

CHAMPUS makes reviewing the status of the provider and circumstances of the services for each claim administratively unrealistic. Therefore, this prohibition has been applied universally to all providers.

We propose to provide an exception to this prohibition. There are situations where government agencies can meet their needs only by employing physicians on a part-time basis. For example, an agency may need the services of a physician in a certain specialty but cannot justify employing the physician on a full-time basis. These part-time employees maintain a private practice in which it is reasonable to expect that they will encounter CHAMPUS beneficiaries unrelated to their government employment. Therefore, we propose to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the government agency on a part-time basis—that is, less than twenty (20) hours per week. We have selected 20 hours as the limit, because we want to ensure that these physicians are truly part-time employees needed to fill a specific requirement. If the agency needs the services of an employee for twenty or more hours per week, we believe a full-time employee should be utilized. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-government, physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

Providers must certify on each CHAMPUS claim that he/she is not an employee of the government. In those cases where an exception to this prohibition has been granted, the provider will be required to certify on the CHAMPUS claim that an exception has been granted.

Exceptions can be granted only to physicians, and no exceptions will be granted retroactively. In addition, this exception provision applies to part-time physicians employed by all U.S. government agencies, such as those employed by the Department of Veterans Affairs which probably has the most frequent need for it.

It is our intention to delegate approval of all exceptions to the CHAMPUS fiscal intermediaries and managed care contractors. Therefore, requests for

exceptions, including the necessary certifications, must be sent to the appropriate CHAMPUS FI/Contractor.

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 proposed rule is not a significant regulatory action under Executive Order 12866. The changes set forth in this proposed rule are minor revisions to the existing regulation. Since this proposed 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 1995 (44 U.S.C., Chapter 35).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health Insurance, and 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; 10 U.S.C. chapter 55.

2. Section 199.6 is amended by revising paragraph (a)(3) to read as follows:

§ 199.6 Authorized providers.

* * * * *

(a) * * *

(3) *Dual compensation/conflict of interest.* 5 U.S.C. 5536 prohibits medical personnel who are active duty Uniformed Service members or civilian employees of the Government from receiving additional Government compensation above their normal pay and allowances for medical care furnished. In addition, Uniformed Service members and civilian employees of the Government are generally prohibited by law and agency regulations and policies from participating in apparent or actual conflict of interest situations in which a potential for personal gain exists or in which there is an appearance of impropriety or incompatibility with the performance of their official duties or responsibilities. Active duty Uniformed Service members (including a reserve member while on active duty) and civilian employees of the United States Government shall not be authorized to be CHAMPUS providers except as

provided in this paragraph (a)(3). An exception to this policy may be made by the Director, OCHAMPUS, on a case-by-case basis only for a physician employed by the Government on a part-time basis (i.e., less than 20 hours per week) when the employing agency requests an exception based on unique or special circumstances detrimental to the delivery of quality health care, and the employing agency and the physician have certified that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's civilian practice. A provider shall certify on each CHAMPUS claim that he/she is not an active duty Uniformed Service member or civilian employee of the Government. For those physicians who are part-time government employees and have been granted an exception, the provider shall certify on each CHAMPUS claim that an exception has been granted.

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Dated: August 20, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 95, 100, 173, 174, 175, 177, 179, 181, and 183

46 CFR Part 25

[CGD 97-029]

Review of Regulations on Boating Safety

AGENCY: Coast Guard, DOT.

ACTION: Request for comments; reopening and extension of comment period.

SUMMARY: In a notice published on May 28, 1997, the Coast Guard announced that it will conduct a comprehensive review of currently effective boating safety regulations during and after the meeting of the National Boating Safety Advisory Council (NBSAC) in October 1997. The notice described the regulations to be reviewed and solicited comments from the boating community about which regulations should be changed. This Notice reopens and extends the comment period.

DATES: Comments must reach the Coast Guard on or before September 30, 1997.

ADDRESSES: You may mail comments to the Executive Secretary, Marine Safety Council (G-LRA, 3406) [CGD 97-029], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or deliver them to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-267-1477.

The Executive Secretary maintains the public docket for this regulatory review. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carlton Perry, Project Manager, Office of Boating Safety, Program Management Division, 202-267-0979. You may obtain a copy of this Notice by calling the U.S. Coast Guard Infoline at 1-800-368-5647, or on the Internet Office of Boating Safety Web Site at URL address <http://www.uscgboating.org/>.

SUPPLEMENTARY INFORMATION:

Background and Purpose

In a notice published on May 28, 1997 (62 FR 28824), the Coast Guard set the original close of the comment period at July 28, 1997, to allow summarizing the comments received and providing the summaries to the NBSAC members prior to the meeting date. (The Coast Guard will publish details of the exact time and place of the meeting in the **Federal Register** at a later date. The meeting will be open to the public.) Due to the small number of comments received by the close of the comment period and a request from the National Association of State Boating Law Administrators, the Coast Guard is reopening and extending the comment period to provide additional time for submission of public comment. The Coast Guard will summarize—and will provide to the members of NBSAC for them to consider at the meeting in October 1997—all comments received during the extended comment period in response to this Notice. It will consider all relevant comments in the formulation of any changes to the boating safety regulations that may result from this review. (This review is not required by but is consistent with 5 U.S.C. 610, which directs agencies to conduct periodic reviews of regulations they issue that have a significant impact on a substantial number of small entities.) The review will encompass currently effective boating safety regulations in 33 CFR Parts 95, 100, 173, 174, 175, 177,

179, 181, and 183 and 46 CFR Subparts 25.30, 25.35, and 25.40. It will not encompass any rules not yet final.

Request for Comments

The Coast Guard encourages interested persons from all segments of the boating community to participate in this regulatory review by submitting written data, views, or arguments regarding any changes to the currently effective boating safety regulations, including elimination or revocation of any requirements. Persons submitting comments should include their names and addresses, identify this Notice [CGD 97-029] and the specific provision in the regulation to which each comment applies, state each change needed, and give all reasons to support each change. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Dated: August 18, 1997.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-97-041]

RIN 2115-AE46

Special Local Regulations; Miller Lite Offshore Challenge Boat Race at Islamorada, Florida—Gold Cup Series

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Temporary special local regulations are being proposed for the Miller Lite Offshore Challenge Boat Race at Islamorada, Florida, sponsored by Offshore Power Boat Racing Association, Inc. This event will be held on October 4, 1997, between 11 a.m. and 3 p.m. Eastern Daylight Time (EDT). These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before September 25, 1997.

ADDRESSES: Comments may be mailed to U.S. Coast Guard Group Key West, Key West, Florida 33040-0005. The telephone number is (305) 292-8734.

Comments will become a part of the public docket and will be available for copying and inspection at the same address.

FOR FURTHER INFORMATION CONTACT: QMC Culver, project officer, USCG Group Key West, (305) 292-8734.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD07-97-041) and the specific section of this proposal to which each comment applies and give the reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to QMC Culver at the address under **ADDRESSES**. The request should include why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a notice in the **Federal Register**.

Discussion of Regulations

These proposed special local regulations are being considered for the Miller Lite Offshore Challenge Boat Race at Islamorada, Florida. The event will be held from 11 a.m. to 3 p.m. EDT, on October 4, 1997. Approximately 45 power boats and 200 spectator crafts are expected to participate in the Miller Lite Offshore Challenge Boat Race. The power boats will be competing at high speeds and operating in close proximity to the spectators, creating an extra or unusual hazard on navigable waters. These regulations are needed to provide for the safety of life on navigable waters during the event.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review 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 proposal to be so minimal that a full