence for each disposal action. If an agency is notified of the eligibility of its records for disposal and the agency fails to respond to this notification within 90 calendar days, the records will be destroyed in accordance with the appropriate disposition authority. If an agency does not concur in the scheduled destruction of an accession, the agency may request extended retention of the records for up to an additional 6 months by submitting written justification, including a new disposal date, within 90 days to the records center director. Further extensions must be requested in accordance with § 1228.54 of this part.

Dated: December 27, 1995

John W. Carlin,

Archivist of the United States.

[FR Doc. 96-10888 Filed 5-1-96; 8:45 am]

BILLING CODE 7515-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 070-0001a; FRL-5451-9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control VOC emissions from the transfer of gasoline into stationary storage containers, delivery vessels, bulk plants, and vehicle fuel tanks. Thus, EPA is finalizing the approval of these revisions into the California SIP under

provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on July 1, 1996, unless adverse or critical comments are received by June 3, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Fresno, CA 93721.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section (A-5-3), Air and Toxics Division, U.S.