

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.

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(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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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

to State Victims of Crime Compensation Programs.

This interim final rule is being published and no previous public comment period has been requested. The change is mandated through public law signed into effect on September 13, 1994, and we do not believe it is in the public interest to delay the implementation through the publication of a proposed rule. However, for a period of 60 days following the date of publication of this interim final rule in the **Federal Register**, we will accept public comments and, when appropriate, will revise the amendment. A notice advising of any revision prompted by public comments will be published in the **Federal Register** not later than 90 days following the end of the comment period. Benefits will be granted retroactively, effective September 13, 1994 for State Victims of Crime Compensation Programs and voice prostheses.

The National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337), section 705, October 5, 1994, added voice prostheses to the benefits available under CHAMPUS. Benefits will be granted retroactively, effective October 5, 1994.

Because this change is also mandated through public law, we do not believe it is in the public interest to delay the implementation through the publication of a proposed rule. A comment period of 60 days following the date of publication of this amendment in the **Federal Register** is provided.

Effective September 13, 1994, CHAMPUS is considered primary payer to state victims of crime compensation programs. The effective date for the new CHAMPUS benefit of voice prosthesis is October 5, 1994.

Regulatory Procedures

The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This interim final rule is not a significant regulatory action under Executive Order 12866. The changes set forth in this interim final rule are minor revisions to the existing regulation. Since this interim final rule does not impose information collection requirements, it does not need to be reviewed by the Executive Office of Management and Budget under authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-511).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, Military personnel.

PART 199—[AMENDED]

Accordingly, 32 CFR part 199 is amended as follows:

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; and 10 U.S.C. Chapter 55.

2. Section 199.2(b) is amended by adding a definition "State Victims of Crime Compensation Programs" in alphabetical order to read as follows:

§ 199.2 Definitions.

* * * * *

(b) * * *

State Victims of Crime Compensation Programs. Benefits available to victims of crime under the Violent Crime Control and Law Enforcement Act.

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3. Section 199.4 is amended by revising paragraph (g)(48) to read as follows:

§ 199.4 Basic program benefits.

* * * * *

(g) * * *

(48) *Prosthetic devices.* Prostheses, except artificial limbs, voice prostheses and eyes, or if an item is inserted surgically in the body as an integral part of a surgical procedure. All dental prostheses are excluded, except for those specifically required in connection with otherwise covered orthodontia directly related to the surgical correction of a cleft palate anomaly.

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4. Section 199.8 is amended by revising paragraphs (b)(3)(iii), (b)(3)(iv) and by adding paragraph (b)(3)(v) as follows:

§ 199.8 Double coverage.

* * * * *

(b) * * *

(3) * * *

(iii) Entitlement to receive care from Uniformed Services medical care facilities;

(iv) Certain Federal Government programs, as prescribed by the Director, OCHAMPUS, that are designed to provide benefits to a distinct beneficiary population and for which entitlement does not derive from either premium payment of monetary contribution (for example, the Indian Health Service); or

(v) State Victims of Crime Compensation Programs.

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Dated: October 10, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-97-018]

RIN 2115-AE47

Drawbridge Operation Regulations; Bronx River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the Bruckner Boulevard Bridge, over the Bronx River in the Bronx, New York. In addition, the location of the bridge in this section will be more clearly identified and redundant language regarding openings for public vessels and vessels in distress is removed. The owner of the bridge has requested that a 4 hours notice for openings be provided, except between 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m., Monday through Friday, when the bridge need not open for the passage of vessels. This change is expected to provide for the needs of navigation and relieve the bridge owner of the burden of crewing the bridge at all times.

DATES: This final rule is effective November 19, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. J. Arca, project officer, First Coast Guard District, Bridge Branch at the Battery Park Bldg., New York, New York 10004. The telephone number is (212) 668-7069.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 30, 1997, the Coast Guard published a notice of proposed rulemaking entitled "Drawbridge Operation Regulations; Bronx River, New York" in the **Federal Register** (62 FR 23410). The Coast Guard received two comments on the notice of proposed rulemaking. No public hearing was requested, and one was not held.

Background and Purpose

The Bruckner Boulevard Bridge, at mile 1.1, over the Bronx River in the Bronx, New York, has vertical clearances of 27' above mean high water (MHW) and 34' above mean low water (MLW) in the closed position. The