Medicare uses in regulating incentive plans since we are not trying to broadly regulate incentive plans, only those specific financial incentives that create an inducement to prevent full and open communication between providers and patients. OPM does not believe it is necessary to replicate the complexity of the Medicare regulation in the FEHB Program in order to meet the goals of the Patient Bill of Rights.

One commenter expressed support for the principle that providers and workers have the ability to communicate fully and openly with patients regarding medically necessary treatment options regardless of cost or plan coverage. However, the commenter cautioned OPM not to interpret the rule to extend beyond communications to regulate broadly compensation arrangements between plans and providers. The commenter also suggested that we include a reference in the preamble that the proposed regulation is not intended to limit the ability of a health plan to operate its quality assurance program. While we believe that the proposed regulation made clear that OPM did not intend to regulate broadly compensation arrangements between plans and providers, we have reiterated that the provision only applies to open communication. The preamble has been revised to specify that the intent of the regulation is not to limit the ability of a health plan to operate its quality assurance program.

One commenter asked that we specify in the regulation that nothing in the regulation should be construed to cause providers or carriers to violate their ethical, moral or religious beliefs. The regulation has been modified accordingly.

One commenter indicated that if OPM believes that an exception for ethical or moral beliefs is necessary, the exception should be available to individuals only and not to health plans or insurance carriers. We have modified the regulation so that the exception for ethical, moral, or religious beliefs applies only to providers, health care workers, or health plan sponsoring organizations.

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 is amending 48 CFR Part 1609 as follows:

PART 1609—[AMENDED]

Subpart 1609.70—Minimum Standards for Health Benefits 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 or employment agreements with providers, provider groups, or health care workers that include provisions or financial incentives that directly or indirectly create an inducement to limit or restrict communication about medically necessary services to any individual covered under the FEHB Program. Financial incentives are defined as bonuses, withholds, commissions, profit sharing or other similar adjustments to basic compensation (e.g., service fee, capitation, salary) which have the effect of limiting or reducing communication about appropriate medically necessary services. Providers, health care workers, or health plan sponsoring organizations are not required to discuss treatment options that they would not ordinarily discuss in their customary course of practice because such options are inconsistent with their professional judgment or ethical, moral or religious beliefs.

[FR Doc. 98–21498 Filed 8–6–98; 2:53 pm]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 564 and 571

[Docket No. NHTSA 98–4274]

RIN 2127–AH32

Replaceable Light Source Information; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendment; final rule.

SUMMARY: This document amends part 564 and Federal Motor Vehicle Safety Standard No. 108 in part 571 to remove the references to Docket No. 93–11 and add new Docket No. NHTSA 98–3397, which has been established to receive manufacturers' information on replaceable light sources. This action reflects an internal change to NHTSA's docket management system.

DATES: The final rule is effective August 10, 1998.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202–366–5263).

SUPPLEMENTARY INFORMATION: Pursuant to 49 CFR Part 564, *Replaceable Light Source Information*, manufacturers of replaceable light sources used in motor vehicle headlighting systems are required to submit to NHTSA certain dimensional, electrical specification and marking/designation information. Heretofore, section 564.5(a) has required this information to be submitted to the Associate Administrator, Safety Performance Standards, NHTSA, attention: Docket No. 93–11. There are also cross references to Docket No. 93–11 in Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment* (49 CFR 571.108).

NHTSA has rearranged its docket system to accord with the electronic system adopted by the Department of Transportation. A new docket has been established to receive the information on replaceable light sources previously submitted to Docket No. 93–11. The number of this new docket is Docket NHTSA 98–3397. It is therefore necessary to amend Part 564 and Standard No. 108 to reflect the change in docket numbers. Henceforth, submittals should be addressed ''attention: Docket No. NHTSA 98–3397, Part 564—Replaceable Light Source Information.''

Material previously submitted to Docket No. 93–11 will be transferred to Docket NHTSA 98–3397, effective around August 15, 1998.

Effective Date

Since the amendment concerns internal NHTSA procedures and imposes no burden upon any person, notice and public comment thereon are not required by the Administrative Procedure Act. For the same reasons, regulatory analyses are not required, and the amendment may be made effective immediately upon its publication in the **Federal Register**.

