

below the top of the vapor degreasing tank.

(2) When you use gas as a fuel to heat the tank liquid, you must prevent solvent vapors from entering the air-fuel mixture. To do this, you must make the combustion chamber airtight (except for the flue opening).

(3) The flue must be made of corrosion-resistant material, and it must extend to the outside. You must install a draft diverter if mechanical exhaust is used on the flue.

(4) You must not allow the temperature of the heating element to cause a solvent or mixture to decompose or to generate an excessive amount of vapor.

(e) What additional requirements apply to cyanide tanks? You must ensure that cyanide tanks have a dike or other safeguard to prevent cyanide from mixing with an acid if a dip tank fails.

(f) What additional requirements apply to spray cleaning tanks and spray degreasing tanks? If you spray a liquid in the air over an open-surface cleaning or degreasing tank, you must control the spraying to the extent feasible by:

(1) Enclosing the spraying operation; and  
(2) Using mechanical ventilation to provide enough inward air velocity to prevent the spray from leaving the vapor area.

(g) What additional requirements apply to electrostatic paint detearing?  
(1) You must use only approved electrostatic equipment in paint-detearing operations. Electrodes in such equipment must be substantial, rigidly supported, permanently located, and effectively insulated from ground by nonporous, noncombustible, clean, dry insulators.

(2) You must use conveyors to support any goods being paint deteared.

(3) You must ensure that goods being electrostatically deteared are not manually handled.

(4) Between goods being electrostatically deteared and the electrodes or conductors of the electrostatic equipment, you must maintain a minimum distance of twice the sparking distance. This minimum distance must be displayed conspicuously on a sign located near the equipment.

(5) You must ensure that the electrostatic equipment has automatic controls that immediately disconnect the power supply to the high-voltage transformer and signal the operator if:

(i) Ventilation or the conveyors fail to operate;  
(ii) A ground (or imminent ground) occurs anywhere in the high-voltage system; or

(iii) Goods being electrostatically deteared come within twice the sparking distance of the electrodes or conductors of the equipment.

(6) You must use fences, rails, or guards, made of conducting material and adequately grounded, to separate paint-detearing operations from storage areas and from personnel.

(7) To protect paint-detearing operations from fire, you must have in place:

(i) Automatic sprinklers; or  
(ii) An automatic fire-extinguishing system conforming to the requirements of subpart L of this part.

(8) To collect paint deposits, you must:

(i) Provide drip plates and screens; and  
(ii) Clean these plates and screens in a safe location.

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

RIN 0720-AA48

#### Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment Procedures

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

**SUMMARY:** This final rule modifies the TRICARE Prime enrollment procedures for active duty families by specifying that enrollment will be automatically renewed upon the expiration of the annual enrollment period, unless the renewal is declined. It also allows for monthly installment payments of enrollment fees via allotment or electronic funds transfer for those beneficiaries required to pay an annual TRICARE Prime enrollment fee.

**EFFECTIVE DATE:** April 22, 1999.

**ADDRESSES:** TRICARE Management Activity, Program Development Branch, Aurora, CO 80045-6900.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Larkin, Office of the Assistant Secretary of Defense (Health Affairs)/TRICARE Management Activity, telephone (703) 681-1745.

**SUPPLEMENTARY INFORMATION:**

#### Introduction and Background

##### A. Congressional Action

This final rule implements section 712 of the FY 1999 National Defense

Authorization Act, which modified 10 U.S.C. 1097a to provide for automatic renewal of TRICARE Prime enrollments and additional payment options for retirees.

#### B. Public Comments

The proposed rule was published in the **Federal Register** on July 7, 1998 (63 FR 36651). We received no public comments.

## II. Provisions of the Rule

### 1. TRICARE Prime Enrollment Renewals (revision to section 199.17(o)(2))

#### Provisions of the Proposed Rule

This paragraph explained that we proposed a change to the TRICARE Prime enrollment period from a 12-month enrollment period to continuous enrollment until such time as the enrollee opted to disenroll from TRICARE Prime. TRICARE Prime was originally designed so that enrollees would be required to take positive action to continue their enrollment in TRICARE Prime at or before their 12-month anniversary date. Positive action to reenroll was required because TRICARE implementation was not available in all regions of the country and overseas locations. Subsequent to our notice of proposed rulemaking, section 712 of the FY 1999 National Defense Authorization Act modified 10 U.S.C. 1097a to require annual enrollment periods but required that TRICARE Prime enrollment be automatically renewed upon the expiration of the enrollment unless the renewal is declined. The Act also requires that the enrollee, or the sponsor in the case of an enrolled family member, be notified in writing no later than 15 days before the enrollment expiration date and afforded the opportunity to decline enrollment.

#### Provisions of the Final Rule

The final rule has been modified to implement the statutory direction given in the FY 1999 National Defense Authorization Act.

