

requirements of § 194.22. After EPA reviews these documents for adequacy, EPA will conduct an inspection of a DOE audit of the site to determine whether the requirements set out in these documents are being adequately implemented in accordance with Conditions 2 and 3 of EPA's WIPP certification decision (Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance With the 40 CFR Part 191 Disposal Regulations: Certification Decision). Section 194.8 of the WIPP Compliance Criteria (as amended by the final certification decision) provides the public at least 30 days to comment on the documents placed in EPA's docket relevant to the site approval process.

If EPA determines that the provisions in the documents are adequately implemented, EPA will notify DOE by letter and place the letter in the official Air Docket in Washington DC, and in the informational docket locations in New Mexico. A positive approval letter will allow DOE to begin shipping TRU waste from RFETS. EPA will not make a determination of compliance before the inspection or before the 30-day comment period has closed.

Information on EPA's radioactive waste disposal standards (40 CFR Part 191), the compliance criteria (40 CFR Part 194), and EPA's certification decision is filed in the official EPA Air Docket, Dockets No. R-89-01, A-92-56, and A-93-02, respectively, and is available for review in Washington DC, and at the three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air Docket since the October 1992 enactment of the WIPP LWA.

Dated: May 14, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98-13606 Filed 5-20-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-64; RM-9272]

Radio Broadcasting Services; St. Anne, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by STARadio Corporation proposing the allotment of Channel 293A at St. Anne, Illinois, as the community's first local aural transmission service. Channel 293A can be allotted to St. Anne in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.6 kilometers (6.6 miles) southeast to avoid short-spacings to the licensed sites of Station WYBA(FM), Channel 292A, Lansing, Illinois, and Station WGCY(FM), Channel 292A, Gibson City, Illinois. The coordinates for Channel 293A at St. Anne are North Latitude 40-56-20 and West Longitude 87-39-10.

DATES: Comments must be filed on or before July 6, 1998, and reply comments on or before July 21, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Michael Ruger, Esq., Baker & Hostetler, LLP, 1050 Connecticut Ave., NW., Suite 1100, Washington, DC 20036-5304 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-64, adopted May 6, 1998, and released May 15, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-13567 Filed 5-20-98; 8:45 am]

BILLING CODE 6712-01-P

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Part 1609

RIN 3206-AI27

Prohibition of "Gag Clauses" in the Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed rule making.

SUMMARY: The Office of Personnel Management (OPM) is proposing to amend the regulations to prohibit health benefit carriers participating in the Federal Employees Health Benefits (FEHB) Program from entering into contractual provisions with health care providers or health care workers that would include a provision for incentive payments as an inducement to reduce or limit communication with, or the delivery of health care services to, FEHB enrollees. The rule is intended to ensure providers' and health care workers' ability to communicate with, and advise patients of, any medically necessary treatment options.

DATES: Comments must be received on or before July 20, 1998.

ADDRESSES: Comments should be directed to Abby L. Block, Chief, Insurance Policy and Information Division, OPM, Room 3425, 1900 E Street, NW., Washington, DC 20415-0001.

FOR FURTHER INFORMATION CONTACT: Michael W. Kaszynski, (202) 606-0004.

SUPPLEMENTARY INFORMATION: You may submit comments and data by sending electronic mail (E-mail) to: MWKASZYN@OPM.Gov.

On February 20, 1998, the President signed an Executive Memorandum directing the Office of Personnel Management (OPM) to take the necessary steps to bring the FEHB Program into contractual compliance with the Consumer (Patient) Bill of Rights and Responsibilities by no later than year end 1999. The Memorandum specifically directed OPM to propose regulations within 90 days to prohibit practices that restrict physician-patient communications about medically necessary treatment options. This action will prohibit FEHB participating carriers

from placing incentives in contracts with health care providers or health care workers that would limit providers' or health care workers' ability to discuss medically necessary treatment options with Federal enrollees. We are aware that a proposal to enact a "gag clause" regulation raises three broad areas of concern regarding: (1) potential impairment of a health plan's ability to review utilization against appropriate treatment protocols, (2) potential conflict with providers' (including carriers') ethical or moral beliefs, and (3) impact on providers' or workers' ability to discuss non-covered or high cost treatment options. This regulation is not intended to limit a health plan's ability to perform utilization review nor is it intended to cause providers or health care workers to discuss treatment options that they would not ordinarily discuss in their normal course of practice because such options are against their professional judgement and/or ethical, moral or religious beliefs. The regulation will ensure that providers or health care workers have the ability to communicate fully and openly with patients regarding medically necessary treatment options regardless of cost or whether the benefits are covered by their health plan. Simply stated, the amended regulation is intended to remove any contractual impediment to a candid and open physician-patient relationship.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect health insurance carriers under the Federal Employees Health Benefits Program.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 48 CFR Part 1609

