

(xii) *Other authorized providers.* For items from other authorized providers (such as medical supplies), an explanation as to the medical need must be attached to the appropriate claim form. For purchases of durable equipment under the PFPWD, it is necessary also to attach a copy of the preauthorization.

* * * * *

(f) * * *
(2) *Treatment plan.* Each preauthorization request shall be accompanied by a proposed medical treatment plan (for inpatient stays under the Basic Program) which shall include generally a diagnosis; a detailed summary of complete history and physical; a detailed statement of the problem; the proposed treatment modality, including anticipated length of time the proposed modality will be required; any available test results; consultant's reports; and the prognosis. When the preauthorization request involves transfer from a hospital to another inpatient facility, medical records related to the inpatient stay also must be provided.

* * * * *

(4) *Advance payment prohibited.* No CHAMPUS payment shall be made for otherwise authorized services or items not yet rendered or delivered to the beneficiary.

* * * * *

8. Section 199.8 is amended by revising paragraphs (b)(3)(ii) and (d)(4) to read as follows:

§ 199.8 Double coverage.

* * * * *

(b) * * *
(3) * * *
(ii) Coverage specifically designed to supplement CHAMPUS benefits (a health insurance policy or other health benefit plan that meets the definition and criteria under supplemental insurance plan as set forth in § 199.2(b));

* * * * *

(d) * * *
(4) *Program for persons with disabilities (PFPWD).* A PFPWD eligible beneficiary (or sponsor or guardian acting on behalf of the beneficiary) does not have the option of waiving the full use of public facilities which are determined by the Director, OCHAMPUS, or designee, to be available and adequate to meet a disability related need for which a PFPWD benefit was requested. Benefits eligible for payment under a State plan for medical assistance under Title XIX of the Social Security Act (Medicaid) are never considered to be available in the adjudication of PFPWD benefits.

* * * * *

9. Section 199.11 is amended by revising paragraph (g)(1) to read as follows:

§ 199.11 Overpayments recovery.

* * * * *

(g) * * *
(1) *Basic considerations.* Federal claims against the debtor and in favor of the United States arising out of the administration of the CHAMPUS may be compromised or collection action taken thereon may be suspended or terminated in compliance with the Federal Claims Collection Act, 31 U.S.C. 3711(a)(2) as implemented by the Federal Claims Collection Standards, 4 CFR parts 101 through 105.

* * * * *

10. Section 199.20 is amended by revising paragraph (p)(2)(i) to read as follows:

§ 199.20 Continued Health Care Benefit Program (CHCBP).

* * * * *

(p) * * *
(2) * * *
(i) The Program for Persons with Disabilities under § 199.5;

* * * * *

Appendix A to Part 199—[Amended]

11. Appendix A to Part 199 is amended by revising "PFTH—Program for the Handicapped" to read "PFPWD—Program for Persons with Disabilities".

Dated: June 24, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-17001 Filed 6-27-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD08-97-018]

RIN 2115-AE84

Amendment to Regulated Navigation Area Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: On March 18, 1997, the Coast Guard established a temporary regulated navigation area affecting the operation of downbound tows in the Lower Mississippi River from mile 437 at Vicksburg, MS to mile 88 above Head of Passes. These regulations were subsequently amended on March 21, March 28, April 4, April 15 and April

19. The amendments added additional operating requirements for vessels of 1,600 gross tons or greater, increased the operating limitations on tank barges and ships carrying hazardous chemicals and gasses, and extended the RNA to the boundary of the territorial sea at the approaches to Southwest Pass. On April 15, in response to moderating river conditions, the regulations were relaxed to permit tows of up to 30 barges to operate when being pushed by two boats of 9,000 brake horsepower or greater.

On April 20, the towboat and barge limitations and the chemical and gas ship operating restrictions expired. The regulations affecting self-propelled vessels of 1,600 gross tons or greater were extended until July 1, 1997.

In the interest of navigation safety in the narrow confines of the Lower Mississippi River, the Coast Guard is extending the regulations affecting self-propelled vessels of 1,600 gross tons or greater until October 31, 1997. This action is being taken in order to keep the deep-draft regulations in effect pending issuance of a notice of proposed rulemaking that will seek public comment on making the regulations permanent.