### 2. Changes to Installment Payments of Enrollment Fees (revision to section 199.17(o)(3))

#### Provisions of the Proposed Rule

When we first instituted the requirement for annual TRICARE Prime enrollment fees for certain beneficiary categories, we allowed for quarterly installment payments of the enrollment fees. In keeping with the nature of a more continuous enrollment process, we proposed that retirees, their families, and other beneficiaries required to pay an annual enrollment fee would be

offered additional flexibility in fee payment by allowing for monthly or quarterly installment payments of enrollment fees. Subsequent to our notice of proposed rulemaking, section 712 of the FY 1999 National Defense Authorization Act modified 10 U.S.C. 1097a to expand payment options to include monthly payment of enrollment fees via an allotment from retired or retainer pay, or monthly payment via electronic funds transfer from a financial institution.

#### Provisions of the Final Rule

The final rule has been modified to implement the statutory direction given in the FY 1999 National Defense Authorization Act.

### III. Regulatory Procedures

Executive Order 12866 requires certain regulatory assessments for any significant regulatory action, defined as one which would result in an annual effect on the economy of \$100 million or more, or have other substantial impacts.

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 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 55).

#### List of Subjects in 32 CFR Part 199

Claims, Health insurance, Individuals and disabilities, Military personnel, Reporting and recordkeeping requirements.

Accordingly, 32 CFR Part 199 is amended as follows:

#### 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 199.17 is amended by revising paragraphs (o)(2) and (o)(3), redesignating paragraphs (o)(4) and (o)(5) and (o)(5) and (o)(6), and adding new paragraph (o)(4), to read as follows:

#### § 199.17 TRICARE Program.

\* \* \* \* \*

(o) \* \* \*

(2) *Enrollment period.* Beneficiaries who select the TRICARE Prime option remain enrolled for 12 month increments until: they take action to disenroll; they are no longer eligible for enrollment in TRICARE Prime; or they are disenrolled for failure to pay required enrollment fees. For those who remain eligible for TRICARE Prime enrollment, no later than 15 days before the expiration date of an enrollment, the sponsor will be sent a written notification of the pending expiration and renewal of the TRICARE Prime enrollment. TRICARE Prime enrollments shall be automatically renewed upon the expiration of the enrollment unless the renewal is declined by the sponsor. Termination of enrollment for failure to pay enrollment fees is addressed in paragraph (o)(3) of this section.

(3) *Installment payments of enrollment fee.* The enrollment fee required by § 199.18(c) may be paid in monthly or quarterly installments. Monthly fees may be payable by an allotment from retired or retainer pay, or paid from a financial institution through an electronic transfer of funds. For beneficiaries paying enrollment fees on an installment basis, failure to make a required installment payment on a timely basis [including a grace period, as determined by the Assistant Secretary of Defense (Health Affairs)] will result in termination of the beneficiary's enrollment in Prime and disqualification from future enrollment in Prime for a period of one year.

(4) *Voluntary disenrollment.* Any beneficiary for whom enrollment in Prime is voluntary may disenroll at any time. Disenrollment will take effect in accordance with administrative procedures established by the Assistant Secretary of Defense (Health Affairs). Beneficiaries who disenroll prior to their annual enrollment renewal date will not be eligible to reenroll in Prime for a one-year period from the effective date of the disenrollment. This one year exclusion may be waived by the Assistant Secretary of Defense (Health Affairs) based on extraordinary circumstances.

\* \* \* \* \*

Dated: March 17, 1999.

**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 05-99-010]

RIN 2115-AE46

#### Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is adopting temporary special local regulations for the Crawford Bay Crew Classic to be held on the waters of the Western Branch, Elizabeth River, Portsmouth, Virginia. These regulations are needed 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 event participants, spectator craft, and other vessels transiting the event area. This action is intended to enhance the safety of life and property during the event.

**EFFECTIVE DATES:** This temporary final rule is effective from 11 a.m. to 6 p.m. on March 26, 1999, and from 6:30 a.m. to 6 p.m. on March 27, 1999.

**FOR FURTHER INFORMATION CONTACT:** Chief Petty Officer Allen Walther, Marine Events Coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Boulevard, Portsmouth, Virginia, 23703, telephone number (757) 483-8521.

#### 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. Publishing a notice of proposed rulemaking and delaying the effective date would be contrary to the public interest because immediate action is needed to protect event participants, spectator craft, and transient vessel traffic.

##### Background and Purpose

Port Events, Inc., will hold the "Crawford Bay Crew Classic" on the waters of the Western Branch, Elizabeth River. The event will consist of intercollegiate crew competition along a 2000-meter course. A large fleet of spectator vessels is anticipated. Because of the need for vessel control during the crew competition, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators, and transiting vessels.