

be making arrangements to refund the difference between the current and proposed reregistration fees. Refunds will be provided to those registrants who have renewed their registration in the year preceding the effective date of the final rule published in conjunction with this notice. Refunds will only be provided to those registrants who renewed their registration on time, not those applicants who, by virtue of renewing late, fell into this payment period.

### Regulatory Certifications

#### *Regulatory Flexibility Act*

The Deputy Assistant Administrator hereby certifies that this proposed rulemaking has been drafted in a manner consistent with the principles of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will not have a significant economic impact on a substantial number of small business entities. This notice reduces the registration and reregistration fee substantially for the larger portion of the industry, *i.e.*, those persons required to submit applications for renewal of registration, reducing the registration fee from \$595 to \$326, and the reregistration fee from \$447 to \$171, providing economic relief to the small businesses affected. With respect to the one category of fee that increased, for retail distributors, there are currently less than 50 retail distributor registrants and DEA is receiving, on average, less than 10 new applications from retail distributors per year.

#### *Executive Order 12866*

The Deputy Assistant Administrator further certifies that this rulemaking has been drafted in accordance with the principles of Executive Order 12866 Section 1(b). DEA has determined that this is not a significant regulatory action. As noted above, this proposed rule reduces the existing fee structure for most registrants, thus providing economic relief to the registrant population. DEA has determined that this rulemaking is not significant. Therefore, it has not been submitted to the Office of Management and Budget for review.

#### *Executive Order 13132*

This action has been analyzed with the principles and criteria in Executive Order 13132, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism assessment.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by state, local, and tribal

governments in the aggregate, or by the private sector, of \$100 million or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

### Plain Language Instructions

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of these regulations, call or write Patricia Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. Telephone (202) 307-7297.

### List of Subjects in 21 CFR Part 1309

Administrative practice and procedure, Drug traffic control, List I and List II chemicals, Security measures For the reasons set out above, 21 CFR Part 1309 is proposed to be amended as follows:

### PART 1309—[AMENDED]

1. The authority citation for 21 CFR Part 1309 continues to read as follows:

**Authority:** 21 U.S.C. 821, 822, 823, 824, 830, 871(b), 875, 877, 958.

2. Section 1309.11 is revised to read as follows:

#### **§ 1309.11 Fee amounts.**

(a) For each initial registration to manufacture for distribution, distribute (either retail distribution or non-retail distribution), import, or export a List I chemical, the applicant shall pay a fee of \$326 for an annual registration.

(b) For each reregistration to manufacture for distribution, distribute (either retail distribution or non-retail distribution), import, or export a List I chemical, the registrant shall pay a fee of \$171 for an annual registration.

3. Section 1309.12 is revised to read as follows:

#### **§ 1309.12 Time and method of payment; refund.**

(a) For each application for registration or reregistration to manufacture for distribution, distribute (either retail distribution or non-retail distribution), import, or export a List I chemical, the applicant shall pay the fee when the application for registration or reregistration is submitted for filing.

(b) Payment should be made in the form of a personal, certified, or cashier's check or money order made payable to "Drug Enforcement Administration." Payments made in the form of stamps, foreign currency, or third party endorsed checks will not be accepted. These application fees are not refundable.

Dated: October 1, 1999.

**John H. King,**

*Deputy Assistant Administrator, Office of Diversion Control.*

[FR Doc. 99-30960 Filed 11-30-99; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### **32 CFR Part 199**

#### **RIN 0720-AA54**

### **Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Expansion of Dependent Eligibility for TRICARE Retiree Dental Program**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule implements a change to the TRICARE Retiree Dental Program (TRDP) required by the National Defense Authorization Act for Fiscal Year 1999. This change expands eligibility for enrollment in the program to allow dependents of certain retired members of the Uniformed Services to enroll in the program even if the retired member does not enroll. In addition, this rule clarifies the existing regulatory provisions for election of TRDP coverage and disenrollment.

**DATES:** Comments must be received on or before January 31, 2000.

**ADDRESSES:** TRICARE Management Activity, 16401 East Centretch Parkway, Aurora, CO 80011-9043.

**FOR FURTHER INFORMATION CONTACT:** Linda Winter, TRICARE Management Activity, (303) 676-3682.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Background**

Implementation of the TRICARE Retiree Dental Program (TRDP), a

program completely funded by enrollee premiums, was directed by Congress in section 703 of the National Defense Authorization Act for Fiscal Year 1997, Public Law 104-201, which amended title 10, United States Code, by adding section 1076c. Section 1076c was subsequently amended by the National Defense Authorization Act for Fiscal Year 1998 to expand eligibility to retirees of the Public Health Service and the National Oceanic and Atmospheric Administration and to surviving spouses and dependents of deceased active duty members. As amended, the law directs the implementation of a dental program for: (1) Members of the uniformed services who are entitled to retired pay, (2) Members of the Retired Reserve who would be entitled to retired pay but are under the age of 60, (3) Eligible dependents of a member in (1) or (2) who are covered by the enrollment of the member, and (4) The unmarried surviving spouse and eligible child dependents of a deceased member who died while in status described in (1) or (2); the unmarried surviving spouse and eligible child dependents who receive a surviving spouse annuity; or the unmarried surviving spouse and eligible child dependents of a deceased member who died while on active duty for a period of more than 30 days and whose eligible dependents are not eligible or no longer eligible for the Active Duty Dependents Dental Plan.

