

**PART 22—[AMENDED]**

1. The authority citation for part 22 is revised to read as follows:

**Authority:** Sec. 3, 63 Stat. 111, as amended; 22 U.S.C. 211a; 214, 2651, 2651a, 3921, 4219; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632; E.O. 11295, 31 FR 10603; 3 CFR, 1966–1970 Comp. p. 570; Sec. 636, P.L. 104–208, 110 Stat. 3009–703–704; 8 U.S.C. 1351; Sec. 140(a), P.L. 103–236, 108 Stat. 399, as amended.

2. Section 22.1 is amended by revising the phrase “(Item Nos. 15 through 19 vacant)” immediately following item 14 to read “(Items Nos. 15 through 18 vacant)” and by inserting a new item 19 under the header “Visa Services for Aliens” to read as follows:

**22.1 Schedule of fees.**

Item No.	Fee
* * * *	*
<b>Visa Services for Aliens</b>	
19. Immigrant visa application sur-charge for Diversity Visa Lottery	\$75.00
* * * *	*

Dated: July 21, 1997.

**Patrick F. Kennedy,**

*Under Secretary for Management, Acting.*

[FR Doc. 97–20603 Filed 8–7–97; 8:45 am]

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**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1910**

RIN 1218–AA95

**Methylene Chloride; Approval of Information Collection Requirements; Extension of Start-up Dates**

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

**ACTION:** Final Rule; Amendment; Announcement of the OMB Approval of Information Collection Requirements; Extension of Start-up Dates for Compliance.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is announcing that the collections of information regarding § 1910.1052(d), exposure monitoring; § 1910.1052(e), regulated areas; § 1910.1052(j), medical surveillance; § 1910.1052(l), employee information and training; and § 1910.1052(m), recordkeeping of OSHA’s final rule for Occupational Exposure to Methylene Chloride (MC) have been approved by the Office of

Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The OMB approval number is 1218–0179. In addition, this document announces that OSHA is providing an additional 30 days for certain employers to comply with the start-up dates contained in § 1910.1052(n). **DATES:** Effective August 8, 1997. The start-up date for initial monitoring as stated in § 1910.1052(n)(2)(i)(C) is September 7, 1997 (150 days from the standard’s effective date of April 10, 1997).

**FOR FURTHER INFORMATION CONTACT:** Todd Owen, OSHA, Directorate of Health Standards Programs, Room N3718, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; Telephone (202) 219–7075 extension 109.

**SUPPLEMENTARY INFORMATION:** OSHA published a final rule for Methylene Chloride, § 1910.1052, on January 10, 1997, at 62 FR 1494 to provide greater protection to employees exposed to methylene chloride’s harmful effects. The final rule became effective on April 10, 1997, although various provisions did not take effect until the startup dates specified in paragraph (n)(2), the earliest of which was August 7, 1997. In addition, as required by the Paperwork Reduction Act of 1995, the **Federal Register** notice stated that compliance with the collection of information requirements in § 1910.1052(d), exposure monitoring; § 1910.1052(e), regulated areas; § 1910.1052(j), medical surveillance; § 1910.1052(l), employee information and training; and § 1910.1052(m), recordkeeping was not required until those collections of information had been approved by the Office of Management and Budget and until the Department of Labor published a notice in the **Federal Register** announcing the OMB control numbers assigned by OMB. Under 5 CFR 1320.5(b), an agency may not conduct or sponsor a collection of information unless: (1) the collection of information displays a currently valid OMB control number; and (2) the agency informs the potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

On May 29, 1997, the Agency submitted the Methylene Chloride information collection request to OMB for approval in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). On July 29, 1997, OMB approved the collections of information and assigned OMB Control Number 1218–0179. The approval for

the collection expires on February 28, 1999.

With one exception, the earliest start-up date for any provision of the standard, including those with paperwork requirements, is October 7, 1997. The announcement today of OMB approval of paperwork requirements is sufficient notice to permit compliance without extending those start-up dates. However, the start-up date for the initial monitoring provisions (which includes paperwork requirements) for larger employers is August 8, 1997. Because that date is soon after publication of this notice, OSHA is amending paragraph § 1910.1052(n)(2)(i)(C) to allow those employers an additional 30 days to come into compliance with the initial monitoring requirements. 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 employers additional time between the notice of OMB approval and the date that compliance is required.

**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, DC 20210.

Signed at Washington, DC this 4th day of August 1997.

**Gregory R. Watchman,**

*Acting Assistant Secretary for Occupational Safety and Health.*

**PART 1910—[AMENDED]**

1. The authority citation for Subpart A of part 1910 continues to read as follows:

**Authority:** Secs. 4, 6, 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 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 (62 FR 111), as applicable.

**§ 1910.8 [Amended]**

2. § 1910.8 is amended by adding the entry “1910.52 \* \* \* 1218–0179” (in numerical order) to the table in the section.

3. The general authority citation for subpart Z of 29 part 1910 is revised to read 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 (62 FR 111), as applicable; and 29 CFR Part 1911.

\* \* \* \* \*

4. Paragraph (n)(2)(i)(C) of § 1910.1052 is revised to read as follows:

**§ 1910.1052 Methylene chloride.**

\* \* \* \* \*

(n) \* \* \*

(2) \* \* \*

(i) \* \* \*

(C) For all other employers, within 150 days after the effective date of this section.

\* \* \* \* \*

[FR Doc. 97-20890 Filed 8-7-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 250

RIN 1010-AC11

#### Outer Continental Shelf Civil Penalties

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule revises MMS regulations governing the Outer Continental Shelf (OCS) Civil Penalty Program. MMS is revising these regulations to clarify and simplify assessing and collecting OCS civil penalties. In addition, MMS is adjusting the maximum civil penalty per day per violation from \$20,000 to \$25,000 due to inflation.

**EFFECTIVE DATE:** October 7, 1997.

**FOR FURTHER INFORMATION CONTACT:** Greg Gould, Program Coordinator, at (703) 787-1591 or fax (703) 787-1575.

#### SUPPLEMENTARY INFORMATION:

##### Background

MMS proposed revising the regulations for civil penalties in a notice of proposed rulemaking published in the **Federal Register** (61 FR 66967) on December 19, 1996. We received one comment during the 90-day comment period, which closed on March 19, 1997. This final rule revises the regulations at 30 CFR 250.200.

The Oil Pollution Act of 1990 (OPA 90), (Pub. L. 101-380) expanded and strengthened MMS's authority to impose penalties for violating regulations promulgated under the OCS Lands Act.

Section 8201 of OPA 90 authorizes the Secretary of the Interior (Secretary) to assess a civil penalty without

providing notice and time for corrective action where a failure to comply with applicable regulations results in a threat of serious, irreparable, or immediate harm or damage to human life or the environment.

The goal of the MMS OCS Civil Penalty Program is to ensure safe and clean operations on the OCS. By pursuing, assessing, and collecting civil penalties, the program is designed to encourage compliance with OCS statutes and regulations.

Not all regulatory violations warrant a review to initiate civil penalty proceedings. However, violations that cause injury, death, or environmental damage, or pose a threat to human life or the environment, will trigger such review.

#### Intent of Proposed Rule

The goal of the proposed rule was to rewrite the regulations at 30 CFR part 250, subpart N to simplify the language into "plain English." The new question-and-answer format provides a better understanding of the OCS civil penalty process.

Besides simplifying the regulations, MMS proposed to increase the maximum civil penalty to \$25,000 per day per violation. The provisions of OPA 90 require the Secretary to adjust at least every 3 years the maximum civil penalty to reflect any increases in the Consumer Price Index for all-urban consumers (CPI-U) as prepared by the Department of Labor.

#### Comments on the Rule

One major oil company commented on the rule. The company strongly opposed the amount of the increase to the maximum civil penalty. In particular, the company believed that rounding to the nearest \$5,000 was inappropriate, and recommended rounding to the nearest \$500.

#### Response to the Comments

In computing the new civil penalty maximum amount, MMS divided the August 1995 CPI-U by the August 1990 CPI-U and multiplied the resulting value by the current maximum civil penalty ( $152.5/131.6=1.159$ ;  $1.159 \times 20,000=23,180$ ).

Section 5(a) of Pub. L. 101-410 provides that "Any increase determined under this subsection shall be rounded to the nearest multiple of \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000." Therefore, MMS rounded the maximum civil penalty from \$23,180 to \$25,000 based on the formula provided in the law. The final rule also includes a few

other changes from the proposed rule that are not substantive.

#### Executive Order (E.O.) 12866

This final rule is significant under E.O. 12866 and has been reviewed by the Office of Management and Budget (OMB).

#### Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that this final rule will not have a significant effect on a substantial number of small entities. In general, the entities that engage in offshore activities are not considered small because of the technical and financial resources and experience necessary to safely conduct such activities. DOI also determined that the indirect effects of this final rule on small entities that provide support for offshore activities are small.

#### Paperwork Reduction Act

The final rule does not contain collections of information that require approval by OMB under 44 U.S.C. 3501, *et seq.* The requirements in subpart N are exempted as defined in 5 CFR 1320.4(a)(2) and 1320.4(c).

#### Taking Implication Assessment

DOI certifies that this final rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, DOI does not need to prepare a Takings Implication Assessment pursuant to E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Unfunded Mandates Reform Act of 1995

DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this final rule will not impose a cost of \$100 million or more in any given year on State, local, and tribal governments, or the private sector.

#### E.O. 12988

DOI has certified to OMB that the final rule meets the applicable reform standards provided in sections 3(a) and 3(b)(2) of E.O. 12988.

#### National Environmental Policy Act

DOI determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.