The regulated navigation area is needed to protect vessels, bridges, shore-side facilities and the public from a safety hazard created by deep-draft vessel operations along the Lower Mississippi River. Self-propelled vessels of 1,600 or more gross tons are prohibited from operating in this area unless they are in compliance with this regulation.

EFFECTIVE DATES: This amended regulation is effective from 12 p.m. on July 1, 1997 and terminates at 12 p.m. on October 31, 1997.

FOR FURTHER INFORMATION CONTACT:

CDR Harvey R. Dexter, Marine Safety Division, USCG Eighth District at New Orleans, LA (504) 589-4860.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On March 18, 1997 (62 FR 14637, March 22, 1997), the Coast Guard established a temporary regulated navigation area affecting the operation of downbound tows in the Lower Mississippi River from mile 437 at Vicksburg, MS to mile 88 above Head of Passes. On March 21, 1997 (62 FR 15398, April 4, 1997), the Coast Guard amended the temporary regulated navigation area by extending the

southern limit of the regulated navigation area to the boundary of the territorial sea at the approaches to Southwest Pass and included operating requirements affecting the operation of self-propelled vessels of 1,600 gross tons or greater. Increasing high water conditions caused the Coast Guard to amend this regulation for a second time on March 28, 1997 to establish additional safety measures applicable to U.S. flagged and foreign-flagged vessels authorized to carry cargoes listed under Title 46, Code of Federal Regulations Part 151 (chemical barges) and Parts 153–154 (chemical and gas ships).

Although Mississippi River floodwater levels had receded somewhat by April 4, river current remained at a record high level at that time. The loss of control of a tow as it entered the Mississippi River from the Port Allen lock and several near misses involving tows longer than 600 feet exiting locks into the Mississippi River evidenced the need to further limit the length of tows. It was determined that, by limiting the maximum length of tows during the critical period when they were entering or exiting locks along the Mississippi River to or from the relatively still water of a lock forebay, towboats would be able to exercise greater control of the tow during that critical period. Therefore, on April 4, 1997 the district commander amended this regulation to prohibit tows in excess of 600 feet from entering or exiting lock forebays. This amendment also clarified the horsepower restrictions in the earlier regulation to make it clear that the horsepower rating of escort tugs cannot be counted in establishing the number of barges that may be included in a tow. The Coast Guard also extended the effective date of the regulation to April 20, 1997, because the high water conditions were expected to last longer than originally contemplated.

Due to the Lower Mississippi River returning to normal levels on or about April 20, 1997, tow boat and barge limitations and chemical and gas ship operating restrictions expired on April 20, 1997. Due to the hazard created by deep-draft vessel operations on the Lower Mississippi River during the periods of high water in late Spring and early Summer, the operating restrictions on vessels of 1,600 gross tons or greater were extended until July 1, 1997.

Based on problems experienced by deep-draft vessels operating on the Lower Mississippi River, the district commander has deemed it necessary to continue the requirements of the RNA for vessels of 1,600 gross tons or greater until October 31, 1997. This action is

being taken in order to keep the deep-draft regulations in effect pending issuance of a notice of proposed rulemaking that will seek public comment on making the regulations permanent.

During 1995 and 1996 a total of 86 self-propelled vessels of 1,600 gross tons or greater experienced casualties involving loss of power, loss of steering or engine irregularities during the months of April through June. Serious consequences may result from such casualties. Engine failure was the probable cause of the recent M/V BRIGHT FIELD allision that caused millions of dollars of property damage and posed grave threats of death and personal injury to persons in the vicinity of the allision.

The regulations left in place by the district commander are intended to enhance the safety of navigation on the river and protect shoreside facilities by causing masters and engineers to take measures that will minimize the risk of steering casualties and engine failure and irregularities. They also place the ship in a manning status and operating condition that will allow the vessel to take prompt and appropriate emergency action should a casualty occur thereby reducing the likelihood of a cascading series of allisions and collisions following a casualty. Communications from river pilots operating within the RNA have established the necessity and viability of these regulations and the necessity for their continuation during a period of traditionally high casualty rates. As a result of the operating restrictions, pilots have seen improvements in vessels' readiness to respond to steering casualties and main propulsion irregularities and failures.