Eligibility of dependents (other than surviving spouses and dependents) for the TRDP was contingent on the enrollment of the retired member. This applied even in cases where the member could not benefit from TRDP coverage. In such cases, members had a choice of enrolling solely to obtain coverage for their dependents, or doing without the program altogether.

With regard to amending section 1076c of title 10 to rectify this situation, the House National Security Committee reported, "Presently, dependents may enroll in the retiree dental program only if the retired member also enrolls. However, some retired members are entitled to receive dental care from the Secretary of Veterans Affairs or have medical or dental conditions which preclude their use of the dental program. The committee believes it is not reasonable to ask these retirees to enroll in, and pay premiums for, a program which offers them no benefits only so their dependents may also enroll in the program. Therefore, this provision would allow the dependents of these specific retirees to enroll in the retiree dental program independently."

Section 702 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105-261, addressed this situation by extending eligibility for the TRDP to eligible dependents of certain retired members who are not enrolled and whose benefit from enrollment would be severely limited at best. These are members who are enrolled with Veterans Affairs to receive dental care, members who are enrolled through employment in a dental plan that is not available to the member's dependents, and members who are prevented by a medical or dental condition from being able to use TRDP benefits.

## **II. Provisions of the Proposed Rule To Expand Eligibility of Dependents**

This proposed rule extends eligibility for the TRDP to eligible dependents when the retired member is not enrolled because the member would not benefit from the program due to any of the three conditions stipulated in the law, which are, briefly, dental care from Veterans Affairs, employee-only dental coverage, or medical or dental condition which precludes dental care. To facilitate understanding and convey the intent of the law, the proposed rule mandates that each of these conditions must meet the test of being on-going, long-term, or enduring as opposed to episodic, conditional, temporary, or short-term. The retired member's circumstance must be such that the benefits of the TRDP would not be useful currently and in the foreseeable future. This distinction is also necessary to help limit the potential for adverse selection and higher costs.

Given the absence of any systems of information that a member meets any of the three qualifying conditions, the proposed rule requires that retired members desiring to enroll their dependents under the dependent-only provision provide documentation attesting to the existence of these conditions. The documentation requirements are specified as being (1) confirmation by the Department of Veterans Affairs of its authorization for the member's ongoing, comprehensive dental care, (2) confirmation by a member's employer or the employer's dental plan administrator that the member is enrolled in a dental plan through employment that is separate from the member's uniformed service, and the dental plan is not available to the member's dependents, or (3) confirmation by the member's physician or dentist of the member's inability to utilize TRDP benefits due to a current and enduring medical or dental condition. These criteria and documentation requirements were

developed with the recognition that the three situations specified by Congress for allowing dependent-only enrollment represent exceptional circumstances.

The availability of dental care from the Department of Veterans Affairs is extremely limited. Sections 1710(c) and 1712 of title 38, United States Code, and sections 17.93, and 17.160 through 17.166 of title 38, Code of Federal Regulations specify the criteria which a veteran must meet to be considered for dental care. The policies and procedures for the Veterans Health Administration (VHA) Dental Program are covered in the VHA Directive 1130 (December 7, 1998) and the VHA Handbook 1130.1 (December 7, 1998).

The determinations of eligibility or authorization for dental care are not based simply on enrollment for Veterans Affairs healthcare nor are such decisions recorded in a centralized system. These are accomplished by the Veterans Affairs at local and regional levels. In general, entitlement to continuous, comprehensive dental benefits from Veterans Affairs is limited to those veterans who are in receipt of a compensable service connected dental rating, a 100% service connected rating, or a permanent and totally disabled (unemployable) rating, or who have been classified as former Prisoners of War (for at least 90 days). In most other cases, the dental care provided to eligible veterans is episodic and short-term.

Just as the dental care available from Veterans Affairs is limited, employee-only dental coverage is not prevalent in the health insurance industry according to sources at the Health Insurance Association of America and Delta Dental Plan of California. Similarly, expectations are that the prevalence of medical or dental conditions that would preclude any use for the coverage offered by the TRDP is relatively small.

The proposed rule prohibits retroactive dependent-only enrollments and requires that enrolled retirees satisfy any remaining enrollment commitment prior to enrolling dependents under the dependent-only provision. Once the initial enrollment commitment is fulfilled, retirees who meet one of the dependents-only eligibility conditions may disenroll with dependents remaining enrolled on a month-to-month basis.

