(A) For dependents of active duty members in pay grades E–1 through E–4, 10 percent of the negotiated fee;

(B) For dependents of active duty members in pay grades of E–5 and above, 15 percent of the negotiated fee; and

(C) For retirees and their dependents, 20 percent of the negotiated fee.

(iv) For emergency room services, the per visit fee is as follows:

(A) For dependents of active duty members in pay grades E–1 through E–4, $10;

(B) For dependents of active duty members in pay grades of E–5 and above, $30; and

(C) For retirees and their dependents, $30.

(v) For primary surgeon services in ambulatory surgery, the per service fee is as follows:

(A) For dependents of active duty members in pay grades E–1 through E–4, $25;

(B) For dependents of active duty members in pay grades of E–5 and above, $25; and

(C) For retirees and their dependents, $25.

(vi) The copayment for each 30-day supply (or smaller quantity) of a prescription drug is as follows:

(A) For dependents of active duty members in pay grades E–1 through E–4, $5;

(B) For dependents of active duty members in pay grades of E–5 and above, $5; and

(C) For retirees and their dependents, $9.

(vii) The copayment for ambulance services is as follows:

(A) For dependents of active duty members in pay grades E–1 through E–4, $10;

(B) For dependents of active duty members in pay grades of E–5 and above, $15; and

(C) For retirees and their dependents, $20.

(e) *Inpatient cost sharing requirements under the uniform HMO benefit.*

(1) *In general.* In lieu of usual CHAMPUS cost sharing requirements (see § 199.4(f)), special cost sharing amounts are required. The specific requirements shall be uniform and shall be published as a notice annually by the Assistant Secretary of Defense (Health Affairs).

(2) *Structure of cost sharing.* For services other than mental illness or substance use treatment, there is a nominal copayment for active duty dependents and for retired members, dependents of retired members, and survivors. For inpatient mental health and substance use treatment, a separate per day charge is established.

(3) *Amount of inpatient cost sharing requirements.*

Beginning in fiscal year 1996, the inpatient cost sharing requirements are as follows:

(i) For acute care admissions and other non-mental health/substance use treatment admissions, the per diem charge is as follows, with a minimum charge of $25 per admission:

(A) For dependents of active duty members in pay grades E–1 through E–4, $11;

(B) For dependents of active duty members in pay grades of E–5 and above, $11; and

(C) For retirees and their dependents, $11.

(ii) For mental health/substance use treatment admissions, and for partial hospitalization services, the per diem charge is as follows, with a minimum charge of $25 per admission:

(A) For dependents of active duty members in pay grades E–1 through E–4, $20;

(B) For dependents of active duty members in pay grades of E–5 and above, $20; and

(C) For retirees and their dependents, $40.

(f) *Limit on out-of-pocket costs for retired members, dependents of retired members, and survivors under the uniform HMO benefit.* 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.

(g) *Updates.* The enrollment fees for fiscal year 1996 set under paragraph (c) of this section and the per service specific dollar amounts for fiscal year 1996 set under paragraphs (d) and (e) of this section may be updated for subsequent years to the extent necessary to maintain compliance with statutory requirements pertaining to government costs. This updating does not apply to cost sharing that is expressed as a percentage of allowable charges; these percentages will remain unchanged. The Secretary shall ensure that the TRICARE program complies with statutory cost neutrality requirements.

Dated: September 28, 1995.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–24576 Filed 10–4–95; 8:45 am]

BILLING CODE 5000–04–M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Parts 110 and 165

**[CGD 05–95–066]**

## Anchorage Grounds; Delaware River, Marcus Hook Range Channel, Marcus Hook Anchorage (Anchorage 7), Mantua Creek Anchorage (Anchorage 9), and Deepwater Point Anchorage (Anchorage 6). Safety Zone; Delaware River, Marcus Hook Range Channel

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around dredging operations in the Marcus Hook Range channel adjacent to anchorage 7. To facilitate the rerouting of ship traffic through the area, the Coast Guard is suspending a regulation that allows ships to anchor for up to 48 hours in the Marcus Hook Anchorage (Anchorage 7), Mantua Creek Anchorage (Anchorage 9 ), and Deepwater Point Anchorage (Anchorage 6), and instituting temporary regulations governing these anchorages. The safety zone is needed to protect vessels, the port community and the environment from the hazards associated with dredging operations in the Marcus Hook Range channel and to minimize temporary port congestion during dredging operations. Entry into this zone is prohibited unless authorized by the Captain of the Port, Philadelphia, PA.

