

rendered as a result of the referral must meet all requirements for medical records established by this part. Referring physician supervision does not require physical location on the premises of the treating provider or at the site of treatment.

* * * * *

(f) *Corporate services providers.*—(1) *General.* (i) This corporate services provider class is established to accommodate individuals who would meet the criteria for status as a CHAMPUS authorized individual professional provider as established by paragraph (c) of this section but for the fact that they are employed directly or contractually by a corporation or foundation that provides principally professional services which are within the scope of the CHAMPUS benefit.

(ii) Payment for otherwise allowable services may be made to a CHAMPUS-authorized corporate services provider subject to the applicable requirements, exclusions and limitations of this part.

(iii) The Director, OCHAMPUS, or designee, may create discrete types within any allowable category of provider established by this paragraph (f) to improve the efficiency of CHAMPUS management.

(iv) The Director, OCHAMPUS, or designee, may require, as a condition of authorization, that a specific category or type of provider established by this paragraph (f):

(A) Maintain certain accreditation in addition to or in lieu of the requirement of paragraph (f)(2)(v) of this section;

(B) Cooperate fully with a designated utilization and clinical quality management organization which has a contract with the Department of Defense for the geographic area in which the provider does business;

(C) Render services for which direct or indirect payment is expected to be made by CHAMPUS only after obtaining CHAMPUS written authorization; and

(D) Maintain Medicare approval for payment when the Director, OCHAMPUS, or designee, determines that a category, or type, of provider established by this paragraph (f) is substantially comparable to a provider or supplier for which Medicare has regulatory conditions of participation or conditions of coverage.

(v) Otherwise allowable services may be rendered at the authorized corporate services provider's place of business, or in the beneficiary's home under such circumstances as the Director, OCHAMPUS, or designee, determines to be necessary for the efficient delivery of such in-home services.

(vi) The Director, OCHAMPUS, or designee, may limit the term of a

participation agreement for any category or type of provider established by this paragraph (f).

(vii) Corporate services providers shall be assigned to only one of the following allowable categories based upon the predominate type of procedure rendered by the organization;

(A) Medical treatment procedures;

(B) Surgical treatment procedures;

(C) Maternity management

procedures;

(D) Rehabilitation and/or habilitation procedures; or

(E) Diagnostic technical procedures.

(viii) The Director, OCHAMPUS, or designee, shall determine the appropriate procedural category of a qualified organization and may change the category based upon the provider's CHAMPUS claim characteristics. The category determination of the Director, OCHAMPUS, designee, is conclusive and may not be appealed.

(2) *Conditions of authorization.* An applicant must meet the following conditions to be eligible for authorization as a CHAMPUS corporate services provider:

(i) Be a corporation or a foundation, but not a professional corporation or professional association; and

(ii) Be institution-affiliated or freestanding as defined in § 199.2; and

(iii) Provide:

(A) Services and related supplies of a type rendered by CHAMPUS individual professional providers or diagnostic technical services and related supplies of a type which requires direct patient contact and a technologist who is licensed by the state in which the procedure is rendered or who is certified by a Qualified Accreditation Organization as defined in § 199.2; and

(B) A level of care which does not necessitate that the beneficiary be provided with on-site sleeping accommodations and food in conjunction with the delivery of services; and

(iv) Complies with all applicable organizational and individual licensing or certification requirements that are extant in the state, county, municipality, or other political jurisdiction in which the provider renders services; and

(v) Be approved for Medicare payment when determined to be substantially comparable under the provisions of paragraph (f)(1)(iv)(D) of this section or, when Medicare approved status is not required, be accredited by a qualified accreditation organization, as defined in § 199.2; and

(vi) Has entered into a participation agreement approved by the Director, OCHAMPUS, or designee, which at least complies with the minimum

participation agreement requirements of this section.

(3) *Transfer of participation agreement.* In order to provide continuity of care for beneficiaries when there is a change of provider ownership, the provider agreement is automatically assigned to the new owner, subject to all the terms and conditions under which the original agreement was made.

(i) The merger of the provider corporation or foundation into another corporation or foundation, or the consolidation of two or more corporations or foundations resulting in the creation of a new corporation or foundation, constitutes a change of ownership.

(ii) Transfer of corporate stock or the merger of another corporation or foundation into the provider corporation or foundation does not constitute change of ownership.

(iii) The surviving corporation or foundation shall notify the Director, OCHAMPUS, or designee, in writing of the change of ownership promptly after the effective date of the transfer or change in ownership.

(4) *Pricing and payment methodology.* The pricing and payment of procedures rendered by a provider authorized under this paragraph (f) shall be limited to those methods for pricing and payment allowed by this part which the Director, OCHAMPUS, or designee, determines contribute to the efficient management of CHAMPUS.

(5) *Termination of participation agreement.* A provider may terminate a participation agreement upon 45 days written notice to the Director, OCHAMPUS, or designee, and to the public.

Dated: February 26, 1999.

L.M. Bynum,

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

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BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1-99-015]

RIN 2115-AA97

Safety Zone: Storrow Drive Connector Bridge (Central Artery Tunnel Project), Charles River, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for

the Central Artery Tunnel Project, Storrow Drive Connector Bridge construction on the Charles River. The safety zone temporarily closes all waters of the Charles River between the Gridley Lock and Dam and the western side of the AMTRAK Railroad Bridge while bridge spans for the Storrow Drive Connector Bridge are erected. The safety zone is needed to protect vessels from the hazards posed by bridge construction activities upon a navigable waterway.

