airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the pilot valve harness tubes, which could allow fuel to enter the conduit and leak overboard, and result in increased risk of a fuel tank explosion and fire, accomplish the following:

(a) Within 30 calendar days or 200 hours time-in-service after the effective date of this AD, whichever occurs later, perform a one-time visual inspection of the pilot valve harness tubes (conduit) for bulges and cracks, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145–28–0005, dated May 23, 1997.

(1) If no discrepancy is found in the harness tube, prior to further flight, clean the tube and apply sealant at the tube end opening in accordance with the service bulletin.

(2) If any crack or bulge is found in the harness tube, prior to further flight, replace the tube with a new or serviceable tube, clean the tube, and apply sealant at the tube end opening in accordance with the service bulletin.

(b) Within 4,000 hours time-in-service after the effective date of this AD, replace the existing pilot valve harness tubes and vent valve tubes with new tubes, in accordance with EMBRAER Service Bulletin 145–28–0006, dated October 22, 1997.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The actions shall be done in accordance with EMBRAER Service Bulletin 145–28–0005, dated May 23, 1997, and EMBRAER Service Bulletin 145–28–0006, dated October 22, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 97–07–02R1, dated January 15, 1998.

(f) This amendment becomes effective on June 24, 1998.

Issued in Renton, Washington, on May 13, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13313 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202, 216, and 250

RIN 1010–AC23

Royalties on Gas, Gas Analysis Reports, Oil and Gas Production Measurement, Surface Commingling, and Security

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rulemaking; corrections.

SUMMARY: MMS published in the **Federal Register** of May 12, 1998, a final rule commonly known as the ''GVS rule'' that updated production measurement, surface commingling, and security requirements and made other amendments. The final rule was to become effective on July 13, 1998. This document corrects the effective date and makes two other technical corrections to the final rule. The rule will become effective on June 29, 1998.

EFFECTIVE DATES: The rule published on May 12, 1998 (63 FR 26362) is effective May 12, 1998.

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Engineering and Operations Division at (703) 787–1600.

SUPPLEMENTARY INFORMATION: MMS needs the correction to the effective date of the GVS rule to ensure that the revised title 30 of the Code of Federal Regulations slated for publication on July 1, 1998 (i.e., the bound volume) includes the new numbering system in the final rule entitled, ''Redesignation of 30 CFR Part 250'' which follows the GVS final rule. We are also making two corrections: (1) A paragraph numbering correction and (2) a correction to specify a regulatory citation. In the final rule FR Doc. 98–3533, published in the issue of Tuesday, May 12, 1998, make the following corrections.

Corrections

1. On page 26362 in the preamble the effective date is corrected to read as follows:

[**EFFECTIVE DATES:** June 29, 1998]. The Director of the Federal Register has approved the incorporation by reference of certain publications listed in the regulations as of June 29, 1998.

2. On page 26367 in the third column in § 250.1(a) on the third line ''paragraph (d)'' is corrected to read ''paragraph (e).''

3. On page 26372 in the third column in § 250.182(g) at the end of the introductory text, ''30 CFR 250, Subpart A:'' is corrected to read ''30 CFR 250.1:''

Dated: May 13, 1998.

E.P. Danenberger,

Chief, Engineering and Operations Divisions.

[FR Doc. 98–13275 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 Part 199

RIN 0720–AA43

[DoD 6010.8–R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Waiver of Collection of Payments Due From Certain Persons Unaware of Loss of CHAMPUS Eligibility

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule authorizes the waiver of collection of payments due from individuals who lost their CHAMPUS eligibility when they became eligible for Medicare Part A, due to disability or end stage renal disease.

EFFECTIVE DATE: This final rule is effective June 19, 1998.

ADDRESSES: TRICARE Management Activity, 1B657 Pentagon, Washington, DC 20301–1200.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Speight, TRICARE Management Activity, (703) 697–8975.

