

interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

### The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Harbor Springs, MI, for Harbor Springs Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

### AGL MI E5 Harbor Springs, MI [Revised]

Harbor Springs Airport, MI

(Lat. 45°25'32"N., long. 84°54'48"W.)

Pellston VORTAC

(Lat. 45°37'50"N., long. 84°39'51"W.)

Sault Ste Marie, Chippewa County

International Airport, MI

(Lat. 46°14'03"N., long. 84°28'21"W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Harbor Springs Airport and the airspace extending upward from 1,200 feet above the surface within an area bounded on the north by latitude 46°03'00"N, on the northeast by the 22-mile radius of the Chippewa County International Airport, on the southeast by the 16.6-mile radius of the Pellston VORTAC, on the south by latitude 45°45'00"N, and on the west by longitude 85°56'00"W, excluding that airspace within V78, and the Manistique, MI, Class E airspace area.

\* \* \* \* \*

Issued in Des Plaines, Illinois on April 17, 2000.

**David B. Johnson,**

*Acting Manager, Air Traffic Division.*

[FR Doc. 00-10914 Filed 5-1-00; 8:45 am]

**BILLING CODE 4910-13-M**

### DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 165

[CGD01-00-007]

RIN 2115-AA97

### Regulated Navigation Area, Boston, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to decrease the safety zone ahead of loaded Liquefied Natural Gas tank vessels while the vessels transit Boston North Channel and Boston Harbor from two (2) miles ahead to one (1) mile ahead of the vessel. This action is necessary to bring

the current safety zone into more realistic boundaries due to the configuration of the harbor. This decrease of one mile ahead of the vessel will have no effect on the safety of the transits of these vessels, and will serve to facilitate commerce in Boston Harbor.

**DATES:** Comments and related material must reach the Coast Guard on or before July 3, 2000.

**ADDRESSES:** Comments should be made to: Commanding Officer, Marine Safety Office Boston, Attn: LT Mike Antonellis, 455 Commercial Street, Boston, Massachusetts 02109. The Inspections and Investigations Department maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Coast Guard Marine Safety Office between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Mike Antonellis, Marine Safety Office, Boston, Massachusetts 02109; (617) 223-3000.

### SUPPLEMENTARY INFORMATION:

### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting comments and related material. Each person submitting comments should include their name and address, identify the docket number for this rulemaking (CGD1-00-007), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Comments and related material should be submitted on 8½"×11" paper in a format suitable for copying. Persons requesting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments and material submitted during the comment period will be considered by the Coast Guard and may change this proposal.

### Public Meeting

The Coast Guard has no plans to hold a public meeting. Persons may request a public meeting by writing to Marine Safety Office, Boston, MA at the address under **ADDRESSES** explaining why one would be beneficial. If the Coast Guard determines that oral presentations would aid this rulemaking, it will hold one at a time and place announced by a later notice in the **Federal Register**.

## Background and Purpose

The purpose of this regulation is to allow for more realistic management of the current safety zone. The current safety zone is for two (2) miles ahead of Liquefied Natural Gas (LNG) tank vessels when transiting Boston Harbor. During these transits, two (2) miles ahead of the vessel is not always visible from the vessel, due to the physical configuration of the harbor.

LNG tank vessels transit Boston Harbor approximately once a week. Currently, a safety zone is in place two (2) miles ahead of a loaded LNG vessel and one (1) mile astern of the vessel while transiting Boston Harbor. The current two (2) mile ahead distance extends beyond the harbor for the majority of the transit. Reducing this distance to one (1) mile will allow a more realistic management of the safety zone by eliminating areas beyond the harbor and main ship channel from the safety zone.

## Discussion of Proposed Rule

The existing rule will be amended to reduce the safety zone from two (2) miles ahead to one (1) mile ahead of all Liquefied Natural Gas tank vessels transiting Boston Harbor. The purpose of this regulation is to allow for more realistic management of the current safety zone due to the physical configuration of the harbor.

## Regulatory Evaluation

This proposed 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. The Office of Management and Budget has not reviewed it 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.

As this proposed rule will decrease the boundaries of an already existing safety zone, the economic impact should be minimal, as fewer entities will be affected by the new safety zone.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities"

comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Boston Harbor during Liquefied Natural Gas Carrier transits.

This reduction of the safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. Although the safety zone would apply to the majority of the harbor, traffic would be allowed to pass through the zone with the permission of the Coast Guard patrol commander. Before the effective period, maritime advisories would be made to notify all users of the harbor.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

## Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Mike Antonellis, Marine Safety Office, Boston, MA 02109; (617) 223–3000.

## Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

## Federalism

The Coast Guard has analyzed this proposed rule under E.O. 13132 and has determined that this rule does not have implications for federalism under that Order.

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

## Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

## Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

## Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.IC, this proposed rule is categorically excluded from further environmental documentation. A categorical exclusion is not required for actions that reduce the size of a safety zone.

## List of Subjects in 33 CFR Part 165

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

## Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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), 6.04–6 and 160.5; 49 CFR 1.46.

**§ 165.110 [Amended]**

2. In § 165.110(a)(1), remove the words “two miles” and add, in its place, the words “one mile”.

Dated: April 3, 2000.

**J.R. Whitehead,**

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

[FR Doc. 00–10848 Filed 5–1–00; 8:45 am]

**BILLING CODE 4910–15–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[OK–19–1–7453b; FRL–6582–2]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** We propose to approve the section 111(d) Plan submitted by the Oklahoma Department of Environmental Quality on November 17, 1999, to implement and enforce the Emissions Guidelines (EG) for existing Hospital/Medical/Infectious Waste Incinerators (MWI). The EG require States to develop plans to reduce toxic air emissions from all MWIs. In the final rules section of this **Federal Register**, we are approving the State Plan as a direct final rule without prior proposal because we view this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If we receive adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please see the direct final notice of this action located elsewhere in today's **Federal Register** for a detailed description of the Oklahoma State Plan.

**DATES:** Comments must be received by June 1, 2000.

**ADDRESSES:** You should address comments on this action to Lt. Commander Mick Cote, EPA Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. Copies of all materials considered in this rulemaking may be

examined during normal business hours at the following locations: EPA Region 6 offices, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202, and at the Oklahoma Department of Environmental Quality offices, 707 North Robinson, Oklahoma City, Oklahoma 73101–1677. **FOR FURTHER INFORMATION CONTACT:** Lt. Commander Mick Cote at (214) 665–7219.

### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 31, 2000.

**Jerry Clifford,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 00–10762 Filed 5–1–00; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Inspector General

#### 42 CFR Part 1003

**RIN 0991–AB04**

#### Medicare and State Health Care Programs: Fraud and Abuse; Civil Money Penalty Safe Harbor To Protect Payment of Medicare Supplemental Insurance and Medigap Premiums for ESRD Beneficiaries

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In accordance with section 5201 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999, this proposed rule would set forth in the OIG's civil money penalty provisions in 42 CFR part 1003 a new safe harbor for unlawful inducements to beneficiaries to provide protection for independent dialysis facilities that pay, in whole or in part, premiums for Supplementary Medical Insurance (Medicare Part B) or Medicare Supplemental Health Insurance policies (Medigap) for financially needy Medicare beneficiaries with end-stage renal disease (ESRD). This safe harbor would specifically establish various standards and guidelines that, if met, would result in the particular arrangement being protected from civil sanctions under section 1128A(a)(5) of the Social Security Act.

**DATES:** To assure consideration, public comments on this proposed rule must

be delivered to the address provided below by no later than 4:30 p.m. on July 3, 2000.

**ADDRESSES:** Please mail or deliver your written comments to the following address: Office of Inspector General, Department of Health and Human Services, Attention: OIG–699–P, Room 5546, Cohen Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. We do not accept comments by facsimile (FAX) transmission. In commenting, please refer to code OIG–699–P.

**FOR FURTHER INFORMATION CONTACT:** Julie Kass (202) 205–9501 or Joel Schaer (202) 619–0089, Office of Counsel to the Inspector General.

### SUPPLEMENTARY INFORMATION:

#### I. Background

##### A. Section 1128A(a)(5) of the Social Security Act

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104–191, amended the Social Security Act (Act) to prohibit providers from offering patients any inducement to order or receive items or services from a particular provider, practitioner or supplier. Specifically, section 231(h) of HIPAA established a new provision—section 1128A(a)(5) of the Act—to provide for the imposition of a civil money penalty (CMP) against any person who:

Offers or transfers remuneration to any individual eligible for benefits under [Medicare or Medicaid] that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under [Medicare or Medicaid].

Section 231(h) of HIPAA also created a new section 1128A(i)(6) of the Act to define the term “remuneration” for purposes of the new CMP. The section defines “remuneration,” in relevant part, as “transfers of items or services for free or for other than fair market value.” Remuneration does not include certain enumerated practices, including waivers of coinsurance and deductible amounts, if the waiver: (1) Is not advertised; (2) is not routinely offered; and (3) is made following an individualized good faith assessment of financial need or is made after reasonable efforts to collect the coinsurance or deductible amounts have failed. There is no exception for the payment of Medicare Part B or Medigap insurance premiums on behalf of beneficiaries even when the same criteria are met.