

actions shall be in accordance with currently applicable criteria, guidelines, laws, and regulations, and they shall be subject to any contrary determination that has been made by the Senior Agency Official for Classified National Security Information, or by any other NASA official authorized to make such a determination. The Director, Security Management Office, is designated to act as the Senior Agency Official for Classified National Security Information. The NASA officials listed in paragraph (b)(3) of the section are authorized to declassify top Secret security classification assignments over 25 years old to information under their jurisdiction for which NASA has original classification authority. The NASA officials listed in paragraphs (b)(4) of this section are authorized to declassify Secret and Confidential security classification assignments to information under their jurisdiction for which NASA has original classification authority.

(b) *Designated officials.* (1) *TOP SECRET Classification Authority—(i) Administrator.*

(ii) Deputy Administrator.

(iii) Associate Deputy Administrator.

(iv) Associate Deputy Administrator (Technical).

(v) Senior Agency Official for Classified National Security Information.

(2) *SECRET and CONFIDENTIAL Classification Authority.* Officials listed in paragraph (b)(1) of this section.

(3) *Declassification Authority, Top Secret Assignments over 25 years Old.*

(i) Agency Security Program Manager, NASA Headquarters.

(ii) Such other officials as may be delegated declassification authority, in writing, by the Senior Agency Official for Classified National Security Information.

(4) *Declassification Authority, Secret and Confidential.* (i) Security Administrative Team Leader, Headquarters NASA.

(ii) Such other officials as may be delegated declassification authority, in writing, by the Senior Agency Official for Classified National Security Information.

(c) Written requests for original classification authority or declassification authority shall be forwarded to the Senior Agency Official for Classified National Security Information, with appropriate justification appended thereto.

(d) The Senior Agency Official for Classified National Security Information shall maintain a list of all delegations of original classification or declassification

authority by name or title of the position held.

(e) The Senior Agency Official for Classified National Security Information shall conduct a periodic review of delegation lists to ensure that the officials so designated have demonstrated a continuing need to exercise such authority.

(f) Original classification authority shall not be delegated to persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide.

§ 1203.801 Redelegation.

Redelegation of TOP SECRET, SECRET, or CONFIDENTIAL original classification authority or declassification authority is not authorized.

§ 1203.802 Reporting.

The officials to whom original classification authority has been delegated under this section shall ensure that feedback is provided to the Senior Agency Official for National Security Information. The Senior Agency Official for National Security Information shall keep the Administrator currently informed of all significant actions, problems, or other matters of substance related to the exercise of the authority delegated hereunder.

Daniel S. Goldin,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 971014245-7245-01]

Temporary Rule Prohibiting Anchoring by Vessels 50 Meters or Greater in Length on Tortugas Bank Within the Florida Keys National Marine Sanctuary

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS) National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Temporary rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA)

issues a temporary rule prohibiting anchoring by vessels 50 meters in length or greater on the Tortugas Bank within the Florida Keys National Marine Sanctuary (Sanctuary). This temporary rule is necessary to prevent future injury to, and destruction of, living coral on Tortugas Bank caused by such anchoring.

EFFECTIVE DATES: This temporary rule is effective from 12:01 am October 17, 1997 until February 12, 1998.

FOR FURTHER INFORMATION CONTACT: Billy D. Causey, Superintendent, Florida Keys National Marine Sanctuary (FKNMS), Post Office Box 500368, Marathon, Florida 33050. (305) 743-2437.

SUPPLEMENTARY INFORMATION: In accordance with 15 CFR 922.165 of the Florida Keys National Marine Sanctuary regulations (62 FR 32154, June 12, 1997) and the Co-Trustees Agreement for Cooperative Management of the Florida Keys National Marine Sanctuary made between the Governor and Cabinet of the State of Florida and NOAA dated May 19, 1997, NOAA has consulted with and received approval from the Governor of the State of Florida concerning the issuance of this temporary rule.

Section 922.165 provides that, where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource, any and all activities are subject to immediate temporary regulation, including prohibition, for up to 120 days. Emergency regulations cannot take effect in Florida territorial waters until approved by the Governor of the State of Florida.

Background

This temporary rule is necessitated by the recent discovery of significant injury to, and destruction of, living coral on Tortugas Bank, west of the Dry Tortugas National Park, caused by the anchoring of vessels 50 meters or greater in length, and the need to prevent future injury.

Current 15 CFR 922.163(a)(5)(ii) prohibits having vessels anchored in the Sanctuary on living coral other than hardbottom in water depths less than 40 feet when visibility is such that the seabed can be seen. However, this regulation does not protect the coral located in the area covered by this temporary rule because the water there is deeper than 40 feet.

Anchoring of vessels 50 meters or greater in length on Tortugas Bank has been documented as having caused significant injury to living coral reef resources. Vessels of such size have anchoring gear of massive weight and

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.

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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(n)(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