This rule requires that all self-propelled vessels to which 33 Code of Federal Regulations § 164 applies, shall comply with the following:

- (a) Masters shall review the requirements of 33 CFR § 164.25 pertaining to "Tests Before Entering or Getting Underway."
- (b) The engine room shall be manned at all times when underway in the RNA.
- (c) Prior to entering the RNA or getting underway within the RNA, the master of each vessel shall report to the ship's agent that the regulations at 33 CFR 164.25 have been reviewed, are understood, and the vessel is in compliance with the regulation.
- (d) As part of the master's report, the chief engineer shall also certify that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

- 1. If the vessel has an automated main propulsion plant, it will be operated in

manual mode and will be prepared to answer maneuvering commands immediately.

- 2. The vessel shall immediately provide maximum ahead or astern power when so ordered by the bridge.

- 3. The main propulsion plant shall, in all respects, be ready for operations in the RNA including the main propulsion air start systems, fuel systems, lube oil systems, cooling systems, and automation systems.

- 4. The master shall also certify that the gyrocompass is properly operating and calibrated.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publication of notice of proposed rulemaking and delay of effective date would be contrary to public interest because immediate action is necessary to ensure self-propelled vessels are capable of operating safely on the river and prevent allisions with bridges and shore-side structures, and colliding with other vessels, causing danger to the public.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Small entities in this case would not include a significant number of companies operating vessels of 1,600 gross tons or greater due to the nature and cost of operating vessels of this size. The

operating and manning requirements established by this regulation are those of a prudent mariner and impose little or no additional financial burden on the vessel. Similarly, vessels routinely communicate with their agents prior to getting underway or entering port. Therefore, the costs associated with requirement to include a certification that the vessel is in compliance with 33 CFR 164.25 and certain other safety related requirements are insignificant. This rule is deemed to *not* have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2.(g)(5) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, navigation (waters), Reporting and recordkeeping requirements, Safety measures, and Waterways.

Final Regulations

For the reasons set out in the preamble the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 46 CFR 1.46.

2. In section 165.T08–001, paragraph (c) is revised to read as follows:

§ 165.T08–001. Regulated Navigation Area; Lower Mississippi River.

* * * * *

(c) Effective dates: This section is effective at 12 p.m. on July 1, 1997 and terminates at 12 p.m. on October 31, 1997.

Dated: June 24, 1997.

Timothy W. Josiah,
Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.

[FR Doc. 97–17070 Filed 6–27–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[OPPTS–00191; FRL–5724–3]

Technical Amendments to OMB Control Numbers

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is amending the table of OMB control numbers. The Office of Management Budget (OMB) issues control numbers under the Paperwork Reduction Act for regulations with information collection requirements. This technical amendment includes any new approvals and removes any termination of approvals published in the **Federal Register** since July 1, 1996, or any expired approvals.
DATES: This rule is effective July 1, 1997.

FOR FURTHER INFORMATION CONTACT:

Susan H. Hazen, Director,
Environmental Assistance Division,
Environmental Protection Agency, 401
M St., SW., Washington, DC 20460.
Telephone and e-mail address: 202–
554–1404, TDD: 202–554–0551; e-mail:
tsca-hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document consolidates the OMB control numbers for various regulations issued under the Toxic Substances Control Act (15 U.S.C. 2601) published in the **Federal Register** since July 1, 1996. Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and the OMB approval process, information collection requests included in this technical amendment were previously subject to public notice and comment prior to approval and receipt of an OMB control number. Therefore, EPA finds that there is "good cause" under the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) not to issue a proposed rule for this technical amendment.

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: June 19, 1997.

Susan H. Wayland,
Acting Assistant Administrator for
Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1, the table is amended as follows:

a. By adding the following entries in ascending section number order under the heading indicated to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
Significant New Uses of Chemical Substances	
* * *	* * *
721.267	2070–0012
* * *	* * *
721.336	2070–0012
* * *	* * *
721.484	2070–0012
* * *	* * *
721.646	2070–0012
* * *	* * *
721.785	2070–0012
* * *	* * *
721.1737	2070–0012
721.1738	2070–0012
* * *	* * *
721.2095	2070–0012
721.2097	2070–0012
* * *	* * *
721.2527	2070–0012
* * *	* * *
721.3063	2070–0012