List of Subjects in 49 CFR Parts 564 and 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR parts 564 and 571 are amended as follows:

PART 564—REPLACEABLE LIGHT SOURCE INFORMATION

1. The authority citation for part 564 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at 49 CFR 1.50.

2. Section 564.5(a) is amended by removing ''Attention: Replaceable Light Source Information Docket No. 93–11 (unless the agency has already filed such information in Docket No. 93–11'' and adding ''Attention: Part 564—Replaceable Light Source Information (unless the agency has already filed such information in Docket No. NHTSA 98–3397)''.

3. Section 564.5 is amended by removing ''Docket No. 93–11'' and adding ''Docket No. NHTSA 98–3397'' in paragraphs (c), (d) introductory text, and (d)(4).

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.108 is amended by removing ''Docket No. 93–11'' and adding ''Docket No. NHTSA 98–3397'' in paragraphs S7.7(b) and S7.7(d)(1).

Issued on: August 4, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–21298 Filed 8–7–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 950407093–8201–04; I.D. 063098A]

Endangered and Threatened Species; Threatened Status for the Oregon Coast Evolutionarily Significant Unit of Coho Salmon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: In 1995, NMFS completed a comprehensive status review of west coast coho salmon (*Oncorhynchus kisutch*) that resulted in proposed listings for three Evolutionarily Significant Units (ESUs), including an Oregon Coast ESU of coho salmon inhabiting coastal streams between Cape Blanco and the Columbia River. After reviewing additional information, including biological data on the species' status and an assessment of protective efforts, NMFS concluded that this ESU did not warrant listing. However, the Oregon District Court recently overturned the decision and remanded the rule back to the agency. The District Court concluded that the ESA does not allow NMFS to consider the biological effects of future or voluntary conservation measures when making a listing determination. In light of the Court's order, the agency now concludes that the Oregon Coast coho salmon ESU warrants listing as a threatened species.

NMFS will issue any protective regulations deemed necessary under section 4(d) of the Endangered Species Act (ESA) for this ESU in a separate rulemaking. Even though NMFS is not issuing protective regulations for this ESU at this time, Federal agencies are required under section 7 of the ESA to consult with NMFS if any activity they authorize, fund, or carry out may affect listed Oregon Coast coho salmon.

In the Oregon Coast ESU, only naturally spawned populations of coho salmon are listed. NMFS has examined the relationship between hatchery and natural populations of coho salmon in this ESU and determined that none of the hatchery populations are currently essential for recovery and, therefore, the hatchery populations are not listed.

DATES: Effective October 9, 1998.

ADDRESSES: Garth Griffin, NMFS, Northwest Region, Protected Species Program, 525 NE. Oregon St., Suite 500, Portland, OR 97232–2737; Kellie Carter, NMFS, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Rob Jones at (503) 230–5429 or Garth Griffin at (503) 231–2005.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

The history of petitions received regarding coho salmon is summarized in the proposed rule published on July 25, 1995 (60 FR 38011). The most comprehensive petition was submitted by the Pacific Rivers Council and by 22 co-petitioners on October 20, 1993. In response to that petition, NMFS assessed the best available scientific and commercial data, including technical information from Pacific Salmon Biological and Technical Committees (PSBTCs) in Washington, Oregon, and California. The PSBTCs consisted of scientists from Federal, state, and local resource agencies, Indian tribes, universities, industries, professional societies, and public interest groups with technical expertise relevant to coho salmon. NMFS also established a Biological Review Team (BRT), composed of staff from its Northwest Fisheries Science Center and Southwest Regional Office, which conducted a coastwide status review for coho salmon (Weitkamp et al., 1995).

Based on the results of the BRT report, and after considering other information and existing conservation measures, NMFS published a proposed listing determination (60 FR 38011, July 25, 1995) that identified six ESUs of coho salmon, ranging from southern British Columbia to central California. The Olympic Peninsula ESU was found not to warrant listing, and the Oregon Coast ESU, Southern Oregon/Northern California Coasts ESU, and Central California Coast ESU were proposed for listing as threatened species. The Puget Sound/Strait of Georgia ESU and the lower Columbia River/southwest Washington Coast ESU were identified as candidates for listing. NMFS is in the process of completing status reviews for the latter two ESUs; results and findings for both will be announced in an upcoming **Federal Register** document.

On October 31, 1996, NMFS published a final rule listing the Central California Coast ESU as a threatened species (61 FR 56138). Concurrently, NMFS announced that a 6-month extension was warranted for the Oregon Coast and Southern Oregon/Northern California Coasts ESUs (61 FR 56211), pursuant to section 4(b)(6)(B)(i) of the ESA, due to the fact that there was