

fee in quarterly installments, failure to make a required installment payment on a timely basis (including a grace period, as determined by the Director, OCHAMPUS) 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. Section 199.18 is proposed to be amended by revising paragraphs (d)(2)(i) and (f), and by adding paragraph (c)(3), to read as follows:

§ 199.18 Uniform HMO benefit.

* * * * *

(c) * * *

(3) *Waiver of enrollment fee for certain beneficiaries.* The Assistant Secretary of Defense (Health Affairs) may waive the enrollment fee requirements of this section for beneficiaries described in 10 U.S.C. 1086(d)(2) (i.e., those who are eligible for Medicare on the basis of disability or end stage renal disease and who maintain enrollment in Part B of Medicare).

(d) * * *

(2) * * *

(i) For most physician office visits and other routine services, there is a per visit fee for each of the following groups: dependents of active duty members in pay grades E-1 through E-4; dependents of active duty members in pay grades of E-5 and above; and retirees and their dependents. This fee applies to primary care and specialty care visits, except as provided elsewhere in this paragraph (d)(2) of this section. It also applies family health services, home health care visits, eye examinations, and immunizations. It does not apply to ancillary health services or to preventive health services described in paragraph (b)(2) of this section.

* * * * *

(f) *Limit on out-of-pocket under the uniform HMO benefit.* (1) Total out-of-pocket costs per family of dependents of active duty members under the Uniform HMO Benefit may not exceed \$1,000 during the one-year enrollment period. Total out-of-pocket costs per family of retired members, dependents of retired members and survivors under the Uniform HMO Benefit may not exceed \$3,000 during the one-year enrollment period. For this purpose, out-of-pocket costs means all payments required of beneficiaries under paragraphs (c), (d), and (e) of this section. In any case in which a family reaches this limit, all remaining payments that would have been required of the beneficiary under

paragraphs (c), (d), and (e) of this section will be made by the program in which the Uniform HMO Benefit is in effect.

(2) The limits established by paragraph (f)(1) of this section do not apply to out-of-pocket costs incurred pursuant to paragraphs (m)(1)(i) or (m)(2)(i) of § 199.7 under the point-of-service option of TRICARE Prime.

* * * * *

Dated: April 1, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-8611 Filed 4-4-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-97-010]

RIN 2115-AE46

Special Local Regulations; Fort Myers Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the permanent special local regulations for the Fort Myers Beach Offshore Grand Prix. This event, previously scheduled to be held annually on the first Saturday and Sunday of June, will now be held annually during the third Saturday and Sunday of May, between 12 p.m. and 3 p.m. each day (Eastern Daylight Time). These amended regulations are necessary to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before May 1, 1997.

ADDRESSES: Comments may be mailed to U.S. Coast Guard Group St. Petersburg, 600 8th Ave. SE., St. Petersburg, Florida 33701-5099, or may be delivered to the Operations Department at the same address between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (813) 824-7533. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

FOR FURTHER INFORMATION CONTACT: LTJG T.J. Stuhldreier, Coast Guard Group St. Petersburg, FL at (813) 824-7533.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The proposed regulations are needed to provide for the safety of life during

the Fort Myers Beach Offshore Grand Prix because of the permanent change in the date of the event. The event was previously held on the first Saturday and Sunday in June, but will now be held from 12 p.m. EDT to 3 p.m. EDT each day on the third Saturday and Sunday in May. There will be approximately 170 participants and spectator craft associated with the event, which will be held off Fort Myers Beach between Matanzas Pass and Big Carlos Pass. The resulting congestion of navigable channels on the third weekend in May, vice the first weekend in June, creates an extra or unusual hazard in the navigable waters.

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names, addresses, identify the notice (CGD07-97-010) and the specific section of this proposal to which their comments apply, and give reasons for each comment. The Coast Guard will consider all comments received during the comment period. The regulations may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if the written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will add to the rulemaking process. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt should include stamped, self-addressed post cards or envelopes.

Regulatory Evaluation

This proposal is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of the 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of

DOT is unnecessary. The proposed amended regulation would remain in effect for only 4 hours each day for two days.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

Collection of Information

These proposed regulations contain 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 it 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 pursuant to section 2.B.2.e.(34)(h) of Commandant Instruction M16475.1B, that this action is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Regattas and marine parades.

Proposed Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, the Coast Guard proposes to be amended as follows:

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

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

2. In section 100.717, paragraph (c) is revised to read as follows:

§ 100.717 Special Local Regulations; Fort Myers Beach, FL.

* * * * *

(c) *Effective Dates:* This section is effective each day from 11 a.m. through

3 p.m. EDT annually during the third Saturday and Sunday of May.

Dated: March 27, 1997.

J.W. Lockwood,

*Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.*

[FR Doc. 97-8744 Filed 4-4-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 101

[CC Docket No. 92-297; FCC 97-82]

Use of the 28 GHz and 31 GHz Bands for Local Multipoint Distribution Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission adopts a *Second Report and Order*, *Order on Reconsideration* and *Fifth Notice of Proposed Rulemaking* regarding the use of the 28 GHz and 31 GHz Bands for Local Multipoint Distribution Service (LMDS). The *Second Report and Order* designates an additional 300 megahertz of spectrum in the 31 GHz band to LMDS and adopts service and competitive bidding rules for LMDS. The *Order on Reconsideration* denies petitions for reconsideration of the Commission's dismissal of applications for waiver of the Commission's point-to-point rules governing the 28 GHz band. These portions of the decision will be summarized in a future edition of the **Federal Register**. The *Fifth Notice of Proposed Rulemaking (Fifth NPRM)* seeks comment on specific rules to be applied for the partitioning and disaggregation of LMDS licenses. This action is taken to establish a record from which to consider procedural, administrative and operational rules for partitioning and disaggregating LMDS licenses and to reach an ultimate decision. This *Fifth NPRM* contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA). It will be submitted to the Office of Management and Budget (OMB) for review under the PRA. The general public is invited to comment on the proposed information collections contained in this proceeding.

DATES: Comments are due on or before April 21, 1997, and reply comments are due on or before May 6, 1997. Written comments by the public on the proposed information collections are due by April 21, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Bob James, Private Wireless Division, (202) 418-0680, Mark Bollinger or Jay Whaley, Auctions Division, (202) 418-0660, or Joe Levin or Jane Phillips, Policy Division, (202) 418-1310. For additional information concerning the information collections contained in this *Fifth NPRM*, contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Fifth NPRM* segment of the *Second Report and Order*, *Order on Reconsideration* and *Fifth Notice of Proposed Rulemaking* in CC Docket No. 92-297, FCC 97-82, adopted March 11, 1997, and released March 13, 1997. The *Second Report and Order* portion of this decision will be summarized in a future edition of the **Federal Register**. The complete text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Paperwork Reduction Act

1. This *Fifth NPRM* contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this *Fifth NPRM*, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due at the same time as other comments on this *Fifth NPRM*. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated