

significant impact on a substantial number of small entities.

This is not a significant regulatory action under the provisions of Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

The final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

PART 199—[AMENDED]

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 199.14 is amended by adding paragraph (h)(1)(i)(D) to read as follows:

§ 199.14 Provider reimbursement methods.

* * * * *

(h) *Reimbursement of Individual Health Care Professionals and Other Non-Institutional Health Care Providers.*

* * *

(1) *Allowable charge method.* * * *

(i) *Introduction.* * * *

(D) *Special rule for TRICARE Prime Enrollees.* In the case of a TRICARE Prime enrollee (see section 199.17) who receives authorized care from a non-participating provider, the CHAMPUS determined reasonable charge will be the CMAC level as established in paragraph (h)(1)(i)(B) of this section plus any balance billing amount up to the balance billing limit as referred to in paragraph (h)(1)(i)(C) of this section. The authorization for such care shall be pursuant to the procedures established by the Director, OCHAMPUS (also referred to as the TRICARE Support Office).

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Dated: October 15, 1998.

L.M. Bynum,

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

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DEPARTMENT OF TRANSPORTATION

33 CFR Part 165

[COTP San Juan 98-065]

RIN 2115-AA97

Safety Zone Regulations: Port of Guanica, Guanica, Puerto Rico

AGENCY: U.S. Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing an emergency safety zone for the port of Guanica, Puerto Rico. This safety zone is necessary to protect vessels and the port from navigation hazards associated with downed electrical power cables that stretch into Guanica Bay. Three high tension power cables detached from the western tower and remain attached to the eastern tower. The cables enter the water in vicinity of the Ochoa fertilizer facility and are submerged at an unknown depth possibly within the channel. All vessels are prohibited from anchoring in or transiting within the prescribed safety zone unless specifically authorized by the Captain of the Port San Juan, PR.

EFFECTIVE DATES: This regulation becomes effective at 3 p.m. on October 7, 1998 for the port of Guanica, Puerto Rico, and will remain in effect until 6 p.m. on October 21, 1998.

FOR FURTHER INFORMATION CONTACT: Commanding Officer, Marine Safety Office San Juan, P.O. Box 9023666, Old San Juan, Puerto Rico, 00902-3666, Attention: Lieutenant Commander Dreyfus, or phone (787) 729-6800 x308.

SUPPLEMENTARY INFORMATION:

Background and Purpose

This regulation is necessary to protect vessels from navigation hazards associated with downed electrical power cables that stretch into Guanica Bay. All vessels are prohibited from anchoring in or transiting restricted waters and channels unless specifically authorized by the Captain of the Port San Juan, PR. This regulation does not apply to authorized law enforcement or search and rescue vessels operating within the safety zone. The Captain of the Port San Juan, PR will issue a Marine Safety Information Broadcast Notice to Mariners (BNTM) to notify the marine community of the safety zone and the imposed restrictions. A separate BNTM will be issued to notify when the safety zone is no longer in effect. This regulation begins at 3 p.m. on October 7, 1998 for the port of Guanica.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest and safety since immediate action is needed to protect vessels from an electrical hazard and/or from obstruction.

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 for the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rulemaking to be so minimal that a full Regulatory Evaluation under paragraph 10e 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 considers whether this proposed rule will have a significant economic effect upon a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a substantial economic impact on a substantial number of small entities as the regulations will only be in effect for a short period.

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

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

Environmental Assessment: The Coast Guard has considered the environmental impact of this action and has determined, under figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation. This temporary safety zone is established to deal with an emergency situation for which a checklist and Categorical Exclusive Determination is not required.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Temporary Regulation

In consideration of the foregoing, Title 33, Code of Federal Regulations, Part 165, Subpart C is amended 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; 49 CFR 1.46.

2. A new § 165.T07–065 is added to read as follows:

§ 165.T07–065 Safety Zone: The Port of Guanica, Guanica, Pureto Rico.

(a) *Regulated Area.* The following area is designated a safety zone: All navigable waters of Guanica Bay, Guanica, Puerto Rico.

(b) *Regulations:* (1) The waters in Guanica Bay are closed to vessel traffic.

(2) In accordance with the general regulations in § 165.23 of this part, all vessels are prohibited from anchoring in or transiting the waters or channels of Guanica Bay unless specifically authorized by the Captain of the Port San Juan, PR.

(3) This section does not apply to authorized law enforcement or search and rescue vessels operating within the safety zone.

(4) The Captain of the Port San Juan, PR will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the safety zone and the restrictions imposed. A BNTM will notify the maritime community when the safety zone is no longer in effect.

(c) *Effective Dates.* This section becomes effective at 3 pm on October 7, 1998 for the port of Guanica, Puerto Rico, and will be terminate at 6 pm on October 21, 1998.

Dated: October 7, 1998.

B.M. Salerno,

Captain, U.S. Coast Guard, Captain of the Port, San Juan, PR.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[TX90–1–7360a; FRL–6160–2]

Approval and Promulgation of State Implementation Plan, Texas: Recodification of Regulations to Control Lead Emissions From Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is approving the recodification of the Texas State Implementation Plan (SIP) regulations controlling emissions of lead from stationary sources. The recodification consists of a renumbering of the sections and administrative changes to the rules. There are no substantive changes to the rules.

If relevant adverse comments are received on this approval, the EPA will publish a document informing the public that the direct final rule will not take effect, and address the relevant comments received in a subsequent final rule, based on the related proposed rule. No additional opportunity for public comment will be provided.

DATES: This action is effective on December 21, 1998 unless adverse or critical comments are received by November 20, 1998. If EPA receives such comments, it will publish a timely withdrawal in the **Federal Register** to inform the public that this rule will not take effect.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the documents relevant to this final action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an

appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 6, Multimedia Planning and Permitting Division, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission (TNRCC), 12100 Park 35 Circle, Building F, Austin, Texas 78753.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Region 6 Air Planning Section at the above address, telephone (214) 665–7219.

SUPPLEMENTARY INFORMATION:**I. Background**

In a letter dated August 21, 1997, the Governor of Texas submitted a recodification of the Texas SIP rules controlling emissions of lead from stationary sources. The current 30 Texas Administrative Code (TAC), Chapter 113, Subchapter B, Section citations and the corresponding recodified citations are listed below.

There have been no substantive changes made to the rules. Administrative changes have been made which update the name of the agency and reflect that the original compliance dates were long passed for facilities affected at the time of the original adoption of the rules.

The Texas lead regulations were previously approved on August 13, 1984, in 49 FR 32184; and August 15, 1984, in 49 FR 32577. At that time, no action was taken on 30 TAC Chapter 113, Sections 111, 112, 113, and 114. The EPA is now merely approving the renumbering system submitted by the State, and continues to take no action on Section 111, 112, 113, and 114.

31 TAC CHAPTER 113 SUBCHAPTER B: LEAD FROM STATIONARY SOURCES

Current citation	Recodified citation	Title
113.41	113.31	Nonferrous Smelters in El Paso County Maintenance and Operation of Control Equipment. Areas Accessible to the General Public. Control of Fugitive Dust. Materials Handling and Transfer. Smelting of Lead. Smelting of Copper and Zinc. Lead Emissions Limits for Stacks.
113.42	113.32	
113.43	113.33	
113.51	113.34	
113.52	113.35	
113.53	113.36	
113.71	113.37	
		Lead Smelters in Dallas County.
113.81	113.41	Maintenance and Operation of Control Equipment.
113.83	113.42	Storage of Lead-Containing Materials.