

(A) A person who:

(1) Is entitled to Medicare Part A by reason of disability or end stage renal disease;

(2) In the absence of such entitlement, would have been eligible for CHAMPUS under section 1086 of title 10, United States Code; and

(3) At the time of the receipt of such benefits, was under age 65.

(B) Any participating provider of care who received direct payment for care provided to a person described in paragraph (g)(3)(ii)(A) of this section pursuant to an assignment of benefits from such person.

(iii) The authority to waive collection of payments under this section shall apply with regard to health benefits provided during the period beginning January 1, 1967, and ending on the later of: the termination date of any special enrollment period for Medicare Part B provided specifically for such persons; or July 1, 1996.

\* \* \* \* \*

(10) *Effect of compromise, waiver, suspension or termination of collection action.* Pursuant to the Internal Revenue Code, 26 U.S.C. 6041, compromises and terminations of undisputed debts not discharged in a Title 11 bankruptcy case and totaling \$600 or more for the year will be reported to the Internal Revenue Service in the manner prescribed for inclusion in the debtor's gross income for that year. Any action taken under this paragraph (g) regarding the compromise of a federal claim, or waiver or suspension or termination of collection action on a federal claim is not an initial determination for purposes of the appeal procedures of § 199.10.

\* \* \* \* \*

Dated: November 26, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 97-31610 Filed 12-3-97; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Corps of Engineers

#### 36 CFR Part 327

#### Shoreline Use Permits, Flotation

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Supplementary proposed rule.

**SUMMARY:** The Corps published a proposed rule in the April 15, 1997,

issue of the **Federal Register**,

concerning flotation materials to be used on all new docks and boat mooring buoys. Comments received during the 45 day comment period prompted the Corps to conduct further study and give additional consideration to flotation requirements. As a result, the Corps is withdrawing this amendment and proposing a new amendment.

An amendment to the Guidelines for Granting Shoreline Use Permits was also part of the proposed rule published on April 15, 1997. This language reduced onerous requirements on individuals who have requested waivers due to obvious limiting health conditions by giving Operations Project Managers flexibility to take special circumstances of the applicant into consideration when issuing a shoreline management permit. No negative comments were received during the comment period and this amendment will be issued as a final rule at a later date, probably in conjunction with the flotation amendment, once the flotation issue is resolved.

**DATES:** Comments must be submitted on or before January 20, 1998.

**ADDRESSES:** HQUSACE, CECW-ON, Washington, D.C. 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Darrell E. Lewis, (202) 761-0247.

**SUPPLEMENTARY INFORMATION:** The Corps published a final rule providing policy and guidance on the management of shorelines of Corps of Engineers managed Civil Works projects in the **Federal Register** on July 27, 1990, (55 FR 30690-30702), last amended in the **Federal Register** on July 1, 1992 (57 FR 29219-29220).

Two amendments to the regulation were published as a proposed rule in the **Federal Register** on April 15, 1997 (62 FR 18307-18308). An amendment to Paragraph 2.c(9) of Appendix A, Section 327.30, Guidelines for Granting Shoreline Use Permits, gave operational project managers flexibility to take special circumstances of the applicant into consideration when issuing a permit. This language reflected the Corps desire to accommodate basic access for those individuals who have requested waivers due to either obvious limiting health conditions or those documented by a doctor's certification. No negative comments were received regarding this amendment during the comment period. Therefore, this portion of the April 15, 1997 proposed rule will be promulgated as a final rule at a later date.

Paragraph 14, Appendix C, of Section 327.30, also published in the April 15, 1997, proposed rule, reflected the Corps

amended flotation requirements for all new docks and boat mooring facilities. The Corps received 28 letters concerning flotation during the comment period of this proposed rulemaking. The comments prompted the Corps to conduct further study and give additional consideration to flotation requirements. Accordingly, the flotation portion of the proposed rule published on April 15, 1997, is withdrawn and a new amendment is proposed.

#### Procedural Requirements

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

The Secretary of the Army has determined that this proposed revision is not a "major" rule within the meaning of Executive Order (E.O.) 12866. If approved, this revision will not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State, or local governmental agencies; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of a United States-based enterprise to compete with foreign-based enterprise in domestic or export markets.

##### *Regulatory Flexibility Act*

This proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

##### *Collection of Information*

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

##### *Executive Order 12612*

The Corps has analyzed this proposed rule under principles and criteria in E.O. 12612 and has determined that this proposed rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

##### *Executive Order 12630*

The Corps has determined that this proposed rule does not have "significant" taking implications. The proposed rule does not pertain to taking of private property interests, nor does it impact private property.

##### *NEPA Statement*

The Corps has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human

environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

#### *Unfunded Mandates Act of 1995*

This proposed rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

#### **List of Subjects in 36 CFR Part 327**

Lakeshore management, Public lands.

For the reasons set forth in the preamble, we propose to withdraw the amendment to 36 CFR Part 327, Appendix C published at 62 FR 18307 (April 15, 1997) and to amend 36 CFR Part 327, as follows:

#### **PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS**

1. The authority citation for 36 CFR Part 327 continues to read as follows:

**Authority:** 16 U.S.C. 460d and 460I-6a.

2. Appendix C to § 327.30 is amended by revising paragraph 14 to read as follows:

#### **Appendix C to § 327.30—Shoreline Use Permit Conditions**

\* \* \* \* \*

14. Flotation for all docks and boat mooring buoys shall be of materials manufactured for marine use. Flotation will be 100% warranted for a minimum of 8 years to not sink, become waterlogged, crack, peel, fragment or be subject to loss of beads. Flotation materials will resist puncture and penetration and will not be subject to damage by animals. Flotation will be fire resistant. Any flotation which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. Reuse of plastic, metal or other previously used drums or containers for encasement or flotation purpose is prohibited. Existing flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it shall be replaced with approved flotation. For any floats installed after the effective date of this specification, repair or replacement is required when it no longer performs its designated function or fails to meet the specifications for which it was originally warranted.

\* \* \* \* \*

Dated: November 21, 1997.

For the Commander,

**Robert W. Burkhardt,**

*Colonel, Corps of Engineers, Executive Director of Civil Works.*

[FR Doc. 97-31776 Filed 12-3-97; 8:45 am]

BILLING CODE 3710-92-M

## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board.**

#### **49 CFR Chapter X**

[STB Ex Parte No. 574]

#### **Safe Implementation of Board-Approved Transactions**

**AGENCY:** Surface Transportation Board.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Board seeks comments from all interested persons on the extent to which railroads should be required to provide detailed information setting forth the manner in which they intend to safely implement authority granted by the Board in proceedings subject to the Board's jurisdiction.

**DATES:** Notices of intent to participate are due by December 24, 1997. Shortly thereafter, a list of participants will be issued. Comments are due by January 19, 1998. Replies are due by February 12, 1998.

**ADDRESSES:** Send an original and 10 copies of notices of intent to participate and pleadings referring to STB Ex Parte No. 574: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

Once the list of participants has been issued by the Board, send one copy of each comment and each reply to each party on the list of participants.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 565-1600 [TDD for the hearing impaired: (202) 565-1695].

**SUPPLEMENTARY INFORMATION:** The rail transportation policy (RTP) (49 U.S.C. 10101), which was adopted in the Staggers Rail Act of 1980 and amended in the ICC Termination Act of 1995, establishes the basic policy directives against which all of the statutory provisions we administer must be weighed. The RTP provides, in relevant part, that, "[i]n regulating the railroad industry, it is the policy of the United States Government \* \* \* to promote a safe and efficient rail transportation system" \* \* \* [by allowing rail carriers to] operate transportation facilities without detriment to the public health and safety \* \* \*." The rail transportation policy applies to all transactions subject to Board jurisdiction.

Over the years, the Board and its predecessor, the Interstate Commerce Commission (ICC), have considered the issue of safety along with other relevant issues in individual cases. For example,

the ICC and the Board, in consultation with the Federal Railroad Administration (FRA), which has primary responsibility over railroad safety enforcement, have routinely considered safety in their environmental review of all rail mergers, acquisitions, line constructions, and similar transactions. In 1993, the ICC denied an application because the agency believed that no conditions could sufficiently mitigate the unsafe conditions arising out of the proposed construction of the rail line in *Construction and Operation—Indiana and Ohio Ry. Co.*, 9 I.C.C.2d 783 (1993). In a similar vein, we routinely address safety issues, with the advice of the FRA, in the context of rail embargoes.<sup>1</sup>

Recently, in a pending railroad merger proceeding, we undertook to address safety issues in a more systematic way. Specifically, in response to a request in the ongoing Conrail Acquisition proceeding by the FRA, we required the applicant railroads in that case to prepare detailed plans addressing how they propose to integrate their operations to ensure continued safety if the merger is approved by the Board. *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388, Decision No. 52 (STB served Nov. 3, 1997) (Conrail Acquisition). In our decision, we explained that the railroads' submissions would be made part of the environmental record in that proceeding and dealt with in the ongoing environmental review process in that case. We stated that the railroads' submissions, which are due to be filed December 3rd, will be incorporated in a separate section of the Draft Environmental Impact Statement (DEIS) that is to be issued by the end of the year. We requested the FRA to provide us with its analysis of the plans, and invited comments from all other interested persons, during the 45-day comment period that will be provided on the DEIS. After review of these analyses and comments, the Board's environmental staff will address safety implementation issues in the Final

<sup>1</sup> In the embargo context, for example, a shipper might dispute a railroad's contention that it is temporarily unable to provide service because of unsafe operating conditions. The Board, in a recent decision, declared that, in such situations, it would secure an inspection from an FRA-certified safety inspector before directing service over a line embargoed for safety reasons. *Service Obligations Over Excepted Track*, STB Ex Parte No. 564 (STB served Oct. 22, 1997).