**EFFECTIVE DATES:** This rule is effective from 12:01 p.m., on September 20, 1995 until 6 a.m., on October 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** LTJG S.J. Kelly, Project Officer c/o U.S. Coast Guard Captain of the Port, 1 Washington Ave., Philadelphia, PA. 19147–4395, Phone: (215) 271–4909.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. The Coast Guard was informed by U.S. Army Corps of Engineers, Philadelphia District on August 30, 1995 that dredging

operations would commence on September 15, 1995. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to protect the environment and mariners against potential hazards associated with the dredging operations in the Marcus Hook Range channel.

Drafting Information

The drafters of this regulation are LTJG S.J. Kelly, project officer for the Captain of the Port, Philadelphia, and LCDR J.C. Good, project attorney, Fifth Coast Guard District.

Discussion of the Regulation

Upon request from the U.S. Army Corps of Engineers, the Coast Guard is establishing a safety zone around dredging operations in the Marcus Hook Range channel. Ship traffic through the Marcus Hook Range channel will be diverted through anchorage 7 to reduce the hazards associated with dredging of the channel. Anchorage restrictions in the Mantua Creek and Deepwater Point Anchorages are being imposed to accommodate those vessels that will be prevented from anchoring in Marcus Hook Anchorage.

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 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Captain of the Port, Philadelphia will direct anchoring of vessels so as not to significantly impede traffic flow in the vicinity of the dredging operations.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and, it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

*33 CFR Part 110*

Anchorage grounds.

*33 CFR Part 165*

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

Temporary Regulation

In consideration of the foregoing, the Coast Guard amends 33 CFR 110 and 33 CFR 165 as follows:

## PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.157, paragraph (b)(2), is suspended and a new paragraph (d) is added to read as follows:

### § 110.157 Delaware Bay and River.

* * * * *

(d)(1) Except as otherwise provided in this section, no vessel shall occupy any anchorage for a longer period than 48 hours without a permit from the Captain of the Port. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the Captain of the Port for that purpose. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(2) Vessels anchoring in anchorage area 7 off Marcus Hook, as described in paragraph (a)(8) of this section, shall obtain permission from the Captain of the Port, Philadelphia, PA, at least 24 hours in advance. Permission to anchor will be granted on a ''first-come, first-served'' basis. Only one vessel, at any time, will be permitted to anchor in the anchorage. Vessels will not be permitted to occupy the anchorage for more than 12 hours.

(3) The following regulations apply to anchorage 6 off Deepwater Point and anchorage 9 near the entrance to Mantua Creek, as described in § 110.157 (a)(7) and (a)(10), respectively, of this part:

(i) Vessels 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, PA at least 24 hours in advance.

(ii) Vessels 700–750 feet in length shall have one (1) tug alongside at all times while at anchor.

(iii) Vessels greater than 750 feet in length shall have two (2) tugs alongside at all times while at anchor.

(iv) Tugs required for vessels at anchor must be of sufficient horsepower to assist with necessary maneuvers to remain clear of the navigation channel.

## PART 165—[AMENDED]

3. 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), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

4. A new § 165.T05–066 is added to read as follows:

### § 165.T05–066 Safety Zone: Delaware River, Marcus Hook Range Channel.

(a) *Location:* The following area is a moving safety zone: All waters within a 150 yard radius of dredging operations in or near the Marcus Hook Range channel in the vicinity of anchorage 7.

(b) *Effective Dates:* This rule is effective from 12:01 p.m., on September 20, 1994 until 6 a.m., on October 31, 1995, unless terminated sooner by the Captain of the Port, Philadelphia or his designated representative.

(c) *Regulations:* The following regulations shall apply within the safety zone.

(1) Entry into this zone is prohibited unless authorized by the Captain of the Port, Philadelphia, PA.

(2) Vessels transiting the Marcus Hook Range channel shall divert from the main ship channel through Anchorage 7, remain at least 150 yards from the dredging operations, and operate at a minimum safe speed necessary to maintain steerageway and reduce wake.