EFFECTIVE DATE: This rule is effective from March 1, 1999 through March 14, 1999.

FOR FURTHER INFORMATION CONTACT: ENS Rebecca Montleon, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 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. Any delay encountered in this regulation's effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with bridge construction activities upon a navigable waterway.

Background and Purpose

As part of the Central artery Tunnel Project, a new bridge, the Storrow Drive Connector Bridge, will be built over the Charles River, Boston MA. Section 1 of the Storrow Drive Connector Bridge, which will be located on the south side of the Charles River between the Gridley Lock and Dam and the AMTRAK Railroad Bridge, is presently under construction. Six bridge spans need to be erected during the construction of Section 1. The spans will be put into place using a crane on a barge and then secured. The crane and barge cannot be shifted by vessel wakes during the securing process. Therefore, a safety zone is necessary to allow the safe erection of the six spans and to protect vessel traffic.

This regulation establishes a safety zone in all waters of the Charles River between the Gridley Lock and Dam and the western side of the AMTRAK Railroad Bridge. This safety zone prevents entry into or movement within this portion of the Charles River. Upon notification from the primary contractor on the project, the Coast Guard will make Marine Safety Information

Broadcasts informing mariners of the activation of this safety zone. The expected duration of the safety zone will vary between forty-eight and sixty hours depending upon construction requirements.

Regulatory Evaluation

This final rule 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 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 10e of the regulatory policies and procedures of DOT is unnecessary. There is expected to be minimal recreational and commercial traffic in this area, in part due to the seasonal end of the recreational and tourist boating season. Commercial tour operators have received advance notification of the project and can make alternate arrangements.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would 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.

For the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this rule will not have a significant 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.*).

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that, under Figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule 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 (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

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

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; 59 CFR 1.46.

2. Add temporary § 165.T01-015 to read as follows:

§ 165.601-015 Safety Zone: Storrow Drive Connector Bridge (Central Artery Tunnel Project), Charles River, Boston, MA.

(a) *Location.* The following area is a safety zone: All waters of the Charles River between the Gridley Lock and Dam and the western side of the AMTRAK Railroad Bridge.

(b) *Effective Date.* This section is effective from March 1, 1999 through 14 March 1999.

(c) *Notification.* Upon notification from the primary contractor on the Storrow Drive Connector Bridge construction project that a span is ready to be erected, the Coast Guard will make Marine Safety Information Broadcasts informing mariners of the activation of this safety zone. The expected duration of the safety zone will vary between forty-eight and sixty hours depending upon construction requirements.

(d) *Regulations.*

(1) Entry into or movement within this zone is prohibited unless authorized by the COTP Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zoned in section 165.23 of this part apply.

Dated: February 25, 1999.

J.L. Grenier,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 99-5921 Filed 3-9-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 210-0133; FRL-6306-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on January 4, 1999, 64 FR 67. The revisions concern the rescission of administrative rules from the Antelope Valley Air Pollution Control District (AVAPCD). These rules concern conduct and procedure governing hearings by the governing board on permit appeals. The intended effect of this approval action is to bring the AVAPCD SIP up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is finalizing the approval of these rescissions from the AVAPCD portion of the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on April 9, 1999.

ADDRESSES: Copies of the rule rescissions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule rescissions are available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW, Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

Antelope Valley Air Pollution Control District, 43301 Division Street, Suite 206, Lancaster, CA 93539-4409

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1184.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being rescinded from the AVAPCD portion of the California SIP include: AVAPCD Regulation XII, Rules of Practice and Procedures, consisting of: Rule 1201, Discretion to Hold Hearing; Rule 1202, Notice; Rule 1203, Petitions; Rule 1204, Answers to Petitions; Rule 1205, Function of the Board; Rule 1206, Appearances; Rule 1207, Service and Filing; Rule 1208, Rejection of Documents; Rule 1209, Form and Size; Rule 1210, Copies; Rule 1211, Subpoenas Rule 1212, Continuances; Rule 1213, Request for Continuances or Time Extensions; Rule 1214, Transcript and Record; Rule 1215, Conduct of Hearing; Rule 1216, Presiding Officer; Rule 1217, Disqualification of Hearing Officer or Board Member; Rule 1218, Ex Parte Communications; Rule 1219, Evidence; Rule 1220, Prepared Testimony; Rule 1221, Official Notice; Rule 1222, Order of Proceedings; Rule 1223, Prehearing Conference; Rule 1224, Opening Statements; Rule 1225, Conduct of Cross-Examination; Rule 1226, Oral Argument Rule 1227, Briefs; Rule 1228, Motions; Rule 1229, Decisions; and Rule 1230, Proposed Decision and Exceptions. These rule rescissions were adopted by the AVAPCD on October 21, 1997 and submitted by the California Air Resources Board to EPA on May 18, 1998.

II. Background

On January 4, 1999 in 64 FR 67, EPA proposed to rescind the rules listed above from the AVAPCD portion of the California SIP.

EPA has evaluated all of the above rule rescissions for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the Proposed rule cited above. EPA has found that the rule rescissions meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 64 FR 67 and in the technical support document (TSD) available at EPA's Region IX office dated September 22, 1998.

III. Response to Public Comments:

A 30-day public comment period was provided in 64 FR 67. EPA received no public comments.

IV. EPA Action

EPA is taking final action to approve the rescission of the rules listed above from the AVAPCD portion of the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will rescind these rules from the federally approved SIP. The intended effect of this action is to bring the AVAPCD SIP up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act).

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997),