

size with heavy chains hundreds of feet in length weighing as much as 8 to 10 tons. Vessels smaller than 50 meters in length have not been documented as having caused injury or loss of living coral on Tortugas Bank. Their anchoring gear generally is less massive in size and weight. Therefore, this temporary rule only prohibits anchoring by vessels of 50 meters or greater in length on the Tortugas Bank. The location by coordinates of the prohibited anchoring area is set forth below.

Transit, fishing and all other activities currently allowed in the area are not affected by this temporary rule. Alternative anchor sites for vessels 50 meters or greater in length are located within approximately two nautical miles of the prohibited area. The close proximity of these alternative anchoring sites should mitigate any potential economic impact on such vessels since cost of the time and fuel to maneuver to this area and the additional time and labor in letting out and pulling in the additional anchor chain should be minimal.

The location of alternative anchoring sites for vessels greater than 50 meters in length are provided below.

Location and Boundary of Area Where Anchoring by Vessels 50 Meters or Greater in Length is Prohibited

The coordinates of the area on the Tortugas Bank, west of the Dry Tortugas National Park, closed to anchoring by vessels 50 meters or greater in length are:

- (1) 24° 45.75' N 82° 54.40' W
- (2) 24° 45.60' N 82° 54.40' W
- (3) 24° 39.70' N 83° 00.05' W
- (4) 24° 32.00' N 83° 00.05' W
- (5) 24° 37.00' N 83° 06.00' W
- (6) 24° 40.00' N 83° 06.00' W

Alternative Anchoring Sites

Alternative anchoring locations in the vicinity of the area closed to anchoring are:

Areas to the west of the Sanctuary boundary in depths greater than the 20 fathom contour line, indicated on NOAA Nautical Chart Numbers 11434 and 11420. The bottom type in these areas is sand/mud or sand/shell. This location is approximately 2 nautical miles west of the living coral reefs that form Tortugas Bank where anchoring damage to the corals is occurring. Mariners should note the existence of a submerged shipwreck located at 24° 38' N 83° 08.00' W. This shipwreck is a landing ship transport which was lost in 1948.

Penalties

Pursuant to 15 CFR 992.45, any violation of the rule is subject to a

maximum civil penalty of \$110,000 per violation per day. Furthermore, the NMSA and regulations authorize a proceeding *in rem* against any vessel used in violation of any such regulation.

Classification

Under 5 USC 553(b)(B), the Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA for good cause finds that providing prior notice and public procedure thereon with respect to this rule is contrary to the public interest. This is due to recent evidence that has come to light that severe damage to coral in the area has been caused by the chains and anchors of vessels 50 meters or greater in length. Further damage to the living coral reef will occur if the prohibition implemented by this rule is delayed to provide prior notice and opportunity for public comment.

Likewise, under 5 U.S.C. 553(d)(3), the Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA for good cause finds that delaying the effective date of this rule for 30 days is contrary to the public interest. First, if the rule is delayed for 30 days, significant damage to the living coral resources could result. Further, 30 days is not necessary to give notification to vessels which might anchor in the area in the future or for any vessel presently anchored to move to an alternative anchoring site. The U.S. Coast Guard will give immediate notification to vessels and they then can, in a short period of time, move and re-anchor in the recommended location. Notification will be made by the U.S. Coast Guard via notice to mariners, Sanctuary radio announcements, press releases, press conferences, and with assistance by the U.S. Coast Guard and Dry Tortugas National Park staff on the water within the area. This rule is effective on 12:01 am on the second day after the filing of this rule at the Office of the Federal Register, to allow adequate time for any vessels to relocate.

Executive Order 12866

The Office of Management and Budget (OMB) has concurred that this rule is not significant within the meaning of Section 3(f) of Executive Order 12866.

Executive Order 12612

NOAA has concluded that this regulatory action does not have federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

Regulatory Flexibility Act

Because this rule is not required to be issued with prior notice and opportunity for public comment by 5 U.S.C. 553 or by any other law, it is not subject to the Regulatory Flexibility Act requirement for preparation of a regulatory flexibility analysis, and none has been prepared.

Paperwork Reduction Act

This rule does not impose an information collection requirement subject to review and approval by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3500 *et seq.*

Dated: October 17, 1997.

Nancy Foster,

Assistant Administrator.

[FR Doc. 97-27700 Filed 10-15-97; 12:17 pm]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218-AAA95

Methylene Chloride; Amendment; Extension of Start-up Dates

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final Rule; amendment; extension of start-up dates of compliance.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is extending the start-up date for most provisions of the methylene chloride standard for larger employers by 45 days to December 21, 1997. Larger employers were required to commence initial monitoring by September 7, 1997, and that date is unchanged. OSHA is also extending the start-up date for initial monitoring for foam manufacturers with 20 to 99 employees by 45 days to December 21, 1997. Employers with fewer than 20 employees have later start-up dates, which are not changed.

DATES: The effective date of this amendment is October 20, 1997.