## **III. Other Provisions of the Proposed Rule**

In addition to implementing dependent-only eligibility, this proposed rule clarifies the process for electing to enroll in the TRDP by removing the apparently restrictive

reference to written election, thereby recognizing the existence of the variety of methods in which an election of enrollment can be conveyed, e.g., by written, telephonic, or e-mailed application. The proposed rule also clarifies the 12-month enrollment lock-out provision by specifying that the provision applies to disenrollment occurring at any time and for any reason. This includes disenrollment after the enrollee has fulfilled the 24-month initial enrollment commitment and disenrollment of the retired member to convert to dependent-only coverage.

#### IV. Rulemaking Procedures

Executive Order 12866 requires certain regulatory assessments for any "significant regulatory action," defined as one that would result in an annual effect on the economy of \$100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This rule is not a significant regulatory action under the provisions of Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

This rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

#### List of Subjects in 32 CFR Part 199

Claims, Health insurance, Individuals with disabilities, Military personnel, and Reporting and recordkeeping requirements.

Accordingly, 32 CFR part 199 is proposed to be amended as follows:

#### PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. Chapter 55.

2. Section 199.22 is proposed to be amended by revising paragraphs (d)(1)(iii), (d)(3), and (d)(4); redesignating paragraph (d)(1)(iv) as paragraph (d)(1)(v); and adding a new paragraph (d)(1)(iv) to read as follows:

#### § 199.22 TRICARE Retiree Dental Program (TRDP).

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(iii) Eligible dependents of a member described in paragraph (d)(1)(i) or paragraph (d)(1)(ii) of this section who are covered by the enrollment of the member;

(iv) Eligible dependents of a member described in paragraph (d)(1)(i) or paragraph (d)(1)(ii) of this section when the member is not enrolled in the program and the member meets at least one of the conditions in paragraphs (d)(1)(iv)(A) through (C) of this section. Already enrolled members must satisfy any remaining enrollment commitment prior to enrollment of dependents becoming effective under this paragraph, at which time the dependent-only enrollment will continue on a voluntary, month-to-month basis as specified in paragraph (d)(4) of this section. Members must provide documentation to the TRDP contractor giving evidence of compliance with paragraphs (d)(1)(iv)(A), (B), or (C) of this section at the time of application for enrollment of their dependents under this paragraph.

(A) The member is enrolled under section 1705 of title 38, United States Code, to receive ongoing, comprehensive dental care from the Secretary of Veterans Affairs pursuant to section 1712 of title 38, United States Code, and §§ 17.93, 17.161, or 17.166 of title 38, Code of Federal Regulations. Authorization of such dental care must be confirmed in writing by the Department of Veterans Affairs.

(B) The member is enrolled in a dental plan that is available to the member as a result of employment of the member that is separate from the uniformed service of the member, and the dental plan is not available to dependents of the member as a result of such separate employment by the member. Enrollment in this dental plan and the exclusion of dependents from enrollment in the plan must be confirmed by documentation from the member's employer or the dental plan's administrator.

(C) The member is prevented by a current and enduring medical or dental condition from being able to obtain benefits under the TRDP. The specific medical or dental condition and reason for the inability to use the program's benefits over time, if not apparent based on the condition, must be documented by the member's physician or dentist.

\* \* \* \* \*

(3) *Election of coverage.* In order to initiate dental coverage, election to enroll must be made by the retired member or eligible dependent. Enrollment in the TRICARE Retiree Dental Program is voluntary and will be

accomplished by submission of an application to the TRDP contractor.

(4) *Enrollment periods.* Initial enrollment shall be for a period of 24 months followed by month-to-month enrollment as long as the enrollee chooses to continue enrollment. An enrollee's disenrollment from the TRDP at any time for any reason is subject to a lock-out period of 12 months. After any lock-out period, eligible individuals may elect to reenroll and are subject to a new initial 24-month enrollment period.

\* \* \* \* \*

Dated: November 24, 1999.

**L.M. Bynum,**

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

[FR Doc. 99-31117 Filed 11-30-99; 8:45 am]

**BILLING CODE 5001-10-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CT060-7219B; A-1-FRL-6479-5]

#### Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Removal of Oxygenated Gasoline Requirement for the Connecticut Portion of the New York—N. New Jersey—Long Island Area (the "Southwest Connecticut Area")

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

**ACTION:** Proposed rule.

**SUMMARY:** In today's action, EPA is proposing to approve a State Implementation Plan (SIP) revision under the Clean Air Act submitted by the State of Connecticut on October 7, 1999, to remove Connecticut's oxygenated gasoline program as a carbon monoxide control measure from the State's SIP and convert it to a contingency measure for maintaining the National Ambient Air Quality Standard for carbon monoxide. In the Final Rules Section of this **Federal Register**, EPA is approving this submittal as a direct final rule without a prior proposal because the Agency views this as a noncontroversial submittal 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. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule.