

September 13, 1994 and § 199.4(g)(48) is effective October 5, 1994.

FOR FURTHER INFORMATION CONTACT: Connie Kiese, TRICARE Management Activity, Office of Medical Benefits and Reimbursement Systems (303) 676-3578.

SUPPLEMENTARY INFORMATION: On October 20, 1997, DoD published an interim rule with a public comment period; however, no comments were received. Therefore, the interim final rule is being adopted as the final rule.

Under 10 U.S.C. 1079(j)(1), no CHAMPUS benefits shall be available for the payment for any service or supply for persons enrolled in any other insurance, medical service, or health plan to the extent that the service or supply is a benefit under the other plan, except in the case of those plans administered under title XIX of the Social Security Act (Medicaid), (51 FR 24008). Therefore, in all double coverage situations, and for all classes of beneficiaries, CHAMPUS shall be secondary payer except when the other medical coverage is provided through Medicaid.

However, on September 13, 1994, Public Law 103-322 was signed into law. Section 230202 of that law states that notwithstanding any other law, if the compensation paid by an eligible crime victim compensation plan would cover costs that a Federal program or a federally financed State or local program would otherwise pay, the crime compensation program shall not pay that compensation; and the other program shall make its payments without regard to the existence of the crime victim compensation program.

This provision mandates, as an exception to 10 U.S.C. 1079(j)(1), that CHAMPUS assume primary payer status to State Victims of Crime Compensation Programs. Benefits will be granted retroactively effective September 13, 1994.

Public Law 103-337, Section 705, October 5, 1994, added voice prostheses to the benefits available under CHAMPUS. Benefits will be granted retroactively effective October 5, 1994.

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 is not such a regulation. Nor is this final rule a significant regulatory action under Executive Order 12866.

The changes set forth in this final rule are minor revisions to the existing regulation. In addition, this final rule does not impose new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3511).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health Insurance, 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 199.2(b) is amended by revising the definition "State Victims of Crime Compensation Programs" to read as follows:

§ 199.2 Definitions

* * * * *

(b) * * *

State victims of crime compensation programs. Benefits available to victims of crime under the Violent Crime Control and Law Enforcement Act.

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3. Section 199.4 is amended by revising paragraph (g)(48) to read as follows:

§ 199.4 Basic program benefits

* * * * *

(g) * * *

(48) *Prosthetic devices.* Prostheses, except artificial limbs, voice prostheses, eyes, or if an item is inserted surgically in the body as an integral part of a surgical procedure. All dental prostheses are excluded, except for those specially required in connection with otherwise covered orthodontia directly related to the surgical correction of a cleft palate anomaly.

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4. Section 199.8 is amended by revising paragraphs (b)(3)(iii), (b) (3)(iv) and (b)(3)(v) to read as follows:

§ 199.8 Double coverage.

* * * * *

(b) * * *

(3) * * *

(iii) Entitlement to receive care from Uniformed Services medical care facilities;

(iv) Certain Federal Government programs, as prescribed by the Director, OCHAMPUS, that are designed to provide benefits to a distinct beneficiary population and for which entitlement does not derive from either premium payment of monetary contribution (for example, the Indian Health Service); or

(v) State Victims of Crime Compensation Programs.

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Dated: October 19, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-98-093]

RIN 2115-AE46

Special Local Regulations for Marine Events; Blackbeard's Bounty Festival Pirate Attack, Bogue Sound, Morehead City, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary special local regulations are being adopted for the Blackbeard's Bounty Festival Pirate Attack to be held in the waters of Bogue Sound, between the Morehead City waterfront and Sugar Loaf Island, North Carolina. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators, event participants, and transiting vessels.

EFFECTIVE DATE: This regulation is effective from 1:30 p.m. to 6 p.m. on November 7, 1998.

FOR FURTHER INFORMATION CONTACT: Petty Officer Matheny, Marine Events Coordinator, Commander, Coast Guard Group Fort Macon, P.O. Box 237, Atlantic Beach, North Carolina 28512-0237, telephone number (252) 247-4570.

SUPPLEMENTARY INFORMATION:

Regulatory History

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 from the date of publication. Following normal rulemaking procedures would have been impractical. The request to hold the event was not received until October 9, 1998. Publishing a notice of proposed rulemaking and delaying its effective date would be contrary to safety interests, since immediate action is needed to minimize potential danger to the participants in this event.

Background and Purpose

On November 7, 1998, the Morehead City Downtown Revitalization Committee will sponsor the Blackbeard's Bounty Festival Pirate Attack in the waters of Bogue Sound, between the Morehead City waterfront and Sugar Loaf Island. The event will consist of a mock pirate attack, with simulated cannon fire and pyrotechnic displays. These temporary special local regulations are necessary to provide for the safety of life and property on navigable waters during the event.

Discussion of Regulations

The Coast Guard will establish temporary special local regulations on specified waters of Bogue Sound, between the Morehead City waterfront and Sugar Loaf Island. The temporary special local regulations will be in effect from 1:30 p.m. to 6 p.m. on November 7, 1998. Except for participants in the Blackbeard's Bounty Festival Pirate Attack and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

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 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 Regulatory Evaluation under paragraph 10e of the regulatory procedures of DOT is unnecessary. Since the regulations will only be in effect for a short period, the impacts on routine navigation are expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C.

601-612) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

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 considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph (34)(h) of COMDTINST M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade are excluded under that authority.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary Section 100.35-T05-093 is added to read as follows:

§ 100.35-T05-093 Bogue Sound Morehead City, North Carolina.

(a) Definitions:

(1) *Regulated area:* The waters of Bogue Sound between the Morehead City waterfront and Sugar Loaf Island from shoreline to shoreline, bounded on the west by a line drawn along longitude 76°43'00" West and bounded on the east by a line drawn along longitude 76°42'30" West. All coordinates reference Datum NAD 1983.

(2) *Coast Guard Patrol Commander.*

The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Fort Macon.

(b) *Special Local Regulations:*

(1) Except for participants in the Blackbeard's Bounty Festival Pirate Attack and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective dates:* This temporary final rule is effective from 1:30 p.m. to 6 p.m. on November 7, 1998.

Dated: October 21, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR, Part 201

[Docket No. 98-11]

Designation of Agent to Receive Notification of Claimed Infringement

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim regulations.

SUMMARY: The Copyright Office of the Library of Congress is issuing interim regulations governing the designation by online service providers of agents to receive notifications of claimed infringement. The regulations are issued on an interim basis without opportunity for comment due to the necessity of having regulations in place immediately upon enactment of the Online Copyright Infringement Liability Limitation Act. These regulations will be replaced by more complete regulations to be promulgated following notice and opportunity for comment.

EFFECTIVE DATE: The interim regulations are effective November 3, 1998.

ADDRESSES: An original and fifteen copies of the comments shall be delivered to: Office of the General Counsel, Copyright Office, LM-403, James Madison Memorial Building, 101 Independence Avenue, SE, Washington, DC, or mailed to: David Carson, General Counsel, Copyright GC/I&R, P.O. Box