Compliance: The start-up date for all provisions of the methylene chloride standard except initial monitoring and engineering controls for employers specified in § 1910.1052(m)(2)(iii)(C) is extended to December 21, 1997 (255 days after the effective date of the standard). The start-up date for the initial monitoring provision of the

methylene chloride standard is extended to December 21, 1997 (255 days after the effective date of the standard) for employers specified in § 1910.1052(n)(2)(i)(B).

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, OSHA Office of Public Affairs, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 219-8151.

SUPPLEMENTARY INFORMATION: OSHA published a new methylene chloride standard January 10, 1997 (62 FR 1494). That standard included extended start-up dates for its various provisions depending on the size of the employer. The three categories of employers were employers with fewer than 20 employees, foam manufactures with 20-99 employees, and "all other employers."

OSHA published notification of OMB approval of information collection requirements on August 8, 1997 (62 FR 42666). As the start-up date for initial monitoring for "all other employers" was August 8, 1997, OSHA extended that date to September 7, 1997 to provide added notice to implement compliance.

On September 15, 1997 (62 FR 48175), OSHA published a notice extending the start-up date for all provisions of the standard except initial monitoring (and engineering controls, which already had a later start-up date) from October 7, 1997 to November 6, 1997 for "all other employers." Other start-up dates were left unchanged.

OSHA has concluded that an additional 45 days (to December 21, 1997) is needed for implementation of the provisions except initial monitoring and engineering controls for "all other employers." This allows for a more efficient and effective implementation of those provisions. OSHA has also concluded that an additional 45 days (to December 21, 1997) is needed for foam manufacturers with between 20 and 29 employees to comply with the initial monitoring requirements. OSHA is amending paragraphs § 1910.1052(n)(2)(i)(B) and § 1910.1052(n)(2)(iii)(C) to implement this decision.

The date for completion of initial monitoring for employers with fewer than 20 employees is February 4, 1998, and remains unchanged. See 62 FR 1606 (January 10, 1997) for a listing of effective and start-up dates.

OSHA finds that there is good cause to issue this extension without notice and public comment because following such procedures would be impractical, unnecessary or contrary to the public

interest in this case. OSHA believes that it is in the public interest to give certain employers additional time to implement certain provisions.

Authority And Signature

This document was prepared under the direction of Gregory R. Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210.

Signed at Washington, DC this 15th day of October 1997.

Gregory R. Watchman,
Acting Assistant Secretary of Labor.

List of Subjects in 29 CFR Part 1910

Chemicals, Hazardous Substances, Occupational safety and health, Reporting and recordkeeping requirements.

PART 1910—[AMENDED]

1. The general authority citation for subpart Z of CFR 29 part 1910 continues to read, in part, as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), or 6-96 (62FR 111), as applicable; and 29 CFR Part 1911.

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2. Paragraphs (n)(2)(i)(B) and (n)(2)(iii)(C) of § 1910.1052 are revised to read as follows:

§ 1910.1052 Methylene Chloride.

* * * * *

(n) * * *

(2) * * *

(i) * * *

(B) for polyurethane foam manufactures with 20 to 99 employees with 255 days after the effective date of this section.

(ii) * * *

(iii) * * *

(C) For all other employers within 255 days after the effective date of this section.

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[FR Doc. 97-27691 Filed 10-17-97; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

RIN-0720-AA42

OCHAMPUS; State Victims of Crime Compensation Programs; Voice Prostheses

AGENCY: Office of the Secretary, DoD.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule establishes OCHAMPUS as primary payer to State Victims of Crime Compensation Programs and establishes voice prostheses as a CHAMPUS benefit.

DATES: The amendments to § 199.2 and § 199.8 are effective September 13, 1994 and the revision of § 199.4(g)(48) is effective October 5, 1994. Written comments will be accepted until December 19, 1997.

ADDRESSES: Forward comments to the OCHAMPUS, Program Development Branch, Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT: Connie Kiese, OCHAMPUS, Program Development Branch, telephone (303) 361-1178.

SUPPLEMENTARY INFORMATION: Under 10 U.S.C. 1079(j)(1), no CHAMPUS benefits shall be available for the payment for any service or supply for persons enrolled in any other insurance, medical service, or health plan to the extent that the service or supply is a benefit under the other plan, except in the case of those plans administered under title XIX of the Social Security Act (Medicaid)(51 FR 24008). Therefore, in all double coverage situations, and for all classes of beneficiaries, CHAMPUS shall be secondary payer except when the other medical coverage is provided through Medicaid.

However, on September 13, 1994, Public Law 103-322 was signed into effect. Section 230202 of that law states that notwithstanding any other law, if the compensation paid by an eligible crime victim compensation plan would cover costs that a Federal program or a federally financed State or local program would otherwise pay, —

(1) Such crime compensation program shall not pay that compensation; and

(2) The other program shall make its payments without regard to the existence of the crime victim compensation program.

This provision mandates that CHAMPUS assume primary payer status