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professionals, Hostages, Iraq, Kuwait, Lebanon, Reporting and record keeping requirements, Retirement.

Office of Personnel Management.

Janice R. Lachance,
Director.

For the reasons set forth in the preamble OPM proposes to amend 48 CFR Part 1609 as follows:

Subpart 1609.70—Minimum Standards for Health Benefit Carriers

1. The authority citation for 48 CFR Part 1609 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

2. In § 1609.7001 new paragraph (c)(7) is added to read as follows:

§ 1609.7001 Minimum Standards for Health Benefits Carriers

* * * * *

(c) * * *

(7) Entering into contracts with providers or health care workers that include incentive plans that directly or indirectly create an inducement to limit communication of, or reduce, medically necessary services to any individual covered under the FEHB Program.

[FR Doc. 98-13782 Filed 5-19-98; 2:20 pm]

BILLING CODE 6325-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA-97-2095; Notice 1]

RIN 2137-AC11

Pipeline Safety: Adoption of Industry Standards for Breakout Tanks

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would incorporate industry consensus standards for aboveground storage tanks into the regulations for the transportation of hazardous liquids by pipelines. This action would upgrade the pipeline safety regulations for breakout tanks to the level of the industry standards currently applicable to other steel petroleum tanks at tank farms and refineries throughout the United States. The proposed incorporation of these industry published standards would ensure the safety of breakout tanks used in the transportation of petroleum, petroleum products or anhydrous ammonia.

DATES: RSPA invites interested persons to submit comments by July 20, 1998. Late filed comments will be considered as far as practicable.

ADDRESSES: All commenters should identify the docket number as RSPA-97-2095 and the subject heading as "Pipeline Safety: Adoption of Industry

Standards for Breakout Tanks." Written comments should be mailed or delivered to the Docket Facility, U.S. Department of Transportation, Room #PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. The original and two copies of the comments should be submitted. Persons mailing comments and desiring confirmation of their receipt must include a self-addressed stamped postcard. The Dockets Facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays when the facility is closed. Comments may also be submitted electronically via e-mail to ops.comments@rspa.dot.gov. Files should be sent in ASCII or text format.

FOR FURTHER INFORMATION CONTACT: Albert C. Garnett, Office of Pipeline Safety (OPS), telephone: (202) 366-2036, FAX: (202) 366-4566, e-mail: albert.garnett@rspa.dot.gov regarding the subject matter of this notice; or the Docket Facility, telephone (800) 647-5527 regarding copies of this notice or other material in the docket.

Comments that have been scanned into the docket may be accessed electronically and read at <http://dms.dot.gov>. General information about the RSPA/Office of Pipeline Safety programs can be obtained by accessing OPS's internet homepage at <http://ops.dot.gov>.

SUPPLEMENTARY INFORMATION:

Background

Definition and Regulation of Breakout Tanks

In 49 CFR § 195.2 a breakout tank is defined as a tank used to: (a) relieve surges in a hazardous liquid pipeline system; or (b) receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline. Hazardous liquids are defined in 195.2 as: petroleum, petroleum products, or anhydrous ammonia.

Breakout tanks are designed, constructed, operated, and maintained to the same industry standards as other storage tanks throughout the petroleum industry. Consequently, breakout tanks are indistinguishable from other storage tanks that may be located at the same pipeline terminal. They are simply tanks that the operator has assigned to breakout tank functions.

These steel storage tanks are constructed in various configurations, sizes, and material properties to safely contain the liquids and their volatility at the design temperature(s) and pressure(s). Most breakout tanks are aboveground vertical cylindrical tanks that are classified as either atmospheric