SUPPLEMENTARY INFORMATION:

I. Overview of the Final Rule

Formerly, under Title 10 United States Code, Section 1086(d), a beneficiary lost eligibility for CHAMPUS when he or she became eligible for Medicare Part A, including when eligibility was due to disability or

end stage renal disease. Payments made after the beneficiary attained eligibility for Medicare Part A were erroneous payments and subject to collection under the Federal Claims Collection Act. In 1991, Congress amended 10 U.S.C. 1086(d) to provide that those persons eligible for Medicare by reason of disability or end stage renal disease who are enrolled in the supplementary medical insurance program under Medicare Part B retain eligibility for CHAMPUS, secondary to Medicare coverage. Section 743 of the National Defense Authorization Act for Fiscal Year 1996, Pub. L. 104–106, provides authority, effective February 10, 1996, to waive the collection of erroneous civilian health care benefits from a person under age 65 who lost eligibility for civilian care due to eligibility for Medicare as a result of disability or end stage renal disease. The period of this waiver authority begins January 1, 1967, and ends on the later of July 1, 1996, or the termination date of any special enrollment Medicare period established by law for such person.

Since most payments made under CHAMPUS are paid directly to participating providers of care, and not to the beneficiary, the rule also provides for the waiver of collection of such payments made to participating providers. These providers are paid based on a contractual agreement of benefits by the beneficiaries. If the claim for these benefits cannot be paid due to ineligibility of the beneficiary, the beneficiary indebtedness to the provider would remain. Thus, the authority to relieve disabled CHAMPUS beneficiaries from the indebtedness arising from these erroneous payments does not depend upon who actually received the payments.

II. Public Comments

The proposed rule was published on December 4, 1997 (62 FR 64191). We did not receive any public comments.

III. Rulemaking Procedures

Executive Order 12866 requires that a regulatory impact analysis be performed on any significant regulatory action, defined as one which would have an annual effect on the economy of $100 million, or have other significant effects.

The Regulatory Flexibility Act requires that each federal agency prepare a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. This rule is not significant regulatory action under E.O. 12886, nor would it have a significant impact on small entities. The changes set forth in the 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.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, Military personnel.

PART 199—[AMENDED]

Accordingly, 32 CFR Part 199 is amended a 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 199.11 is amended as follows:

a. By revising paragraphs (b)(1) and (g) introductory heading.

b. By redesignating paragraphs (g)(3), (g)(4), (g)(5), (g)(6), (g)(7), (g)(8) and (g)(9) as (g)(4), (g)(5), (g)(6), (g)(7), (g)(8), (g)(9) and (g)(10).

c. By adding paragraph (g)(3) and revising newly redesignated paragraph (g)(10).

§ 199.11 Overpayments recovery.

* * * * *

(b) * * *

(1) *Federal statutory authority.* The Federal Claims Collection Act provides the basic authority under which claims may be asserted pursuant to this section. It is implemented by joint regulations issued by the Department of Justice and the General Accounting Office, 4 CFR parts 101–105. Thereunder, the heads of federal agencies or their designees are required to attempt collection of all claims of the United States for money or property arising out of the activities of their respective agencies. These officials may, with respect to claims that do not exceed $20,000, exclusive of interest, and in conformity with the standards promulgated in the joint regulations, compromise, suspend, or terminate collection action on such claims. Section 743 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) authorizes the waiver (see paragraph (g)(3) of this section) of collection of overpayments otherwise due from a person after the termination of the person's CHAMPUS eligibility, because the person became eligible for Medicare Part A by reason of disability or end-stage renal disease.

* * * * *

(g) *Compromise, waiver, suspension or termination of collection actions arising under the Federal Claims Collection Act.* * * *

* * * * *

(3) *Waiver of collection of erroneous payments due from certain persons unaware of loss of CHAMPUS eligibility.*

(i) The Director, OCHAMPUS may waive collection of payments otherwise due from certain persons as a result of health benefits received under this part after the termination of the person's eligibility for such benefits. Waiver may be granted if collection of such payments would be against equity and good conscience and not in the best interest of the United States. These criteria are met by a finding that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the person who received the erroneous payment or any other person having an interest in obtaining such waiver.

(ii) *Persons eligible for waiver.* The following persons are eligible for waiver:

(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 10 U.S.C. 1086; 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)(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 paragraph (g) of this section 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 § 199.10.

* * * * *

Dated: May 14, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13377 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD1–95–002]

RIN 2115–AE47

Drawbridge Operation Regulations; New Rochelle Harbor, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the Glen Island Bridge, mile 0.8, across New Rochelle Harbor in New Rochelle. The change requires two hours advance notice for openings between the hours of 12 midnight and 6 a.m. from May 1 through October 31, and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November 1 through April 30. This change was requested by the Westchester County Department of Parks because of the few requests for bridge openings during these time periods. This action relieves the bridge owner of the burden of having personnel constantly available to open the bridge and should provide for the reasonable needs of navigation. This change to the regulations will also require the bridge owner to install and maintain clearance gauges.

