

Unscheduled dressing change (by someone other than treating dentist) (04920).

(vi) Oral Surgery: Single tooth (07110); Each additional tooth (07120); Root removal-exposed roots (07130) Surgical removal or erupted tooth requiring elevation of mucoperiosteal flap and removal of bone and/or section of tooth (07210); Removal of impacted tooth-soft tissue (07220); Removal of impacted tooth-partially bony (07230); Removal of impacted tooth-completely bony (07240); Surgical removal of residual tooth roots (cutting procedure) (07250); Oral antral fistula closure (07260); Tooth reimplantation and/or stabilization of accidentally evulsed or displaced tooth and/or alveolus (07270); Surgical exposure of impacted or unerupted tooth to aid eruption (07281); Biopsy of oral tissue-hard (07285); Biopsy of oral tissue-soft (07286); Surgical repositioning of teeth (074290); Alveoloplasty in conjunction with extractions-per quadrant (07310); Suture of recent small wounds up to 5 cm (07910); Complicated suture-up to 5 cm (07911); Complicated suture-greater than 5 cm (07912); Excision of pericoronal gingiva (07971).

(vii) Emergency: Limited oral evaluation—problem focused (00140); Palliative (emergency) treatment of dental pain-minor procedures (09110).

(viii) Drugs: Therapeutic drug injection, by report (09610); Other drugs and/or medications, by report (09630).

(ix) Postsurgical: Treatment of complications (post-surgical) unusual circumstances, by report (09930).

(2) Codes listed in paragraph (f)(1) of this section may be modified by the Director, OCHAMPUS, to the extent determined appropriate based on developments in common dental care practices and standard dental insurance programs.

(g) *Maximum annual cap.* TRDP enrollees will be subject to a maximum cap of \$1,000.00 of paid allowable charges per enrollee per year.

(h) *Annual notification of rates.* TRDP premiums will be determined as part of the competitive contracting process. Information on the premium rates will be widely distributed.

(i) *Authorized providers.* The TRDP enrollee may seek covered services from any provider who is fully licensed and approved to provide dental care in the state where the provider is located.

(j) *Benefit payment.* Enrollees are not required to utilize the special network of dental providers established by the TRDP contractor. For enrollees who do use these network providers, however, providers shall not balance bill any amount in excess of the maximum

payment allowable by the TRDP. Enrollees using non-network providers may balance billed amounts in excess of allowable charges. The maximum payment allowable by the TRDP (minus the appropriate cost-share) will be the lesser of:

(1) Billed charges; or

(2) Usual, Customary and Reasonable rates, in which the customary rate is calculated at the 50th percentile of billed charges in that geographic area, as measured in an undiscounted charge profile in 1995 or later for that geographic area (as defined by three-digit zip code).

(k) *Appeal and hearing procedures.* All levels of appeals and grievances established by the Contractor for internal review shall be exhausted prior to forwarding to OCHAMPUS for a final review. Procedures comparable to those established under § 199.13(h) of this part shall apply.

(l) *Preemption of State laws.* (1) Pursuant to 10 U.S.C. 1103, the Department of Defense has determined that in the administration of chapter 55 of title 10, U.S. Code, preemption of State and local laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods is necessary to achieve important Federal interests, including but not limited to the assurance of uniform national health programs for military families and the operation of such programs at the lowest possible cost to the Department of Defense, that have a direct and substantial effect on the conduct of military affairs and national security policy of the United States. This determination is applicable to the dental services contracts that implement this section.

(2) Based on the determination set forth in paragraph (l)(1) of this section, any State or local law or regulation pertaining to health or dental insurance, prepaid health or dental plans, or other health or dental care delivery, administration, and financing methods is preempted and does not apply in connection with the TRICARE Retiree Dental Program contract. Any such law, or regulation pursuant to such law, is without any force or effect, and State or local governments have no legal authority to enforce them in relation to the TRICARE Retiree Dental Program contract. (However, the Department of Defense may, by contract, establish legal obligations on the part of the TRICARE Retiree Dental Program contractor to conform with requirements similar to or identical to requirements of State or local laws or regulations).

(3) The preemption of State and local laws set forth in paragraph (l)(2) of this

section includes State and local laws imposing premium taxes on health or dental insurance carriers or underwriters or other plan managers, or similar taxes on such entities. Such laws are laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods, within the meaning of section 1103. Preemption, however, does not apply to taxes, fees, or other payments on net income or profit realized by such entities in the conduct of business relating to DoD health services contracts, if those taxes, fees or other payments are applicable to a broad range of business activity. For the purposes of assessing the effect of Federal preemption of State and local taxes and fees in connection with DoD health and dental services contracts, interpretations shall be consistent with those applicable to the Federal Employees Health Benefits Program under 5 U.S.C. 8909(f).

(m) *Administration.* The Assistant Secretary of Defense (Health Affairs) or designee may establish other rules and procedures for the administration of the TRICARE Retiree Dental Program.

Dated: December 15, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-33110 Filed 12-22-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01-97-120]

RIN 2115-AE46

Special Local Regulation: Fireworks Displays Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This document provides notice of the dates and times of the special local regulations contained in 33 CFR 100.114, Fireworks Displays within the First Coast Guard District. All vessels will be restricted from entering the area of navigable water within a 500 yard radius of the fireworks launch platform for each event listed in the table below. Implementation of these regulations is necessary to control vessel traffic within the regulated area to ensure the safety of spectators.

EFFECTIVE DATE: The regulations in 33 CFR 100.114 are effective from one hour

before the scheduled start of the event until thirty minutes after the last firework is exploded for each event listed in the table below in

SUPPLEMENTARY INFORMATION. The events are listed chronologically by month with their corresponding number listed in the special local regulation, 33 CFR 100.114.

ADDRESSES: Comments should be mailed to Commander (osr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110-3350, or may be hand delivered to Room 734 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Guy A. McArdle, Office of Search and Rescue branch, First Coast Guard District at (617) 223-8460.

SUPPLEMENTARY INFORMATION: This document implements the special local regulations in 33 CFR 100.114 (62 FR 30988; June 6, 1997). All vessels are prohibited from entering a 500 yard radius of navigable water surrounding the launch platform used in each fireworks display listed below.

Table 1—Fireworks Displays

December

1. First Night Fireworks

Date: December 31, 1997.

Time: 12:00 a.m. (midnight) to 12:15 a.m.

Location: Off Waterfront Park, between Commercial and Long Wharf's.
Lat: 42°21.7N, Long: 071°02.8"W (NAD 1983).

2. First Night Martha's Vineyard

Date: December 31, 1997.

Time: 9:30 p.m. to 11:00 p.m.

Location: Vineyard Haven Harbor.
Lat: 41-27N, Long: 070-35W (NAD 1983).

4. City of New Bedford First Night

Date: December 31, 1997.

Time: 12:00 a.m. (midnight) to 12:30 a.m.

Location: New Bedford Harbor, vicinity of state pier.
Lat: 41-38N, Long: 070-55W (NAD 1983).

Dated: December 2, 1997.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 97-33464 Filed 12-22-97; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 255

Access of Handicapped Persons to Postal Services, Programs, Facilities, and Employment

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of these changes is to clarify Postal Service regulations concerning the filing and processing of complaints of discrimination by handicapped persons in obtaining access to postal programs and services. References to Postal Service offices and publications have also been updated. **EFFECTIVE DATE:** December 23, 1997.

FOR FURTHER INFORMATION CONTACT: Rodger Carter, Coordinator, ABC Program, Facilities HQ, 4301 Wilson Blvd., Suite 300, Arlington VA 22203-1861; telephone (703) 526-2867.

SUPPLEMENTARY INFORMATION: The Postal Service is amending its regulations in order to clarify procedures to ensure, in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, that its programs and services are provided in a non-discriminatory fashion to handicapped persons. All changes are designed to make the regulations easier for both postal customers and employees to understand and follow.

The Postal Service has not previously amended its Part 255 regulations. References to particular postal offices and publications, many of which were no longer in existence or had been restructured, have been revised. Certain other provisions were revised or deleted because they were redundant, such as repetitive provisions concerning responding to a complaint, or were duplicative of other postal regulations. For instance, Part 255 had contained postal regulations implementing the Rehabilitation Act in Sections 255.1 and 255.2, and also a few provisions concerning the Architectural Barriers Act (ABA) of 1968, 42 U.S.C. 4151 *et seq.*, in Section 255.3. Since ABA requirements and compliance are set forth comprehensively in other regulations, see e.g. 49 FR 31528 (August 7, 1984) and Postal Service handbook RE-4, Standards for Facility Accessibility by the Physically Handicapped, they have been removed from Part 255. Similarly, provisions have been deleted that relate to actions taken for employees in accordance with procedures under Section 501 of the Rehabilitation Act.

Accordingly, part 255 now contains postal regulations that implement

Section 504 of the Rehabilitation Act only, which regulations are set forth in a clearer and more comprehensive fashion. Part 255.1 sets forth procedural provisions, including how to file a complaint and time-frames for responses by postal officials. Corrective actions that may be appropriate are described in Parts 255.2 and 255.3, which concern special service arrangements and discretionary retrofits to facilities, respectively. Part 255.4, which relates to internal agency procedures and levels of authority, remains unchanged.

The Postal Service expects that these amendments will make its Rehabilitation Act procedures easier to use, so that the agency can provide timely and appropriate responses to requests and complaints thereunder.

List of Subjects in 39 CFR Part 255

Administrative practice and procedure, Individuals with disabilities.

Accordingly, for the reasons set forth in the preamble, 39 CFR Part 255 is amended as follows;

PART 225—[AMENDED]

1. The authority citation for Part 255 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 403, 1001, 1003, 3403, 3404; 29 U.S.C. 791, 794.

2. Section 255.1(c)(1) is amended by revising the first sentence to read as follows: "Handicapped customers who believe that they have been discriminated against in the provision of postal services or programs should file a written complaint with their local postmasters or other local postal official responsible for such services or programs."

3. Section 255.1(c)(2) is removed, and paragraphs (c)(3) through (6) are redesignated as paragraphs (c)(2) through (5), respectively.

4. In § 255.1, newly redesignated paragraph (c)(2) is revised to read as follows:

§ 255.1 Discrimination against handicapped person prohibited.

* * * * *

(c) * * *

(2) *Resolution.* A local official receiving a complaint by a handicapped customer about access to postal programs and services must process it in accordance with this part. The official should review the complaint, and consult with the district office as needed, to determine if corrective action is necessary. Corrective action can include a special arrangement for postal services under § 255.2, or a discretionary retrofit to the facility