(3) The operator of any vessel in the safety zone shall proceed as directed by the designated representative of the Captain of the Port, Philadelphia, PA.

(4) The senior boarding officer enforcing the safety zone may be contacted on VHF channels 13 & 16. The Captain of the Port, Philadelphia and the Command Duty Officer at the

Marine Safety Office, Philadelphia, may be contacted at telephone number (215) 271–4940.

(d) *Definitions: The following definitions apply to this section: Designated representative of the Captain of the Port* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Philadelphia, Pennsylvania, to act on his behalf.

Dated: September 20, 1995.

W.J. Ecker,

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

[FR Doc. 95–24528 Filed 10–4–95; 8:45 am]

BILLING CODE 4910–14–M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 64 and 68

**[CC Docket No. 92–90; DA 95–2030]**

### Implementing the Telephone Consumer Protection Act of 1991

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; request for comments.

**SUMMARY:** On September 22, 1995, the Common Carrier Bureau of the Federal Communications Commission released a Public Notice seeking comment on MCI's Petition for Clarification and/or Reconsideration of the Commission's Order finalizing its rules implementing the Telephone Consumer Protection Act.

**DATES:** Interested parties may file comments on or before October 20, 1995, and Reply Comments on or before November 3, 1995.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Scott Shefferman (Attorney) (202) 418–2332, Network Services Division, Common Carrier Bureau, Room 6008, Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:**

Commission seeks comment on MCI Petition for Clarification and/or Reconsideration of Commission Order finalizing rules implementing the Telephone Consumer Protection Act [CC Docket No. 92–90; DA 95–2030].

Released: September 22, 1995.

Comments Due: October 20, 1995.

Replies Due: November 3, 1995.

On September 14, 1995, MCI Telecommunications Corporation (''MCI'') filed a Petition for Clarification and/or Reconsideration regarding Section 68.318 of the Commission's Rules, which requires that all facsimile transmissions identify the entity or individual sending the message and the telephone number of the facsimile machine, entity or individual sending the message. In a Memorandum Opinion and Order (''Order'') adopted on July 26, 1995, 60 FR 42068, August 15, 1995, the Commission stated that facsimile broadcast service providers must comply with these identification requirements. MCI asserts that the Order therefore requires two entities to identify themselves, the facsimile broadcaster and the entity on whose behalf the facsimile is being sent, while the rule only requires the identification of one entity. MCI asks the Commission to clarify or, in the alternative, reconsider its Order with respect to this issue.

We invite comment on MCI's Petition for Clarification and/or Reconsideration. Comments should be filed on or before October 20, 1995, and Reply Comments should be filed on or before November 7, 1995. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Room 222, Washington, DC 20554, referencing CC Docket No. 92–90. The full text of the Petition is available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, DC 20554. Copies may also be obtained from International Transcription Service by calling (202) 857–3800.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 95–24532 Filed 10–4–95; 8:45 am]

BILLING CODE 6712–01–M

### 47 CFR Part 73

**[MM Docket No. 95–99; RM–8612]**

### Radio Broadcasting Services; Buffalo Gap, VA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of D.J. Broadcasting, Inc., licensee of Station WKDE(FM), Channel 288A, Altavista, Virginia, and Ridle Radio, Inc., licensee of Station WZXI(FM), Channel 288A, Buffalo Gap, Virginia, substitutes Channel 238A for Channel 288A at Buffalo Gap and modifies Station WZXI(FM)'s license accordingly. *See* 60 FR 33388, June 28, 1995. Channel 238A can be allotted to Buffalo Gap in compliance with the Commission's minimum distance separation requirements and can be used at the transmitter site specified in Station WZXI(FM)'s license. The coordinates for Channel 238A at Buffalo Gap are 38–10–55 and 79–13–34. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** November 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95–99, adopted September 19, 1995, and released September 29, 1995. 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, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Channel 288A and adding Channel 238A at Buffalo Gap.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–24825 Filed 10–4–95; 8:45 am]

BILLING CODE 6712–01–F

### 47 CFR Part 73

**[MM Docket No. 93–314; RM–8396]**

### Radio Broadcasting Services; Cadiz and Oak Grove, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Ham Broadcasting, Inc.,