DATES: This final rule is effective June 19, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, Battery Park Bldg., New York, New York 10004–5073, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668–7069.

FOR FURTHER INFORMATION CONTACT: Mr. J. Arca, project officer, First Coast Guard District, Bridge Branch. The telephone number is (212) 668–7069.

SUPPLEMENTARY INFORMATION:

Regulatory History

On January 27, 1995, the Coast Guard published a notice of proposed rulemaking entitled ''Drawbridge Operation Regulations; New Rochelle Harbor, NY'' in the **Federal Register** (60 FR 5343). Ninety-eight comments expressing opposition to the proposal were received. No public hearing was requested and none was held. Following revision of the regulation request by Westchester County, the Coast Guard, on May 13, 1996, published a supplemental notice of proposed rulemaking entitled ''Drawbridge Operation Regulations; New Rochelle Harbor, New York'' in the **Federal Register** (61 FR 22002). The Coast Guard received sixteen letters commenting on this supplemental notice of proposed rulemaking. No public hearing was requested, and none was held.

Background

The Glen Island Bridge has a vertical clearance of 13 feet above Mean High Water (MHW) and 20 feet above Mean Law Water (MLW) in the closed position. The bridge is presently required to open on signal. The new regulations will provide openings on signal with two hours advance notice between the hours of 12 midnight and 6 a.m. from May 1 through October 31, and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November 1 through April 30.

From May 1994, through October 1994, there were thirty two bridge openings between midnight and 6 a.m. From November 1994, through April 1995, there ware twenty openings between 8 p.m. and 8 a.m. The existing regulations are being changed to provide Westchester County relief from having an operator in constant attendance at the bridge since there is limited demand for bridge openings during the regulated periods.

Discussion of Comments and Changes

Sixteen comments were received in response to the supplemental notice of proposed rulemaking. One expressed no objection; one comment from Westchester County Department of Parks endorsed the proposal; fourteen comments objected to the proposal. Of those fourteen, eight objected because of the misconception that the bridge will not open for marine traffic and they will be forced to use the back for channel. The back channel is considered dangerous for nighttime passage due to the shallowness and narrowness of the channel and the lack of lighted aids to navigation. This concern is dispelled since the bridge will open when needed except an advance notice for openings will be required. Additionally, the waterway provides sufficient area for mariners to anchor nearby while waiting for an opening. Three objections expressed concern that approval of the request would lead to further encroachment on the full time operating hours of the bridge. An approved request for change to operating regulations is not a valid basis for subsequent approval of additional changes. In the event that further changes are sought, if warranted the Coast Guard will reinitiate notice and comment rulemaking. All requests to change regulations are examined in light of the reasonable needs of navigation. One objection expressed concern that vessel appurtenances would have to be lowered. 33 CFR 117.11(a) requires that, ''No vessel owner or operator shall (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable non-structural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position.'' Only those vessel appurtenances that are non-structural and non-essential to navigation have to be lowered in accordance with the law. One commentor requested installation of a marine radio at the bridge. Installation of marine radio is unnecessary since the waterway is strictly recreational and the majority of bridge openings are for sailboats most of which are not equipped with marine radio. Installation of a marine radio will not enhance marine safety and would be an unnecessary economic burden on the bridge owner. The final objection, from the Westchester County Board of Legislators, included a legislative resolution urging denial of the requested change by the Coast Guard based on the deterrent to criminal activity in the adjacent park offered by constant attendance on the bridge. Marine safety concerns were cited as well. Because of opposing views on the regulation change by two elements of Westchester County government, the Coast Guard requested, by letter dated February 26, 1997, that the County Executive reiterate the County's position. By letter March 20, 1997, the Commissioner of the Westchester County Department of Parks, on behalf of the County Executive indicated the County's continued desire to seek the proposed regulation change. A telephone conversation with Parks Commissioner DeSantis on 31 March 1997 provided further confirmation.

The infrequent requests for bridge openings during the regulated period and the ability to obtain bridge openings by providing advance notice makes the requested regulation change reasonable.

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